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CIVIL MINUTES

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Travis

District Court

Civil Minutes

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CIVIL MINUTES

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Fall Term, Monday, December 6th 1858.

The State of Texas } Be it Remembered, that on this the sixth
County of Travis } day of December, A.D. 1858, the Hon.
District Court of Travis county convened at the Courthouse in
the City of Austin pursuant to Law, being the Ninth Monday
after the First Monday in October, A.D. 1858. Present
the Hon. Alexander W. Terrell, Judge of the Second Judicial
District, Frank Brown, Clerk, and J. M. Blackwell,
Sheriff. Whereupon the following proceedings were had
by said Court as follows, To wit:

× The Regular Venire Facias having been duly issued and
returned into Court, the names on said Venire were duly called
by the Sheriff, and a sufficient number not appearing
It is ordered that a Special Venire issue for five persons
to complete the panel of Grand Jury men. And said Special
Venire having been duly issued and executed and returned
into Court, the following persons were thereupon constituted
the Grand Jury of Travis county for and during the present
Term of the Court, taken from the said Regular and Special
Venire, A. G. Weir having been appointed Foreman, as
follows, To wit: Adrephus[1] G. Weir, John M.[2] Gaines,
James[3] Manor, Mc. K.[4] Ryan, Thos.[5] O. Washington, Jesse[6] B.
Burditt, Thos.[7] H. Jones, Jenkins[8] Davis, Wiley B.[9] Nichols,
R. M.[10] Johnson, Mc. C. Hamilton, A. H.[12] Cook, Geo.[13] W. Davis,
John H.[14] Walker, James H.[15] Johnson, Wm.[16] Oliphant & A. W.[17] Long,
And thereupon the said Grand Jurors were duly sworn and
charged by the Court as to the duties devolving upon them
and ordered to retire upon a discharge of the same. Said
Grand Jury were previously duly examined by the Court touching their qualifications

D. W. Dunson, Jno. A.	}	Plaintiff	} And now on this day
vs.			appeared A. H. Decker
Joel A. Burditt	}	Defendants	by Attorney, and moved the

Court to be made a party Plaintiff in this cause, whereupon,
It is ordered that said motion be granted

V. 1323	Theodocia H. Lyon	} Plaintiff	} It is ordered that the
	vs.		plaintiff have leave to
	William H. Lyon	} Defendant	} amend her pleadings.

V. 1473	A. H. Phillips	} Plaintiff	} It is ordered that the
	vs.		plaintiff have leave
	James L. Holman	} Defendant	} to amend his pleadings.

N 1187	B. Marti, et al.	} Pffs.	} It is ordered by the Court that Wm. M. Walton Esq.
	vs.		be appointed to represent the interests of the minor
	H. Stanley, et al.	} Defts.	} Henry Stanley, Jr. as guardian ad litem, in

Fall Term Tuesday December 7. 1858.

The foregoing cause

And thereupon It is ordered by the Court that a Special Venire issue returnable to-morrow morning at half-past eight o'clock for Twenty-four persons, to act as Petit Jurors during the present Term until discharged.

And thereupon Court adjourned until to-morrow morning 1/2 past 8 o'clock

Tuesday Dec 7. 1858.

Court convened at 1/2 past eight o'clock pursuant to adjournment. Present the same as yesterday Whereupon the following proceedings were had by said Court as follows. To wit:

V 196	Giles H. Burditt vs Wm Gaffard	Plaintiff / Defendant	Continued by plaintiff	
V 413	R O McAnelly vs Simon Purdon	Plaintiff / Defendant	Continued by plaintiff	
V 443	Geo W. White vs Payne + Case	Plaintiff / Defendant	Continued by Defft	
V 818½	Henry Ross vs John A. Green	Plaintiff / Defendant	Continued by consent of Parties.	
V 849	R. E. Plunkett vs Sherman Case	Plaintiff / Defendant	Cont'd for Service	
V 864	David T. Robb vs Joseph Newshawood	Plaintiffs / Defendant	And now on this day came the parties to this cause by their attorneys and announced themselves ready for trial. And thereupon came a Jury of twelve good and lawful men of Brown county, To wit: A.O. Horne, Foreman, and eleven others, who were tried, elected, empannelled and sworn according to law. And said Jury having heard the testimony introduced	

Fall Term, Tuesday, December 7. 1858

by the parties, and being charged by the Court, retired for deliberation, and thereupon returned into Court the following verdict, to wit: "We, the Jury, find for the plaintiff the sum of Thirty-Two Dollars and Eighty-Two cents. A. S. Horne, Foreman." Wherupon, It is ordered, adjudged and decreed by the Court that the plaintiffs, John and Thos. Robb, do recover of and from the defendant Joseph Newsham, and the Securities in the & certificate bond, To wit: D. Cunningham and Stephen Davis, said sum of Thirty-Two 82/100 Dollars, and all costs of suit expended in this Court and the Magistrate's Court. Ordered, further, that the plaintiffs recover of said defendant and securities ten percentum damages on said verdict, the same being a greater amount than the Judgment rendered in the Court below

850	W. W. Burdett & Wm Bibby	Plaintiff & Defendant	Continued generally.
879	Jacl A. Burdett & S. W. Keithley	Plaintiff & Defendant	And now on this Day this cause being regularly reached on the Docket under a peremptory call of the same, and said plaintiff being called by the Sheriff, and he failing to appear in person or by attorney, to prosecute the suit, It is, therefore, ordered by the Court, that said suit be dismissed for want of prosecution, and that the defendant Keithley recover of and from the defendant Jacl A. Burdett all costs in this suit laid out and expended, for which execution may issue.
887	W. C. Collinsworth & John Caldwell	Plaintiff & Defendant	Continued as on affidavit of defendant.
918	G. H. Burdett & S. W. Keithley	Plaintiff & Defendant	And now on this Day this cause being regularly reached on the docket under a peremptory call of the same, and said plaintiff being called by the Sheriff, and he failing to appear in person or by Attorney to prosecute the suit, It is, therefore, ordered by the Court, that said suit be dismissed for want of prosecution, and that the defendant Keithley recover of and from the pltff. Giles H. Burdett, all costs of this suit, for which execution may issue.

Fall Term, Tuesday, December 7th 1858.

V 945	C. W. Dunson, Jno. al. vs Jas A. Burdett	Plffs. & Deft.	It is ordered by the Court that the Order entered in the minutes in this cause on yesterday, making A. T. Deckard a party Plff. be cancelled and set aside, the presiding Judge being disqualified	
V 1041.	Thos. F. Chapman vs Stone and Calvin	Plff. & Defts	Ordered that this cause be continued as to the defendant Stone.	
V 1058.	Wm. Cafford vs Forehand & Burdett	Plff. & Defts.	Continued by consent.	
V 1117	Tempa Spencer, admr vs Richard Wells.	Plff. & Defts.	And now on this day came these parties by their attorneys and announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis county, to wit: A. O. Horne, Foreman, and eleven others, who were tried, elected, empanelled and sworn according to law. And the jury hearing the testimony in the case and the charge of the Court, withdrew for deliberation, and thereupon returned into Court the following verdict, to wit: "We, the jury, find for the plaintiff the sum of One Thousand and Nineteen Dollars and Sixty-three cents. A. O. Horne, Foreman." Whereupon it is ordered, adjudged and decreed by the Court, that the plaintiff, Tempa Spencer, Administratrix de bonis non of the estate of Elijah Spencer, deceased, do have and recover off and from the estate of the said Richard Wells, dec'd (W. W. Bowen, admr) said sum of One Thousand and Nineteen Dollars and Sixty-three cents and all costs of this suit. And it is further, that this Judgment be certified to the Probate Court of Hays county as a valid and liquidated demand against the estate of said Richard Wells, to be paid in due course of administration	
V 1162	Arthur G. Wavell vs E. M. Pease, Gov	Plff. & Defts	Continued generally	

Fall Term, Tuesday, December 4th 1855

No 1189

James McGonder, et.al. } Pffs. } And now comes the Defft. and
of. } moves the Court to rule the Pffs
Richard Wells } Defft. } to enter into bond and security
for the costs of this suit Pffs. atty. being present and notified.
which motion is granted. Ordered, further, that this cause be
continued under said rule

No 1199

W. C. Sansom } Plaintiff } And now on this day this
of. } cause being regularly
John W. Broom admr } Defendant } reached on the docket,
on a peremptory call of the same, and said Plaintiff being
called by the Sheriff, and he failing to appear to
prosecute the said suit either in person or by attorney, It is
Ordered by the Court that said cause be dismissed for
want of prosecution, and that the Pffs. W. C. Sansom,
and his security for costs, W. H. Henderson pay all
costs of suit for which execution may issue

V
V 1288

Thomas Blair } Plaintiff } Leave to defendant to amend
of. } answer
Eldora H. Harris } Defendant }

And Thereupon, It is ordered by the Court that the criminal
Docket be set for hearing and trial on next Monday week,
the same being ~~the third~~ Monday of the third week of this Term.

V

No 1192

John D. Kerfoot,
Ellen C. Kerfoot
Laura H. Kerfoot } Plaintiffs
Wm H. Kerfoot
P. Howard Kerfoot
of.
Henry Phlegler,
Conrad Phlegler } Defendants
Wm Boles

This day came the parties to this
cause by their attorneys, and
announced themselves ready
for trial. And Thereupon came
a Jury of twelve good and lawful
men of Travis county, to wit: A.
Horne, Foreman and eleven
others, who were tried, elected,
empannelled and sworn and
retired for deliberation, and re-
turned into Court the following verdict, to wit: "We, the Jury,
find for the plaintiffs. A. P. Horne, Foreman." It is therefore,
Ordered, adjudged and decreed by the Court that the plaintiffs
above named recover off and from the defendants above
named the premises described and bounded as follows,
viz: Four hundred and Sixty Acres of land, being an undivided
interest in a certain tract of land containing of Nine Hundred
and Sixty Acres lying in the County of Travis on the East

Fall Term, Wednesday, Decr 8. 1858

side of the Colorado River about 14 miles North East of the City of Austin. Beginning at the South east corner of Survey No 8 a Stake from which a Cotton wood 10 inches in diameter bears South 47° West 209 varas for the S.W. corner. Thence North 30° East with the line of Survey No 8 and 10 Two Thousand three hundred and forty-six varas to a Stake from which a Cotton wood 12 inches in diameter bears North 59° East 147 varas. Thence South 60° East Two Thousand three hundred and Ten varas to a mound for the North East corner. Thence South 30° West Two Thousand Three Hundred and Forty-six varas to a Stake from which a Gum Elastic tree 6 inches in diameter bears South 2° West 76 varas, and an Elm 10 inches in diameter bears South 62° West 107 varas for the South east corner. Thence North 60° West two thousand three hundred and ten varas to the place of beginning, for which writ of Possession may issue & his demander. And it is further that the plaintiffs recover off and from the defendants named in the caption of this suit all cost of this suit, for which execution may issue.

And Thereupon Court adjourned until To-morrow morning 1/2 past 8 o'clock

Wednesday, Decr 8th 1858.

Court convened at half-past eight o'clock pursuant to adjournment. Present The Hon. A. W. Terrell, Judge of the Second Judicial District, Frank Brown, Clk and J.M. Blackwell, Shff. Whereupon the following proceedings were had by said Court, as follows, to wit:

And Thereupon, It is ordered by the Court that Thomas E. Sneed Esq. an Attorney of this Court, be appointed & act as District Attorney Pro. Tem. to act during the absence of A. O. McGinnis Esq. District Attorney of the Second Judicial District

V
1538 A. M. Davidson } Plaintiff
vs
David Thomas } & Defendant } Leave to pff. to amend

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

Fall Term, Thursday, December 9th 1858.

Thursday, December 9th 1858.
Court convened at half past six o'clock pursuant to adjournment. Present the same as on yesterday. Whereupon the following proceedings were had by said Court, as follows, To wit:

1288	Thomas Blair & Leon St. Hamis	Plff. & Deft.	Ordered that this cause be continued as on the affidavit of defendant.	
1289	Luckett's Executors & Jos. W. Robertson	Pefft. & Deft.	This cause cont'd by the consent of defendant, plaintiff's counsel being absent.	
1303	North, Sherman & Co & Mitchell & Gibson	Pefft's & Defts	And now comes the clerk and moves the Court to rule the pefft's to enter into bond and security for costs of suit. Pefft's counsel being present and notified, and thereupon it is ordered that said motion be granted, and the cause cont'd under the rule.	
1323	Rebecca A. Lyon & Wm A. Lyon	Pefft. & Deft.	Continued by the pefft	
1537	R. H. George & Phillips & Black	Pefft & Defts.	Ordered that pefft. have leave to amend.	
1598	D. M. Callisworth & John W. Brown, admr	Pefft. & Deft.	Ordered that Deft. have leave to amend	
1645	W. F. Norton & John W. Brown admr	Pefft & Deft	Ordered that deft. have leave to amend	

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

Friday, December 10th 1858.
Court convened at 9 o'clock pursuant to adjournment. Hon. A. H. Powell, Judge 2d District presiding. Whereupon the following proceedings were had by said Court as follows, To wit:

Fall Term, Friday, December 10, 1858.

1286 A. G. Compton vs. Western Stage Company — Pltff. & Deft. — And now on this day came these parties by their attorneys and announced themselves ready for trial. And thereupon plaintiffs exceptions to the defendants' plea to the jurisdiction coming on to be heard and being argued by counsel, were sustained by the Court. Thereupon, on motion, Pltff. ~~was~~ allowed to amend his petition. And thereupon came a jury of twelve good and lawful men of Travis county, to wit: O. W. Scarbin, Freman and eleven others, who were tried, elected, empanelled and sworn according to law. And the jury having heard the evidence introduced by the parties, the argument of counsel and the charge of the Court, retired for deliberation, and returned into Court the following verdict, to wit: "We, the jury, find for the ~~plaintiff~~ defendants. O. W. Scarlin, Freman." Whereupon, It is ordered, adjudged and decreed by the Court that the said plaintiff take nothing in this behalf, and that the defendants herein go hence, and It is further ordered by the Court that the plaintiff, A. G. Compton, and the securities on his cost bond, to wit: O. W. Gibson and Thomas Freeman, pay all costs of suit, for which execution may issue.

1531 A. H. Barnes vs. Thos. Griffin, Jeff. & Blossom Adm'r Gar — Pltff. — Deft. Deft Gar — On motion, It is ordered by the Court that the Sheriff have leave to amend the return of service on the citation in this case.

1542 Geo. L. Walton vs. Thos Griffin & J. Blossom — Pltff — Deft Gar. — On motion, It is ordered by the Court that the Sheriff have leave to amend the return of service on the citation in this cause

1561 Francis Dietrich vs. Adolph Testard, et. als. — Pltff. — Defts. — And now on this day comes the pltff. by attorney, and moves the Court for a Judgment final by default. And because it appears to the Court that the defendants herein have been legally cited, and have wholly failed to answer within the time prescribed by law, and plaintiffs cause of action being a liquidated demand, as evidenced by a promissory note produced in open Court, a copy of which is set out in plaintiffs petition, It is, therefore, ordered, adjudged and decreed by the Court that the pltff. Francis Dietrich, do have and recover off and from the defendants, Adolph Testard, Adrian Testard and ~~Francis~~ Shepard Dietrich the sum of One Hundred, Sixty Seven and 50/100 ($167.50) C. C.

Fall Term, Friday, December 10, 1858.

dollars, principal debt and interest due on the note sued on to date, with ten per cent. interest thereon until paid, and all costs, for which execution may issue.

V 1568. J. C. Perry vs J. M. Durham et al. } Plaintiff & Defendants } And now on this day comes the plaintiff by attorney and claims a judgment by default as to the defendant Durham. And thereupon said pff's. counsel dismisses this suit as to the other defendants herein, to wit. A. H. Chalmers and Roy B. Scott, and it is ordered that they go hence without day. And because it appears to the court that the defendant Durham has accepted service of plaintiff's petition, and has failed to answer the same within the time prescribed by law. And plaintiff's cause of action being liquidated, It is therefore, ordered adjudged and decreed by the Court, that the plaintiff, J. C. Perry, do have and recover of and from the defendant, J. M. Durham, the sum of Five Hundred, Forty-one and 50/100 Dollars, being the principal debt and interest due on the note sued on to date, with all costs of suit, for which execution may issue.

V 1592. Charlotte Haling vs Marcus Haling } Plaintiff & Defendant } It is ordered by the Court, on motion of pff's counsel, that P. George be substituted in place of Silas Parsons as Commissioner, in conjunction with others heretofore appointed, to divide the land described in the decree rendered in this cause at the last Term of the Court.

V 1596 L. D. Carrington & Co. vs Railey & Shiflett. } Plaintiff & Defendants } And now come the plaintiffs by attorney and claim a Judgment final by default. And because it appears to this Court that these defendants have been legally cited, and have failed to answer plaintiff's petition within the time required by law, And plaintiffs demand being liquidated, It is therefore ordered, adjudged and decreed by the Court, that the plaintiffs, L. D. Carrington and David Clark, under their firm name of L. D. Carrington & Co, do have and recover off and from the defendants, John D. Railey and J. W. Shiflett, the sum of Three Hundred, Thirty-Seven 24/100 Dollars, being the same due on the note sued on to date, (Principal and interest) together with ten per centum per annum interest thereon until paid, and all costs in this behalf expended, for which execution may issue.

V. V 1624 J. M. Russell vs J. D. Burditt, et al. } Pff. & Defts. } And now on this day come these parties by attorney, and agree that this cause shall be dismissed at defendants' cost.

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Wherefore, It is ordered by the Court, that said suit be dismissed from the docket, and that the defendants, Isaac A. Burdett, John T. Miller, William B. Burdett and Aaron Pinkerton pay the costs of this suit, for which execution may issue.

1657 — S. W. Arnold, Trustee. vs. John W. Brown, Trustee. — Pffs. & Defts. — And now on this day came these parties by attorney, and on motion and by agreement of said parties, It is Ordered that this cause be dismissed from the docket, and that the defendants John W. Brown & R. C. Miller pay the costs of this suit, for which execution may issue

1662 — Andrew Harper vs. Sherman Case — Pff. & Deft. — Continued for service

1663 — P. Woodruff & wife vs. Rose Buckley, et. al. — Pffs. & Defts. — And now comes the Clerk and moves the Court to rule the Pffs. to give bond & security for the cost of this suit, Pffs. counsel being present and notified. And thereupon, It is ordered that said motion be sustained and the cause continued under the rule.

1665 — Mary Schmidt vs. John Schmidt — Pff. & Deft — This suit having been brought by publication, It is ordered that the same be continued to perfect service.

1666 — Knight, Martin & Wells vs. George W. White — Pffs. & Deft — And now come the pffs. by atty. and ask that default be entered against the defendant, and a writ of inquiry awarded. And because it appears to the Court that the defendant has ~~been~~ accepted service of pffs. petition and waived notice, and has failed to answer within the prescribed time, It is Ordered that the pffs. in this suit recover according to the prayer of their petition, and that a Jury be empannelled to ascertain the amount due.

1571. — Thomas Freeman vs. R. D. Rutherford — Pff. & Deft. — And now comes the pff. by attorney, and claims a judgment final by default. And because it appears that the defendant has been legally cited, and has failed to answer within the prescribed time, It is, therefore, ordered by the Court that the pltff Thomas Freeman, do have and recover off and from the defendant, R. D. Rutherford the sum of

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two Hundred, Twenty-three 8/100 dollars being the principal debt and interest due on the note sued on to date, with ten per centum per annum interest thereon until paid, and all costs of suit, for which execution may issue

1671 James A. Poage & S. P. Bird vs Deft & Deft — Continued for service

1673 Charles Walker & R. A. Rutherford vs Deff & Deft — Continued.

1675 R. W. Humphreys & A. G. Compton, et.als. vs Deff & Deft — On motion of peffs counsel. It is ordered by the Court that this cause be dismissed from the docket, and that the peff R. W. Humphreys pay the costs of this suit, for which execution may issue.

1677 L. D. Carrington & Co. & Bartlett Sims vs Reffs & Deft — And now comes the peffs by attorney and claim a Judgment final by Default And because it appears that the Deft has been duly cited, and has failed to answer peffs petition within the time prescribed by law, It is therefore adjudged by the Court that the peffs L D. Carrington and David Clark, under their firm name of L D. Carrington & Co, do have and recover off and from the defendant Bartlett Sims, the sum of One Hundred and Sixty-seven 47/100 dollars, principal debt and interest due on the note sued on to date, with ten per centum per annum interest thereon until paid, and all costs of suit, for which execution may issue

1678 Geo. Hancock & F. D. & Jane Roy vs Deff & Defts — The defendants in this case having been legally cited, and having failed to answer within the time prescribed by law, It is adjudged on motion of peffs. Counsel, that said Hancock recover off and from the defendants F. D. and Jane Roy according to the prayer of his petition, and that a writ of inquiry be awarded

1679 John W. Lawrence vs A. McKenzie, et.als. — Deff & Defts — Continued to perfect service.

1683 Gillespie & Hall vs A. M. Davidson — Reffs & Deft — And now come the peffs. by attorney, and claim a Judgment final by default. And because it appears to the Court that the defendant has

Fall Term, Friday, December 10. 1858

been duly cited, and has failed to answer within the time prescribed by law, It is, therefore, ordered adjudged and decreed by the Court that the Plaintiffs James H. Gillespie and C. K. Hall, under their firm name of Gillespie & Hall, do have and recover off and from the defendant, A. M. Davidson the sum of One Hundred, Fifty Two 40/100 Dollars, principal debt and interest due on the note sued on to date, together with all costs, for which execution may issue.

1690 — Richard Patrick vs C. C. DeWitt, et al. — Pltff. & Defts. — And now on this day comes the Pltff. by attorney and claims a Judgment final by default. And because it appears to the Court, that these Defendants have been legally cited, (except C. C. DeWitt, the Pltff. dismissing as to him) and said Defts. having failed to answer within the time prescribed by law, It is therefore, ordered, adjudged and decreed by the Court, that said Pltff. Richard Patrick, do have and recover off and from the defendants, C. C. DeWitt, J. J. Jones, Charles Mason and M. C. Hamilton the sum of Six Hundred, thirty-four 50/100 dollars, principal debt, and interest due on the note sued on to date, with ten per centum per annum interest thereon till paid, and all costs of suit, for which execution may issue.

1693. — P. J. Cassidy, Admr vs John King — Pltff. & Deft. — The defendant having been cited by publication, It is ordered that this cause be continued to perfect service.

1694. — Josiah Brantley vs Hart and Miller — Pltff. & Defts. — And now comes the Pltff. by attorney, and claims a Judgment final by default. And because it appears that the Deft. Miller has accepted service of Pltffs. petition, and the Deft. Hart having been duly cited, and said Defendants having failed to answer within the time prescribed by law. It is, therefore, ordered, adjudged and decreed by the Court, that the Pltff. Josiah Brantley, do have and recover off and from the Defendants, J. L. Hart and John D. Miller, the sum of One Hundred, Sixty-Two 50/100 dollars, principal debt and interest due on the note sued on to date, with ten per centum per annum interest thereon until paid, and all costs in this behalf expended, for which execution may issue.

1695. — H. S. Slaten vs W. D. Miller & A. M. Davidson — Pltff & Defts. — It is ordered that this cause be continued to perfect service on the Deft. Miller, he having been cited by publication

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1698.	Joseph Moreland vs Sterling Neblett	Deff. & Deft.	The defendant having been cited by publication, It is ordered that this cause be continued to perfect service.
1702	Wm A. Hopkins vs T. R. Hunter, et al.	Deff & Defts.	The defendants having been cited by publication, It is ordered that the cause be continued to perfect service
1709	Phelps & Johnston vs J. C. Grochlay	Deffs. & Deft.	The defendant having been cited by publication, It is ordered that this cause be continued to perfect service
1714	Thos. Simpson, Guardian vs Wm O'Connell, et al.	Deff. & Defts.	It is ordered that the Shff be allowed to amend his return of service on the citation served on I. H. Mathews.
1722.	I. G. Harrell, et al. vs John C. Robey, et al.	Deffs. & Defts.	Cont'd for service
1723	Basil M. Jones vs A. Lane, et al.	Deff & Defts.	It is ordered, on motion, that the Shff have leave to amend his return on the citations in this case.
1724	P. K. Marshall vs Abner H. Cook	Deff. & Deft.	And now on this day comes the plaintiff by attorney, and claims a Judgment final by default. And because it appears that the defendant has been legally cited, and has failed to answer within the time prescribed by law, It is, therefore, ordered, adjudged and decreed by the Court that the Deff Peter K. Marshall, do have and recover off and from the defendant Abner H. Cook the sum of two hundred, twenty-seven & 54/100 dollars, balance of principal debt and interest due on the note sued on to date, with ten per centum per annum interest thereon until paid, and all costs of suit for which execution may issue.
1731	I. O. Illingworth v Western Stage Company	Deff. & Defts.	On motion, It is ordered by the Court that the Deff. have leave to amend his petition, for the purpose of making new parties.
1732	Wm G. Lane & Co vs Wm R. Baker	Deffs. & Defts	Continued for service.
1730	Wm G Lane & Co v W. R. Oldham	Deffs. & Deft.	Continued for service.

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1736 Geo. Hancock Pefft. } And now on this day comes the
& } plaintiff by attorney and claims
A. B. McGill Deft. } a Judgment final by default.

And because it appears to the Court that the defendant has been legally cited and has failed to answer within the time prescribed by law, It is therefore ordered, adjudged and decreed by the Court that the Pefft. Geo. Hancock, do have and recover off and from the defendant, A. B. McGill, the sum of Seven Hundred Fifty-Four 62/100 Dollars, balance of principal debt and interest due on the note sued on in this case to date, with twelve percentum per annum interest thereon till paid, and all costs of suit, for which execution may issue.

1739 Ben Cage Pefft. } Cont'd for service.
& }
J. H. Mathews. Deft. }

1740 A. H. Deckard & Co Peffs. } Cont'd for service.
& }
Joel A. Burditt, et als Defts }

1741 Edward Spellman Pefft. } And now on this day comes the
& } Pefft. by attorney, and claims a
Edmond Crengbaur Deft. } Judgment final by default.

And because it appears to the Court that the defendant has accepted service of Peffs. petition, and has waived process, and has failed to answer within the prescribed time, It is therefore ordered, adjudged and decreed by the Court, that the Plaintiff, Edward Spellman, do have and recover off and from the defendant, Edmond Crengbaur, the sum of Four Hundred Fifty-Six 87/100 dollars, principal debt and interest due on the note sued on in this case to date, with ten per centum per annum interest thereon till paid, and all costs of suit, for which execution may issue.

The true and due on this judgment is three hundred and seventy five 18/100 dollars & let execution issue for that and W. L. Robards Atty

890 J. W. Chandler Pefft. } Before George M. Flournoy, Esq., Special Judge
& } Aumation, It is ordered by the Court that
G. H. Burditt, et als Defts } the Intervenor, W. C. Hamilton have
leave to file an amendment to his Original petition of intervention.

And Thereupon, It is ordered by the Court that A. J. Hamilton, Esq. and Charles C. West, Esq., be fined Twenty-five dollars each, for contempt, and that execution issue therefor.

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1324 John D. Smith, Admr. Pff. vs William Woods Deft. } And now on this day came these parties by attorney and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis county, to wit: A. O. Horne, foreman, and eleven others, who were tried, elected, empannelled and sworn according to law. And said Jury having heard the evidence introduced by the parties and the charge of the Court, retired for deliberation, and returned into Court the following verdict, to wit: "We, the Jury, find for the defendant, A. O. Horne, Foreman." Whereupon, It is ordered by the Court that the Pff take nothing in this behalf, that the defendant go hence without day and recover of and from the estate of Thomas Canty, deceased (John D. Smith, Admr) all the costs of this suit. It is further ordered that the Clerk tax the costs and certify the same to the Probate Court where the administration is pending as a proved and established claim against the estate of said Thomas Canty, To be paid in due course of administration.

1342 Stephen A. Boyce vs S. Lockwood } Pff Deft. } It is ordered that this cause be continued, at suggestion of Defts Counsel under the rule for costs entered by the Clerk, the Pffs Counsel being absent

1356 Moore & Owings vs J. M. Alexander } Pffs Deft. } Continued Generally.

1378 A. D. Houston vs Thomas Packell } Pff Deft. } It is ordered, by motion, that this cause be dismissed from the docket, the subject matter having been settled, and the costs paid

1384 Geo. I. Glascock vs Wm. B. Bowdith } Pff. Deft. } And now on this day came these parties by atty And thereupon the motion to strike out the petition of intervention ascertained, and the defendant, a motion has leave to amend answer. And thereupon the application of the defendant for continuance of this cause is refused, because the application does not show that the witnesses resided in Travis county who were not bound by law to obey a subpoena. Whereupon the parties went to trial. And thereupon came a Jury of twelve good and lawful men of Travis county, to wit: A. O. Horne, Foreman, and eleven others, who were tried, elected, empannelled and sworn according to law. And the Jury having heard the evidence, and being charged by the Court, retired for deliberation, and thereupon returned into Court the following verdict, to wit: "We, the Jury, find for the plaintiff the sum of Two Hundred and Fifty-Four and 37/100 dollars. A. O. Horne, Foreman." Wherefore, It is adered by the Court that the pff. George I. Glascock do have and recover off and from William B. Bowdith the sum of Two Hundred Fifty-four & 37/100 Dollars, and all cost of suit, for which execution may issue

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V 1388	Elcanor Lane et al. / Silas Parsons	Pefts. / Defts.	Continued generally
V 1394	M. A. Taylor / King & Ford	Pefts / Defts.	Ordered that the pefts. have leave to amend and that this cause be continued for service of citation for King to issue to Cochran county.
V 1400	R. D. McAnelly / I. I. Grumbles	Pefts. / Defts.	And now comes the Clk, and moves the Court to rule the pefts to enter into bond & security for the costs of this suit, pefts. attorney being present and notified. Ordered, further, that this cause be continued under the rule
V 1408	R. D. McAnelly / Hamilton & Chandler	Pefts. / Defts.	And now come the parties and agree that this cause shall be dismissed each party paying his own costs. And thereupon it is ordered by the Court that this cause be dismissed from the docket, and that the pefts. McAnelly pay the costs by him incurred, and the defendants Hamilton and Chandler pay the costs by them incurred, for all which execution may issue
C 1416	J. Newsham / D L Crof	Pefts / Defts	Cont'd by consent
C 1431	A. Dupeville / Herndon & Lucas	Pefts. / Defts.	And now on this day came these parties by atty. and announced themselves ready for trial and pefts. Demurrer to defendants special plea being submitted, was sustained by the Court. And thereupon came a Jury of twelve good and lawful men of Travis county, to wit: Horatio Grooms, Foreman, and eleven others, who were duly elected, empannelled and sworn according to law. And the Jury having heard the evidence and charge of the Court, retired for deliberation, and returned into Court the following verdict, to wit: "We, the Jury, find for the plaintiff, principal and interest $1831.10. We also find that the mortgage was given to secure the payment of the note. Horatio Grooms, Foreman." Whereupon, It is ordered by the Court that the plaintiff A. Dupeville do have and recover off and from the defendants John H. Herndon and Swante M. Swenson said sum of Eighteen Hundred Thirty-One 10/100 dollars, with ten per centum per annum interest thereon until paid, and all costs of suit, for which execution may issue. And it appearing that the allegations of pefts. petition are true, It is therefore ordered that pefts. mortgage lien on the following

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described property, be foreclosed, to wit: "a tract or parcel of land situated in the County of Travis, viz - One League and Labor, on the East side of the Colorado River, opposite to the mouth of the San Saba River and patented to Jno. H. Herndon as assignee of William McFarland". And it is ordered, that an Alias of Sale issue commanding the proper Sheriff to sell said land in satisfaction of this Judgment, and the overplus, if any, he shall pay over to the said Herndon or his legal attorney. And if said land should not bring a sufficient amount to satisfy this Judgment and costs, then execution shall issue against said Defendants for the ~~amount~~ balance found to be due

1426 — Jn.o R. McCall, Jones & Co. vs. Wm. G. Lyman — Plffs & Deft — Continued for cause.

1450 — D. M. Swenson vs. D. G. Reed — Plff & Deft. — And now on this day came these parties by attorney and announced themselves ready for trial. And thereupon, It is ordered that the defendant have leave to amend. And defendants demurrer to Plffs. petition being submitted and argued by counsel, is overruled. And thereupon came a Jury of good and lawful men of Travis county, to wit: A. O. Horne, Foreman, and eleven others, who were tried, elected, empannelled and sworn according to law, and the Jury having heard the evidence and the argument of counsel, and the charge of the Court, retired for deliberation and returned into Court the following verdict, To wit: "We, the Jury, find for the plaintiff the sum of One Hundred and Eleven Dollars and 67/100 dollars. A. O. Horne, Foreman." Wherefore, It is ordered by the Court, that the Plff. D. M. Swenson, do have and recover of and from the Defendant, D. G. Reed, the said sum of One Hundred, Eleven and 67/100 dollars, and all costs of suit, for which execution may issue.

1583 — Nancy Bray, Admr. vs. D. K. Sykes — Plffs. & Deft. — It is ordered, on motion, that A. M. Cox be allowed to come in and make himself a party Defendant in this suit.

1743 — Henry G. Stemmons vs. D. C. & G. R. Freeman — Plff. & Deft. — On motion of the Clerk, Plffs. counsel being present, It is ordered that the Plff. give bond and security for the costs of this suit on or before the first day of the next Term. And Thereupon, It is ordered that this cause be continued under the rule.

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

Fall Term, Saturday, December 11th 1858.

Saturday, December 11th 1858.

Court convened at 9 o'clock pursuant to adjournment Present the Hon. A. W. Terrell, Judge 2d District. Thereupon the following proceedings were had by said Court as follows, to wit:

1172 — H. Murdoff vs. John Aldrege. } Deff. / Deft. } And now at this day comes the plaintiff in the above entitled cause, and moves the Court to amend the Original Judgment heretofore rendered in the above cause, by inserting the name of the Foreman of the Jury & their verdict, and the Defendants being duly notified as required by the Statute, and the motion being heard, the Original Judgment in said cause being inspected by the Court, and also the Original papers and verdict rendered in said cause; And it appearing to the Court that the verdict and name of the foreman, was omitted through mistake, It is, therefore, ordered by the Court, that the motion be granted and that said Judgment be amended by inserting in the recital of the same the name of the foreman of the Jury "James G. Swisher," and that the following verdict be inserted therein, to wit: "We, the Jury, find for the plaintiff $126.65, One Hundred & twenty-six dollars J. G. Swisher, Foreman."

1627 — P. M. Yett vs. Collins & Swisher } Deff. / Deft. } And now at this day comes the plaintiffs in the above cause, and moves to amend the Judgment in the above cause by inserting the verdict of the Jury, and the name of the foreman which was omitted by mistake in the Original entry; and the said defendants being duly notified as required by statute, and the Court from an inspection of the papers and minutes in said cause, and being satisfied that the verdict was omitted through mistake, It is ordered that the motion be granted, and that the said Judgment be amended by the insertion of the following verdict, to wit, "We, the Jury, find for the plaintiff $331.11 Three Hundred & Thirty-one dollars & eleven cents. J. G. Swisher, Foreman."

795 — The State of Texas vs. George Robinson } Deff. / Deft. } And now comes the defendants attorney and moves the Court that the recognizance entered into by the defendant on appeal in this case at the last term, on the 20th August, 1858, be entered nunc pro tunc, the Counsel for the Deff. consenting thereto And the Court being satisfied that the defendant and Abner L. Blocker, as his security, on the 20th August, 1858, at the last Spring Term, entered into Recognizance in open Court on an

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appeal by the Defendant from the Judgment rendered in this cause at said Term, It is therefore ordered that said Recognizance heron entered as of date aforesaid, To wit: 20th August, 1858, as follows: —— "And now on this day appeared in open Court the defendant George Robinson, as principal, and Abner P. Blocker, as security, and acknowledged themselves jointly and severally justly to owe and be indebted unto the State of Texas in the penal sum of two hundred dollars, to wit: if the said George Robinson shall appear at the next term of the District Court of Travis county, to be held on the 4th Monday after the first Monday in October, 1858, and from term to term thereafter, to answer the criminal accusation against him in case the Judgment of the District Court be reversed, in said cause

↓ 886 ✓

D. Ayers } Deft
of } and } An motion of Deft's atty. heretofore filed
J. D. Brown. } Deft } and docketed, It is ordered that the
venue of this cause be changed to Williamson County, and that the clerk certify all the entries and forward the Original papers herein to said Court at this next Term according to Law

↓ 902 ✓

The State of Texas } Deft } It appearing to the court that the
as } defendant O'Neal was tried in
Perry O'Neal } Deft } this cause at the Fall Term 1857,
and failed to give security, It is ordered by the Court that Capias issue to Gonzales and Bexar counties, commanding the Sheriff to hold the Deft in custody until the fine and costs are paid.

↓ 1431 ✓

A. Lupe ville } Deft } And now comes the defendant by
& } Attorney, and submits his motion
J. H. Henderson } Defts } heretofore filed for arrest of the
Judgment in this case. And thereupon, the Court, upon a consideration of said motion, doth order that the same be overruled. Whereupon said defendant gives notice, in open Court, of an appeal to the Supreme Court.

And now on this day came and appeared in open Court the Grand Jury of Travis county, heretofore empannelled at the present Term, and through their Foreman Adolphus J. Wein presented to the Court the following Bills of Indictment, To wit:

↓ 1178

The State of Texas } Deft. } Embezzlement
of }
John C. Lochlan } Deft. }

Fall Term, Saturday, Decr 11th 1858.

1179	The State of Texas vs John C. Inchlay	Deft / Deft	Embezzlement.
1180	The State of Texas vs Wm C Collingsworth	Deft / Defs	Taking up and using an Estray fully without complying with the Estray Law
1181	The State of Texas vs Wm C Collingsworth	Deft / Defs	Taking up and using an Estray Animal without complying with the laws regulating estrays.
1182	The State of Texas vs Wm C Collingsworth	Deft / Defs	Taking up and using an Estray Animal without complying with the laws regulating estrays.
1183	The State of Texas vs George B. Grimplemann	Deft / Defs	Assault and Battery
1184	The State of Texas vs Hugh Dinnin	Deft / Defs	Murder
1183	The State of Texas vs Benjamin Thompson	Deft / Defs	Assault with intent to Kill & murder
1186	The State of Texas vs B. H. H. Bills	Deft / Defs	Assault with intent to Kill & murder
1187	The State of Texas vs Krohn & Berkem	Deft / Defs	Theft of a Hog
1188	The State of Texas vs Joseph W. Grumbles	Deft / Defs	an Assault with intent to Kill and murder
1189	The State of Texas vs Frank Easton alias James Houghton	Deft / Defs	Swindling

Fall Term, Monday, December 13, 1858.

1190 The State of Texas vs Samuel Mallon alias Dutch John } Deffs } Pltff } Creating Runaway Slave

And thereupon said Grand Jury suggesting to the Court that there was no further business before them, they were finally discharged by the Court.

And thereupon Court adjourned until Monday next at 2 o'clock, P.M.

Monday, December 13, 1858

Court convened at 2 o'clock P.M. pursuant to adjournment. Hon. A. W. Terrell, 2d Dist. Judge presiding. Whereupon the following proceedings were had by said Court as follows, Viz:

1159 J. R. Pace, et als vs C. R. Johns et als } Deffs } Pltffs } Continued

1160 C. R. Johns et als vs J. R. Pace et als } Deffs } Pltffs } Continued

1161 L. Millard et als vs J. O. & H. B. Millard } Deffs } Pltffs } Continued by consent.

1465 Geo. W. Hitchings vs Geo. Johnson } Deft } Pltff } Continued as on affidavit of Pltff.

1473 A. H. Phillips vs I. D. Halman } Deft } Pltff } Leave to defendant to amend and cause continued by consent.

1474 Peterson Smith vs I. H. Wiley } Deft } Pltff } On motion of Pltff's. Counsel, It is ordered by the Court that this cause be dismissed from the docket and that Pltff's. pay the costs of this suit, for which execution may issue.

1475 A. R. Blocker vs I. K. Jennings } Deft } Pltff } Continued

Fall Term, Monday, December 13, 1858.

1487	Elliott & Co vs Sammels & Mopson	Reffs & Defts	Continued by consent
1504	John F. Purvis v. R. H. Clements	Reff & Defts	And now on this day this cause having been regularly reached on the docket, and the said Reff. not appearing, either in person or by attorney, to prosecute the same, It is ordered by the Court that said suit be dismissed for want of prosecution, and that said John F. Purvis pay all costs, for which execution may issue
1528	J. D. Thompson vs Joseph Dyches, et als	Reff & Defts	Leave to Reff. to amend
1552	John Hendrickson vs R. I. Nichols	Reff. & Deft	Leave to Reff to amend
1667	John Edgar vs R. I. Nichols, et als	Reff & Defts	It is ordered that the defendant Hendrickson in this cause have leave to amend.
1708	B. F. Johnson vs James McMorris, et als.	Reff & Defts	Ordered that the defendants Bronnrigg have leave to amend his answer herein
1852	M. W. Fenn And thereupon Court adjourned until to-morrow morning at 9 o'clock		

Tuesday Dec 14th 1858.

Court convened at 9 o'clock pursuant to adjournment. Present Hon. A. W. Fenell, Judge 2d Dist. Whereupon the following proceedings were had by said Court as follows, to-wit:

1357	M. W. Fenn vs Charles Payne et al	Reff & Defts	Continued Generally
1509	H. H. Scaleth vs Josiah Walker	Reff & Deft	This cause coming on to be heard, and the plaintiff announcing himself ready for the trial thereof,

Fall Term, Tuesday December 14. 1858.

and it appearing to the Court that said defendant had been duly cited to appear and defend this cause, and the said defendant failing to appear, the said plaintiff proceeded to the Jury with his testimony, and after concluding the same, the Jury were charged with the law of the case, and retired for deliberation and thereupon returned into Court the following verdict, to wit: "We, the Jury, find for the plaintiff. Horatio Grooms, Foreman." And it appearing to the Court from the petition filed in this cause, that the said Henry W. Sublett claimed to be the equitable owner of the Headright Certificate of the said Josiah Walker, for one League and one Labor of Land issued by Edward Clark Commissioner of claims in the State of Texas, at Austin, Texas on the Fifteenth day of February A.D. 1858, and the said Henry W. Sublett praying in his said suit for a decree of this Court, vesting in him the legal title in and to said certificate, It is therefore adjudged and decreed by the Court that the said Henry W. Sublett, ~~his heirs and assigns~~ be and and he is hereby fully vested with the legal and equitable title in and to the said Headright Certificate of Josiah Walker for one League and Labor of Land, issued as aforesaid by Edward Clark Commissioner &c, at Austin on the 15th day of February, A.D. 1858, The said Henry W. Sublett, his heirs and assigns to have and to hold the said certificate and all the rights & appurtenances thereto, as his own lawful property, and as fully as though the same had issued to him as the assignee of the said Walker. And it is further decreed that said Sublett pay the costs of this suit, for which execution may issue.

1510	D. C & G R Freeman & John M. McCall	Reffs. & Defts.	Continued Generally	
1520	The State of Texas v Geo W Scott et als	Reff & Defts	Continued Generally.	
1522	T. H. Ward et al v R Marston et al	Reffs & Defts	Ordered that this cause be set for hearing on next Saturday morning, 18th inst.	
1528	J. S. Thompson & Joseph Dyches et als.	Reff & Defts.	Continued generally	

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1529. Geo C. Watkins vs W. S. Oldham. } Pff. Deft. } And now on this day came the Pff by Attorney, and announced himself already for trial. and thereupon came a Jury of Twelve good and lawful men of Travis county, to wit: A. O Horne Jr Foreman and eleven others, who were tried, elected, empannelled and sworn according to law. And the Jury having heard the testimony introduced by the Pff. (the Defendant not appearing) and being charged by the Court, retired, and returned into Court the following verdict, to wit: "We, the Jury, find for the Plaintiff the sum of One Hundred and Sixty and 44/100 Dollars. A. O. Horne, Foreman". Wherefore, It is ordered by the Court that the Plaintiff, George C. Watkins, do have and recover off and from the defendant, W. S. Oldham, said sum of One Hundred, Sixty and 44/100 dollars, and all costs of suit, for which execution may issue. Ordered, further, that Pff. have leave to withdraw the certificate of the date of interest in Oldham case.

1530. David W Crews vs W. P. de Normandie, et al. } Pff Defts } And now on this day appeared the Pff. by Attorney, and announced himself ready for trial. And said Pff. thereupon, dismisses this suit as to the Defendant Combs who has not been served. And thereupon came a Jury of twelve good and lawful men of Travis county, to wit: A. O Horne, Foreman, and eleven others, who were tried, elected, empannelled and sworn according to law. And the Jury having heard the evidence introduced by the Pff. and being charged by the Court retired, and brought in into Court the following verdict, to wit: "We, the Jury, find for the plaintiff the sum of two Hundred and Seventy-four and 60/100 dollars A. O. Horne, Foreman." Wherefore, It is ordered by the Court that the Pff. David W. Crews, do have and recover off and from the defendants, W. P. deNormandie and James L. Payne the sum of Two Hundred Seventy-four & 60/100 dollars and all costs of suit. for which execution may issue.

1538 Dec. 18/58. Rec'd. of Com'r C. Munson Two Hundred, Seventeen 65/100 Dollars in Full

A. M. Davidson vs Henry Thomas } Pff Defs } And now on this day came these parties by their respective attorneys, and announced themselves ready for trial. and thereupon by agreement and consent of said parties, It is adjudged that Judgment be rendered for the Pff. against said Henry Thomas for the sum of Two Hundred, Seventeen 65/100 dollars, with ten per cent. per annum interest thereon until paid, for which execution

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No 1538 Rec'd of the Clerk Two Hundred Dollars, in satisfaction of the Judgment in favor of Wm. Gillette Dec'd

may issue. And by agreement of said parties, It is ordered, that in the event that said defendant shall pay said Judgment on or before the 20th Dec., 1858, then execution may issue against the Defts. for the costs of this suit, but if said defendant shall not pay said Judgment by the time specified above, then execution shall issue against the defts. for the costs.

✓ 1529 — R.W. Williamson etals vs R.W. Blount etals } Defts } On motion of the clerk It is ordered that the Defts enter into bond and security for the costs of this suit on or before the next Term of this Court, And thereupon on motion said cause is continued under the rule. Ordered, further, that the Sheriff have leave to amend his return of service endorsed on the citation in this cause

✓ 560 — L. H. Price vs W. Short } Defts } Continued on affidavit of Defts

✓ 1541 — J.M. Steiner vs John H. Conner & H. P. de Normandie } Defts } And now on this day came the parties by their respective attorneys, and announced themselves ready for trial. And thereupon came a Jury of Twelve good and lawful men of Travis county to wit: A.S. Horne, Foreman and eleven others, who were tried, elected, empannelled & sworn according to law. And said Jury having heard the testimony and the charge of the Court, retired - and returned with Court the following verdict, to wit: "We, the Jury, find for the plaintiff the sum of One Hundred and Twenty-Four 95/100 Dollars. A.S. Horne, Foreman." Wherefore, It is ordered, adjudged and decreed by the Court that the said J.M. Steiner do have and recover of and from the defendants, John H. Conner and William P. de Normandie, the sum of One Hundred and Twenty-Four 95/100 Dollars, with ten per centum per annum interest thereon until paid, and all costs of suit for which execution may issue.

✓ 1542 — George L. Watson vs Thomas Griffin, Dec'd & J. Bledsoe, Admr } Defts } And now on this day appeared the Defts. by his attorneys, and ask that default be entered against said Griffin, and until ordering ordered. And because it appears that said Griffin has been cited according to law and has wholly made default by failing to enter his appearance within the prescribed time, It is

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Thereupon ordered that said Pltff. recover from said Defendant according to the tenor of his petition, and that a Jury be empannelled to ascertain the amount due. Whereupon appeared a Jury of twelve good and lawful men of Travis County, to wit: Horatio Grooms, Foreman, and eleven others, who were duly empannelled and sworn according to law. And the said Jury having heard the evidence introduced by the Pltff. and being charged by the Court, retired for deliberation, and returned into Court the following verdict, to wit: "We, the Jury, find for Pltff. One Hundred and Sixty-Eight Dollars on note made to Robinson, also Eleven Hundred and Twenty-Five dollars due for land, making Twelve Hundred & Ninety-Three dolls. Horatio Grooms, Foreman." Wherefore, It is ordered, adjudged and decreed by the Court that the plaintiff, George L. Hatch, do have and recover of from the defendant Thomas Griffin, said sum of Twelve Hundred and Ninety-Three dollars, with 10 per centum per annum interest on the sum of One Hundred and Sixty-Eight dollars, and 8 per centum per annum on the balance until paid, and all costs of suit, for which execution may issue

1544 — R. H. Peck vs Wm Gammel & al — Pltff vs Defts — And now on this day appeared parties to this cause and filed their agreement, in writing, properly signed, that this cause one shall be dismissed from the docket, each party, to wit: (Peck and Gammel) paying one half the costs. Whereupon, It is ordered by the Court that said cause be dismissed and that R. H. Peck and Wm Gammel each pay one-half the costs of this suit, for all which execution may issue.

1550 — John W. Conner vs Dastud Saml. Lindsey & al — Pltff vs Defts — And now comes the Pltff. by his attorneys, and moves the Court that Saml. M. Carter, Assistant Surveyor, be made party defendant to this suit. Whereupon, It is ordered that said motion be granted, and that this cause be continued for such purpose

1552 — John Hendrickson vs L. J. Nichols & al — Pltff. vs Defts — Leave to Pltff to amend

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1558 — Price Dillingham & Deff. / vs / M. A. Whitaker & Deft. — And now comes Deff. by Attorney, and on motion, It is ordered by the Court that this cause be dismissed from the docket, and that said Dillingham pay all costs of suit for which execution may issue.

1562 — Joseph Harrell & Deff. / vs / L. K. Clifton & M. G. Clifton & Defts. — And now on this day came these parties by their attorneys, and announced themselves ready for trial. And thereupon came a Jury of Twelve good and lawful men of Travis county, to wit: Horatio Storms, Foreman, and eleven others, who were tried, elected, empannelled and sworn according to law, and the Jury having heard the evidence, and the charge of the Court, retired and brought into Court the following verdict, to wit: "We, the Jury, find for the Deff. Two Hundred & Sixty-nine 30/100 Dollars also that the ~~mortgage~~ note was given to secure the purchase money of said lots described in petition. Horatio Storms, Foreman." Whereupon, it is ordered by the Court that said Joseph Harrell do have and recover of and from the defendants, L. K. Clifton and Martha G. Clifton said sum of Two Hundred, Sixty Nine 30/100 Dollars, with ten per centum per annum interest thereon until paid, and all costs of suit, for which execution may issue. And it appearing from the verdict of the Jury aforesaid that the alleged abstract of plaintiff's petition is true, that the note mentioned was given for the purchase money of the lots set out, It is therefore ordered by the Court, that the vendor's lien aforesaid be foreclosed on the following described property to wit: The west part of Lot No. 41 in Division D. of Out Lots adjoining the City of Austin, and that an order of sale issue to the Sheriff of Travis county commanding him to sell said property, and make return of this judgment, and the proceeds of said sale, when made, if any, he shall pay over to said defendants. If said property should not bring an amount sufficient to pay this judgment and costs, then execution shall issue against said defendants for whatever amount that may remain unpaid

1564 — A. H. Herndon & Deft / vs / Thomas Griffin & Deft. — And now at this day appeared the plaintiff by attorney, and announced himself ready for trial, and moved the Court for Judgment final by default, this suit being based on a liquidated demand. And because said defendant has been cited to appear, and has failed to enter his appearance

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within the time required by law. It is therefore ordered, adjudged and decreed by the Court that said J. H. Hamilton do have and recover off and from the defendant Thomas Griffin the sum of One Hundred, Ninety-Five 49/100 Dollars principal debt and interest thereon the date cited on the date, with ten per centum per annum interest thereon until paid, and all costs of suit, for which execution may issue.

And thereupon It is ordered by the Court, that a Special Venire issue returnable on Monday morning next, at 1/2 past eight o'clock, for twenty-four persons, to try cases on the criminal docket.

1593 — John W. Phillips & Co. vs D. D. Nichols — Pffs & Defts — And now comes Pffs. counsel, and on motion of said counsel, It is ordered by the Court that this cause be dismissed from the Docket at Pffs. cost, for which execution may issue.

1595 — Mary Houston & Co. vs Andrew Houston — Pffs & Defts. — On motion of Pffs counsel It is ordered by the Court that this cause be dismissed from the Docket, and that Pff. Mary Houston pay all costs, for which execution may issue.

1598 — D. McCallisworth & Co. vs D. W. Brown, Admr — Pffs & Defts — Ordered that defendant have leave to amend, and that the cause be continued on his affidavit.

1582 — John Wahrenberger, admr & Co. vs D. D. Nichols — Pffs & Defts — And now at this day came these parties by attorney, and announced themselves ready for trial, and waiving a Jury, submitted the cause to the Court. And the defendant's demurrer to Pffs. petition coming on to be heard, was overruled by the Court. And thereupon It is ordered, adjudged and decreed by the Court, that John Wahrenberger, Administrator of the Estate of Henry Shuepy, decd. do have and recover of and from the defendant D. D. Nichols, the sum of One Hundred Fifty-Three & 57/100 Dollars and all costs of suit, for which execution may issue

1583 — H. Bray, Trustee & Co. vs L. L. Lykes — Pffs & Defts. — On motion of the Clerk, plaintiffs counsel being present, It is ordered that the Pffs. enter into bond & security for the costs of this suit on or before the first day of the next Term and the cause is continued under the rule.

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1588	John M. Swisher, et al. vs. L. L. Nichols, et. als.	&	Ordered by the Court that the defendants have leave to amend his answer.
1588	I. M. Swisher, et al vs. L. L. Nichols, et als.	Deffs. & Defts.	On motion, it is ordered that defendants amended petition be amended by striking out all claim of Jeff. Raymond
1592	Charlotte Hulings vs. Marcus Hulings & Partition to reinst.	Deff & Defts.	On motion of Jeff's counsel, It is ordered that the same be extended to the next Term for the commissioners & case continued
1594	A. M. Cox v. L. L. Sykes.	Deff & Defts	On motion, it is ordered by the Court that this cause be dismissed from the docket at Jeff's cost. And thereupon, It is ordered by the Court that the Jeff. A. M. Cox pay all costs of this suit, for which execution may issue.
1618	Arnold, Nusbaum & Co vs. L. Lockwood et als	Deffs & Defts	Ordered that the plaintiffs have leave to amend their pleadings in this cause
1644	Wm Ingate v. J. J. Johnson et al	Deff. & Defts.	Ordered that the plaintiff have leave to amend
1682	James D. McGarey v. A. Medlin, et als.	Deff. & Defts.	Ordered by the Court that the plaintiff in this cause have leave to amend
1725	R. H. Mathews vs. I. M. White, Com	Deff & Defts	Ordered that the defendant have leave to amend answer.
1556.	J. W. Lawrence vs. Geo. Penman & Hugh Nelson	Deff. & Defts.	And now on this day came this plaintiff by his attorneys, and announced himself ready for trial. And the Court being satisfied from the return of the Sheriff on the Citation and brief Statement issued in this case, that said defendants have been duly and legally summoned, and that they have wholly failed to enter their appearance, at this the Trial Term of this cause, within the first four days of the Term, It is ordered by the Court that a Jury be empan-

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nelled to sit upon the facts. And Thereupon came a Jury of twelve good and lawful men of Travis county, to wit: A. O. Horne, Foreman, and eleven others, who were tried, elected, empannelled and sworn according to law. And thereupon the Plaintiff introduced his evidence in the hearing of the Jury, and said Jury having heard the charge of the Court, retired for deliberation, and returned into Court the following verdict, to wit: "We, the Jury, find for the Plaintiff. A. O. Horne, Foreman." And Thereupon, It is ordered, adjudged and decreed by the Court, that all the right, title and interest, both legal and equitable, of the said George Peerman, the defendant, in and to the Headright Certificate, No. 5033/5034, for one third of a League of land issued by S. Crosby, Commissioner of the General Land office, on the 5th day of September, A.D. 1856, to George Peerman, be divested entirely from the said George Peerman, and that the same be, and is hereby declared vested in the said John W. Lawrence, the Plaintiff, his heirs and assigns, in fee simple, absolutely, and to all intents and purposes. And that the said John W. Lawrence be decreed the sole legal and equitable owner, in his own right, of all the right, title and interest, both vested and in choate, legal and equitable, which the said George Peerman has ever owned, claimed or held at any time, in and to said certificate, before or since the issuance of the same, and of all the rights, privileges and immunities which the said George Peerman might otherwise have received & enjoyed, under or by virtue of the same, had his interest therein not been divested from him hereby, and that the absolute control, ownership, title and property in said certificate, so divested from the said George Peerman be and the same is hereby declared vested in the said John W. Lawrence, his heirs and assigns for ever. It is further ordered by the Court, that said John W. Lawrence pay all costs of this suit, for which execution may issue.

Whereupon Court adjourned until to-morrow morning 9 o'clock.

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Court convened at 9 o'clock pursuant to adjournment. Hon. N. W. Powell 2d Dist. Judge presiding. Whereupon the following proceedings were had by said Court as follows, to wit:

1593 Horatio Grooms v. Jemander Priestley & Philander Priestley } Reff. Deft. } And now at this day came the parties to this cause by attorney and announced themselves ready for trial. And thereupon the Reff's. Counsel waived the

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exceptions heretofore taken to the manner and form of taking and returning defendants depositions. And thereupon came a Jury of twelve good and lawful men of Travis county, to wit: A.O. Horne, Foreman, and eleven others, who were tried, elected empannelled and sworn according to Law. And thereupon the parties introduced the evidence to the Jury; and after argument of counsel and charge of the Court said Jury retired for deliberation, and returned into Court the following verdict., to wit:

" We, the Jury, find for the plaintiff Two Hundred and Fifty
" Dollars. A.O. Horne, Foreman." Whereupon, it is ordered, adjudged and decreed by the Court that the Pltff Horatio Brooms, do have and recover of and from the defendants, Philander Priestley and Perriander Priestley, said sum of One Hundred and Fifty Dollars and all costs, for which execution may issue.

V 1626	A. O. Horne, et.al. v D. H. Dignon, et.al.	Pltffs / Defts.	It is ordered that the plaintiffs in this cause have leave to amend their pleadings.
V 1621	Wm Alexander v J. F. Chapman	Pltff / Deft	Continued Generally.
N 1556	John W. Lawrence v Geo. Peerman & Hugh Nelson	Pltff / Defts.	In the District Court of Travis County Fall Term A.D. 1858. Statement of facts to be incorporated in the Record. Def't Remembered, &c.

1. The Pltff offered in evidence the Sheriff's Return. "Came to hand
" April 30. 1858, and executed the same by causing the within to be
" published for four successive weeks in the State Gazette a newspaper
" published in Travis County. fee 100. J.M. Blackwell, Sheriff, T.C."

2. " The State of Texas } In the District Court, Fall Term, A.D. 1858.
" County of Travis } J. W. Lawrence v. Geo. Peerman, et.al. No.
" Personally appeared before me, Frank Brown, Clerk of the said
" Court, W.D. Patton, to me well known as the clerk of the State Gazette
" Office, and as a credible and reliable person, who being duly sworn, on
" oath says "the accompanying publication hereto, was published
" four successive weeks, in the" State Gazette", a newspaper published in the
" City of Austin in said State, prior to the return day of the Spring Term
" of the District Court of said County, in the year 1858.
" Sworn to & subscribed before me } " Wm D. Patton, Clk, T.C.
" this the 20th day of October, A.D. 1858. }
"Frank Brown, Clerk, D.C.T.C."

3. "No. 5033 / 5034 "General Land Office, Austin, September 5th " 1856."
" This is to certify that Geo. Peerman is entitled to have surveyed

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"by any legally authorized Surveyor, upon any of the vacant
"and unappropriated public Domain of the State of Texas, One
"Third of a League of land, in accordance with the provisions of
"An Act, entitled "An Act for the relief of James Reson, John S.
"Hall, Henry Applewhite and Genge Pearman" passed August
"26th 1856, authorizing and requiring the Commissioner of the Gen-
"eral Land office to issue to the said Genge Pearman a certificate for
"One Third of a League of land. In Testimony whereof I hereunto set
"my hand and affix the impress of the Seal of said Office, the
"date first above written. (Seal) S. Crosby, Com'r."

4th Deed Geo. Pearman to Nelson.

"State of Texas } This Indenture witnesseth That I, Genge Pearman, of
"County of Travis & the County of Burnet, and State aforesaid, for and in
"consideration of the sum of Three Hundred Dollars to me in hand paid,
"the receipt whereof is hereby acknowledged, have given, granted, bar-
"gained, sold and transferred, and by these presents do give, grant,
"bargain sell and transfer, all my right, title and interest in and
"to a certain Land Certificate No. 5033/5034, for one Third of a League of
"Land, issued to me by the Commissioner of the Genl. Land Office on the
"5th day of Sept., AD 1856, in pursuance of an act of the Legislature of
"the State of Texas, entitled An Act for the relief of James Reson, Jno S
"Hall, Henry Applewhite & Geo. Pearman, passed the 26th day of Aug
"A.D. 1856, granting to me said certificate, to Hugh Nelson. To Have
"and to Hold the said certificate with all the right and privileges thereto
"belonging to the said Hugh Nelson, his heirs and assigns forever. And
"I for myself, for myself, my heirs, executors and administrators,
"agree to warrant and defend the title to the said certificate to the
"said Nelson, his heirs and assigns, against the lawful claims
"of all persons whomsoever. Given under my hand and seal,
"this the 5th Day of Sept., A.D. 1856. Geo. Pearman. (Seal)
"attest: H.B. Bland. Jno. W. Bland."

"The State of Texas } Personally came before the undersigned Notary, in
"County of Travis } said County, Geo. Pearman, who did acknowledge
"to me he had executed the within instrument for all the purposes &
"considerations therein expressed & contained. Witness my hand & Seal
"of Office at Austin this 1st Day Dr 1853. Francis T. Duffau,
(Seal) Notary Public, Travis Co.

5. "Pltff. then introduced the witness R. T. Bromigg, who testified, That
"in the Fall of the 1853, defdt. Genge Pearman employed Pltff. Jno
"M. Lawrence, to obtain for him his Headright 1/3 lea. certificate. That
"said Lawrence undertook, and afterwards, to wit: on the 5th day of Sept-
"ember, 1856, obtained the same, after having obtained from the 5th
"Legislature the passage of a bill for his relief. That in the Fall of
"1853, said Pearman engaged in merchandize in Burnet county, Texas

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with one Henry Levert, and that said Peerman and Levert purchased goods, for said purpose, to a considerable amount, from the firm of L. D. Carrington & Co., of Austin, Travis County, Texas. That they could not get the goods without security, for a sum of money, to be due shortly afterwards to said Carrington & Co. therefor. That the said Peerman obtained the said Laurence as security, and to secure the said Laurence against any loss on his part, should he have to pay said sum for which he was security, the said Peerman executed the deed aforesaid from him to said Nelson, for the express purpose of securing said Laurence against loss, and authorizing the said Nelson, in the event said Laurence had to pay said sum of money, for which he was security to Carrington & Co - to make the said Laurence a title to said Certificate, and convey all his, the said Peerman's, interest & title therein, when the same should be obtained, to the said Laurence. That the Certificate had not then been obtained, and consequently there were blanks left in the deed for the description of said certificate and date of the deed, which witness was authorized by said Peerman to fill when said certificate should be obtained, and which he accordingly did. That soon after these transactions occurred the said George Peerman decamped to parts unknown, swindling his partner, and leaving his debts unpaid. That Neff. Laurence had to pay Carrington & Co., the amount for which he had stood security as stated, which Laurence did in the Spring and summer of 1854, That said Nelson soon after left the State also, and before the Certificate had been obtained, and that said deed was left with witness. That 1/3 Lea. Certificates were selling in the fall of 1853 and the Spring of 1854, for, from $325.00 to $350.00 according to demand for them. That the amount paid Carrington & Co. by Laurence for said Peerman was about that sum, witness thinks between the two, and considered a fair price for said certificate at the time. That the object of all parties, and the understanding at the time were, to vest the absolute title and ownership of said certificate, when the same should be issued, in the said Laurence, in the event he had the said sum of money, for which he was security to Carrington & Co. to pay, which he did.

6th. Neff. then introduced the witness L. D. Carrington, who testified that he was the party heretofore referred to in this statement, and that the facts as testified to by witness Brownrigg, whose testimony he heard, were known to him mostly, and were correctly stated; also that John W. Laurence, as security, for Peerman & Levert, as stated, paid him, the sum of $331.19. One Feby 14/54. That said Laurence paid him the entire sum, though at different times and in separate payments, and that he had never heard of said Peerman since, & here Neff. rested his case. I hereby certify that the foregoing contains a true statement of the

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Facts in evidence upon the trial of the above entitled cause
Dec. 16th 1858 A. W. Terrell, Judge 2d Dis.

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

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Court convened at 9 o'clock A.M. pursuant to adjournment. Present Hon. A. W. Terrell, Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

6
1482

Rhineas Burchard } Deff
v. } And now on this day appeared
Thomas C. Collins } Deft. } the parties by their attorneys and announced themselves ready for trial. Whereupon came a Jury of lawful men of Travis county, to wit: A. O. Horne, Foreman, and eleven others, who were duly elected, empannelled and sworn according to law. And the Jury having heard the testimony introduced and the charge of the Court, retired and brought into Court the following verdict, to wit: "We, the "Jury, find for the plaintiff the sum of Two Thousand "Eighteen dollars 68 cts. and 68 cents and find that the mortgage "was executed to secure the payment of said notes. A. O. "Horne, Foreman." Whereupon, It is ordered, adjudged and decreed by the Court that Rhineas Burchard do have and recover of and from the defendant, Thomas C. Collins, said sum of Two Thousand Eighteen Dollars and Sixty-Eight cents, with ten per centum per annum interest thereon until paid, and all costs of suit, for which execution may issue. And it appearing from the verdict of the Jury that the notes ~~sued~~ on herein set out and described in the Mortgage and petition were intended as security for the payment of the notes sued on, It is therefore ordered by the Court that the mortgage lien of said Deff. thereon be foreclosed on said property, to wit: All that tract or parcel of land containing Two Hundred Acres, situated and described as follows, to wit - Beginning at the Original S.W. corner of ~~the~~ Wm Cannons League & N.W. corner of Wm Cannons League. Thence N. 30° E. 110 vs. Williamsons creek 1300 vs. to the N.E. corner of James Brammells 1/3d of a League No. 4 - 1502 6/4 vs. a mound from which a Live Oak 12 in. in diameter mkd X brs N. 13° E. 69 vs. Thence S. 60° E. 451 3/10 vs. to a stake in the prairie from which a Live Oak 20 in. in diameter mkd X brs S. 36° E. 110 vs. Thence S. 30 W. 1502 6/10 vs. a mound in the South boundary line of said from which a Post Oak 8 in. in diameter mkd X brs N. 56° 30' W. 10 vs. Another

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10 in. in diameter marked X P.O. S. 51° E. 9 vrs. thence N. 60 W. crossg Williamsons creek 7.51 2/10 vrs to the beginning". It is further ordered that an Alias order of sale issue to the Sheriff of Travis county commanding him to sell said land in satisfaction of this Judgment and costs, and if said land should bring more than a sufficient sum to satisfy this Judgment, interest to grow due and costs, the surplus shall be paid over to said Collins. But if said land should not bring a sufficient amount to satisfy this Judgment, then execution shall issue against said Collins for the remainder.

1598 W. S. Oldham vs W. P. de Normandie } Plff. Defts. } And now on this day came the plff. by attorney, and announced himself ready for trial. And thereupon came a Jury of twelve good and lawful men of Travis county, to wit: A. O. Horne, Foreman, and eleven others, who were tried, elected, empannelled and sworn according to law. And the Jury having heard the evidence introduced by the plff. and the charge of the Court, retired, and brought into Court the following verdict, to wit: "We the Jury find for the plaintiff Two Hundred and Sixty Eight and 50/100 Cents. A. O. Horne, Foreman." Whereupon, it is ordered by the Court that the said W. S. Oldham do have and recover of and from the defendants W. P. de Normandie said sum of Two Hundred, Sixty-Eight 50/100 Dollars, with ten per centum per annum interest thereon until paid, and all costs of suit, for which execution may issue.

1606 Daniel C. Astome vs A. G. Compton, et al. } Plff. Defts. } And now on this day came the plff. by attorney and announced himself ready for trial, and moved the Court for Judgment final by default against the defendants who have been summoned. And thereupon said plff. dismisses as to the defendant Johnson. And because it appears to the Court that the defendants Compton and Freeman have been duly and legally cited, and have failed to answer within the time required by law, it is ordered, adjudged and decreed that the said Daniel C. Astome do have and recover of and from A. G. Compton and Thomas Freeman the sum of Two Hundred ~~Forty~~ Sixteen and 50/100 Dollars and all costs of suit, for which execution may issue, said sum being the principal debt and interest due on the note sued on ($216.50). And because it appears that the said Compton, on the 31st March 1857 executed his mortgage on the following described land to secure the payment of the note sued on, to wit: Twelve Hundred and Eighty acres of land in Victoria County, Texas, granted to C. Chapleau assignee of James Gray, purchased by said Compton at adminis-

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hatno sale on the 3d day of March 1857, It is therefore, Ardued, adjudged and decreed by the Court that Plffs. mortgage lien on said land be and the same is hereby foreclosed, and that an Alias order of sale issue to the Sheriff of Victoria County, Commanding him to seek said land in satisfaction of this Judgment, interest to Grow due, and costs, & the Overplus, if any, shall be paid to said Defendants. But if said land shall not bring a sufficient amount to pay this Judgment, then execution shall issue against said Defendants for the balance

1609 Wm G Lane & Co } Plffs.
D. I. Nichals } Defts.
} And now on this day came the parties by their attorneys and announced themselves ready for trial, and waiving a Jury, submitted the cause to the Court. And thereupon the same being heard, adjudged and decreed by the Court, that the Plffs. William G. Lane, Edward H. Lane, Kerr Boyce and Silas C. Lane, under their firm name of William G. Lane & Co., do have and recover of and from the defendant, Quilla I. Nichals, do have and recover of and from the the sum of Three Hundred, Thirty-Eight 32/100 Dollars, with ten per centum per annum interest thereon until paid, and all costs of suit, for which execution may issue.

1616 Silas Parsons } Plff.
vs
D. I. Nichals } Deft.
} Ordered that this cause be cont'd at the instance of Defendant, Plffs Counsel being absent.

1588 John M Lusher and James H. Raymond } Plaintiffs.
vs
Quilla I Nichals & Abner H. Cook } Defendants.
And now on this day come the parties by their attorneys and the plaintiffs agreed of record, that the draft of Fifteen Hundred and Fifty Dollars described in the petition of plaintiffs had been settled with the said James H. Raymond, whereupon the Plffs elect to discontinue as to the said James H. Raymond, and pray Judgment for said John M. Lusher alone; and thereupon the Court overruled the exceptions to the plaintiffs petition. The defendants say that they have no further defence against the balance of said action. And by the notes it appears that the balance due by Quilla I. Nichols to John Lusher the plaintiff, is as follows:

1856 June 11 Note of D. I. Nichols, James M. & John M. Lusher,
One at 12 months $4.500.00.

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" " " Credit by the draft in favor of James H. Raymond assumed by A. H. Cook, and by him sealed or to be sealed with Raymond, and for which Michals has accounted to Cook — $1550.00

1858. Dec. 15. Int. to Judgment 11 mos. 24 days — $2.950.00
356.70
$3.306.70

1856
June 11. Note due one day — $249.83
Oct 7 Int. 3 months days — 6.60
$256.43
By payment endorsed — 32.48
" 1858 Dec 15. Int. 2 years 6 mos. and 8 days — $198.95
40.00
$238.95 — 238.95
$3.545.65

Therefore, It is considered by the Court here, that the said John M. Swisher recover of the said Orilla J. Michals the said sum of Three Thousand Five Hundred and Forty-five Dollars together with all his costs in and about the suit laid out and expended & further appearing here, that the notes sued on were executed and delivered to the said John M Swisher, in consideration of the property in the plaintiffs' petition described, upon which property the plaintiff retained the Vendors lien; and the said Cook admitting that he bought with a Knowledge of said Vendors lien, It is, therefore, considered, ordered, adjudged and decreed by the Court here, that the equity of redemption in said property be foreclosed against said defendants; and unless they shall, within three months, hereafter, pay said sum of money into Court, then the Clerk will issue his execution to the Sheriff of Bastrop county requiring him, on a legal day by him to be advertised, to sell said property, which is described as follows, viz: the land upon which there is a Saw mill, in Bastrop County, "Beginning at the John Sillons North East corner; Thence No. 65° W. 800 varas, thence N. 220 varas, thence N. 67° W. 300 varas - thence N. 68° W. 1900 varas, thence N. 82° W. 580 varas, thence N. 25° W. 140 varas, to John Caldwells Southeast corner, thence with said Caldwells, viz: S. 30° W. 680 varas to a stake from which is a Post Oak bearing N. 75° E. 9 varas, and one N. 9° E 9 varas, thence W. 48° E. with John Sillons line 9.400 varas to the beginning, containing one-third of a League of land, more or less."

It is further considered, ordered, adjudged and decreed by the Court here, that should the said sale fail to satisfy said Judgment, then execution shall issue against the said defendant, Orilla J. Michals, for the balance which shall remain due upon said Judgment.

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1619 — H. Crockeron & Co. } Plffs
v
R. Runner } Deft.
And now on this day came the Plffs by attorney, and on motion, It is ordered by the Court that this cause be dismissed from the docket, and that said Plaintiffs H. Crockeron and L. C. Cunningham, pay all costs of this suit, for which execution may issue

1625 — James L. Nichols } Plffs
et
C. Lockwood etals } Defts
Leave to defendants to amend answer

1625 — James L. Nichols } Plffs
et
C. Lockwood, etals. } Defts
Continued on defts. affidavit.

1629 — W. M. Shepherd } Plffs
v
H. Raymond etal } Defts.
And now comes the Plff by his attorney and moves the Court to dismiss this cause at Plffs. cost. Whereupon, It is ordered that said cause be Dismissed, and that the Plff. Shepherd, pay all costs, for which execution may issue.

1644 — William Ingate } Plff
et
J. I. Johnson & } Defts
William Martin
And now on this day came the parties to this cause by their attorneys and announced themselves ready for trial. And thereupon came a Jury of twelve good and lawful men of Travis county, to wit: A. O Horne, Foreman, and eleven others, who were tried, elected, empannelled and sworn according to law. And said Jury having heard the testimony and the charge of the Court, retired, and brought into Court the following verdict, to wit: "We, the Jury, find for the plaintiff Two Hundred and Twenty Dollars and 71/100 - A. O. Horne, Foreman." Whereupon, It is ordered, adjudged and decreed by the Court, that the plaintiff, William Ingate, do have and recover off and from the defendants, J. I. Johnson and William Martin, said sum of Two Hundred and Twenty Dollars and seventy-one cents, and all costs of suit, for which execution may issue.

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1668 — The State of Texas et al Pet'rs vs Hoar et al Defts. } Reff. } It is ordered that the Sheriff have leave to amend the returns of service on the Sci. fas. issued in this case.

1725 — R. H. Mathews et al Reff. vs J. M. White, Comd et al Defts. } And now comes the clerk, and on his motion, It is ordered by the Court that the Defts enter into bond and security for the costs of this suit, on or before the first day of the next Term, Defts. Counsel being present and notified of said motion. Ordered, further, that the case be continued under the rule, and that the defendants have leave to withdraw the demurrer and motion to dismiss heretofore filed in said cause

And thereupon It is ordered that a Special Venire issue for Thirty-six persons to be in attendance on next Thursday morning at 9 o'clock to try the case of the State of Texas vs Hugh Timmin, on a charge of murder

1521 — The State of Texas vs A B Pulson et al } Reff Defts } And now at this Term came the District attorney and dismisses this suit as to the defendant John Pulson. Whereupon, It is Ordered that said Pulson go hence without day, And the parties announced themselves ready for trial, the exceptions of defendants having been argued by counsel and overruled by the Court. And thereupon came a Jury of twelve good and lawful men of Travis county, to wit: Horatio Grooms, Foreman and eleven others, who were tried, elected, empannelled and sworn according to law. And the Jury having heard the evidence introduced by the parties and the charge of the Court retired and brought into Court the following verdict, to wit: "We, the Jury, find for the State against Andrew B. Pulson two Hundred 85/100 dollars. Horatio Grooms, Foreman." Whereupon It is ordered, adjudged and decreed by the Court that the State of Texas do have and recover of and from the defendant A B. Pulson said sum of Two Hundred 85/100 Dollars and costs of suit, for which execution may issue

1433 — Alfred J. James vs Thomas C. Calhoun et al Defts } Reff } And now on this day came the Pff by attorney, and announced himself ready for trial, and moved the Court to render Judgment final, by default against the defendant. And because it appears to the Court that said defendant has been legally cited, and has failed to answer the suit within the time prescribed by law, It is therefore, ordered, adjudged

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and decreed by the Court that said Alfred J. James do have and recover off and from the defendant, Thomas C. Gallin the sum of One Hundred, Sixty-Two 52/100 Dollars balance of principal debt and interest due on the note sued on to date, with ten per centum per annum interest thereon until paid, and all costs of suit, for which execution may issue.

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

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Court convened at 9 o'clock pursuant to adjournment— Hon. A. W. Terrell, 2d Dist. Judge Presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

1645 Wm. T. Norton } Reff. } And now on this day came the
v. } parties in this case by attorney,
J. W. Brown, Admr. } Defd. } and having announced themselves
ready for trial, there came a Jury of twelve good and lawful men of Travis County, to wit: Horatio Grooms, Foreman, and eleven others, who were tried, elected, empannelled and sworn according to law. And said Jury having heard the testimony introduced by the parties, the argument of counsel, and the charge of the Court, and retired for deliberation, whereupon said Jury returned into Court and presented the following verdict, to wit: "We, the Jury, find for the plaintiff the sum of One Hundred and Seventy-Two 25/100 Dollars. "Horatio Grooms, foreman." Wherefore, It is ordered adjudged and decreed by the Court, that the Reff. W. T. Norton, do have and recover off and from the estate of William T. Davis, deceased, (John W. Brown, Admr.) said sum of One Hundred Seventy-Two 25/100 Dollars, together with all costs of this suit. And it is hereby ordered, that the Judgment in this case, aforesaid, may be certified to the Probate Court of Travis County as a just, liquidated and established demand against the estate of said William T. Davis, deed to be paid in due course of administration.

1646 L. D. Carrington & Co. (Grace) } Reffs. } And now on this day appeared
v. } the parties to this case by
Jane M. George } Defd. } their attorneys, and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County, to wit, A. O. Horne, foreman, and eleven others, who were tried, elected, empannelled and sworn according to law. And the

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Jury having heard the evidence and the charge of the Court, retired for deliberation and returned into Court the following verdict, to wit: "We, the Jury find for the plaintiff the sum of Six Hundred and Twenty-four 20/100 Dollars. A. C. Horne, Foreman" Whereupon, It is Ordered, adjudged and decreed by the Court, that the plaintiffs, L. D. Carrington and David Clark, under their firm name of L. D. Carrington & Co., for the use of Starr, Son & Co, do have and recover of and from the defendant, Jane M. George, said sum of Six Hundred, Twenty-four and 20/100 dollars, with ten per cent thereon per annum interest thereon until paid, and all costs of suit, for which execution may issue.

1648 John A. Conner vs Frazier & Blackwell } Pltff / Defts } And now on this day came the parties to this cause by their attorneys, and announced that they agreed that this cause should be dismissed at Pltffs Cost. Whereupon, It is ordered, that this cause be dismissed, and that the said Conner pay all costs herein, for which execution may issue

1507 G. G. Steele vs P. A. Monroe W. H. D. Carrington } Pltff / Defts } It is adjudged by the Court that a notice be served upon W. H. D. Carrington, Esq., instanter, summoning him to appear and show cause why he should not be fined for withholding the papers in this case from the Court.

1507 G. G. Steele vs P. A. Monroe W. H. D. Carrington } Pltff / Defts / Gar } Continued

1618 Arnold, Nusbaum & Co vs Catherine Lockwood, Frank L. Etheridge & L. Nichols et als } Pltffs. / Defts. } In this case appeared the plaintiffs and defendants, by their attorneys, and the plaintiffs dismiss this suit as to the defendants John W. Brown and Robert Miller, and the firm of Brown Miller & Co. It is, Therefore, Ordered, adjudged and decreed by the Court, that the plaintiffs take nothing by their suit as against the defendants John W. Brown and Robert Miller and that said Brown and Miller go hence without day; that the said John W. Brown and Robert Miller do have and recover of and from the plaintiffs, Simon W. Arnold, Ernst Nusbaum and Edward Nudling jr, under the firm name and style of Arnold, Nusbaum & Nudlinger, all the costs of this suit that have been incurred for or on account of the defendants Brown & Miller for which execution may issue. And Thereupon the Defendants,

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Catherine Lockwood, and her husband Sylvester Lockwood, submitted to the Court their general and special exceptions to the plaintiffs Original and amended petitions, and the same having been fully considered, It is Ordered, adjudged and decreed by the Court, that said exceptions be and the same are hereby sustained. It is further Ordered, adjudged and decreed by the Court, that the cause be dismissed as against the defendants Sylvester Lockwood and Catherine Lockwood, and that they go hence without day. It is further Ordered, adjudged and decreed by the Court, that the defendants, Sylvester Lockwood and Catherine Lockwood do have and recover of and from the plaintiffs, Simon W. Arnold, Ernst Nusbaum and Edward Nidlingen, under the firm name and style of Arnold Nusbaum and Nidlingen, all the costs of this suit that have accrued for or on account of the said Catharine and Sylvester Lockwood being made parties to this suit, for which execution may issue- to all of which the plaintiffs excepted.

And thereupon the plaintiffs announced themselves ready for trial. It appearing to the satisfaction of the Court that the defendants, Frank T. L. Estrange and J. L. Nichols have been legally served- that they have failed to appear and file their answer within the time prescribed by law- but wholly made default, and it further appearing to the satisfaction of the Court that this suit is brought upon a liquidated demand, It is, therefore, ordered adjudged and decreed by the Court, that the plaintiffs, Simon W. Arnold, Ernst Nusbaum and Edward Nidlingen, under the firm name and style of Arnold, Nusbaum and Nidlingen, do have and recover of and from the said Frank T. L Estrange and J. L. Nichols the sum of Two Hundred and five 12/100 Dollars, for their principal debt and interest up to this date, with ten per cent interest thereon until paid, together with all costs, for which execution may issue.

1649 J. H. Conner, Plff. / Hancock & Blackwell, Defts. } And now on this day appeared the parties by attorney, and announced that they are ready for trial, whereupon it appearing to the Court that this cause may be dismissed at Plff's cost. And thereupon, It is ordered by the Court that this cause be dismissed from the docket and that the said plaintiff, John H. Conner, pay all costs of this suit, for which execution may issue.

Fall Term, Friday December 17, 1858.

1399 — D. C. & G. R. Freeman as Payne & Norman vs Thomas Freeman — Reffs. / Defts Gar. — The Garnishee in this case having answered that he is not indebted to the defendants, and that he knows of no person who is indebted to said defendants, and of no person who have effects of said defendants in their hands, It is therefore Ordered by the Court, that said Garnishee be discharged, and gohence, and recover off and from the plaintiffs, D. C. Freeman and G. R. Freeman, all costs of said Garnishment, for which execution may issue.

1651 — Wm. S. Pierson vs S. G. Haynie, et al. — Reff. / Defts. — And now on this day came the plaintiff by attorney, and moved the Court for Judgment final by default against the defendants in this case, except S. G. Haynie, who has not been served. And this suit is dismissed as to the said Haynie by said Reff. And it is therefore Ordered that said Haynie gohence with his costs. And because the defendants herein have accepted service of plaintiffs petition and have waived service of process. It is therefore ordered, adjudged and decreed by the Court, that said plaintiff, William S. Pierson, do have and recover off and from the defendants, Francis T. Daffan, P. P. Cochran, Robt. M. Clayton, Jos. H. Raymond, Geo. J. Durham, W. S. Oldham, H. McClure, John Desmond, F. Dietrich, E. M. Swenson, Robert Crenshaw and Jno. M. Swisher, the sum of Two Hundred Thirty Seven 45/100 Dollars, balance of principal debt and interest due on the obligation sued on to date, together with all costs of this suit, for which execution may issue.

1653 — George W. Glascock vs James Doyle — Reff. / Defts. — And now on this day came these parties by their attorneys and announced themselves ready for trial. And thereupon came a Jury of Twelve good and lawful men of Travis County, To wit: Horatio Grooms, Foreman, and eleven others, who were tried, elected, empannelled and sworn according to law. And the Jury having heard the testimony introduced by the parties, the argument of counsel, and the charge of the Court, retired for deliberation, and returned into Court the following Verdict, To wit: "We, the Jury, find for Reff. the sum of Thirty Dollars. Horatio Grooms, Foreman." Whereupon, It is adjudged and decreed by the Court that the said George W. Glascock do have and recover off and from the defendant, James Doyle, and the securities on his Certiorari bond, To wit: James Veale and Abner Matthews,

said sum of Thirty Dollars, together with all costs of suit in this Court and the Magistrate's Court, for which execution may issue. And it appearing that the Judgment of this Court is for the same amount as the Judgment of the Constable, It is Ordered that said Jeff Glasscock recover off and from said defendant, and the securities aforesaid, ten per centum damages on the amount of the Verdict and Judgment in this Court, for which execution may issue.

1656 — Frank P. L'Estrange v. Lockwood & wife — Plff & Defts. — And now on this day came the parties to this cause by their attorneys, and thereupon the plaintiff's counsel submitted to the Court his motion heretofore filed to dismiss the certiorari. And after argument of counsel thereon, It is ordered, adjudged and decreed by the Court, that the said motion be sustained, and that said Catherine Lockwood, Sylvester Lockwood, and the securities on their certiorari bond to wit. James Carter, L. D. Hill, William Wood and J. J. Manor pay and satisfy further that the Court below be decided to issue execution on the Judgment aforesaid, for which execution may issue. And thereupon said defendants give notice, in open Court, of an appeal to the Supreme Court of the State of Texas,

1661 — L. M. Jameson v. P. H. Bell & Deft. — Plff. — 2hr — Continued to perfect service

1666 — Knight, Martin & Wells v. George W. White & Deft. — Plffs. — And now on this day came the plaintiffs by their attorneys and moved the Court that the writ of inquiry heretofore awarded be executed. And thereupon came a Jury of twelve good and lawful men of Travis County, to wit: A. O. Horne, Foreman, and eleven others who were tried, elected, empannelled and sworn according to law. And the Jury having heard the testimony introduced by the plaintiffs, and being charged by the Court, retired for deliberation, and returned into Court the following verdict, to wit: "We, the Jury, find for the plaintiff the sum of Two Hundred and Sixty Dollars. A. O. Horne, Foreman." Whereupon, It is ordered, adjudged and decreed by the Court that the said plaintiffs, William C. Knight, James Martin and I. T. Wells, under their firm name of Knight, Martin & Wells, do have and recover off and from

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the said Geoge W. White said sum of Two Hundred and Sixty Dollars, and all costs of suit, for which execution may issue.

1652	Louis Horst v. D. F. Waddle	Reffs. & Deft.	Ordered, that this cause be continued, Plaintiffs counsel being absent.
1669	A. Grooms, et al. v. B. F. Carter, et al.	Reffs. & Defts.	Some of the defendants in this case having been cited by publication, It is ordered that the same be cont'd to perfect service.
1670	A. C. Dunn v. P. B. Hollingsworth	Reff & Deft	On motion of the Clerk it is ordered that said plaintiff enter into bond and security for the costs of this suit Term, and that the case be continued under the rule
1670	A. C. Dunn v. P. B. Hollingsworth	Reff. & Deft.	Ordered that the plaintiff herein have leave to amend his petition
1294	W. R. Baker v. T. S. Roy, et al's Thomas Green W. S. Hatchkiss	Reff & Defts & G. Ds.	And now on this day came the Reff and the garnishees Green and Hatchkiss by Att'ney, and it appearing from the answers of said garnishees that the said William S. Hatchkiss is indebted to the defendant Roy in the sum of Sixty-Five 36/100 Dollars, and that said Thomas Green is indebted to said Roy in the sum of Fifty-seven Dollars, It is therefore ordered by the Court that said Baker recover offand from said Hatchkiss said sum of Sixty-Five 36/100 Dollars and from said Green said sum of fifty-seven Dollars, for all which execution may issue, Ordered, further, that said amounts shall be credited, when collected, on the Judgment heretofore rendered in this cause against said Roy and others, defendants - Ordered, that said W.R. Baker pay the costs of the Garnishment aforesaid, for which execution may issue
1673	Charles Wacker v. R. D. Rutherford	Reff & Deft	Continued

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1190 — Peter O'Sweeney v. D.M. Alexander, W.M. Borth — Plffs. / Defts. — Continued generally

1355 — Moore & Owings v. James Alexander, W.M. Borth — Plffs. / Defts. — Continued generally

1674 — John M. Gould & Co v. Horst & Fellman — Plffs. / Defts. — And now on this day appeared the parties to this cause by their attorneys and announced themselves ready for trial, and waiving a Jury, the parties agree to submit the cause to the Court. Whereupon, it appearing that the cause of action is liquidated, it is ordered, adjudged and decreed by the Court that the plaintiffs, John M. Gould, Henry R. Gould and Samuel Gould, under their firm name of John M. Gould & Co, do have and recover of and from the defendants, Louis Horst and Leopold Fellman, the sum of Three Hundred, Thirty-Seven 27/100 Dollars principal debt and interest due on the note sued on to date, and all costs of this suit, for which execution may issue.

1676 — Joshua Patterson v. John Hendrickson — Plff. / Deft. — And now on this day came these parties by their attorneys, and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis county, to wit: A. O. Horne Foreman, and eleven others, who were tried, elected, empannelled and sworn according to law. And the Jury having heard the testimony and the charge of the Court, retired for deliberation and returned into Court the following verdict, to wit: "We, the Jury, find for the plaintiff the sum of Three "Hundred and Twenty-Eight 39/100 Dollars. A. O. Horne, "Foreman." Whereupon, it is ordered adjudged and decreed by the Court, that the plaintiff, Joshua Patterson do have and recover of and from the defendant, John Hendrickson, the sum of Three Hundred and Twenty-Eight 39/100 Dollars, with ten per centum per annum interest thereon until paid, together with all costs of this suit, for which execution may issue.

1680 — Peter O'Sweeney v. Alexander & Borth — Plff. / Defts. Gar. & Debt. Han — Continued generally

Hall Term, Saturday December 18. 1858

1681 Gillespie & Hall vs Hardeman & Hamilton } Defts } Continued generally at instance of defendants counsel, plaintiffs counsel being absent

And thereupon Court adjourned till to-morrow morning 9 oclock

Saturday, December 18. 1858.

Court convened at 9 oclock A M pursuant to adjournment. Hon. A.W. Penell, 2d District Judge, presiding. Whereupon, the following proceedings were had by said Court as follows, To wit;

1645 W. T. Norton, J. & W. Brown Admr. } Plaintiff & Defendant } And now at this day appeared these parties by attorney, and the defendants Admr submitted his motion heretofore filed for a new trial in this case And thereupon this Cause by the Court that said motion be overruled

F. B Reim Ex Parte

And now on this day appeared in open Court F. B. Reim and presented his petition praying to be admitted a citizen of the United States: And it appearing that the said Reim filed his Declaration to become a citizen, under oath in the County Court of Bastrop County, on the 29th day of October, 1856, as appears from a duly certified copy of said Declaration filed with said petition, and the Court being satisfied from the oaths of D. W. Dignon and Bern Stirling, that the said Reim has resided for five years last past in the United States, and in this State for one year or more, and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; and the said Reim having taken the oath in open Court, that he will support the Constitution of the United States, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatever, and particularly to Frederick Wilhelm Kurhijen, of Kurhijen, of whom he was heretofore a subject; and that he will bear true allegiance to the Government of the United States of America, It is therefore, Ordered, adjudged and decreed by the Court that the said F. B. Reim be, and he is hereby admitted a citizen of these United States, and that the Clerk of this Court issue to him a certificate accordingly.

Fall Term, Saturday, December 18, 1858

1034 — The State of Texas / v / A. Pestana et al — Reff / Defts — And now come the defts. by atty and submit their mation to quash the Bail Bond taken in this case since the last Term. and Thereupon It is ordered by the Court that said mation be sustained. Whereupon the District Attorney gave notice, in open court, of an appeal to the Supreme Court

1035 — The State of Texas / v / A. Pestana et al — Reff / Defts — And now on this day came there parties in these two causes by attorney, and the mation of defendants to quash the Bail Bonds taken in said two causes coming on to be heard, overruled by the Court, and sustained. Whereupon the District Attorney gives notice, in open court, of an appeal to the Supreme Court. and the parties in said two causes shall abide the decision of the Supreme Court in Cause No. 1034.

1036 — The State of Texas / v / A. Pestana et al — Reff / Defts

1288 — Thomas Blair / v / Sidon H. Harris — Plaintiff / Defendant — And now on this day appeared the parties to this cause by attorney and the defendant submitted his mation heretofore filed to quash the attachment and levy heretofore issued in this case. And Thereupon It is ordered by the Court that said mation be sustained, and the attachment quashed

864 — J. & J. Robb / v / Jos. Newsham — Reffs. / Defts. — And now on this day came the parties to this cause by their attorneys and the defendants Counsel submitted to the Court his mation heretofore filed for a new trial. And Thereupon It is ordered by the Court that said mation be refused, and the defendant thereupon gave notice, in open court, of an appeal to the Supreme Court.

1286 — A. G. Compton / v / William Stage & Co — Reff / Defts. — And now at this day came these parties by attorney and said peff submitted his mation heretofore filed for a new trial. Whereupon, It is ordered by the Court that said mation be overruled, and the said peff gives notice, in open Court, of an appeal to the Supreme Court.

Fall Term, Saturday, December 18, 1858

1653 — Geo. W. Glascock & James Doyle } Plff & Deft } It is ordered by the Court that the defendant's motion heretofore filed for a new trial in this case be and the same is hereby overruled

1646 — L. D. Learington & Co & Jane Mc. George } Plffs & Deft } It is ordered by the Court that the motion of defendant for a new trial in this case be, and the same is hereby overruled. Whereupon said defendant gives notice, in open Court, of an appeal to the Supreme Court.

1483 — A. J. Davis v. Edward Clark } Plff. & Deft } and now comes defendant's counsel, and submits to the Court his motion to dismiss to dismiss this cause from the docket for the reasons set out therein. And thereupon, It is ordered that said motion be refused

1618 — Arnold, Rostenn & Co v. S. Lockwood, et. als. } Plffs. & Defts. } And now comes Plffs. counsel and submits the motion for a new trial in this case, and the same being duly considered, It is ordered that the said motion be refused

1588 — Emisher & Raymond v. Cook & Nichols } Plffs & Defts } It is ordered by the Court that the motion filed by the defendants in this case for a new trial be, and the same is hereby overruled.

1747 — A. B. Burleson v. John Burleson, et als. } Plff. & Defts. } On motion It is ordered by the Court, that James Smith be appointed Guardian ad litem to represent the interest of the minor John T. Burleson, and that John T. Allen, Esq., be appointed Guardian ad litem to represent the interest of the minor Rebecca Burleson, in this suit.

1680 — Peters & Sweeny v. Alexander & Booth } Plffs. & Defts } Continued generally

And thereupon Court adjourned until next Monday, the 20th instant, at 2 o'clock P.M.

Hall Term, Monday, December 20, 1858.

Monday, December 20, 1858.

Court convened at 9 o'clock pursuant to adjournment, Hon. A.W. Terrell, 2d District Judge, Presiding. Whereupon the following proceedings were had by said Court, as follows, to wit.

↓ 111	The State of Texas vs Andrew Jackson	Deft Deft	Continued for service and alias capias to Travis County
↓ 132	The State of Texas vs Blake Thompson	Deft Deft	Continued for service and alias capias ordered to Travis county
↓ 143	The State of Texas vs M. Needham	Deft Deft	Continued for service and alias capias ordered to Travis County
↓ 142	The State of Texas vs. E. G. Brailsford	Deft Deft	Continued for service and alias capias to Travis county.
↓ 146	The State of Texas vs. E. G. Brailsford.	Deft Deft	Continued for service and alias capias to Travis county.
↓ 152 / 1	The State of Texas vs E. G. Brailsford	Deft Deft	Continued for service and alias capias ordered to Travis
↓ 153	The State of Texas vs D. K. Thompson	Deft Deft	Continued for service and alias capias ordered to Travis County.
↓ 399	The State of Texas vs Thomas J. Moore	Deft Deft	Prosecution dismissed by the District Attorney in this case
↓ 441	The State of Texas vs G. W. McCoy	Deft Deft	Continued, and alias capias awarded
↓ 468	The State of Texas vs Joseph Hodges	Deft Deft	Continued, and alias capias awarded
↓ 477	The State of Texas vs D. M. Morris	Deft Deft	Continued, and alias capias awarded
↓ 490	The State of Texas vs Joseph Lee	Deft Deft	And now on this day came the Deft and Deft by Atty. and announced themselves ready for trial, and thereupon came a Jury who were duly elected, empannelled & sworn according to Law. and the Jury hearing the testimony and the charge of the Court, rendered the following verdict, to wit. "We, the Jury, find the defendant not guilty. W. O. Byrne Foreman"

Fall Term, Monday, December 20th 1858

Whereupon It is ordered that said Lee go hence fully acquitted and discharged.

✓ 508	The State of Texas vs Robt C Clements	Defts	Case dismissed by the District Attorney
✓ 568	The State of Texas vs Gray Clements	Defts	Case dismissed by the District Attorney
✓ 569	The State of Texas vs Gray Clements	Defts	Continued for service and capias ordered to Bexar county
✓ 596	The State of Texas vs Inman R. Beck	Defts	Continued for service and capias awarded
✓ 601	The State of Texas vs Thurell J. Lewis	Defts	Continued for service and capias awarded to McLennan Co
✓ 613	The State of Texas vs Wm Stalman	Defts	Case dismissed by the District Attorney
✓ 625	The State of Texas vs Wm A Bates	Defts	Continued for service, and capias awarded
✓ 632	The State of Texas vs Wm A Bates	Defts	Continued for service and capias awarded
✓ 634	The State of Texas vs Owen & Jones	Defts	Continued for service and capias awarded to Medina Co
✓ 637	The State of Texas vs Ned Roberts et al	Defts	Capias to Travis Co. for Roberts, to Bastrop Co. for Owen and to Hampsons Co for Warren
✓ 639	The State of Texas vs John Christian et al	Defts	Case dismissed by Dist Attorney
✓ 648	The State of Texas vs James Garner et al	Defts.	Case dismissed by the District Attorney.
✓ 651	The State of Texas vs Alijo Allegon	Defts	Cont'd for service and capias awarded
✓ 660	The State of Texas vs C A Hopkins	Defts	Case dismissed by Dist Attorney.

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↓ 663	The State of Texas vs Bob Turner	Deft / Deft	Continued for service and capias awarded to Travis county
↓ 683	The State of Texas vs William Wyatt	Deft / Deft	Case dismissed by Dist. Attorney.
↓ 685	The State of Texas vs Antine Robyin	Deft / Deft	Case dismissed by Dist Attorney
↓ 696	The State of Texas vs R C White	Deft / Deft	Continued and capias awarded
↓ 697	The State of Texas vs Peak & Pennell	Deft / Deft	Continued for service
↓ 705	The State of Texas vs Alfred Bayles	Deft / Deft	Case dismissed by Dist. Attorney.
↓ 724	The State of Texas vs Longley & Carinef	Deft / Deft	Case dismissed by Dist. Attorney.
↓ 731	The State of Texas vs Wilson	Deft / Deft	Case dismissed by Dist. Attorney
↓ 732	The State of Texas vs Wilson	Deft / Deft	Case dismissed by Dist. Attorney.
↓ 749	The State of Texas vs Wm Boyett	Deft / Deft	Case dismissed by Dis. Attorney
↓ 774	The State of Texas vs John S. Bird	Deft / Deft	Case dismissed by Dist. Attorney
↓ 780	The State of Texas vs John R. Stone	Deft / Deft	Continued and capias award to Harker county
↓ 846	The State of Texas vs Smith	Deft / Deft	Cont'd for service and capias awarded
↓ 854	The State of Texas vs I. O. W. Coak	Deft / Deft.	And now on this day come the parties to this cause by their attorneys, and the Defendant being in proper person and announced themselves ready for

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had. whereupon came a Jury of lawful good and lawful men of Travis County, To wit: Jas H. Raymond, Foreman, and eleven others, whose names to the, elected, empannelled and sworn according to law. And the Jury having heard the plea of not guilty, the evidence, argument of counsel, and the charge of the Court, retired, and brought into Court the following verdict, To wit: "We, the Jury, find the defendant guilty of an assault, and assess the fine at five dollars. Jas H. Raymond, Foreman." Whereupon, It is ordered by the Court that the State of Texas, recover of and from said defendant J.S.H. Cox, said sum of Five Dollars and all costs of this prosecution and that he remain in the custody of the Sheriff until the same are paid.

↓ 858	The State of Texas vs G. Benjamin	Deft	Continued and alias capias awarded
↓ 862	The State of Texas vs Samuel Duncan	Deft	Continued for service
↓ 864	The State of Texas vs Bicton	Deft	Case dismissed by the Dis. Attorney
↓ 866	The State of Texas vs Martinez Lopez	Deft	Alias capias awarded to Bexar Co
↓ 877	The State of Texas vs John S. Reed	Deft	Continued generally
↓ 878	The State of Texas vs Samuel Duncan	Deft	Continued for service
↓ 879	The State of Texas vs David Wells	Deft	Dismissed by the District Attorney
↓ 884	The State of Texas vs Reed & Ladd	Defts	Continued generally
↓ 892	The State of Texas vs Bicton	Deft	Dismissed by the District Attorney
↓ 899	The State of Texas vs Alfred Evans	Deft	Alias generally for service.

Fall Term, Tuesday December 21st 1858.

900 The State of Texas } Appl
vs. } Cont'd to Webb county
J. C. Evans } Deft

909 The State of Texas } Appl
vs. } Continued generally
W B Philips } Deft

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

Tuesday December 21, 1858.

Court convened at 9 o'clock A. M. pursuant to adjournment. Hon. A. H. Revell 2d District Judge presiding. Whereupon the following proceedings were had by said Court, viz, to wit:

910 The State of Texas } Appl.
vs. } And now on this day came
John T. Gillen } Deft. } the parties to this cause by their attorneys, the defendant also appearing in proper person, and announced themselves ready for trial. And thereupon came a jury of twelve good and lawful men of Bexar county, to wit: James H. Raymond, Foreman, and eleven others, who were tried, elected, empannelled, and sworn according to law. And thereupon the defendant pleads not guilty to the charges contained in the indictment in this case. And thereupon, after the closing of the testimony by the State, the District Attorney moves the Court for leave to dismiss the prosecution (to which defendant excepted) and said motion is refused by the Court. And the jury aforesaid having heard the charge of the Court rendered the following verdict, to wit: "We, the jury in this case, find the defendant not guilty. Jas. H. Raymond Foreman." Whereupon it is adjudged by the Court, that said defendant, John T. Gillen, go hence without day, fully acquitted and discharged

1483 A. J. Davis } Appl.
vs. } And now at this Term came
Edward Clark } Deft } the parties by their attorneys and announced themselves ready for trial. And the demurrer of the defendant to plaintiffs petition being considered and overruled by the Court, thereupon came a jury of good and lawful men of Bexar County, to wit: Horatio Groome Foreman, and eleven others, who being elected, empannelled, tried and sworn, well and truly to try the issues

Fall Term, Thursday, December 21, 1858.

joined between the parties, and who having heard the evidence, the argument of counsel, and charge of the Court, retired to consider of their verdict and returned into Court the following verdict, to wit: "We, the Jury, find for the plaintiff the sum of One Hundred and twenty-five Dollars & cost. Hiram Brooms, Foreman" It is, therefore, considered by the Court, that the plaintiff A. J. Davis, do have and recover of the defendant, Edward Clarke, the sum of One Hundred and twenty-five dollars, damages ~~ope~~ specified by the Jury aforesaid, together with all cost in this behalf expended, for which execution may issue, &c

William Kasemann - Ex Parte

And now on this day appeared in open Court William Kasemann, a native of Prussia, and presented his petition praying to be admitted a Citizen of the United States. And it appearing to the Court that the said Kasemann filed his Declaration of Intention to become a citizen according to Law, in the District Court of Travis County, on the 17th day of Nov. 1855, and the Court being satisfied from the oaths of George Sanders and L. B. Moore, that they have known the applicant for more than five years within the State of Texas and that he has behaved as a man of good moral character attached to the principles of the Constitution of the United States; and said applicant having taken the Oath in open Court, prescribed by law. It is therefore ordered by the Court that the said William Kasemann be, and he is hereby admitted a Citizen of the United States of America and that the Clerk of this Court issue to him a certificate accordingly.

August Kemps - Ex parte -
Declaration of Intention to become a Citizen

State of Texas }
County of Travis } August Kemps being duly sworn according to law in the District Court of the County of Travis in and for the State of Texas, doth declare that he was born in the year 1832, in Prussia, whence he emigrated in the year 1854 to the United States of America, and has selected the State of Texas as the place of his intended settlement, and he further declares that it is bona fide his intention to become a

Fall Term Tuesday December 21. 1858.

Citizen of the United States and of the said State of Texas, and renounce forever all allegiance and fidelity to every foreign Potentate, Prince, State or Sovereignty whatsoever and particularly to the King of Prussia, Frederick Wilhelm, of whom he was late a subject-
Sworn to and Subscribed before me this 21st day of December A.D. 1858.
Frank Brown, Clk. D.C.T.C.
By O.H. Cullen Depty. Clk.

1868 The State of Texas } Plaintiff
vs
James Cale } Defendant
And now on this day appeared these parties by attorney, the defendant also coming in proper person, and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis county, to wit: Jno. M. Bowker, Foreman, and eleven others, who were tried, elected, empannelled and sworn according to law. And the Jury having heard the plea of guilty and being charged by the Court, rendered the following verdict, to wit: "We, the Jury, find the defendant guilty and assess the fine at ten Dollars. Jno. M. Bowker, Foreman." Whereupon it was ordered by the Court that the State of Texas recover off and from the defendant, James Cale, said sum of Ten Dollars and all costs of this prosecution and that said defendant remain in the custody of the Sheriff until said fine and costs are paid.

1869 The State of Texas } Plaintiff
vs
James Cale } Defendant
And now on this day came these parties by attorney, the defendant also appearing in proper person, and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis county, to wit: Jno M. Bowker, Foreman, and eleven others who were tried, elected, empannelled and sworn according to law. And the Jury having heard the plea of guilty and the charge of the Court, rendered the following verdict, to wit: "We, the Jury, find the defendant guilty, and do assess the fine at ten dollars. Jno M. Bowker, Foreman." Whereupon, it is ordered by the Court that the State of Texas do have and recover of and from said James Cale said sum of Ten Dollars and all costs of this prosecution, and that he remain in the custody of the Sheriff until the same are paid.

Fall Term, Friday, December 21, 1838

1094 The State of Texas & A. H. Barnes } Deft & Deft } And now on this day came these parties by their attorneys and the Defendant also appearing in proper person, and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis county, to wit: Jno. M. Swisher Foreman, and eleven others, who were tried, elected empannelled and sworn according to law. And the Jury having heard the plea of guilty and the charge of the Court returned the following verdict, as follows, to wit: "We, the Jury, find the defendant guilty and assess the fine at ten dollars. Jno. M. Swisher, Foreman." Whereupon it is ordered by the Court that the State of Texas recover of and from the said A. H. Barnes said sum of Ten Dollars and all costs of this prosecution, and that he remain in custody of the Sheriff until said fine and costs are paid

1095 The State of Texas & A. H. Barnes } Plaintiff & Defendant } and now on this day came these parties by attorney- the Defendant also appearing in proper person, and announced themselves ready for trial- whereupon came a Jury of twelve good and lawful men of Travis county, to wit: John M. Swisher, foreman, and eleven others, who were tried, elected, empannelled, and sworn according to law. and the Jury having heard the plea of guilty and the charge of the Court, returned the following verdict, to wit: "We the Jury, find the defendant guilty, and assess the fine at ten dollars. Jno M. Swisher, Foreman." whereupon it is ordered by the Court that the State of Texas recover of and from said A. H. Barnes said sum of Ten dollars, and all costs of this prosecution, and that he remain in the custody of the Sheriff until the same are paid.

1094 The State of Texas & Geo. Hancock } Plaintiff & Defendant } and now on this day came these parties by their attorneys and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County, to wit: Jno. M. Swisher, Foreman, and eleven others, who were tried, elected, empannelled and sworn according to law. And the Jury having heard the plea of guilty and the charge of the Court, rendered the following verdict, to wit: "We, the Jury, find the defendant guilty, and assess the fine at "Ten dollars. Jno M. Swisher, Foreman." Whereupon it is ordered by the Court that the State of Texas do have and recover of and

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from the said George Hancock and one of Ten Dollars and all costs of this prosecution and that a Capias issue to enforce the collection of said fine and costs.

V. 1055 The State of Texas } Plaintiff } And now on this day came
vs } these parties by attorney, the
George Hancock } Defendant } defendant announced themselves ready for trial. Whereupon came a jury of 12 good and lawful men of Travis county, to wit: Jno. M. Swisher, Foreman, and eleven others, who were tried, elected empannelled and sworn according to law. And the jury having heard the defendants plea of guilty and being charged by the Court, rendered the following verdict, to wit: "We, the Jury find the defendant guilty, and assess the "fine at ten Dollars. Jno M. Swisher Foreman, "Whereupon, It is adjudged by the Court that the State of Texas do have and recover of and from the said George Hancock said sum of Ten Dollars and all costs of this prosecution, and that a capias issue to enforce the collection of said fine and costs.

V. 1056 The State of Texas } Plaintiff } And now on this day came
vs } these parties by attorney
A. J. Will } Defendant } announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis county, to wit: Jno M. Swisher, Foreman, and eleven others, who were tried, elected, empannelled and sworn according to law. And the jury having heard defendants plea of guilty, and being charged by the Court, returned the following verdict, to wit: "We, the Jury find the defendant guilty, and assess the fine at ten Dollars. Jno M. Swisher, Foreman." Whereupon It is adjudged by the Court that the said State of Texas recover of and from said A. J. Will the said sum of Ten Dollars, and all costs of this prosecution

V. 1057 The State of Texas } Plff. } And now on this day came the parties
vs } by attorney, and announced them-
A. J. Will } Defts. } selves ready for trial, whereupon came a jury of twelve good and lawful men of Travis county, to wit: Jno M. Swisher, Foreman, and eleven others, whom were tried elected, empannelled and sworn according to law and the jury having heard defendants plea of guilty, and being charged by the Court, returned into Court the following verdict, to wit:

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"We the Jury, find the defendant guilty, and assess the fine at ten dollars. Jno M Forshee, Foreman" Whereupon it is ordered by the Court that the State of Texas do have and recover of said A. J. Witt said sum of ten dollars, and all costs of this prosecution

911	The State of Texas vs D. H. Duncan	Deft	Continued For service and alias capias to Bowie county
912	The State of Texas vs D. H Duncan	Deft	continued and capias ordered to Bowie county
913	The State of Texas vs D H Duncan	Deft	Cont'd and capias to Bowie county
914	The State of Texas vs D. H Duncan	Deft	Cont'd and capias ordered to Bowie county
915	The State of Texas vs E O Warren	Deft	Capias ordered To Lampasas County
916	The State of Texas vs E O Warren	Deft	Capias ordered To Lampasas county
917	The State of Texas vs E O Warren	Deft	Capias ordered To Lampasas county
918	The State of Texas vs E O Warren	Deft	Capias ordered To Lampasas County
919	The State of Texas vs E O Warren	Deft	Capias ordered To Lampasas county
920	The State of Texas vs E. O. Warren	Deft	Continued and capias ordered To Lampasas county
921	The State of Texas vs E O Warren	Deft	Continued and capias ordered To Lampasas county
922	The State of Texas vs E O Warren	Deft	Continued and capias ordered To Lampasas County
929	The State of Texas vs Geo. E. Robertson	Deft	Dismissed by the District Attorney

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

Wednesday, Decr 22. 1858

Court convened at 9 o'clock pursuant to adjournment Hon A.H. Powell 2d Dist Judge Presiding. Whereupon the following proceedings were had by said Court, to-wit:

921	The State of Texas vs. Horan & Robertson	Defts	Continued generally
931	The State of Texas vs. Horan & Robertson	Defts	Continued generally
932	The State of Texas vs. Horan & Robertson	Defts	Continued generally
933	The State of Texas vs. Horan & Robertson	Defts	Continued generally
934	The State of Texas vs. Horan & Robertson	Defts	Continued generally
935	The State of Texas vs. John Horan	Deft	Continued generally
936	The State of Texas vs. John Horan	Deft	Continued generally
937	The State of Texas vs. John Horan	Deft	Continued generally
938	The State of Texas vs. John Horan	Deft	Continued generally
939	The State of Texas vs. John Horan	Deft	Continued generally
940	The State of Texas vs. John Horan	Deft	Continued generally
941	The State of Texas vs. John Horan	Deft	Continued Generally
942	The State vs. John Horan		Continued Generally

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955	The State of Texas vs D C Keffington	Deft / Deft	Continued, and Capias issued to Travis, Bastrop and Lampasas counties
979	The State of Texas vs J. M. Packard	Deft / Deft	Capias issued to Travis county
980	The State of Texas vs J. M. Packard	Deft / Deft	Capias issued to Travis county
981	The State of Texas vs J M Packard	Deft / Deft	Capias issued to Travis county
982	The State of Texas vs M G Gay	Deft / Deft	Capias issued to Travis county
983	The State of Texas vs M G Gay et als	Deft / Deft	Capias issued to Travis and Hays
984	The State of Texas vs M G Gay	Deft / Deft	Capias issued to Travis & Hays
987	The State of Texas vs J. M Cason et als	Deft / Defts	Capias issued to Travis Co
989	The State of Texas vs Geo Hancock	Deft / Deft	Dismissed by the Dist Attorney
993	The State of Texas vs J W Robertson	Deft / Deft	Continued
998	The State of Texas vs Wm Bennett	Deft / Deft	Capias to Bexar & Gonzales Co
999	The State of Texas vs Wm Bennett	Deft / Deft	Capias to Bexar & Gonzales Co
1000	The State of Texas vs A. Robinson	Deft / Deft	Capias issued to Travis county.
1001	The State of Texas vs John B Brooks	Deft / Deft	And now on this day came the parties and announced themselves ready for trial. And thereupon came a jury of lawful good and lawful men of Travis county, to wit: Jno. M. Walker, Foreman, and eleven others

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who were tried, elected, empannelled and sworn according to law. And the Jury having heard the evidence and the charge of the Court. ~~And the Jury~~ returned into Court the following verdict. To wit: "We the Jury find the defendant not guilty. Jno M Jarsher. Foreman." Whereupon it is ordered by the Court that said defendant go hence without day fully acquitted and discharged

1011 The State of Texas } Deft } Continued generally
vs
Jno. Anderson } Deft }

1014 The State of Texas } Deft } Continued for Service
vs
A Robinson } Deft } on motion of the District
1015 The State of Texas } Deft } Attorney It is ordered that the
vs
Carr & Pennin } Deft } bond of D. Pennin in this case
be quashed and alias capias issue for his arrest and
thereupon the Deft and the Deft Carr announced
themselves ready for trial, and the exceptions of said
defendant to the sufficiency of the Indictment in this cause
being submitted were overruled by the Court. Whereupon
came a Jury of 12 good and lawful men of Travis
county. To wit Jno M Jarsher, foreman, and eleven others
who were tried, elected, empannelled and sworn
according to law. And the Jury having heard the evidence
argument of counsel and charge of the Court, retired and
brought into Court the following verdict, to wit: "We, the Jury
find the defendant, Wm H. Carr, not guilty. Jno M. Jarsher,
Foreman." Whereupon it is ordered by the Court that said Deft.
Wm H. Carr, go hence without day, fully acquitted and
discharged

1044 The State of Texas } Deft } And now on this day came
vs
Thos J. Randolph } Deft. } the parties by their attorneys
the defendant also appearing
in proper person, and announced themselves ready for
trial. Whereupon came a Jury of twelve good lawful
men of Travis county, To wit Jas. H. Raymond Foreman
and eleven others, who were tried, elected, empannelled
and sworn according to law. And the Jury having heard
the evidence, argument of counsel, and the charge of
the Court, retired for deliberation, and returned into Court
the following verdict, To wit: "We, the Jury, find the defendant
guilty as charged and assess the fine at fifty dollars $50.00
Jas H. Raymond Foreman." Whereupon it is ordered by the

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Ord. That the State of Texas do have and recover of and from said Thomas J Randolph said sum of fifty dollars and all costs of this prosecution, and that he remain in the custody of the Sheriff until said fine and costs are paid.

1058	The State of Texas vs A. J. Will	Deft	Continued generally Dismissed by the District Attorney
1059	The State of Texas vs A J Will	Deft	Dismissed by the District Attorney
1060	The State of Texas vs A J Will	Deft	Dismissed by the District Attorney
1061	The State of Texas vs A J Will	Deft	Dismissed by the District Attorney
1070	The State of Texas vs James Cale	Deft	Dismissed by the District Attorney
1071	The State of Texas vs James Cale	Deft	Dismissed by the District Attorney
1072	The State of Texas vs James Cale	Deft	Dismissed by the District Attorney
1073	The State of Texas vs James Cale	Deft	Dismissed by the District Attorney
1076	The State of Texas vs A. H. Barnes	Deft	Dismissed by the District Attorney
1078	The State of Texas vs A H Barnes	Deft	Dismissed by the District Attorney
1079	The State of Texas vs Price & Barnes	Deft	Dismissed as to the Defendant Barnes
1080	The State of Texas vs Price & Barnes	Deft	Dismissed as to the Defendant Barnes
1081	The State of Texas vs Price & Barnes	Deft	Dismissed as to the Defendant Barnes

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1182	The State of Texas & Price & Barnes	Deft & Defts	Dismissed as to the defendant Barnes
1183	The State of Texas & Price & Barnes	Deft & Defts.	Dismissed as to the defendant Barnes
1184	The State of Texas & Price & Barnes	Deft & Defts	Dismissed as to the defendant Barnes
1185	The State of Texas & Price & Barnes	Deft & Defts	Dismissed as to the defendant Barnes
1186	The State of Texas & Price & Barnes	Deft & Defts	Dismissed as to the defendant Barnes
1096	The State of Texas & Geo Hancock	Deft & deft	Dismissed by the District Attorney
1097	The State of Texas & Geo Hancock	Deft & Deft	Dismissed by the District Attorney
1098	The State of Texas & Geo Hancock	Deft & Deft	Dismissed by the District Attorney
1099	The State of Texas & Hancock Cole & Dal.	Deft & Defts.	Dismissed as to Defendant Cole
872	The State of Texas & S. Lockwood	Deft & Deft	The parties in this cause came and announced themselves ready for trial. and a jury of good and lawful men having been empanneled sworn and tried, and having heard the testimony and the charge of the Court rendered the following verdict, To wit: "We the Jury find the defendant not guilty." Arthur M Smither Foreman." Whereupon, It is ordered by the Court that the said Lockwood go hence without day fully acquitted and discharged

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

Fall Term, Thursday, December 23, 1858.

Thursday December 23, 1858
Court Convened at 9 o'clock AM pursuant to adjournment. Present Hon A. Terrell Dist Judge presiding Whereupon the following proceedings were had by said Court as follows, to wit:

960 The State of Texas & Wm H. Carr } Deft } And now on this day appeared these parties by attorney - the defendant also appearing in his proper person and announced themselves ready for trial. Whereupon the defendant filed his application, under oath, for a continuance of this cause; and the same being duly considered is overruled, Whereupon came a Jury of twelve good and lawful men of Travis county, to wit: Jos H Raymond, Foreman, and seven others, who were tried, elected, empannelled and sworn according to law. And the Jury having heard the evidence introduced by the parties and argument of counsel and charge of the Court retired for deliberation, and returned into Court the following verdict, to wit. "We, the Jury in this case find the defendant guilty of an aggravated assault, and assess the penalty at One Hundred Dollars. Jos H Raymond Whereupon it is ordered, adjudged and decreed by the Court that the State of Texas do have and recover of and from the defendant William H. Carr said sum of One Hundred Dollars and all costs of this prosecution, and that he remain in the custody of the Sheriff until said fine and costs are paid.

1184 The State of Texas & Hugh Finnin } Deft } And now on this day appeared in open Court these parties by attorney - the Deft. also appearing in his proper person, and thereupon the defendant submitted his application, under oath, praying for a continuance, and the Court ordered upon consideration of said application that said cause be continued. Whereupon on motion it is ordered by the Court, that the appearance bond of the said Deft. be vacated, and the defendant ordered into custody until he enters into recognizance for his future appearance. Whereupon, in compliance with said Order, the said Finnin tendered to the Court S. G. Reed & Amos Morrill as his securities. And thereupon the said Hugh Finnin, as principal, and S. G. Reed and Amos Morrill, as his securities, acknowledged themselves, jointly and severally, justly to owe and be indebted unto The State of Texas, in the penal sum of Five Thousand Dollars, To be levied upon their respective Goods and Chattels,

Fall Term, Friday, December 24, 1858

Lands and Tenements, To be void, nevertheless, of the said Hugh Tunnin shall make his personal appearance at the next Term of the District Court of Travis County, to be held at the Courthouse thereof in the City of Austin, on the Ninth Monday after the first Monday in April, A. D. 1859 and from term to Term, and from day to day of said term, and each term thereafter, and not depart the Court without leave, to answer an Indictment preferred against him in this case at this, the Fall Term of the District Court of Travis County, 1858, by the Grand Jurors of Travis county, for the Murder of a negro girl slave named Milly

And thereupon Court adjourned until to-morrow afternoon, at 3 o'clock.

Friday, Dec. 24, 1858

Court convened at the appointed hour and adjourned until Monday morning 10 o'clock A.M. Dec 29th 1858

Monday Dec 27, 1858

Court convened at 10 o'clock pursuant to adjournment. Hon A W Terrell Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

1186 The State of Texas } Reff } And now on this day came into
vs } Court by Attorney, and the Reff
R H & B Mills } Defts } submitted a motion to quash the
finding of the Grand Jury to sign the Indictment heretofore returned into Court by said Grand Jury, which motion is opposed by the Court and the Indictment quashed. And thereupon the defendants submitted the motion to discharge the defendant upon a writ of Habeas Corpus heretofore sued out; and the Court, upon a hearing of the matter of said application, and the testimony of witnesses ordered that the defendants be discharged upon his entering into bond with security conditioned for his personal appearance at the next term of this Court to answer any indictment found against him upon the facts that may be presented—in default whereof the Clerk is ordered to issue a commitment until said bond is given. And the defendant giving bond, he is discharged

And thereupon Court adjourned until to-morrow (Tuesday) morning at 9 o'clock. Dec. 28. 1858

Fall Term, 1858. Monday, Janan 3d 1859.

Thursday Dec 23. 1858
Court convened and adjourned until Wednesday morning

Wednesday, Dec. 29. 1858
Court convened at 9 o clock, and adjourned until Monday morning, January 3d 1859, at 9 o clock

Monday, Janan 3d 1859.
Court convened at 9 o clock pursuant to adjournment. Present the Hon. A.W. Terrell, Dist. Judge. Whereupon the following proceedings were had by said Court as follows, to wit:

1034 The State of Texas vs Pestard & Pestard } Defts } Reff } Cont'd and capias ordered to Washington county

1035 The State of Texas vs Pestard & Pestard } Defts } Reff } Continued for service, and capias ordered to Washington county

1036 The State of Texas vs Pestard & Pestard } Defts } Reff } Continued and capias ordered to Washington county

1038 The State of Texas vs Wallace & Heffington } Defts } Reff } Continued by the State on account of the absence of the absent Jurors

1039 The State of Texas vs Wallace & Heffington } Defts } Reff } And now on this day came the ~~parties~~ Plff by attorney and Wallace by atty and announced themselves ready for trial of defendant being submitted and sworn, And the exceptions thereupon came a Jury of twelve good and lawful men of Travis County, to wit: J. H. Raymond Freeman, and eleven others, who were tried, elected, empannelled and sworn according to law And the Jury having heard the evidence and charge of the Court, retired and brought into Court the following verdict, to wit. "The Jury in this case find the defendant not guilty. J. H. Raymond Freeman." Whereupon, It is ordered by the Court that said defendant be discharged from the further consideration of this day fully acquitted and discharged

1040 The State of Texas vs Wallace & Heffington } Defts } Reff } And now on this day came the plaintiff by the District Attorney, and the defendant Wallace by attorney and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County, to wit. Jno. McGeehee, Freeman, and eleven others who were tried, elected, empannelled and sworn according to law. And the Jury having heard the evidence introduced by the parties and the charge of the Court retired for deliberation. and thereupon said Jury returned into Court the following verdict, to wit: "We the Jury,

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Jno Wallace guilty & assess the fine at Twenty-five Dollars. Jno M. Smither, Foreman. Whereupon, It is ordered by the Court that the State of Texas do have and recover of and from the defendant, William G. Wallace said sum of Twenty-five Dollars and all costs of this prosecution. And said defendant being in Court, It is ordered that the Sheriff hold him in custody until said fine and costs are paid.

1041 The State of Texas vs Wallace & Heffington } Deft } Continued and capias ordered to Travis county.

And Court adjourned until to morrow morning 9 o'clock

Tuesday, January 4th 1859.

Court convened at 9 o'clock A.M. pursuant to adjournment. Hon. A. W. Terrell, 3rd Distrct Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

1042 The State of Texas vs Wallace & Heffington } Deft } Capias ordered to Travis County and Continued

1043 The State of Texas vs Wallace & Heffington } Deft } and now on this day appeared the State by the District Attorney, and the defendant Wallace in person and also by attorney, and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis county, to wit: Jas H. Raymond, Foreman, and eleven others, who were duly elected, empannelled and sworn according to law, and said Jury having heard the testimony and the charge of the Court, retired and brought into Court the following verdict, to wit: "We, the Jury, in this case, find the defendant guilty, and assess the fine at ten dollars. Jas H. Raymond, Foreman." Whereupon, It is ordered by the Court that the State of Texas do have and recover of and from the defendant William Wallace, said sum of Ten dollars and all costs of this prosecution and that he remain in the custody of the Sheriff until said fine and costs are paid.

1055 The State of Texas vs David Mills } Deft } Continued for service.

1079 The State of Texas vs John T. Price } Deft } Dismissed

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1080	The State of Texas & Price & Barnes	Pff / Defts		Dismissed
1081	The State of Texas & Price & Barnes	Pff / Defts		Dismissed
1082	The State of Texas & Price & Barnes	Pff / Defts		Dismissed
1083	The State of Texas & Price & Barnes	Pff / Defts		Dismissed
1084	The State of Texas & Price & Barnes	Pff / Defts		Dismissed
1085	The State of Texas & Price & Barnes	Pff / Defts		Dismissed
1087	The State of Texas & Hardy Holman	Pff / Defts		Capias ordered to Travis & Smith counties
1099	The State of Texas & Hancock et als	Pff / Defts		Dismissed
1105	The State of Texas & R. Barr	Pff / Deft		on this day came these parties by their attorneys and announced themselves ready for trial, and a jury being sworn and empannelled, heard the testimony and charge of the court; and said jury having retired & ~~heard the evidence~~ returned in open court the following verdict: "We, the jury in this case find the defendant not guilty. Jas N. Raymond, Foreman." It is therefore ordered that said defendant go hence fully acquitted and discharged.
1106	The State of Texas & Robt Pace	Pff / Deft		And now on this day came these parties by their attorneys, and announced themselves ready for trial, and a jury being sworn elected and empannelled heard the testimony and charge of the court retired and brought into court the following verdict, to wit: "We, the jury, find the defendant not guilty. A. G. Weir, Foreman," Whereupon it is ordered that said defendant go hence fully acquitted and discharged
1107	The State of Texas & Robt Pace	Pff / Deft		and now on this day came these parties by their attorneys, and announced themselves ready for trial. and a jury being elected, tried and sworn according to law, heard the evidence and charge of the court,

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Whereupon said Jury returned into Court the following verdict, to wit. "We, the Jury, find the defendant not guilty. Jno Mc Fusher, Foreman." Whereupon, it is ordered by the Court that said defendant go hence fully acquitted and discharged

1122 The State of Texas vs Thos P Ochiltree } Plff / Deft } Capias ordered to Hamsin County, and cont'd

1123 The State of Texas vs Thos P. Ochiltree } Plff / Deft } Capias ordered to Hamsin County, and cont'd

1127 The State of Texas vs Jerry Robertson } Plff / Deft } And now on this day came the State by the District Attorney and the defendant in proper person, and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County, to wit: J. H. Raymond, Foreman, and eleven others, who were tried, elected, empannelled and sworn according to law. And the Jury having heard defendants plea of guilty and the charge of the Court, retired and brought into Court the following Verdict, to wit: "We, the Jury in this case, find the defendant guilty and apes the fine at ten dollars. J. H. Raymond, Foreman." Whereupon it is ordered by the Court that the State of Texas recover of and from said Jerry Robertson said sum of Ten Dollars and all costs of this prosecution, and that said defendant remain in the custody of the Sheriff until said fine and costs are paid

and Court adjourned until to-morrow morning 9 o'clock.

Wednesday, January 5th 1859.

Court convened at 9 o'clock A M pursuant to adjournment. Whereupon the following proceedings were had by said Court as follows, Hon. A. W. Terrell, 2d Dist. Judge on the Bench

1118 The State of Texas vs Jas R. Pace } Plaintiff / Defendant } And now on this day came the State by the District Attorney, and the defendant in person, and also attorney and announced themselves ready for trial. Whereupon came a jury of 12 good and lawful men of Travis County, to wit: Jno Mc Fusher, Foreman, and eleven others, who were tried, elected, empannelled and sworn according to law.

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And the said Jury having heard the Testimony introduced by the parties and the charge of the Court, retired for deliberation. And thereupon said Jury returned into Court the following verdict, to wit: "We the Jury, find the defendant guilty, and asses the fine at Ten Dollars. Mc M. Swisher, Foreman." Whereupon, It is ordered by the Court that the State of Texas recover of and from the defendant James R. Pace, said sum of Ten Dollars, and all costs of this prosecution, and that he remain in the custody of the Sheriff until said fine and costs are paid

✓ 1131	The State of Texas vs W. C. Poag	Deft	Capias ordered to Panola County, and case cont'd
✓ 1132	The State of Texas vs W. C. Poag	Deft	Capias ordered to Panola county, and case cont'd
✓ 1170	The State of Texas vs Thos. F. McKinney	Deft	Dismissed by the State
✓ 1187	The State of Texas vs Krohn & Bertrem	Deft	on this day came the District Attorney and the defendants in person, and the defts submitted the exceptions to the Indictment, which were sustained, and the Indictment quashed. And thereupon, on motion of the defts the said Charles Krohn and Adolph Bertrem, as principals, and Frederick Stamps and Hamilton Green as securities, and acknowledged themselves jointly and severally justly to owe and be indebted unto the State of Texas in the penal sum of One Thousand Dollars, to be levied upon their respective Goods and Chattels, Lands and Tenements, But to be void upon condition that the said Krohn & Bertrem personally appear at the next Term of the District Court of Travis county, to be held at the Courthouse thereof in the City of Austin on the 4th Monday after the first Monday in April, 1859, then and there to answer any Indictment that may be preferred against them by the Grand Jury of said county for the Theft of a Hog.
✓ 1188	The State of Texas vs Joseph W. Swindle	Plaintiff Defendant	and now on this day came these parties by their attorneys, the defendant appearing also in person by attorney and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis county

Fall Term, 1858. Thursday, January 6th 1859.

To wit: James H. Raymond, Foreman, and eleven others, who were tried, elected, empannelled and sworn according to law. And the Jury having heard the plea of not guilty, the evidence introduced by the parties and the charge of the Court, retired for deliberation. Whereupon said Jury returned into Court the following verdict, to wit: "We, the Jury in this case, find the defendant guilty "of an aggravated assault, and assess the penalty at "a fine of One Hundred Dollars and ten days im- "prisonment in the County Jail. Jas. H. Raymond, "Foreman." Whereupon, It is ordered by the Court that the State of Texas recover of and from the said defendant, Joseph W. Grumbles, said sum of One Hundred Dollars and all costs of this prosecution, and that he remain in the custody of the Sheriff until said fine and costs are paid. It is further ordered by the Court that said Joseph W. Grumbles be committed by the Sheriff to the county Jail of Travis county, for the space of Ten days.

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

Thursday, January 6. 1859.

Court convened at 9 o'clock, A. M. pursuant to adjournment. Hon. A. W. Terrell, 2d Dist. Judge presiding. Whereupon the following proceedings were had by said Court as follows, to wit

1109

The State of Texas } Deft
vs } On this day came the
Robert Pace } Deft parties by their attorneys
in proper person, and announced themselves and the defendant also
ready for trial. and a Jury having been empan-
nelled and sworn and having heard the evi-
dence and charge of the Court returned a verdict
of not guilty. Whereupon It is ordered that said
defendant go hence fully acquitted and discharged

1110

The State of Texas } Deft
vs } The parties in this case having
Jas R Pace } Deft gone to trial, and the Jury
having returned a verdict of
not guilty, It is ordered by the Court that the deft
Pace go hence fully acquitted and discharged

Fall Term, 1858. Friday, January 7th 1859.

1111	The State of Texas vs Joseph W. Robertson	Plff / Deft	Continued generally	
1112	The State of Texas vs Jo. W. Robertson	Plff / Deft	Cont'd generally	
1113	The State of Texas vs Jo. W. Robertson	Plff / Deft	Cont'd generally	
1114	The State of Texas vs Jo. W Robertson	Plff / Deft	Cont'd generally	
1125	The State of Texas vs A G Weir	Plff / Deft	on this day appeared the parties in these two causes by attorney and the said parties having joined issue in said causes and a verdict of not guilty by the Jury having returned therein, It is therefore ordered by the Court that said Defendant Weir go hence fully acquitted and discharged	
1126	The State of Texas vs A. G. Weir	Plff / Deft		

Whereupon Court adjourned until 9 o'clock tomorrow morning.

Friday, January 7th 1859

Court convened at 9 o'clock A. M. pursuant to adjournment. Hon. A. W. Terrell, 2nd District Judge presiding. Whereupon the following proceedings were had by said Court as follows, to wit:

635	The State of Texas vs Martin Jones & Wm B. Jones	Plaintiff / Defendants	In this cause this day came the District Attorney, A. J. McGinnis, who prosecutes for the State in this behalf and the said defendant, William B. Jones, being three times solemnly called, came not, but made default; and it appearing to the Court that the said defendant William B. Jones, as principal, and Samuel C. Jones, Edward Winans and William Winans as his securities had executed their joint and several bond, payable unto The State of Texas in the sum of Seventeen hundred dollars dated the 2d day of December 1858, conditioned that the said defendant William B. Jones, make his personal appearance at the District Court of said county of Travis to be begun and holden at the Courthouse of said County in the City of Austin on the 3d Monday of the first Monday in

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October, 1858 To answer the Indictment preferred against him by the Grand Jurors of Travis county at the Fall Term, 1855, of said District Court, for Horse Stealing, and there remain from day to day, and from Term to Term of said Court, and that he do not depart thence without leave of said Court, and the said defendant William B. Jones, being three times solemnly called, and required to come and charge, came not, but wholly made default; and the said securities also being again three times solemnly called, and required to bring with them into Court the body of the said defendant William B. Jones, to answer said charge, which they wholly failed to do. It is therefore, considered, adjudged and decreed by the Court, that the said Bond of the said defendant William B. Jones and the said Samuel C. Jones, William Winans and Edward Winans be and the same is hereby forfeited, and that the State of Texas do have and recover of and from them jointly and severally the sum of Seven Hundred Dollars, the amount of said Bond, and that Scire Facias do issue to each of them severally returnable to the next Term of this Court, commanding them then and there to shew cause, if any they can, why this judgment should not be made final against them as aforesaid

666 The State of Texas & James V. Rob } Plaintiff & Defendant } In this cause this day came the District Attorney, A. O. McGinnis, who prosecutes for the State in this behalf; and the said defendant James V. Rob being three times solemnly called, came not, but made default; and it appearing to the Court that the said defendant James V. Rob as principal, and O. H. Mooney and A. Evans as his securities, had executed their joint and several bond payable unto the State of Texas in the sum of Five Hundred dollars dated the 13th day of June A.D. 1856, conditioned that the said defendant James V. Rob make his personal appearance at the District Court of said county of Travis to be begun and holden at the Courthouse of said county in the city of Austin on the 10th Monday after the first Monday in April, 1856, to answer the indictment preferred against him by the Grand Jurors of Travis county at the Fall Term, 1855, of said District Court for an assault with intent to kill and murder, and there remain from day to day and from term to term of said Court,

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and that he do not depart thence without leave of said Court; and the said defendant James V. Rob being three times solemnly called and required to answer said charge, came not but wholly made default; and the said securities also being again three times solemnly called and required to bring with them into Court the body of the said defendant James V. Rob to answer said charge which they wholly failed to do. It is therefore considered, adjudged and decreed by the Court that the said Bond of the said defendant James V. Rob and the said O. H. Mooney and A. Eames be and the same is hereby forfeited, and that the State of Texas do have and recover of and from them jointly and severally the sum of Five Hundred Dollars, the amount of said bond, and that Sire Facias do issue to each of them severally returnable to the next Term of this Court, commanding them then and there to shew cause if any they can why this judgment should not be made final against them as aforesaid

682 The State of Texas } Plaintiff
Thomas Robb } Defendant

In this cause this day came the District Attorney, A. D. McGinnis, who prosecutes for the State in this behalf, and the said defendant Thomas Robb, being three times solemnly called, came not, but made default. And it appearing to the Court that the said defendant Thomas Robb as principal, and C. A. Laughlin and John Robb as his securities, had executed their joint and several bond, payable unto The State of Texas in the sum of Five Hundred Dollars, dated the 20th day of October, A. D. 1856, conditioned that the said defendant Thomas Robb make his personal appearance at the District Court of said County of Travis, to be begun and holden at the Court house of said county in the City of Austin on the seventh Monday after the first Monday in October, 1856, to answer the indictment preferred against him by the Grand Jurors of Travis county at the Spring Term 1856, of said District Court, for an assault with intent to kill and murder, and there remain from day to day, and from Term to term of said Court, and that he do not depart thence without leave of said Court, and the said defendant Thomas Robb being three times solemnly called and required to answer said charge, came not, but wholly made default, and the said securities also being again three times solemnly called and required to bring with them into Court the body of the said defendant Thomas Robb, to answer said charge, which they wholly failed to do, It is therefore considered, adjudged and decreed by the Court here, that the said bond of the said defendant Thomas Robb and the said C. A. Laughlin and John Robb be and the same is hereby forfeited, and that the State of Texas do have and recover of and from them

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jointly and severally, the sum of Five Hundred Dollars, the amount of said Bond, and that Scire Facias do issue to each of them severally, returnable to the next Term of this Court, commanding them then and there to shew cause, if any they can, why this Judgment should not be made final against them as aforesaid.

V 988 The State of Texas vs The Anderson } Deft / Deft } It appearing to the Court that the attorney Ed. Fennin has been subpoened in this case on behalf of the Deft and that he has failed to appear in obedience to said subpoena. It is therefore ordered that he be fined Twenty dollars, and that Scire Facias issue returnable to the next Term commanding him to appear and shew cause, if any he can, why this Judgment nisi should not be made final.

V 1128 The State of Texas vs Jerry Robinson } Deft / Deft } and now on this day at hearing the parties to this case by their attorneys, the defendant also appearing in proper person, and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis county, to wit: Jno M. Bircher, Foreman and eleven others, who were tried, elected, empannelled and sworn according to law. And the Jury having heard the plea of not guilty, the evidence and the charge of the Court retired and brought into Court the following verdict, to wit: "We the Jury, find the defendant guilty, and assess the fine at Ten Dollars. Jno M. Bircher, Foreman." Whereupon, It is ordered adjudged and decreed by the Court that the State of Texas do have and recover of and from the defendant, Jerry Robinson said sum of Ten Dollars and all cost of this prosecution, and that he remain in the custody of the Sheriff until said fine and costs are paid.

V 1129 The State of Texas vs Ben. Hinds } Deft / Deft } In this cause this day came the District Attorney, A. P. McInnis, who prosecutes for the State in this behalf, and the said defendant Ben Hinds, being three times solemnly called, came not but made default; and it appearing to the Court that the said defendant Ben Hinds, as principal, and J. R. Jackson as his security, had entered their joint and several bond, payable unto The State of Texas in the sum of One Hundred Dollars, dated the 17th day of November, A. D. 1858, conditioned that the said defendant Ben. Hinds make his personal appearance at the District Court of said County of Travis to be hegun

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and holden at the Courthouse of said County in the City of Austin on the 4th Monday after the first Monday in October, A.D. 1858, to answer the Indictment preferred against him by the Grand Jury of Travis county at the Spring Term A.D. 1858, of said District Court for playing cards in a public house, and there remain from day to day, and from Term to Term of said Court, and that he do not depart thence without leave of said Court; and the said Defendant, Ben. Hinds, being three times solemnly called, and required to answer said charge, came not, but wholly made default; and the said security also being again three times solemnly called and required to bring with him into Court the body of the said Defendant Ben. Hinds, to answer said charge, which they wholly failed to do, It is, therefore, considered, ordered, adjudged and decreed by the Court, that the said Bond of the said Defendant, Ben. Hinds, and the said J. R. Jackson be and the same is hereby forfeited, and that the State of Texas do have and recover of and from them jointly and severally, the sum of One Hundred Dollars the amount of said bond, and that Scire Facias do issue each of them severally, returnable to the next Term of this Court, commanding them then and there to shew cause, if any they can, why this Judgment should not be made final against them as aforesaid.

1130 The State of Texas } Writ } In this cause this day came the Dis-
vs } Deft } trict Attorney, A. P. McGinnis, and for the
Ben Hinds } Deft } State in this behalf, and the said defendant Ben. Hinds, being three times solemnly called, came not but made default; and it appearing to the Court that the said defendant Ben. Hinds as principal and J. R. Jackson as his security, had executed their joint and several bond, payable unto The State of Texas in the sum of One Hundred Dollars, dated the 16th day of November A. D. 1858, conditioned that the said defendant Ben. Hinds, make his personal appearance at the District Court of said County of Travis, to be begun and holden at the Courthouse of said County in the City of Austin on the 4th Monday after the first Monday in October, A. D. 1858, to answer the Indictment preferred against him by the Grand Jury of Travis county at the Spring Term A.D. 1858, of said District Court, for Betting at Monte, and there remain from day to day and from term to term of said Court, and that he do not depart thence without leave of said Court, and the said defendant Ben. Hinds, being three times solemnly called and required to answer said charge, came not, but wholly made default, and the said security also being again three times solemnly called and required to bring with him into Court the body of the said Defendant, Ben Hinds, to answer said charge, which he wholly failed to do, It is, therefore, considered, ordered, adjudged and decreed by the Court that the said bond of the said defendant, Ben. Hinds, and the said J. R. Jackson, be and the same is hereby forfeited, and that the State of Texas do have and recover of and from them jointly and severally, the sum of

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One Hundred Dollars, the amount of said bond, and that Scire Facias do issue to each of them severally, returnable to the next Term of this Court, commanding them then and there to shew cause, if any they can, why this Judgment should not be made final against them as aforesaid

1133	The State of Texas v. James Dosh	Plff / Deft	Dismissed by the District Attorney
1135	The State of Texas v. W. T. Caperton	Plff / Deft	Continued for service, and capias awarded
1136	The State of Texas v. Marcus Haling	Plff / Deft	Cont'd for service
1137	The State of Texas v. Sam. Pate	Plff / Deft	Cont'd for service
1138	The State of Texas v. Sam. Pate	Plff / Deft	Cont'd for service
1139	The State of Texas v. A. Robinson	Plff / Deft	Cont'd for service.
1140	The State of Texas v. A. Robinson	Plff / Deft	Cont'd for service.
1144	The State of Texas v. John B. Costa	Plff / Deft	Cont'd.
1146	The State of Texas v. Jerry Robinson	Plff / Deft.	And now on this day came the parties by their attorneys and the defendant also appearing in person and announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Hays county, to wit: Jos H. Raymond, Foreman, and eleven others, who were tried, elected, empannelled, and sworn according to law. And the jury having heard the plea of not guilty and the evidence and charge of the Court, retired for deliberation, and returned into Court the following verdict, to wit: "We, the jury in this case find the defendant guilty, and assess the penalty at fifteen Dollars Jos H. Raymond, Foreman." Whereupon it is ordered, adjudged and decreed by the Court, that the State of Texas do have and recover of and from the defendant, Jerry Robinson, said sum of fifteen Dollars, and all costs of this prosecution, and that he remain in the custody of the Sheriff until the same are paid

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1147	The State of Texas vs John Y. Price	Plff Deft	}	Continued generally for service
1148	The State of Texas vs James Rundell	Plff Deft	}	Continued for service
1149	The State of Texas vs Thomas Green	Plff Deft	}	Continued generally
1151	The State of Texas vs James Cale	Plff Deft	}	Dismissed by Dist Atty.
1152	The State of Texas vs Edwin Mcnell	Plff Deft	}	Cont'd for service
1153	The State of Texas vs A. M. Cae	Plff Deft	}	Dismissed by Dist Atty
1155	The State of Texas vs W. L. Chalmers	Plff Deft	}	Cont'd for service
1156	The State of Texas vs Wm Somers	Plff Deft	}	On motion of the parties in this case It is ordered that the said parties have leave to substitute a new indictment in the place of the original Indictment, which is lost.
1159	The State of Texas vs Wm Patterson	Plff Deft	}	Continued generally
1160	The State of Texas vs A. F. Lazier	Plff Deft	}	Continued generally.
1163	The State of Texas vs J. W. Sinclair	Plff Deft	}	Cont'd for service and capias to Travis Co
1164	The State of Texas vs A. Rose	Plff Deft	}	Cont'd for service
1165	The State of Texas vs John Newbrand	Plff Deft	}	Cont'd generally and capias awarded
1166	The State of Texas vs Heffington Wallace	Plff Defts	}	Cont'd for service on Heffington.

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1167	The State of Texas & David Heffington	Reff Deft	Cont'd for service
1168	The State of Texas & Langley & Carrigh	Reff Deft	Cont'd for service
1169	The State of Texas & James P. McKinney	Reff Deft	Cont'd for service
1171	The State of Texas & John W. Pine	Reff Deft	Cont'd for service, and copias ordered to Galveston county.
1172	The State of Texas & Wm Grambles	Reff Deft	Cont'd for service
1174	The State of Texas & A. G. Weir	Reff Deft	Dismissed by Dist. Atty.
1176	The State of Texas & J. W. Gilliam	Reff Deft	Cont'd for service, and copias ordered to San Augustine Co
1177	The State of Texas & John W. Kirk	Reff Deft	Cont'd for service and copias ordered to Bexar and Fort Bend Counties
997	The State of Texas & Thomas Bowles	Reff Deft	Cont'd generally
1178	The State of Texas & John C. Pechlag	Reff Deft	And now at this Term came the parties to this cause by their attorneys (the Deft also appearing in person), and on motion of the District attorney, It is ordered by the Court that the Indictment in this cause be quashed, and that the defendant be re-committed to jail. It is further ordered that said Defendant be released on executing his bond with proper security conditioned that he shall appear at the next Term of this Court to answer any Indictment for theft & Embezzlement & Of Good Behaviour & Pleck + Robbery that may be found against him by the Grand Jury of said Harris County; said bond to be in the sum of Five Hundred Dollars
1179	The State of Texas v. John C. Pechlag	Reff Deft.	And now at this Term came the parties to this cause by their attorneys the Deft. also appearing in person. and thereupon, on motion of the District attorney, It is ordered by the Court that the Indictment in this cause be quashed and the Defendant be re-committed to jail. It is further ordered by the

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Court that the defendant be released on executing his bond with good securities, conditioned that he shall appear at the next term of this Court to answer any indictment for Theft that may be found against him by the Grand Jury of Travis county, said bond to be in the sum of five hundred Dollars.

1180 The State of Texas vs W C Collins et al } Deft } Cont'd for service

1181 The State of Texas vs W C Collins et al } Deft } Cont'd for service

1182 The State of Texas vs W C Collins et al } Deft } Cont'd for service

1183 The State of Texas vs G. B. Zimplemann } Deft } Cont'd and capias ordered to Goliad county.

1188 The State of Texas vs Joseph W. Grambles } Deft } On motion it is ordered by the Court that the Judgment in this case be amended as follows: That in accordance with the verdict of the Jury that the defendant Joseph W. Grambles be committed to the county jail of Travis county for the space and term of ten days, and that the Clerk issue a commitment to carry this Judgment into effect

1188 The State of Texas vs Joseph W. Grambles } Deft } Came now come the parties to this cause by their attorneys and Defts. counsel submitted his motion heretofore filed for a new trial in this case. and the Court doth order that said motion be overruled. And thereupon the defendant gives notice, in open Court, of an appeal to the Supreme Court.

1188 The State of Texas vs Joseph W. Grambles } Deft } on this day appeared in open Court Joseph W. Grambles as principal, and J. M. Steiner and A. P. Blocker as securities, and acknowledged themselves jointly and severally, justly to owe and be indebted unto the State of Texas in the penal sum of Two Hundred dollars to be levied upon their respective goods and chattels, lands and tenements, But to be void upon condition that the said Grambles appear at the next Term of the District Court of Travis county to be held at the Courthouse thereof in the City of Austin on the 4th Monday after the first Monday in April 1859, and from time to time thereafter to abide the Judgment of the Supreme Court in the above entitled cause, wherein said defendant hath appealed.

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1189 The State of Texas } Plff } Continued for service and
v. } } capias awarded to Gal-
Easton alias Hong Kim } Defts } veston county.

1190 The State of Texas } Plff } And now at this Term came the
v. } } parties by their attorneys, and announced themselves ready for trial,
Samuel Matter } Deft }
the defendant also appearing in proper person. Whereupon came a Jury of twelve good and lawful men of Travis county, to wit: Jo. H. Raymond Freeman, and eleven others who were tried, elected, empannelled and sworn according to law. And the Jury having heard the testimony and the charge of the Court and the plea of not guilty, retired for deliberation; and returned into Court the following verdict, to wit: "We, the Jury in this case find the defendant guilty as charged, and assess the penalty at one hundred dollars Jo. H. Raymond, Foreman." Whereupon, It is ordered, adjudged and decreed by the Court that the State of Texas recover off and from the defendant, Samuel Matter alias Dutch John, said sum of One hundred Dollars and all costs of this prosecution. It is further adjudged by the Court that the bond of the defendant taken before committing Court be quashed and that the defendant delivered into custody until the fine and costs are paid.
And thereupon Court adjourned until to-morrow morning 9 o'clock

Saturday, January 8. 1859

Court convened at 9 o'clock pursuant to adjournment. Hon. A. W. Terrell, 2d Dist. Judge presiding. Whereupon the following proceedings were had by said Court as follows, to wit:

1384 Geo. D. Glasscock } Plff } And now on this day came
v. } } the parties to this cause by
Wm E. Bardett } Deft } their attorneys and the defendant's counsel submitted his motion heretofore filed for a new trial. And thereupon It is ordered by the Court that said motion be overruled, and the defendant gives notice of appeal.

1521 The State of Texas } Plff } It is ordered, on motion, that a
v. } } new trial be granted in this
A. B. Burleson, et al. } Defts } cause, and that the same
case be reinstated on the docket.

1453 G. W. Glasscock } Plff } It is ordered by the Court that the
v. } } motion of the defendant in this
James Doyle } Deft } case for a new trial be overruled.
whereupon defendant's counsel gives notice, in open Court, of an appeal to the Supreme Court.

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1521	The State of Texas / A B. Burleson et als	Reffs / Defts	It is ordered by the court that the motion heretofore filed to correct the Judgment entry in this case	
648	The State of Texas / G A. Gamble, et als	Reffs / Defts	It is ordered that the motion to quash the bonds and to set aside the forfeiture heretofore had in this case	
1656	L. Exchange et al / vs / Lockwood et als	Reffs / Defts	It is ordered that the motion in this case to reinstate in the docket be granted, and motion to dismiss overruled.	
1040	The State of Texas / vs / Wm G Wallace	Reffs / Defts	It is ordered that defendants motion in this case heretofore filed, for a new trial and in arrest of the Judgment be overruled. Whereupon the Deft. gives notice in open Court, of an appeal to the Supreme Court	
1043	The State of Texas / vs / Wm G Wallace	Reffs / Deft	It is ordered that defendants motions heretofore filed in this case for a new trial and in arrest of judgment, be overruled. Whereupon the Defendant gives notice, in open Court, of an appeal to the Supreme Court	
922	R. H. Chalfield / & / J. D. Brown et als	Reffs / Defts	It is ordered by the Court that the motion filed in this case for a change of venue be granted, and that the Clerk of this Court forward to the District Court of Williamson county, now before the next term, all the original papers and all the writs in this cause	
1108	The State of Texas / vs / James R. Pace	Reffs / Deft	It is ordered by the Court that the defendants motion in this case for a new trial be refused. Whereupon the defendant gives notice in open Court, of an appeal to the Supreme Court. And thereupon appeared in open Court said James R. Pace as principal, and Andrew N. Hopkins as security, and acknowledged themselves jointly and severally, justly bound and indebted unto The State of Texas in the sum of One Hundred Dollars to be levied upon their respective goods and chattels, lands and tenements, But to be void upon condition that the said Pace personally appear at the next term of the District Court of Travis county, to be held at the Courthouse thereof in the city of Austin on the 4th Monday after the first Monday in April, 1859 and from term to term thereafter, to abide the decision of the Supreme Court in the above entitled cause.	

And Court adjourned until ~~xxxxxxxx~~ Monday morning 9 o'clock.

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Monday, January 11. 1859

Court convened at 9 o'clock pursuant to adjournment. Hon. A. W. Terrell, 2nd Dist. Judge, presiding. Whereupon the following proceedings were had by said Court as follows, to wit:

945	The State of Texas v John Marshall	Plff / Deft	And now on this day came A. D. McGuire Esq Dist Attorney and moves the Court to order the Clerk to docket these four causes, which motion being considered by the Court that said motion be granted, and that the Clerk docket said four causes at this Term of the Court.
947	The State of Texas v John Marshall	Plff / Deft	
908	The State of Texas v John Marshall	Plff / Deft	
910	The State of Texas v Geo. W. Parchal	Plff / Deft.	
943	The State of Texas v Heffington & Wallace	Plff / Defts	Cont'd generally
944	The State of Texas v Heffington & Wallace	Plff / Defts	Cont'd by State
945	The State of Texas v Heffington & Wallace	Plff / Defts.	Cont'd by State
946	The State of Texas v Heffington & Wallace	Plff / Defts	Cont'd by State
947	The State of Texas v Heffington & Wallace	Plff / Defts	Cont'd by Dist. Atty
948	The State of Texas v Heffington & Wallace	Plff / Defts	Cont'd by Dist Atty
949	The State of Texas v Heffington & Wallace	Plff / Defts	Cont'd by Dist Atty
950	The State of Texas v Heffington & Wallace	Plff / Defts	Cont'd by Dist Atty
951	The State of Texas v Heffington & Wallace	Plff / Defts	Cont'd by Dist Atty

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952	The State of Texas v Heffington Wallace	Reff & Defts	Cont'd by	State's atty
956	The State of Texas v Finnin et als	Reff & Defts	Cont'd by	Dist atty
957	The State of Texas v. Finnin et als	Reff & Defts	Cont'd by	Dist atty
958	The State of Texas v Finnin et als	Reff & Defts	Cont'd by	Dist atty
959	The State of Texas v Finnin et als	Reff & Defts	Cont'd by	Dist atty
960	The State of Texas v. Finnin et als	Reff & Defts	Cont'd by	Dist atty
962	The State of Texa v Carr et als	Reff & Defts	Cont'd by	Dist atty
963	The State of Texas v. Carr et als	Reff & Defts	Cont'd by	Dist atty
964	The State of Texas v. Carr et als	Reff & Defts	Cont'd by	Dist atty
965	The State of Texas v Carr et als	Reff & Defts	Cont'd by	Dist atty
966	The State of Texas v Carr et als	Reff & Defts	Cont'd by	Dist atty
970	The State of Texas v Carr et als	Reff & Defts	Cont'd by	Dist atty
971	The State of Texas v Carr et als	Reff & Defts	Cont'd by	Dist atty
972	The State of Texas v Carr et als	Reff & Defts	Cont'd by	Dist atty
973	The State of Texas v Carr et als	Reff & Defts	Cont'd by	Dist atty

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974	The State of Texas vs Carr et als	Defts	Cont'd by Dist ally
975	The State of Texas vs Carr et als	Defts	Cont'd by Dist ally
976	The State of Texas vs Carr et als	Defts	Cont'd by Dist ally
977	The State of Texas vs Carr et als	Defts	Cont'd by Dist ally
978	The State of Texas vs Carr et als	Defts	Cont'd by Dist ally
1017	The State of Texas vs Geo. & John Robinson	Defts	Cont'd by Dist ally
1018	The State of Texas vs Geo & John Robinson	Defts	Cont'd by Dis tally.
1019	The State of Texas vs Geo. & John Robinson	Defts	Cont'd by Dist ally
1020	The State of Texas vs Geo. & John Robinson	Defts	Cont'd by Dist ally
1021	The State of Texas vs Geo. & John Robinson	Defts	Cont'd by Dist ally
1022	The State of Texas vs Geo & John Robinson	Defts	Cont'd by Dist ally
1023	The State of Texas vs Geo & John Robinson	Defts	Cont'd by Dist ally
1024	The State of Texas vs Geo & John Robinson	Defts	Cont'd by Dist ally
1025	The State of Texas vs Geo & John Robinson	Defts	Cont'd by Dist. ally
1026	The State of Texa vs Geo & John Robinson	Defts	Cont'd by Dist ally

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1029	The State of Texas vs Geo. & John Robinson	Pltff / Defts	Cont'd by Dist Atty
1141	The State of Texas vs Geo. Robinson	Pltff / Defts	Cont'd by Dist Atty
1142	The State of Texas vs Geo & John Robinson	Pltff / Defts	Cont'd by Dist Atty
1570	D. C. & G. R. Thurman vs Jn.º Mc. McCalla	Pltffs / Defts	Ordered that the plaintiffs have leave to amend their Petition
1533	Martha A. Hagne vs John W. Hagne	Pltff / Dfft	On this day came the plaintiff by attorney, and announced herself ready for trial. And it appearing to the Court that the defendant has been legally cited by publication, It is ordered that a Jury be empannelled. Whereupon came a Jury of twelve good and lawful men of Travis county, To wit: Horatio Grooms, foreman, and eleven others, who were tried, elected, empannelled and sworn according to law. And said Jury having heard the evidence introduced by the plaintiff and having received the charge of the Court, retired for deliberation. Whereupon the Jury returned into Court the following verdict, To wit: "We the Jury find 1st That defts. pltff. were married as alleged in the petition; 2d We believe that the defts. abandoned the pltff. for the space of three years before the commencement of this suit; 3rd That the defts. abandoned the pltff. without sufficient cause. Horatio Grooms. Foreman." (Stappearing from the verdict of the Jury that the allegations of said pltff. petition are true) Whereupon, It is ordered, adjudged and decreed by the Court that the bonds of matrimony heretofore existing between the said Martha A. and J. John W. Hagne be and the same are forever dissolved, and that the said Martha A. be restored to all the rights and privileges of a single woman. It is further ordered by the Court that the care, custody and education of the children of said marriage, to wit: Thomas W., Mary Alice and Anna Pope Hagne, be entrusted to the said Martha A. and that said defendant John W. Hagne pay all costs herein incurred for which execution may issue

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1190 Peters & Sweeney vs J. M. Alexander & W. M. Booth } Plffs / Deft Gar } And now at this day came the parties to this cause by their attorneys, and by agreement of said parties, it is ordered by the Court that the continuance ordered in this case at the present term be set aside, and that the case be dismissed from the docket, and that defendant Alexander pay all the costs of this suit, including costs of garnishment, for which execution may issue

1355 Moore & Owings vs J. M. Alexander & W. M. Booth } Plffs / Deft Gar } And now on this day came the parties to this cause by their attorneys, and by agreement and consent of said parties, It is ordered by the Court that the continuance ordered in this case at the present term be set aside, and that the cause be dismissed from the docket, and that the defendant Alexander pay all the costs of this suit, including the costs of the Garnishment, for all which execution may issue.

1681 Peters & Sweeney vs Jas. M. Alexander & W. M. Booth } Plffs. / Defts } And now on this day came the parties to this cause by their attorneys, and by agreement and consent of said parties, it is adjudged by the Court that the continuance ordered in this case at the present Term be set aside, that the cause be dismissed from the docket, and that the defendant Alexander pay all costs of this suit, for which execution may issue.

1337 Moore & Owings vs Jas. M. Alexander & Deft } Plffs / Deft } And now on this day appeared the parties to this cause by their atty and by consent of said parties It is ordered that the continuance ordered in this case at the present Term of the Court be set aside, and that judgment be entered, by consent, for the amount due on the note sued on. Wherupon it is adjudged, adjudged and decreed by the Court that said plaintiffs, Lefe Moore and Luther C. Owings, and in their firm name of Moore & Owings, do have and recover of and from said defendant James M. Alexander, the sum of two Hundred, Forty-four & 39/100 Dollars principal debt, and interest due on the obligation sued on, together with all costs in this behalf expended, for which execution may issue on the 1st Nov. 1859 and not before.

Fall Term, 1858. Wednesday, January 12. 1859.

Tuesday January 11. 1859

Court met and adjourned until to-morrow morning 9 o'clock

Wednesday, Jany 12. 1859

Court convened at 9 o'clock, A.M. pursuant to adjournment. Hon. A. W. Terrell, 2d Dist. Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit

1416 Joseph Newsham } Plff. } And now on this day appeared
vs } } A. G. Kelley and H. W. Hallett,
David L. Crosby } Deft. } Esqrs. counsel for the parties,
and by consent of said counsel, It is ordered by the Court
that the continuance ordered at a former day of the present
term be set aside. And thereupon said cause being
called for trial, and said Newsham, the Plff. being
called by the Sheriff at the door, and he failing to appear
in person or by Attorney to prosecute said suit, It is ordered,
adjudged and decreed by the Court that the same be
dismissed from the docket for want of prosecution, and
that said Newsham and the securities on his cost bond
to wit: Josiah Field, E. D. Walker and S. Cummings, pay
all costs of suit, for which execution may issue.

1686 J. W. Robelen } Plff } And now on this day appeared
vs } } the parties to this cause by their
James Thompson } Deft } Attorneys; and the said defendant
submitted his motion to dissolve the injunction heretofore granted
in this case, which is overruled by the Court. And thereupon
Plaintiff moves the Court that judgment nil dicit be
entered against defendant, because said defendants
answer is not sworn to, which motion is also refused. And
thereupon Plff. files his affidavit for continuance of this
cause until the next term. and the said affidavit being
inspected, and the same being deemed sufficient, It is
ordered that the cause be continued under said application.

1709 Phelps & Johnston } Plffs } And now comes the defendant, by his
vs } } counsel, and files an answer in
John C. Pickley } Deft } this cause. And upon motion It is
ordered by the Court that A. J. Hamilton and H. W. Hallett,
under their firm name of Hamilton & Hallett, and John
Hancock and C. D. West, under their firm name of
Hancock & West, be allowed to intervene in the above
entitled cause.

92

Fall Term, 1858. Wednesday, January 12. 1859.

1914 Thomas Simpson, Guardian } Plff. } And now on this day appeared
of } } the parties to this cause by
Wm O'Connell, et al. } Defts. } their attorneys, and by agreement
of said parties, It is ordered by the Court that John B. Costa, Esq.
an attorney of this Court, be appointed an editor to audit the
accounts between the parties, and to report at the present term.

1926 R. D. Carr & Co. } Plff. } And now on this day came the
of } } plaintiffs and the defendant
Geo. E. Robinson } Deft. } by their attorneys, and consent
that the Court shall order both a jury being waived, the
cause was submitted to the Court for final Judgment; and it
appearing to the Court that the plaintiffs' cause of action
is liquidated and is evidenced by a promissory note exhibited
in Court, the same as set out in the plaintiffs' petition. It is
therefore, ordered, adjudged and decreed by the Court, that the
said plaintiffs, R. D. Carr, J. L. Riggs and N. B. Yard,
under their firm name and style of R. D. Carr & Co., do
have and recover of and from the said defendant, George
E. Robinson, the just and full sum of One Hundred,
Eighty-Nine Dollars and twenty-five cents, their debt
and interest to date, together with all costs of this suit, And
it is further ordered, adjudged and decreed that this Judgment
draw interest at the rate of ten per cent. per annum until
paid, for all which execution may issue.

1040 The State of Texas } Plaintiff } And now on this day came
of } } and appeared in open Court
Wallace & Heffington } Defendants } the defendant William G.
Wallace, as principal, and W. G. Rounsaville and Wm M. Fowler
as his securities, and acknowledged themselves jointly and se-
verally justly to owe and be indebted unto The State of Texas in
the penal sum of One Hundred Dollars, to be levied upon their
respective Goods and Chattels, Lands and Tenements, But to be
void, nevertheless, if the said William G. Wallace shall appear
before the Honorable District Court of Travis county, to be held at
the Courthouse thereof in the City of Austin, on the 9th Monday
after the first Monday in April, 1859, and from term to term
thereafter, to abide the decision of the Supreme Court in the above
entitled cause, from the Judgment in which case the said Wal-
lace hath appealed to the Supreme Court.

Fall Term 1858. Wednesday, January 12 1859.

1043

The State of Texas } Deft
vs } and now on this day came and appeared
Wallace & Heffington } Defts } in open court the defendant William
G. Wallace, as principal, and W. G. Rounds-
bee and Wm M. Fowler, as his securities, and acknowledged them-
selves jointly and severally, justly to owe and be indebted unto the
State of Texas in the penal sum of One Hundred Dollars, to be levied upon
their respective goods and chattels, lands and tenements, But to be
void, nevertheless, if the said William G. Wallace shall appear before
the Honorable District Court of Travis county, to be held at the
Courthouse thereof in the city of Austin, on the 4th Monday after
the first Monday in April, 1859. and from term to term thereafter,
to abide the decision of the Supreme Court in the above entitled
cause, from the Judgment in which case the said Wallace hath
appealed to the Supreme Court

1714

Thomas Simpson } Plaintiff
vs } Defendants } In this case come now the
Wm O'Connell and } parties by their attorneys, and
Court, ufening this cause to John P. Coles and state an account and report thereon at the present term
of this Court. It is therefore ordered and decreed that the
said John P. Coles be appointed Master as aforesaid, and that
he examine the evidence and vouchers and report to this court
the state of the account and indebtedness, if any, of the said
O'Connell as former Guardian of the children of Wm D. Wallace, at its present
term. He will further report such facts as will be necessary to
a full understanding of said account

1688

Henry Thomas } Plaintiff
vs } Defendant } And now on this day came the
Irena Blaylock } parties to this cause by their
attorneys, and on motion, It
is ordered that said plaintiff have leave to file an amended
petition. And thereupon, the parties having announced them-
selves ready for trial, the exceptions of defendant to plaintiff's
petition were submitted, and being argued by counsel, the
same were overruled. Whereupon came a jury of twelve
good and lawful men of Travis county, to wit: Aaron Burleson,
Foreman, and eleven others, who were duly tried, elected,
empannelled and sworn, and the jury having heard the
evidence introduced by the parties, the argument of
counsel, and the charge of the Court, retired for deliberation.
Whereupon said jury returned into Court the following verdict,
to wit: "We, the jury, find for the plaintiff the sum of Six Hundred
Seventy-seven 35/100 Dollars, being rent of Mission House Section

Fall Term 1858. Wednesday January 12. 1859.

months @ Forty dalls. per month, Pay 17 month @40 677.35
with a cr. of 177.00
Leaving Bal. due $500.35

Aaron Burleson.

Whereupon, It is ordered, adjudged and decreed by the Court that the plaintiff, Henry Thomas, do have and recover off and from the defendant Irena Blaylock, said sum of Five Hundred Dollars and Thirty-five cents, found due by the Jury aforesaid, together with all costs in this behalf expended, for all which execution may issue.

1689 — John Horan & Thos. J. Randolph / Ch. Behnke — Plff / Dfdt Gar: — And now on this day appeared the parties, and on motion It is ordered by the Court that this cause be dismissed from the docket, and that the defendant Thomas J. Randolph, pay all costs of this suit and garnishment, for which execution may issue.

1691 — A. P. Blocker, admr. vs. John I. Freed — Plff / Dfdt — And now on this day came the parties in this cause by their attorneys, and the defendants counsel submitted to the Court his exceptions to Plffs. petition in this cause, which exceptions were sustained. Whereupon, on motion, It is ordered by the Court, that the plaintiff have leave to amend his petition. And thereupon, said plaintiff submitted his affidavit for a continuance of this cause, and the same being deemed sufficient, It is ordered by the Court that this cause be continued on said plaintiffs' affidavit.

1692 — A. J. Peck vs. Wm. P. de Normandie — Plff / Dfdt — Continued by consent.

1697 — Phillips & Smith vs. Nichols & Baker — Plffs. / Dfdts. — And now on this day came the Plffs. by attorney, and on motion, It is ordered by the Court that this cause be dismissed from the Docket, and that said Plffs. James Phillips and Charles Smith, pay all costs of this suit, for which execution may issue.

1701 — Wm. Drake vs. D. C. Heffington — Plff. / Dfdt — This suit having been brought by publication, It is ordered that the same be continued to perfect service.

Fall Term, 1858. Thursday, January 13. 1859.

1705 J. R. McArthur et als vs Elizabeth Henry, et als } Plffs / Defts } It is ordered by the court that Chas L. West, Esqr be appointed Guardian ad litem to represent the interests of the minor heirs of the defendant Elizabeth Henry, in this cause.

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

Thursday, January 13, 1859.

Court convened at 9 o'clock, A. M. pursuant to adjournment. Hon. A. O. Perrell, Second District Judge, presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

1190 The State of Texas vs Samuel Matter, alias Dutch John and Henry W. Sublett, as his securities } Plaintiff / Defendant } And now on this day came and appeared in open Court the defendant Samuel Matter, alias Dutch John, as principal, and Andrew J. Hamilton and acknowledged themselves jointly and severally, justly to owe and be indebted unto The State of Texas in the penal sum of Two Hundred Dollars, to be levied upon their respective Goods and Chattels, Lands and Tenements, But to be void upon condition that the said Matter alias Dutch John shall personally appear at the next Term of the District Court of Travis county, to be held at the Courthouse thereof in the city of Austin, on the 9th Monday after the first Monday in April, 1859 and from term to Term thereafter, to abide the decision of the Supreme Court in the above entitled cause, from which Judgment in which case said Matter hath appealed to the Supreme Court.

1185 The State of Texas vs Benjamin Thimpson } Plaintiff / Defendant } And now at this Term of the Court came the parties to this cause by their attorneys, and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of this county, to wit: A. O. Hare, Foreman, and eleven others, who were tried, elected, empannelled and sworn according to law. And the Jury having heard the evidence introduced by the parties, and the argument of counsel, and the charge of the Court, retired for deliberation. And thereupon said Jury returned into Court the following verdict, to wit: "We, the Jury, find the defendant guilty of an aggravated assault, and assess his punishment at a fine of One Hundred Dollars and sixty days imprisonment in the county jail. A. O. Hare foreman." Whereupon it is ordered by the Court that the State of Texas recover off and from the defendant Benjamin Thimpson, said sum of One hundred Dollars and all cost of this prosecution. And thereupon appeared Robert Smith, the security for the defendant on his ~~appeal~~ appearance bond, and moved the defendant in open Court, and asked

Fall Term, 1858. Thursday, January 13. 1859.

to be discharged as his security, which is accordingly done, and the Defendant is ordered into custody until the further order of the Court.

1190 The State of Texas / Matter alias Dutch John — Plff / Deft — And now on this day appeared the parties to this suit by their attorneys, and the defendant submitted his motion for a new trial, which is overruled by the Court. Whereupon said defendant gives notice, in open Court, of an appeal to the Supreme Court.

1696 Thomas H. McNeil / Walker Wilson — Plaintiff / Defendant — Continued by consent.

1700 Byrne, Vance & Co / Horst & Hellman — Plaintiffs / Defendants — And now on this day came the parties to this suit by their attorneys; and on motion of Pltff's counsel, It is ordered that defendants amended answer be stricken out because no leave was taken to file the same, And thereupon, on motion of said defendant's counsel, leave is granted to amend their answer. And the Pltffs submitted exceptions to the amended answer of defendants, which were sustained, to which ruling defendants counsel excepts. And the parties having announced themselves ready for trial, thereupon came a jury of twelve good and lawful men of Travis county, to wit: John S Spence, Foreman, and eleven others, who were tried, elected, empannelled and sworn. And said jury having heard the testimony and the charge of the Court, retired and brought into Court the following verdict, to wit: "We the jury, find "for the plaintiffs in the sum of Four Thousand, Seven Hundred "Seventy Six Dollars and Thirty-One cents, principal and "interest." J. S. Spence Foreman." Whereupon, It is ordered, adjudged and decreed by the Court that the plaintiffs, Thomas Byrne, and H. McNeil Vance, under their firm name of Byrne, Vance & Co, do have and recover of and from the defendants, Louis Horst and L. Hellman, the sum of Four Thousand, Seven hundred, Seventy-Six and 31/100 Dollars, found due by the jury aforesaid, together with all costs of suit, for all which execution may issue.

1710 Mary Kelley / Francis Kelley — Plaintiff / Defendant — Ordered, that the Defendant have leave to amend

Whereupon Court adjourned until to-morrow morning 9 o'clock

Fall Term, 1858. Friday, January 14, 1859.

Friday, January 14, 1859.

Court convened at 9 o'clock A.M. pursuant to adjournment. Hon. A. W. Terrell, Second Judicial Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

1706 Mary O'Brien et al vs R. A. Clements et al } Defts } Pffs } And now on this day came the parties to this suit by their attorneys, and announced themselves ready for trial, and defendants demurrer to Pffs petition being submitted, was overruled by the Court. And the ~~defend~~ plaintiffs here abandon the amendment filed by them on the 13th inst. And thereupon came a jury of twelve good and lawful men of Travis county, to wit: Aaron Burleson, Foreman, and eleven others who were tried, elected, empannelled and sworn according to law. And the jury having heard the testimony introduced by the parties, and the charge of the Court, retired for deliberation. Whereupon said jury returned into Court the following verdict, to wit: "We, the jury, find for the defendant the sum of one cent. Aaron Burleson, Foreman." And thereupon appeared defendants counsel, and remits said sum of one cent, in open Court. Whereupon, It is ordered, adjudged and decreed by the Court that the said plaintiffs take nothing by their action in this behalf; that the defendant go hence, and recover of and from the plaintiffs, Mary O'Brien and Owen O'Brien, and the security on their cost bond, to wit: Miles Byrne all costs of this suit, for which execution may issue.

1707 Wm. H. Perry vs Rad & Holman } Pffs } Defts } Cont'd for notice

1708 B. F. Johnson vs James McMorris et al } Pffs } Defts } And now on this day came the plaintiff by attorney, and by leave of the Court, amends his petition. Whereupon said plaintiff announced himself ready for trial, first dismissing as to the defendants Browning and McMorris. Whereupon came a jury of twelve good and lawful men of Travis county, to wit: John S. Spence Foreman, and eleven others, who were tried, elected, empannelled and sworn according to law. And the jury having heard the proof introduced by the plaintiff, and being

Fall Term, 1858: Friday, January 14, 1859.

charged by the Court, retired for deliberation, and returned into Court the following verdict, to wit: "We, the Jury, find for plaintiff in the sum of One Hundred and Sixty-One Dollars and forty-three cents, principal and interest. Jno S Spence, Foreman." Whereupon, It is ordered, adjudged and decreed by the Court, that the plaintiff Benjamin F Johnson do have and recover of and from the defendants, R. H. Simmon and L. H. Sockett, said sum of One Hundred, Sixty-One 43/100 Dollars, together with all costs of this suit, for which execution may issue.

1711 — A. E. Coneter & A. H. Cook } Plff & Deft } And now on this day came the parties to this cause by their attorneys, and announced themselves ready for trial, and waiving a Jury, agree to submit the cause to the Court. Whereupon, It appearing that Plff's cause of action is based on a liquidated demand, It is therefore ordered, adjudged and decreed by the Court that the plaintiff, A. E. Coneter, do have and recover of and from the defendant, A. H. Cook, the just and full sum of Two Hundred, Thirteen and 17/100 Dollars, principal debt and interest due on the note sued on to date, with twelve per centum per annum interest thereon until paid, and all costs in this behalf expended, for all which execution may issue.

1712 — Thomas Money & I. W. Hannig } Plff & Deft } Ordered, that this cause be continued on defendant's affidavit.

1713 — Samuel J. Redd & George T. Bowers } Plaintiff & Defendant } And now on this day came the plff by attorney, and claims a Judgment final by default. And because it appears to the Court that the defendant has been legally cited and has wholly failed to answer plaintiff's petition within the time prescribed by law, and plaintiff's cause of action being based upon a liquidated demand, as evidenced by defendant's promissory note, a copy of which is set out in plaintiff's petition, It is, therefore, ordered, adjudged and decreed by the Court, that the plaintiff, Samuel J. Redd, do have and recover of and from the defendant, George T. Bowers, the sum of One Hundred, Forty-one 43/100 Dollars, principal debt & interest due on the note sued on, with ten per centum per annum interest thereon until paid, and all costs of this suit, for all which execution may issue.

Fall Term, 1858. Friday, January 14, 1859

1422. The State of Texas } Plaintiff
of } And now on this day came
James G. Boisher, et al. } Defendants } the parties to this case by
their attorneys, and on motion
and by consent of said parties, It is ordered by the Court
that the Venue be changed to Williamson county, and that
the clerk transmit to the District Court of said county at
Georgetown, all the original papers in this case, together
with a certified copy of all the entries in the case.

1521 A. H. Barnes } Plaintiff } And now on this day came the plain-
of } tiff by his attorney and claims a
Thomas Griffin } Defendant } Judgment final by default, against
I. Bledsoe, Adm'r } Garnishee } the defendant Griffin. And because
it appears to the Court that the defendant, Griffin, has been
duly and legally cited by publication, and has wholly
failed to appear and plead, answer or demur to plaintiff's
petition within the time prescribed by law, but wholly made
default: And because it further appears that plaintiff's
cause of action is based on a note of hand set out in his petition,
the original of which is as follows, here introduced in evidence
to the Court and filed among the papers, to-wit: "$225.
" On or before the first day of January next, I promise to pay A. H.
" Barnes or bearer two hundred and Twenty-Five dollars for value
" received, with 10 per cent interest from date. July 12th 1855. Thomas
" Griffin." And it appearing that there is due on said note the sum
of Two Hundred and Twenty-Five Dollars principal debt, and
Seventy-Eight 75/100 Dollars interest ~~due~~ thereon to date, making
the past and full sum due, on said note of hand, of Three
Hundred, Three & 75/100 Dollars, It is, therefore, ordered, adjudged
and decreed by the Court, that the said Plff. A. H. Barnes,
do have and recover of and from the said defendant
Thomas Griffin, the sum of Three Hundred, Three and 75/100
Dollars, together with ten percentum per annum interest
thereon until paid, and all costs in this behalf expended,
for all which execution may issue.

1682 James O. McGarey } Plff. } And now on this day come the parties
of } by their attorneys, and agree ~~that~~
Hall Medlin, et al. } Defts. } to the following compromise
1. That the Injunction is dissolved, and Medlin is permitted to
collect his money from Hamill and Johnson.
2. In consideration of the release of the litigation about the Labor
described in the petition, the said Medlin delivers and relin-
quishes to McGarey the note for a thousand Dollars described in

Fall Term, 1858. Saturday, January 15, 1859

his petition against Phillips & Black
3. Each party shall pay one half the costs in the case, - that is - Medlin half and McGarey half.
Whereupon, it is ordered, adjudged and decreed by the Court, that the injunction heretofore granted in this case be dissolved, and the Bill, and cross Bill, dismissed, and that said James D. McGarey, and the security in his cost bond, to wit: R. M Johnson, pay one half the costs of this suit, and that the said Hall Medlin pay one half the costs of this suit, for all which execution may issue.

Whereupon Court adjourned until to-morrow morning 9 o'clock.

Saturday, January 15. 1859.
Court convened at 9 o'clock, A. M. pursuant to adjournment. Hon. A. W. Terrell, Second District Judge presiding whereupon the following proceedings were had in said Court, as follows, to wit:

1699 — J. A. Reavis vs Thos. W. Glascock — Plaintiff / Defendant — And now on this day appeared the plaintiff by his attorney and claims a judgment final by default and because it appears to the Court that the defendant has been legally cited, and has wholly failed to answer plaintiff's petition with in the time prescribed by law, and plff's cause of action being based on a note of hand, produced in open Court, the same as sued on. It is, therefore, ordered, adjudged and decreed by the Court, that said plaintiff, J. A. Reavis, do have and recover of and from the defendant, Thomas W. Glascock, the just and full sum of One Hundred, Sixty - Three & 33/100 Dollars, principal debt and interest due on the note sued on to date, with ten per centum per annum interest thereon until paid, and all costs in this behalf expended, for all which execution may issue.

1702 — Wm. S. Hotchkiss vs P. R. Hornsby et al — Plff / Defts — It is ordered by the Court that the plaintiff have leave to amend his pleading.

1704 — C. W. Pressler, Adm vs S. G. Snowden et al — Plff / Defts — Continued by consent.

Fall Term, 1858. Saturday January 15. 1859.

1719	Geo. W. Paschal & D. T. Plumley, et al	} Plff } Defts.	}	Continued for service
1720	S. S. Cassidy, Admr & J. A. Burdett	} Plff } Defts	}	Continued for service
1721	J. C. Duncum & J. A. Block	} Plff } Defts	}	Continued for service
1723	Basil McJones & A. Lane et als.	} Plff. } Defts.	}	And now on this day came the plaintiff by attorney, and by leave of the Court dismisses this action as to the defendant Addison Lane, and thereupon said plaintiff claims a final judgment by default as against the defendants, James M. Lane and Joseph Hornsby. And because it is apparent to the Court that the said defendants have been legally cited and have wholly failed to answer plaintiff's petition within the time prescribed by law, but wholly made default; and plaintiff's cause of action being a note of hand produced in evidence the same as set out in his petition. It is, therefore, ordered, adjudged and decreed by the Court that said plaintiff, Basil McJones, do have and recover of and from the defendants, James M. Lane and Joseph Hornsby, the just and full sum of Three Hundred, Forty-Eight 27/100 Dollars, principal debt and interest due on the note sued on to date, with eight per centum per annum interest thereon until paid, and all costs in this behalf expended, for all which execution may issue.
1731	J. C. Illingworth & Western Stage Co.	} Plaintiff } Defendants	}	It is ordered, on motion of pltff's counsel, that said plaintiff have leave to file an amendment dismissing as to some of the defendants herein, and making new parties. And it is further ordered, that the case be cont'd by consent.
1734	Thos. Freeman & Co & Heffington & Wallace	} Plaintiffs } Defendants	}	Cont'd for service

Fall Term, 1858. Saturday, January 15. 1859.

1735. Wm C. Webber & H. Bennett, et al. } Plaintiff & Defendants } Cause for service

1738 J. W. Talbot & H. O. & H. B. Millard } Plff & Defts } Continued by consent.

1714 A. N. Hopkins & Quilla I. Nichols } Plaintiff & Defendant } And now on this day came the parties to this cause by their respective attorneys, and announced themselves ready for trial. And thereupon the motion to strike out defendants amendments, was sustained, because leave of the Court was not first had to file such amendments. And thereupon, on motion, It is ordered that the defendant have leave to amend his pleadings. and ordered further that plff. have leave to file motion to strike out exceptions and demurrer of defendant. And thereupon, It is further ordered that the amendment of the defendant seeking to make William R. Baker a party defendant in this suit, be stricken out, and that the exceptions to the plea in bar interposed by defendant be overruled. Whereupon the issue between the parties arising on the plea in bar being submitted to the Jury consisting of John S Spence, Foreman, and dean others, and said Jury having heard the testimony and the charge of the Court, rendered the following verdict: "We, the Jury, find for the plaintiff on the plea in bar. Jno S. Spence, Foreman." And the parties went into trial upon the merits before the same Jury, who heard the testimony and the charge of the Court; and the Jury brought into Court the following verdict: "We, the Jury, find for the plaintiff in the sum Fourteen hundred and thirty-seven dollars and forty-four cents, principal and interest. Jno S. Spence, Foreman." Whereupon, It is ordered adjudged and decreed by the Court, that the said Plaintiff, Andrew N. Hopkins, do have and recover off and from the defendant, Quilla I. Nichols, said sum of Fourteen Hundred Thirty-Seven and 44/100 Dollars, together with ten per centum per annum interest thereon till paid, and all costs in this behalf expended, for all which execution may issue.

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

59.

Fall Term, 1858. Monday, January 17. 1859.

Monday, January 17 1859.

1 Court convened at 9 o'clock pursuant to adjournment. Hon. A. W. Terrell, Second District Judge, presiding. Whereupon the following proceedings were had by said Court, as follows, To wit:

V 1644 Wm Fugate vs Johnson & Martin } Plaintiff & Defendant } Etc ordered that plff have leave to make Goldman Martin a party defendant

1672 L. H. Luckett, Guardian vs D. D. Nichols } Plaintiff & Defendant } And now at this term came the parties to this suit by their attys and announced themselves ready for trial. And defendants general demurrer to plaintiff's petition being submitted was overruled by the Court. Whereupon came a Jury of twelve good and lawful men of Travis county, To wit: Horatio Grooms, Foreman, and eleven others, who were tried, elected, empannelled and sworn according to law. And said Jury having heard the testimony and the charge of the Court, retired and brought into Court the following verdict, To wit: "We The Jury, find for the plff. Three Hundred & Eighty-Eight 82/100 Dollars ($388 82/100) Horatio Grooms, Foreman." Whereupon it is ordered, adjudged and decreed by the Court, that the said L. H. Luckett, Guardian, do have and recover of and from the defendant, Cuilla D. Nichols, the sum of Three Hundred Eighty-Eight & 82/100 Dollars, found due by the Jury, together with all costs in this behalf expended, for which execution may issue.

1679 I. W. Lawrence vs A. McKenzie et al } Plaintiff & Defendants } Ordered that the plaintiff have leave to amend.

1727 Samuels & Megson vs A. Kersten, Jr. } Plaintiffs & Defendant } And now this day came the parties by their attys and affidavit for a continuance being submitted, and overruled by the Court, whereupon the parties announced themselves ready for trial, and thereupon came a Jury of twelve good and lawful men of Travis county, To wit: Warren Bridwell, Foreman, and eleven others, who were tried, elected, empannelled and sworn according to law. And the Jury having heard the testimony introduced by the

Fall Term, 1858. Monday, January 17th 1859.

parties returned into Court the following verdict, to wit: "We the Jury, find for the defendant the sum of one "and E. Aaron Burleson, Foreman." Whereupon, defendant in open Court defendants counsel and remits the said sum of one cent. And thereupon, It is ordered, adjudged and decreed by the Court, that the Plff. Immels & Mopon take nothing by their action in this behalf, that the defendants herein and do hence without day and recover of and from the said H. Immels and H. Mopon and the securities in their cattorni bond, costs: all costs of this suit, for which execution may issue

1742 — Geo. W. Helme vs Horst & Fellman — Plff / Defts — And now at this day came the parties to this cause by their respective attorneys, and announced themselves ready for trial; and waiving a jury, submit the cause to the Court. and it appearing from the proof that the defendants are indebted to the plff. as alleged in the petition. It is, therefore, ordered adjudged and decreed by the Court, that the plaintiff, George W. Helme, do have and recover of and from the defendants, Louis Horst, and L. Fellman the just and full sum of Five Hundred, Forty-Six and 79/100 Dollars, principal debt and interest due on the note sued on to date, with 8 per cent. per annum interest thereon until paid, and all costs of suit, for which execution may issue

1749 — Wm L. Cowan, et al vs E. Clark, Cons — Plffs / Deft — Ordered, that the plaintiffs have leave to amend their petition

1750 — James Cole vs Payne & de Normandie — Plaintiff / Defendants — And now on this day came the plaintiff to this suit by their attorneys and asked the Court to render Judgment final by default. And because it appears to the Court that the defendants have accepted service of plff's petition and waived all process; and plff's cause of action being based on a note of hand produced in open Court, the same as described in plaintiff's petition, It is, therefore, ordered, adjudged and decreed by the Court that the plff. James Cole, do have and recover of and from the defendants, James S. Payne and William P. de Normandie, the sum of Two Hundred, Forty-Nine & 33/100 Dollars, principal debt and interest due on the note sued on to date, with ten per cent. per annum interest thereon till paid, and all costs, for all of which execution may issue.

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1570 — D. le. & G. R. Freeman vs John M. McCalla. Reffs. / Deft. — And now on this day came the parties in this case by their attorneys, and the defendant's counsel submitted his motion to quash the attachment. And thereupon said motion being argued by counsel, and it is ordered by the Court that the motion be sustained and the attachment issued in this cause be and the same are hereby quashed.

1609 — Wm G. Lane & Co vs E. A. Nichols. Reffs / Defts — It is ordered by the court that the motion filed by the defendant in this case for a new trial be overruled

1672 — L. H. Luckett vs E. A. Nichols. Reff / Deft — It is ordered by the court that the motion filed by the defendant in this case for a new trial be and the same is hereby overruled.

1624 — Wm Fugate vs Johnson et al. Reff / Defts — It is ordered by the court that the motion filed by the defendants in this case for a new trial, be granted, and that the case be retained on the docket for a new trial.

1128 — The State of Texas vs Jerry Robinson / Samuel Miller. Reff / Deft — It is ordered by the court that the motion filed by the defendant in this case for a new trial be overruled

1146 — The State of Texas vs Jerry Robinson. Reff / Deft — It is ordered by the court that the motion filed by the defendant in this case for a new trial, be overruled

1688 — Henry Thomas vs Dena Blaylock. Reff / Deft. — It is ordered by the court that the motion filed by the defendant in this case for a new trial be overruled whereupon, said defendant's counsel gives notice, in open Court, of an appeal to the Supreme Court.

1700 — Byrne, Vance & Co. vs Hart & Bellman. Reffs. / Deft. — It is ordered by the Court that the motion of the defendants in this case for a new trial be refused. Whereupon said defendants gives notice, in open Court, of an appeal to the Supreme Court

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1199 — W. C. Sansom et al. vs. J. W. Brown, admr. — Reffs. / Defts. — And now on this day appeared the parties in this case by their attorneys, and said Reffs submitted his motion to reinstate the cause on the docket. Whereupon, It is ordered, adjudged, and decreed by the Court, that this case be reinstated upon the docket, and the costs that have heretofore accrued in this case are adjudged against said Plaintiff and the security on his cost bond, to wit: Wm H. Henderson, &c. which execution may issue.

1427 — Samuels & Masson vs. Kersten & Kersten — Reffs / Defts — It is ordered by the Court that the motion filed by the Reffs in this suit for a new trial be overruled. Whereupon the counsel for said plaintiffs give notice, in open Court, of an appeal to the Supreme Court.

Whereupon, Court adjourned until to-morrow morning 9 o'clock.

Wednesday, January 19. 1859.

Court convened at 9 o'clock, A. M. pursuant to adjournment. Hon. A. C. Powell, Second District Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to-wit:

1714 — Thomas Simpson, Guardian, &c. vs. William O'Connell, et al. — Plaintiffs / Defendants — In this case now comes the plaintiffs, by his attorney, and moves to dismiss the said suit so far as concerns Owen O'Brien. And thereupon, It is considered and adjudged that the said petition, so far as concerns the said O'Brien, be dismissed. And thereupon, the auditor, John B. Costa, heretofore appointed in this cause, made his report of the account of Guardianship of said William O'Connell, with the estates of John C. Williams and Mary C. Wallace, showing an indebtedness of said O'Connell to said estate in the sum of five hundred and twenty five dollars, which said report was accepted to. And thereupon the said William O'Connell and James H. Mathews, by their attorneys, and the said plaintiff, by his attorneys, submit this cause to the Court without the intervention of a Jury. And it appearing that the said O'Connell had executed his bond in conformity to law as guardian as aforesaid, together with James H. Mathews and other parties as his sureties, as alleged in the petition. And it further appearing from the report of the auditor in this

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case that the said O'Connell and his sureties are indebted to the plaintiff as guardian of the estate of John S. Williams and Mary E. Wallace, in the sum of Five Hundred and Twenty-Five Dollars cent. It is, therefore, ordered, adjudged and decreed that the plaintiff as Guardian as aforesaid, do have and recover of the defendants O'Connell, as principal, and James H. Mathews, as security, the said sum of money reported as due by the said Auditor together with all costs in this behalf expended, for which execution may issue. It is ordered, adjudged and decreed that Isaac B. Cook, auditor in this case, be allowed for his services Fifty Dollars, and that the plaintiff and defendant each pay half thereof, and that the same be taxed in the bill of costs.

1906

A. O'Brien et al vs R. H. Clements } Petts. Deft } And now on this day came the petts. by attorney and submit their motion heretofore filed for a new trial in this case, And the same being duly considered, It is ordered by the Court that said motion be granted, and a new trial awarded.

1687

B. Martin et al vs Henry Stinsey et al

And now on this day come the parties to this cause, to wit Buckhard and Catherine Martin and Leonard and Waldberg Schmidt petts. by their attorneys Jones & Petty — Henry Stinsey a minor by his guardian at Litem, William M. Walton — Henry Stinsey Sr. in his own proper person, and John Stinsey and John Wahrenberger administrator of Henry Stinsey Jr deceased, by their attorneys, John T. Allen and Hancock-Brewster & West-defendants — and waiving a Jury submitted the matters and things in Controversy in this Cause, to the judgment of the Court — and it appearing to the Court, that one Peter Stinsey a Citizen of the United States, and of the State of Texas departed this life in the County of Travis in said State on the 15th day of May A.D 1852, leaving a surviving wife — to wit — the said plaintiff Catherine, who has since intermarried with the plaintiff Buckhard Martin; also leaving a daughter — To wit — the plaintiff Waldberg who has since intermarried with the plaintiff Leonard Schmidt — and also leaving a son — to wit — the said Henry Stinsey deceased —. The said Peter Stinsey

Then and there being seized and possessed jointly with his brother Henry Stinsey Sr. of the following estate — to wit —.

1. An undivided interest in a saw Mill and lands thereto attached, situate in the County of Bastrop —.

2. An undivided interest in a stock of cattle

3. An undivided one half interest in Lot No 3 in Block No 78 in the City of Austin in the County of Travis, and herein designated as Lot No 3 —.

4. An undivided one half interest in Lots Nos 7 and 8 in Block No 67, and herein designated as Lot No 4 —.

5. An undivided one half interest of Lots No 4 and 5 in Block No 67 in said City, and herein designated as Lot No 5 —.

6. And being seized in his own right of three hundred and twenty acres of land, the head-right of Peter Stinsey in Comal County — Survey No 31. — about 8 miles North of the Guadaloupe River — and 30 miles North West from New Braunfels — Beginning at the N W Corner of Survey No 32 of 320 acres made for A. Manly — a stone mound for the S. E. Corner — from which a live oak, brs S. 20° W. 30 varas, marked + — Thence W 1344 varas, to a stone mound, for S. W. Corner Thence N 1344 varas, a stone mound for the N. W. Corner — Thence E 1344 varas, to a stone mound for the N. E. Corner — of this Survey — and the N. W. Corner of Survey No. — Thence S with the West boundary line of Survey No 33 — 1344 varas, to the place of beginning — and herein designated as Lot No 6 —.

7. And being seized jointly with his said brother Henry Stinsey Sr — of 1/4 of a league of land lying in County in said State — Beginning at the N. E. Corner of Survey No 219 — made for James C. Ragsdale — an Elm, marked W X from which a Sycamore — marked + brs E. 3 varas, and another — brs S. 57 E. 4 varas — Thence with the meanders of Llano River, S. 63. E. to a stake on the bank of the River — Such distance as will include one fourth of the Rivers front of the league from which the tract is taken — Thence on a line parallel with the side lines of said Survey, to a stake in the back line of said Survey — Thence N. W. on a line

parallel with the front of said league, to the S.W. corner - Thence N. E. East to the place of beginning - Said land being a part of a league and labor Survey in the County of Gillespie on the South side of the Llano River - about 85 miles N. 10 W from San Antonio, and herein designated as lot No 7 -.

And it further appearing to the Court that after the death of the said Peter Stuesy - the said Henry Jr. deceased for himself, and as attorney in fact of his said Co-heirs - took charge and management of said Peters estate - disposing of the Mill interest, and Cattle of said estate, to Frederick and Jacob Stuesy - at the Sum of ($6350) Sixty three hundred, and fifty dollars - & Recieving ($1819) Eighteen hundred, and nineteen dollars in notes, and book accounts, upon settlement with the partnership of Stuesy and Stuesy - the same being the amount due the said Peters estate from said partnership - and reinvesting a part of said funds in lands by joint purchases with the said Henry Stuesy Jr. defendant - as follows -

8. Six hundred and forty acres of land, patented to J. Dolorosa assignee of William D. Tally, situated in Travis land District - Survey No 45 - on the Perdinales, about 45 miles West of Austin - Beginning at a mound, 1876 varas S. from the S.W. Corner of Survey No 57, made for the heirs of George Alexander - from which a live oak - brs N. 80° E 3 varas, & a ditto brs S. 10 varas, - both marked + - Thence W at 1000 varas the Perdinales - at 1900 varas, a stone mound from which a post oak marked H brs N 25 West 45 varas & ditto, marked + S. 35 E. 40 varas - Thence E at 970 varas a branch - at 1900 varas a mound from which a live oak, marked W brs N. 35° E 25 varas - a blackjack marked + brs N. 5 E. 30 varas - Thence N 1900 varas to the place of beginning - and herein designated as lot No 8 -.

9. - 640 acres of land Survey No 83 in Hill County in said State, about 7 miles North of Fort Graham - beginning at the N.W. Corner, of Survey No 82 - Made for E. S. Coblin admr of James Leach - and on the South line of a Survey No 79 - Made for A H White, a stake from which an elm brs S. 60° West 434 varas, & ditto brs S. 62 W. 419 varas - Thence S. 60° W with said line, of Survey No 79 at 76 varas pass into N W Corner - 1900 varas to a stake in prairie - Thence S. 30 E. 1900 varas, to a stake in the

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prairie – thence N. 60° E. 1900 varas to said Leaches S. W. corner – a stake from which a musquite brs S. 41 W 190 varas & do brs S. 11° W 180 varas – thence N. 30° W. with said Leaches West line 1900 varas to the place of bginning – granted to the heirs of Thomas Palmer – and herein described as Lot No 9 –.

10. Two hundred acres in the County of Bastrop on the East side of the Colorado River – being part of a league granted to Joseph Black – Beginning at the forth East corner of said League No 45 – for the N. E. Corner of this Survey – thence South 45° West 1024 varas, with S. E. boundary line of said league to a stake – Thence N. 45° W. 135-3 varas to a stake – Thence N 45 E 65-2 varas to a stake – thence S. 60 E 1362 varas to the bginning – and herein designated as Lot No 10 –.

11. – $\frac{222.400}{1.1\,11.\,2111}$ – Labors of land situated in Travis ~~County~~ Land District on Lynchs creek a tributary of the Colorado River – about 21 miles N. 17° W from Hamilton – known as Survey No 603 – made for J. Douglas Brown, assignee of John E. Linn – bginning at a stone mound – John E. Slocumbs N. E Corner – from which a post oak, brs N 48° W. 27 varas – & do brs N. 38° W 27 varas – thence S. 800 varas, a branch – 2871 to a stone mound, from which a live oak, brs N 2½° E 9½ varas – a Spanish oak – brs S. 25° E 11 varas – thence East 1165 varas, a branch – 2287 varas – another – 2600 varas – same – 2970 varas a stone mound – from which a Spanish oak – brs S-2½° W 31 varas – a live oak brs. S. 45-27½ varas – thence N. 1920 varas, to a stone mound, from which a live oak, brs N 75-½° E 24 varas & do brs N 71. E. 21 varas – thence W. 180 varas, a branch – 1200 varas a same – 1370 varas a stake from which a live oak brs N. 5-2 E 14 varas – a musquite brs S. 74 E 38 varas – thence N. 150 varas a road – 950 varas a stake a stake from which a live oak, brs S. 74½ W. 30 varas – & do, S. 77 W 32 varas – thence W 340 varas – road – 940 varas a branch 15-5-0 – varas & do 1100 varas to the place of bginning – and herein designated as Lot No 11 –.

12. – 320 acres situated in the Travis Land District in Hays county – granted to J de Cordova assignee of Seth Batsen – bginning at a mound

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The S. W. Corner of Survey No 45- from which a post oak, marked H brs N 24 W. 45- varas, & do marked + brs S. 35- E 40 varas - Thence W at 590 varas, a Branch at 1250 Perdinales - at 1900 a Stake - The S. W. Corner of Survey No 44 - from which an Elm brs N. 70 West 6 varas & do brs S. 64 E 7 varas - both marked + Thence S. 950 varas to a stake, in prairie, from which a blackjack marked + brs N. S-2 E. 62 varas - Thence E 1900 varas to a Stake The N.W. Corner of Survey No 47, from which a post oak mked - T brs N 11 E 29 varas - & do Mkd D. brs S. 11 W. 15- varas - Thence N with The W boundary of Survey No 46 - 950 varas to The beginning - and herein designated as Lot No 12 -.

13 -. 320 acres Situated in Travis Land District in Hays County, granted to J. DeCordova assignee of Jno W Craig - and known as Survey No 5-2 on the Perdinales - about 48 Miles W from the city of Austin - beginning - at a Stake The S.W. Corner of Survey No 46, from which a post oak marked J. brs N 11 E 9 varas - & do Mkd D. brs S. 11. W 15- varas - Thence W with the S. boundary line of Survey No 51 1900 varas - to the S. W. Corner of Same Survey - a Stake from which a black jack Mkd + brs N S-2 E. 62 varas - Thence S 950 varas to a Stake from which a post oak Mkd E. brs N. 60 E 20 varas & do mkd R brs N 64 W 34 varas - Thence E 19 varas to a stake in forks of branch, from which a blackjack Mkd M brs N 84 E 8 varas - & do Mkd J brs S. 71. E 15- varas - Thence N 950 varas, to The place of beginning - and herein designated as Lot No 13 -.

14 -. Lots No 4 & 5- in Block No 18 in The Town of Burleson in The County of Coryelle, and herein designated as Lot No 14 -.

And it further appearing to the Court, That an undivided interest in two notes, one on 2. P Nichols for $158.50 payable to Henry Stenesy, or order And one on Wilkinson for Ten dollars, amounting to $198 00 has by Consent of parties, been set apart ~~by Consent of parties~~ to the plaintiffs in part of their distributive share - it is ordered, adjudged and decreed by the Court, That said plaintiffs take said undivided interest as aforesaid -

And it further appearing to the Court

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That there are two notes, on Jacob and Frederick Stanley, part of the purchase money for the Mill so sold as aforesaid — amounting to — $2162.50.

And it further appearing to the Court that the account between the estate of the said Henry deceased and the estate of said Peter, as stated is as follows — to wit —.

Estate of Henry Stanley —

To estate of Peter Stanley Dr —.

To amount of sale of Saw Mill & Cattle —	$6350.00
" " notes & accounts received —	1819.00
" " of rents rec'd from Austin City property	350.00
" " rec'd from sale of lot in Austin	100.00
Total	$8619.00

"Cr."

By amount paid for lands —	$1445.00
" Bal: on Stanley's notes —	2162.50
" Loss from fire —	300.00
" Assets surrendered —	258.42
" Amt allowed Admr for collecting	84.00
" " paid Taxes	68.00
" Repairs on mill —	34.27
" " " window blinds	30.00
" amount remitted Co-heirs —	850.00
" " paid in Settlement of Peters estate	730.00
" — " — " — on Compromise	100.00
" " allowed for attending to Peters estate	2006.00
" Distributive share in $1469.58 (including Nichols & Wilkerson note)	367.42
" Bal brot down — — —	183.39
	$8619.00

is full just and correct ——————.

And it further appearing to the Court that said parties having agreed to the following division and subdivision in this behalf — to wit —

To Henry Stanley Sr — Set apart —.

1.	Lot No 13 (Sulphur Springs Lots) ——	$50.00
2.	" — " — 11. (7.222.400/1000.000 Labors)	2000.00
3.	" — " — 9. (640 acres land)	781.00
4.	" " 5 (Lots No 405 in B. 67. in Austin City)	2000.00
		5031.00
	From which deduct — in cash —	337.50
	Amount Total	$4693.50

Austin March 3d 1859. Rec'd of Hamlin Bonner Jun Hamilton & Fitzhugh Attorneys at Law Balance due the estate of H. Stanley dec'd as per account in case of Stanley et al, and acquittance of the same by said Court by H. Stanley Dr.

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To Peter Skinsey's estate set apart—.

1.	Lot No 3 (Lot No 3 in B. 78 in austin city) ——	$25.00
2.	" " 4 (" " 7 & 8, in B No 67 " — " —)	1000.00
3.	" — " 7 (1111 acres on Llano River)	1111.00
4.	" " 8 (640 " land on Perdinales —	640.00
5	" — " — 10 (200 " " — Bastrop Co)	300.00
6	" " " 12. (320 " " granted to de Cordova)	640.00
7	" " " 13 (320 " " — " — " —)	640.00
	To which add amount paid by H Skinsey Sr.	337.50
	Sum Total —.	$4193.50

— Subdivision —

To Henry Skinsey's estate set apart—.

1.	Lot No 4 - (Lots No 7 & 8 in B. 67 - Austin City -	$1100.00
2	" " " 11 (200 acres Bastrop Co)	300.00
3	Cash in hands of administrator	183.39
4.	" — paid into Court by H Skinsey Sr.	315.06
	Sum Total ——	1798.45

To Catherine Martin & Waldberg Schmidt Set apart —— ——.

1.	Skinsey's notes ——	$2162.50
2.	Lot No 3 (Lot No 3 in Block 78-)	25.00
3	" — " 7. (1111 acres on Llano —)	1111.00
4.	" — " 8 (640 " on Perdinales)	640.00
5	" — " 12. (320 " — " — " —)	640.00
6	" " " 13 (320 " — " — " —)	640.00
7	" — " 6 (Peter Skinsey's headright)	160.00
		$5378.50

Cr.

By	overcharge in Land ——	$5.76
		$5372.74
To	amount cash paid by H Skinsey Sr	22.44
	Sum Total ——.	$5395.20

And it further appearing to the Court that the said plaintiffs desire to secure to the minor Henry Skinsey, in his own proper right, the headright of his Grand father — Peter Skinsey, do consent that the same be decreed by the Court to said minor — it is therefore ordered - adjudged — and decreed by the Court that said minor take said headright of 320 acres of land as consented by said plaintiffs, and the same be vested in him in fee simple forever —

And it further appearing to the Court that the foregoing division and subdivision

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are just and equitable, and doeth justice to said minor Henry Stiney, as well as to all the other parties concerned — It is therefore ordered, adjudged and decreed by the Court, that the foregoing account as stated between the estate of Henry Stiney, and Peter Stiney, be confirmed allowed, and ratified, and that the foregoing partition and division be confirmed, and made the decree of this Court — and that the parties respectively take the property allotted, as by said division and subdivision — appointed —.

It is further ordered by the Court, that the plaintiffs pay one half of the costs herein incurred: That the administrator of Henry Stiney's estate pay one fourth of the cost: and that Henry Stiney Sr pay the remaining one fourth of said cost — It is further ordered adjudged, and decreed by the Court, that the Three hundred fifteen & 80/100 dollars, paid into this Court, less the amount of Twenty one & 80/100 dollars the portion of the costs adjudged against the estate of Henry Stiney Jr be held and retained by the Clerk until a guardian be appointed by the County Court of Travis County for the estate of the minor Henry Stiney to whom he is directed to account — It is further ordered by the Court, that Wm M Walton for his services as Guardian ad litem of the minor Henry Stiney be allowed the sum of fifty dollars to be taxed in the bill of Cost —. for all which execution may issue —

✓ 854	The State of Texas vs J. D. W Cook	Deft	It is ordered by the Court that the Clerk issue Capias in each of these causes Numbered 854, 961, 1127, 1128 and 1146, commanding the Sheriff to arrest the Defendants in each of said causes and hold them in custody until the fines and costs imposed in said causes are paid by said defendants.
✓ 961	The State of Texas vs Wm H Carr	Deft	
✓ 1127	The State of Texas vs Jerry Robinson	Deft	
✓ 1128	The State of Texas vs Jerry Robinson	Deft	
✓ 1146	The State of Texas vs Jerry Robinson	Deft	

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1498

Henry Sampson & Co } Plff
of } Deft
Sylvester Lockwood } Deft

And now at this day came the parties to this suit by their attorneys, and announced themselves ready for trial, and waiving a jury, agree to submit the cause to the Court, and thereupon by consent Judgment is entered for the amount due on the note sued on, and seven dollars of the account. Wherefore, It is ordered, adjudged and decreed by the Court, that said plaintiffs Henry Sampson and Benjamin A. Potts, under their firm name of Sampson & Co. do have and recover off and from the defendant Sylvester Lockwood, the sum of One Hundred and Eight dollars Debt and interest due on the note sued on to date, together with seven dollars due on the account and not barred by limitation, making the sum of One Hundred and Fifteen dollars for which execution may issue. And It is further ordered by the Court that said plaintiffs pay all costs of this suit, for which execution may issue. And said Plff's counsel gives notice of appeal from the Judgment adjudging the costs against the plaintiffs.

1570

D. Le. & G. R. Freeman } Plff
of } Deft
John M. McCalla

It is ordered by the court that the Plff. have leave to amend their petition, to which order, the defendant, by counsel, excepts — and I save exception generally

1531

A. H. Barnes } Plff
of } Deft
Thos Griffin } Gar
Bledsoe, Admr
Garnishee

It is ordered by the court, that the plaintiff take nothing by his action in this behalf as against the garnishee, Bledsoe; that said Garnishee go hence and recover off and from said A. H. Barnes all his costs, for which execution may issue.

1542

Geo. L. Walton } Plff.
of } Deft.
Thos Griffin } Gar.
J. Bledsoe, admr.

It is ordered by the court that said plaintiff take nothing in this action as to the defendant Bledsoe, Admr, Garnishee, that the said Garnishee go hence and recover off and from said Plff George L. Walton, all costs in this behalf expended, for which execution may issue.

Statement of Facts in said cause.

Geo L. Walton } Deft
of } Garnishee
Thomas Griffin
Joseph Bledsoe

Be it Remembered, that in the trial of this cause, the following testimony was submitted to the Jury:

1. The note, the basis of the action as

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Gallowa: 1 $141 65/100 One day after date I promise to pay Geo E Robinson or bearer the sum of One Hundred and Forty-one dollars and sixty-five cents-value received with interest of 10 per cent. From date. Feb. 1st 1857. Thos Griffin 2 One Geo L. Walton 1500 acres of land which I promise to deed to him one before the first day of Jan. 1858. Thos Griffin

The plaintiff introduced William M. Walton, who being sworn states on oath - that the land note above from Griffin to Walton for 1500 acres of land, was given by Griffin in the settlement of a land trade between Griffin & Walton. Said trade was made in the Spring of 1856 - and the note executed in the Fall of 1857; that witness was cognizant of the terms and conditions of the land trade - that the said Griffin had agreed that he would make up whatever deficit there might be in the lands transferred to Walton - That the said Griffin had been a land locator - and had in the Spring of 1856, the said Griffin sold to Walton his locative interest in about ten thousand acres of land - and that if his locative interest should not hold good to any said ten thousand acres of land, then that on final settlement, he, Griffin, would make up the deficit in good titled land. That in a settlement in the Fall of 1857, it was found that the land transferred to Walton by Griffin was short 1500, for which deficit the land note sued on was given. That the land transferred by Griffin to Walton is generally situated in the county of Cooke, Denton, and on Elm & Bayou - that land in said counties were on the 1st Jany, 1858 worth from seventy-five cents to one dollar per acre 2. R. F. Bonnings was introduced by the plaintiff, and testifies that land in Cooke county, Denton county & on Elm & Bayou are worth, on an average, from seventy-five cents to one dollar per acre.

3. John C. West was introduced by the plaintiff, and testifies that land in Cooke county, Denton county and on Elm & Bayou are, on an average worth from seventy-five cents to one dollar per acre.

4. The answer of the garnishee, Isabella Bledsoe, dom of A.B. Fenton, dec'd was then read to the court & jury, and answer being as follows, (see file) when the pltff closed

I certify that the foregoing is a correct statement of the facts given on the trial of said cause A.W. Terrell Ind. 2d Dist.

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1668 — The State of Texas vs Cook & Hurst } Defts / Reff } Ordered by the Court that the forfeiture in this case be set aside, and held for naught, but that the defendants Pet. Cook and Louis Hurst be adjudged to pay all costs in curred in this proceeding, for which execution may issue.

1747 — A B Burleson vs Isham Burleson et al } Defts / Reff } Continued generally.

1178 — The State of Texas vs John C. Brackley } And now on this day appeared in open court John C. Brackley, as principal, and John Hancock, George W. Glascock, George Hancock, James Cale, Leonard S. Friend, Henry W. Tablett, Andrew J. Hamilton, James T. McLannin, Alexander Eaves, Charles A. West, and John T. Price, as his securities, and acknowledged themselves jointly and severally, justly to me and be indebted unto The State of Texas in the penal sum of Five Hundred Dollars, to be levied upon their respective Goods and Chattels, Lands and Tenements, But to be void upon condition that the said Brackley shall appear at the next Term of the District Court of Travis county, to be held at the court house thereof in the City of Austin, on the ninth Monday after the first Monday in April, 1859, to answer any indictment that may be preferred against him by the Grand Jury of Travis county, at said Term, for Theft & then remain from day to day & from Term to Term until discharged & not depart thence without leave

1179 — The State of Texas vs John C. Brackley. } And now on this day appeared in open court John C. Brackley, as principal, and John Hancock, George W. Glascock, George Hancock, James Cale, Leonard S. Friend, Henry W. Tablett, Andrew J. Hamilton, James T. McLannin, Alexander Eaves, Charles A. West and John T. Price, as his securities, and acknowledged themselves jointly and severally justly to owe and be indebted unto The State of Texas in the penal sum of Five hundred dollars, to be levied upon their respective Goods and Chattels, lands and Tenements, But to be void upon condition that the said Brackley shall appear at the next Term of the District Court of Travis county, to be held at the Court house thereof in the city of Austin, on the ninth Monday after the first Monday in April, 1859, to answer any indictment that may be preferred against him by the Grand Jury of Travis county at said Term, for Theft & then remain from day to day & from Term to Term until discharged by due course of law

Fall Term, 1858. Friday, January 28. 1859

1456	J. Lockwood etal / L Estranged etal	Plffs / Defts	It is ordered by the court that the motion to ~~dismiss~~ in this case, ~~dismiss~~ the cause, which was ordered at a former day of the present term be reinstated, and that said motion be revoked, and that the cause remain on the docket for trial.	
1450	A. M. Duncan / O. G. Reed	Plff / Deft	It is ordered by the court that the motion for a new trial in this case be overruled, and that a new trial be awarded	
1593	H. Grooms / P. Priestley etals	Plff / Defts	It is ordered that the motion of the defendants in this case for a new trial be overruled and that a new trial be awarded	
1588	Irisher & Raymond / Cook & Nichols	Plffs / Defts	It is ordered that the motion for a new trial in this cause be overruled.	
1718	Sharks Exr / Aldham etals	Plffs / Defts	It is ordered that the motion for a change of venue filed in this case by the Plffs be granted - and that the clerk transmit all the original papers and a certified copy of all the entries to the District Court of Williamson county ~~in~~ before the next term	
1088	Lowry & Cope / P. B. Lowe	Plffs / Dfft	It is ordered that the motion for a change of venue filed in this case by the Plffs be granted - and that the clerk transmit all the original papers and a certified copy of all the entries to the District Court of Williamson county ~~in~~ before the next Term.	

And thereupon Court adjourned till Monday, Jany 31. 1859 at 9 o'clock

Monday, Jany 31. 1859

Court convened at 9 o'clock A. M. pursuant to adjournment. Hon. A. W. Terrell Judge presiding. Whereupon the following proceedings were had by said Court as follows, to wit:

Pall Term, 1858. Monday, January 31st 1859

196 Giles H Burdett } Plff } In this case appear the parties Plff and
vs } defendant by their attorneys, and by agreement
Wm Gastard & Deft } of the parties plaintiff and defendant, It is
ordered, adjudged and decreed by the Court that the continuance entered in
the above stated cause at previous day of this term be and the same is
hereby set aside and held for naught. and by agreement of parties this
suit is dismissed by each party paying the costs accrued by them. It is
therefore ordered, adjudged and decreed by the Court that the plff take
nothing by this his suit, that the defendant William Gastard go hence
without day and that the costs in this suit incurred by him the said
Gastard, It is farther ordered, adjudged and decreed by the Court that the
plaintiff Giles H. Burdett do have and recover of and from the defendant
William Gastard all the costs in this suit that have accrued at the instance of
said Gastard, for which execution may issue. It is further ordered, adjudged
and decreed by the Court that the defendant William Gastard do have
and recover of and from the plaintiff Giles H. Burdett, all the costs of this
suit that have accrued for or on account of the said Burdett for which
execution may issue.

Before Geo. M. Flournoy Esq. Special Judge. And thereupon it is ordered
that the fines entered on page 16 of the minutes of this term against C. L. West
and A. J. Hamilton be remitted, and the order imposing said fines set aside.

Fines set aside.

1058 William Gastard } Plaintiff } In the above entitled and numbered
vs } } cause, now on this day appeared the
Richard Forehand & } Defendants } said parties respectively by their
Wm B. & G. H. Burdett, Adms } attorneys, and by consent, the continuance
herein entered at previous day of this Court, is set aside. And thereupon
consideration of the Court by consent of said parties, It is ordered, ad-
judged and decreed by the Court that the said plaintiff take nothing
by this his suit, and that said defendants have and recover of and
from the said plaintiff all costs by them in this behalf expended,
for which execution may issue. And it farther appearing that
said intestate, Jesse Burdett, in his lifetime, became the purchaser of all
the right, title and interest of Thomas L. Campbell in and to the three
hundred acres of land set out and described in the answer of said de-
fendants, William B. and Giles H. Burdett, as the administrators of
the estate of said Jesse Burdett, deceased. Wherefore, It is ordered, adjudged
and decreed by the Court that said defendants, administrators as aforesaid,
for the use and benefit of said estate, have and recover of and from said
plaintiff said tract of three hundred (300) acres of land, bounded and
described (as shown by a survey and plot thereof made under the order of
this Court,) as follows, viz:

(over)

Fall Term. 1858. Monday, January 18th 1859.

"I submit the following Report, and the
"accompanying Plat is made part of the
"Report. Said Plat represents the Survey
"of Jas O. Rice No 31 situated on Walnut
"Creek in Travis county. The Surveying done
"was a partition of said Survey No. 31, by
"calling off 300 ac. by beginning at the
"point A on said plat, which is the seventh
"call in the field notes of said Rice."
"Thence S. 60 E. with a line of said Rice
"Survey 420 ac to Walnut Creek 2085 ac a stone mound and end of
"seventh call at B"
"Thence S. 30 W. with a line of No 31 872 ac a stone mound at C."
"Thence N. 60 W. across a branch 1300 ac to Walnut Creek 2085 ac a
"stake on East bank of a branch from which a mesquite marked X
"6 ac S. & E 38 ac at D."
"Thence N. 30 E. 872 ac to the place of beginning."
"And said 300 acres there is a field, and the north line of said tract of
"300 ac. runs across the North corner of said field; also the South line runs
"through said field is represented by dotted line on the accompanying
"plat."

And all the right and title of the said plaintiff in and to said bounded tract of land be divested out of him, and vested absolutely and entirely in said William R. Burdett and said Giles H. Burdett, as the administrators of the estate of said Jesse Burdett, dec'd for the use and benefit of said estate.

1311

C. K. Pike — Plaintiff
vs
J. Harrell — Defendant

Before the Hon. John Hancock, Special Judge.
And now on this day appeared the parties to this suit by their Attorneys and announced themselves ready for trial. Whereupon, on making the defendant has leave to amend, and thereupon appeared a Jury of twelve good and lawful men of Travis county, to wit: A. G. Compton, Foreman, and seven others, who were elected, tried, empannelled and sworn according to law and the Jury having heard the evidence introduced by the parties, and the argument of counsel and charge of the Court, retired for deliberation. And said Jury returned into Court the following verdict, to wit: "We, the Jury, find a verdict for the defendant. A. G. Compton, Foreman." Whereupon it is ordered, adjudged and decreed by the Court that the plaintiff Pike take nothing by his suit in this behalf; that the defendant Harrell go hence and recover of and from said Pike all his costs from which execution may issue.

Examined and approved. Feby 10th 1859. John Hancock
Special Judge

Fall Term, 1858. Monday, January 31st 1859.

1523 Dennis Rammell & Margaret Hodgling } Plffs
vs
Jno E. Campbell } Deft

And now at this day came the parties to this suit by their attorneys, and by agreement of said parties, It is ordered adjudged and decreed by the Special Court, (A.G. Shelley, Esq. Special Judge) that this suit be dismissed from the docket, that the defendant go hence without day, and recover of and from said Plffs. Dennis Rammell and Margaret Hodgling all costs of this suit, for which execution may issue.

A. G. Shelley Spl Judge

1623 William R. Baker } Plaintiff
vs
Lucilla I. Nichols } Defendant

Before Geo. M. Flannery, Esq. Special Judge. By consent of the parties in this suit, It is ordered, adjudged and decreed by the court that Geo. H. Gray, Esq an atty at Law be appointed to take and state the accounts and items of difference between said parties, in accordance with law, and that he report his action in said matter at the next Term of this Court.

Geo. Flannery (Special Judge)

827 Ernst Rauen } Plff
vs
John Killiba } Deft

And now on this day appeared the parties to this suit by their attys and on motion and by consent of said parties, It is ordered, adjudged and decreed by the Special Court, (G. M. Flannery, Esq presiding) that the venue be changed back to Travis county; that the cause be reinstated on the docket of this Court, and the suit dismissed at the cost of the defendant Killiba, and that execution issue against said Killiba for the costs of this suit. And it is further ordered that the parties have leave to withdraw their title papers.

Geo. Flannery (Special Judge)

1702 Wm S. Hotchkiss } Plff
vs
J. R. Hunter, et al } Defts

It is ordered by the court that George M. Paschal, Esq an attorney of this court, be appointed Guardian ad litem to represent and defend the interests of the minor defendants in this suit.

1718 Adam Madgl } Plaintiff
vs
L. Fellman & Louis Hotzl } Defendants

In this case now on this day comes the plaintiff and also the defendants, and announced themselves ready for trial. And thereupon the parties submitted this cause to the court without the intervention of a Jury. And it appearing to the court from the evidence, that one of the defendants, L. Fellman, on the third day of October 1856 purchased of the plaintiff Lot No. 6 in Division D. (number six) also lots 28, 29, 30 and 31 (twenty-Eight, twenty-nine, thirty and thirty-one) in Division B. of the Ent Lots of the City of Austin in the county of Travis in the State of Texas as alleged in the petition, and that he executed to the plaintiff two notes for the payment of said purchase money in the sum of Eight hundred and Thirty-Three 33/100 Dollars, each dated of the Day of purchase, one due 28th Aug. 1857, with ten per centum per annum interest from

Fall Term, 1858. Monday, January 31st 1859.

the 28th day of August, 1856, the other for the like amount of Eight Hundred and thirty-three 33/100 Dollars, due twenty-eighth day of August, 1858, with like interest from the 28th day of August, 1856, at the rate of ten per cent. per annum. and it further appearing that the said Pellman on the third day of October, 1856, executed his mortgage to the plaintiff for the payment of said notes for the purchase money with interest when due upon the lots and premises or purchases as aforesaid. And it appearing that the plaintiff has sued here for the foreclosure of his mortgage on the last named note, and that the same is due and unpaid, and has a subsisting lien upon the said lots.

It is therefore ordered, adjudged and decreed that the plaintiff do have and recover of the said defendant the said last mentioned note, To wit: the sum of Eight Hundred and thirty-three 33/100 Dollars the principal sum and two hundred and ten 37/100 dollars interest to the date of this Judgment, together with ten per cent. interest on the said principal sum from the date of this Judgment, and eight per cent upon the Judgment upon such interest thereof. It is further ordered, adjudged and decreed that the said Plff have Judgment for the foreclosure of the lien upon the said lots aforesaid for the payment of the said Judgment against the said Pellman and the said Horst, for which he shall have an order of sale for the said lots and premises as provided by law. And it appearing to the Court that the said L. Horst had paid to the plaintiff and received a transfer for the first recited of the above mentioned notes for the purchase money, and was subrogated to the rights of the plaintiff therein. It is therefore ordered, adjudged and decreed that in case the said sale contemplated by this decree shall produce more money than the debt, interest and cost due the plaintiff, the Sheriff is ordered to pay the surplus over and above the same to L. Horst in satisfaction of the note paid by him as aforesaid. It is further ordered that the plaintiff have and recover of said Pellman all costs in this behalf expended as well as the costs of executing this decree. It is understood and agreed, and so adjudged, between the counsel of the said plaintiff and said Horst, that should there be other moneys due the Plaintiff on said purchase of lots by L. Pellman, this decree shall not be conclusive or binding on the plaintiff so as to prevent him from recovering the same, and thereupon the application of Hassendick to intervene in this suit is refused, because said application is made after rendition of Judgment

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

Tuesday, February 1st 1859.

Court convened at 9 o'clock, A. M. pursuant to adjournment. Hon. A. W. Terrell, Second District Judge presiding whereupon the following proceedings were had by said Court, as follows, To wit

Fall Term, 1858. Tuesday, Febmary 1st, 1859.

1323 Theodocia A. Lyon } Plaintiff } And now on this day came the parties to this
vs } with their respective Attorneys, and announced themselves ready for trial. and
William A. Lyon. } Defendant } thereupon came a Jury of twelve good and lawful men of Travis
county, to wit: Chas. H. Rondeau, Foreman, and eleven others, who were
duly elected, empanelled, and sworn according to law. And the Jury
having heard the Testimony introduced by the parties, the argument
of counsel and the charge of the Court, retired for deliberation. and
thereupon said Jury returned in to Court the following verdict, to wit:
"We, the Jury, believe that this Court has jurisdiction of this subject matter,
"and we further believe that the allegations contained in Plaintiffs petition
"are fully sustained by the evidence. Chas. H. Rondeau, Foreman. Austin,
"Jany 31/59." Whereupon, It is ordered, adjudged and decreed by the
Court that the bonds of matrimony heretofore existing between the said
Plaintiff and Defendant, be and the same are hereby forever dissolved
and that the said Theodocia A. Lyon be and is hereby restored to all
the rights and privileges of a ~~single~~ woman. Ordered, further, that
the defendant pay all costs of suit, for which execution may issue.

1563. Elias Mofon, Herman Mofon } Plffs. } And now at this day came the
and Hart Samuels } } parties plaintiffs above named
vs } } to wit: Elias Mofon, Herman Mofon,
Joseph Warren } Deft. } and Hart Samuels, by their Attys,
Joseph W. Robertson } Intervenor. } and comes also the Intervenor Joseph
W. Robertson, by Attorneys (a Judgment having been rendered at a previous
term in favor of said plaintiffs against the said defendant Warren) and
the presiding Judge, the Hon. A. W. Terrell, having recused himself on
legal grounds, and the parties having in writing agreed, that said
cause may be tried before Charles E. Robards, Esq. as Special
Judge, the cause aforesaid coming on to be heard before the said
Special Judge, and both parties announced themselves ready for
trial, and having by consent waived the intervention of a Jury, the
pleadings, the evidence, and the argument of counsel, being heard
by the Court, and thereupon it appearing to the Court that the allega-
tions in the plaintiffs petition are true in law and in fact; and it
appearing further to the Court, that the said allegations in the said
Robertsons petition of intervention are not good in law and not true in
fact, It is, therefore, considered by the Court, that the said above named
plaintiffs, Elias Mofon, Herman Mofon and Hart Samuels, do have
and recover of and from the said Intervenor, Joseph W. Robertson, the
said Real Estate as described in the petition, to wit: "Beginning at the S.W.
corner of Survey No. 7, made for G. W. Spear, a stake in the bank of the
Colorado River from which a Hackberry marked X bears N. 73° E 6 varas
and a round hole in the mountain cliff on the opposite side of the River sixty

feet perpendicular above the River, bears South 67° West. Thence North 30° East with the line of the G. C. Spear Survey seven Thousand Two hundred and twenty-three varas to a Stone corner from which a Post Oak marked X bears S. 40° E. 10 varas, and a Live Oak marked X bears N. 38. W. 5 varas. Thence North 60° West 1299 varas to a Mesquite Stake from which a Live Oak marked X bears South 30° West 13 varas, another marked X bears North 22° West 22 varas. Thence South 30° West 3923 varas along the foot of the mountains to the South West corner of said Survey on the River a cypress 30 inches in diameter marked X Standing in the centre of a large Spring. Thence South 7° West 3600 varas with the meandres of said River to the place of beginning, containing one third of a league except four hundred and twenty-two acres or there about Ts.

And it further appearing to the Court from the pleadings in said cause and from the written agreement on file in said cause, that one of the objects of this suit, mainly, as between the said above named plaintiffs and the said intervenor is to determine the true upper boundary line and upper corner of the said land on the River; and it appearing to the Court from the evidence that the Northwest corner of said Survey as called for in the field notes of said Survey is well known, and that all the other corners of said Survey are well known and established, and that, in running the line of said land from the said North west corner to the Colorado River, there is a mistake in the course and distance of the said upper line from said North west corner to the River, at the large cypress Spring, and that a line from the said North West corner to the said cypress Spring run South 36° 3' W. 3827 varas, will strike the River at said Spring as called for in the field notes, It is, therefore, ordered, adjudged and decreed by the Court, that the line run from said North West corner as called for in the said field notes, South 36° 3' 3827 varas to the said cypress Spring, in which, in which is the remnant of a large cypress tree about 30 inches in diameter be fixed, determined and established as the true upper boundary line of said survey from said North west corner to the Colorado River and that the title of the said plaintiffs within said bounds be quieted.

It is further adjudged that the said plaintiffs do have a writ of possession and such process as may be necessary to put them in possession of the said premises according to the metes and bounds above set forth

It is further ordered and adjudged that the said plaintiffs do have and recover of and from the said Intervenor Robertson all the costs of this suit on this behalf expended, both as to the said Robertson and the said Warren, in accordance with the agreement of the said Robertson in plea in said cause, for all which execution may issue, &c., &c. And thereupon the Intervenor Robertson gave notice, in open Court, of an appeal to the Supreme Court.

Chas. S. Taylor D. Spear Jud'g

Fall Term, 1858. Wednesday, February 2d 1859.

And Court adjourned until To-morrow morning 9 o'clock.

Wednesday, February 2d 1859.

Court convened at 9 o'clock, A.M. pursuant to adjournment. Hon. A.W. Terrell, Second District Judge presiding. Whereupon the following proceedings were had by said court, as follows, to wit:

813 The State of Texas vs Heffington & Randolph } Deft } And now on this day appeared the party Joseph H. Robertson, and submitted to the Court his motion heretofore filed in this case to retax the costs therein, and thereupon It is ordered by the court, upon a full hearing of said motion and that said Robertson pay the costs of said motion, for which execution may issue. that the same be overruled and dismissed, Whereupon said Robertson gives notice, in open court, of an appeal to the Supreme Court.

814 The State of Texas vs Heffington & Randolph } Deft } And now on this day appeared Joseph H. Robertson, and submitted to the Court his motion heretofore filed in this case to retax the costs therein: and thereupon It is ordered by the Court upon a full hearing of said motion, that the same be overruled and dismissed, and that said Robertson pay the costs of said motion, for which execution may issue whereupon said Robertson gives notice, in open Court, of an appeal to the Supreme Court.

816 The State of Texas vs Heffington & Randolph } Defts } And now on this day appeared Joseph H. Robertson, and submitted to the Court his motion heretofore filed in this case to retax the costs therein. And thereupon It is ordered by the Court, upon a full hearing of said motion, that the same be overruled and dismissed, and that said Robertson pay the costs of said motion, for which execution may issue. and said Robertson gives notice of an appeal

817 The State of Texas vs Heffington & Randolph } Plaintiff Defendants } And now on this day appeared Joseph H. Robertson, and submitted to the Court his motion heretofore filed in this case to retax the costs therein. And thereupon It is ordered by the Court, upon a full hearing of said motion, that the same be overruled and dismissed, and that said Robertson pay the costs of said motion, for which execution may issue. And thereupon said Robertson gives notice, in open Court, of an appeal to the Supreme Court.

Fall Term, 1858. Wednesday, Feby 2 1859

J 818 The State of Texas vs Heffington & Randolph } Plaintiff vs Defendants } And now on this day appeared Joseph W. Robertson by attorney, and submitted to the Court his motion heretofore filed to retax the costs in this case and thereupon, It is ordered by the Court, upon a full hearing of said motion, that the same be overruled and dismissed, and that said Robertson pay the costs of said motion, for which execution may issue. Whereupon said Robertson gives notice in open Court, of an appeal to the Supreme Court.

J 885 The State of Texas vs Heffington & Wallace } Deft vs Defts } And now on this day appeared Joseph W. Robertson, by attorney, and submitted to the Court his motion heretofore filed to retax the costs in this case. And Thereupon, It is ordered by the Court, upon a full hearing of said motion, that the same be overruled and dismissed, and that said Robertson pay the costs of said motion, for which execution may issue. Whereupon said Robertson gives notice, in open Court, of an appeal to the Supreme Court.

J 886 The State of Texas vs Heffington & Wallace } Deft vs Defts } And now on this day appeared Joseph W. Robertson, by attorney, and submitted to the Court his motion heretofore filed to retax the costs in this case. And Thereupon, It is ordered by the Court, upon a full hearing of said motion, that the same be overruled and dismissed and that said Robertson pay the costs of said motion, for which execution may issue. Whereupon said Robertson gives notice, in open Court, of an appeal to the Supreme Court.

J 888 The State of Texas vs Heffington & Randolph } Deft vs Defts } And now on this day appeared Joseph W. Robertson, by attorney, and submitted to the Court his motion heretofore filed to retax the costs in this case and Thereupon, It is ordered by the Court upon a full hearing of said motion, that the same be overruled, and dismissed, and that said Robertson pay the costs of said motion, for which execution may issue. Whereupon said Robertson gives notice, in open Court, of an appeal to the Supreme Court

J 889 The State of Texas vs Heffington & Randolph } Deft vs Defts } And now on this day appeared Joseph W. Robertson, by attorney, and submitted to the court his motion heretofore filed to retax the costs in this case and thereupon, It is ordered by the Court, upon a full hearing of said motion, that the same be overruled and dismissed, and that said Robertson pay the costs of said

Fall Term 1858: Tuesday February 8th 1859.

motion for which execution may issue. Whereupon said Robertson gives notice, in open Court, of an appeal to the Supreme Court

V. 890 The State of Texas vs Heffington & Wallace } Deft } and now on this day appeared Joseph M. Robertson by Attorney and submitted to the Court his motion heretofore filed to relax the costs in this case. And thereupon, It is ordered by the Court, upon a full hearing of said motion that the same be overruled and dismissed, and that said Robertson pay the costs of said motion, for which execution may issue. Whereupon said Robertson gives notice, in open Court, of an appeal to the Supreme Court.

And thereupon Court adjourned until Thursday morning, Feby 8. 1859.

Tuesday, February 8th 1859

Court convened at 9 o'clock, A. M. pursuant to adjournment. Hon. A. A. Terrell, Second District Judge, presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

V. 132 The State of Texas vs Blake Thompson } Deft } It is ordered that the bail in this case be fixed at one Thousand Dollars.

V. 142 The State of Texas vs E. C. Trawick } Deft } It is ordered that the bail in this case be fixed at one thousand Dollars.

V. 146 The State of Texas vs E. C. Trawick } Deft } It is ordered that the bail in this case be fixed at one thousand Dollars.

V. 152 The State of Texas vs E. C. Trawick } Deft } It is ordered that the bail in this case be fixed at one thousand DOLLARS

V. 441 The State of Texas vs Geo. H. McCoy } Deft } It is ordered that the bail in this case be fixed at one Thousand Dollars

V. 463 The State of Texas vs Joseph Hodges } Deft } It is ordered that the bail in this case be fixed at fifteen hundred dollars

Fall Term, 1858. Monday, February 8th 1859.

634	The State of Texas vs Owen & Jones	Deft Deft	It is ordered that the bail in this case be fixed at fifteen hundred dollars each
635	The State of Texas vs Lewis Jones	Deft Deft	It is ordered that the bail in this case be fixed at 1500 dollars each
657	The State of Texas vs Alejo Aberon	Deft Deft	It is ordered that the bail in this case be fixed at fifteen hundred Dollars
663	The State of Texas vs Bob Turner	Deft Deft	It is ordered that the bail in this case be fixed at one thousand dollars
666	The State of Texas vs James L. Rob	Deft Deft	It is ordered that the bail in this case be fixed at one Thousand Dollars
682	The State of Texas vs Thomas Robb	Deft Deft	It is ordered that the bail in this case be fixed at one thousand dollars.
697	The State of Texas vs Isaac L Terrell	Deft Deft	It is ordered that the bail in this case be fixed at one Thousand Dollars
1016	The State of Texas vs John Robinson	Deft Deft	Cont'd generally.
1118	The State of Texas vs Langley Harris	Deft Deft	It is ordered that the bail in this case be fixed at one Thousand Dollars
1176	The State of Texas vs M. Gilliam	Deft Deft	It is ordered that the bail in this case be fixed at one Thousand Dollars
1177	The State of Texas vs John W. Kirk	Deft Deft	It is ordered that the bail in this case be fixed at one thousand dollars
1185	The State of Texas vs Benjamin Thompson	Deft Deft	The defendant in this case having made oath that he is unable to pay the fine imposed in this case, It is ordered that he stand committed to the county jail of Travis county until the 14th April, 1859, at which time he is to be discharged, and that a commitment issue accordingly.

Fall Term, 1858. Tuesday. February 9th 1859.

1522 Thomas William Ward & Susan L. Ward & Robie Marston & Mary Marston } Plaintiffs } Defendants } In this cause comes now the plaintiffs; and it appearing to the Court that the defendants were non-residents of the State of Texas, and that they were minors under the age of twenty-one years. And it appearing that citation by publication had been regularly made requiring them to answer the petition of the plaintiffs. It is, therefore, ordered, adjudged and decreed that Frederick W. Chandler, Esq. be appointed Guardian ad litem to represent their interests in this suit. And thereupon came the plaintiffs by their attorneys as well as the said defendants by their Guardian ad litem, and announced themselves ready for trial. And the plea to the jurisdiction of this Court having been heard, It is ordered, adjudged and decreed that the same be overruled.

And it appearing that the defendants had filed special exceptions to said petition, It is ordered and decreed that the same be sustained so far as they relate to the claim by plaintiffs against the defendants for support and maintenance.

And thereupon the matters in controversy were submitted by the said parties to the Court without the intervention of a jury - and the Court having heard the evidence and it appearing therefrom that Thomas R. Marston died intestate in the State of Texas in the year 1842 leaving Susan L. one of the plaintiffs, his widow, and the said defendants his children; that the said Susan L. administered upon his estate and that in the year 18 , she rendered her final account and was discharged from said administration; that in the year 1844 she intermarried with Thomas William Ward one of said plaintiffs, who became the guardian of said defendants - It further appearing from the evidence that the said Marston in his lifetime had bought Austin city Lots Numbered 7, 8, & 9 (seven, eight and nine in Block Eighty-One in the City of Austin; that they were community property between the said Susan L. and Thomas R. Marston, and at the time of his death the same were the homestead of the said Thomas R. & Susan L. and it further appearing that the third and fourth instalments due to the Government, on Lots Seven and Eight, and the second, third and fourth instalments on Lot Number nine were unpaid, and that since the death of said Marston, and since the intermarriage of said Susan with Thomas W. Ward, the said instalments had been paid, and it further appearing that the said Susan L. Ward & her husband Thomas W. had placed valuable improvements upon said lots, and had occupied the same with the said defendants as a homestead, and that in the making of the said improvements the buildings & improvements on said lots made by the said Marston were removed. And it further appearing that the

Fall Term 1858. Tuesday. February 8th 1859.

said lots are incapable of division and partition without a sale thereof. and it further appearing that it is the interest of said plaintiffs, as well as of said minors, that the said lots be sold. And upon the evidence submitted it appearing that the interest of the said minors Robie and Mary Marston, in the lots aforesaid, amounts to the sum of six hundred and seventy dollars

It is, therefore, ordered, adjudged and decreed, that the said lots and premises be sold to the highest bidder on a credit of twelve months at the Southeast corner of Block No. Seventy, on Congress Avenue in the City of Austin, on the first Tuesday of April ~~Monday of March~~ next, after giving twenty days notice - the purchaser giving his note with approved security, besides a lien upon the said lots to secure the payment of the purchase money; and from the proceeds of said sale there shall be paid to the legal guardian of the defendants Robie and Mary Marston, the sum of Six Hundred and Seventy Dollars, as their interest in the said property so sold - and the remainder thereof is to be paid to the said plaintiffs or their agent

It is further ordered and adjudged that ~~the~~ guardian of the said Robie & Mary Marston shall execute, as required by law, a bond for the safety and preservation of the said sum of six hundred and seventy dollars, for the said minors

It is further ordered and adjudged that George D. Durham upon his entering into bond, in the sum of Four Thousand Dollars, with security, to be approved by the clerk of this Court, conditioned that he will properly disburse the funds arising from the said sale, according to the terms of this Judgment, pay all to the plaintiffs and defendants in this suit, he appointed a Commissioner to sell said property and to execute this decree - and that he make his report thereof to the next term of this Court

It is further ordered, that the said Durham, as Commissioner or Receiver, pay to F. W. Chandler for his services in this suit, as guardian ad litem of defendants, thirty dollars out of any money which may come into his hands from said sale of the said plaintiffs. It is further ordered that the plaintiffs pay all the costs in this suit expended, for which execution may issue.

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

Fall Term 1858. Wednesday, Febmary 9th 1859.

Wednesday, Febmary 9th 1859

Court convened at 9 o clock A M. pursuant to adjournment. Hon. E M Pease, Special Judge, presiding. Whereupon the following proceedings were had by said Court, as follows, to wit.

1469.

Sarah DeWitt, Christopher C. de Witt, Clinton E DeWitt, Imm L Jones, Minerva Jones William E Matthews, Eliza Ann Leman, Charles Mason & Eveline Mason, his wife — Plaintiffs

vs

Andrew Herron — Defendant

And now at this day come the proper plaintiffs, as representatives and heirs of Green DeWitt deceased, in the above entitled and numbered cause, and the parties having announced themselves ready for trial on the issues of law presented by the pleadings and the several exceptions of the defendant to the several amended petitions of the plaintiffs coming on to be heard before Hon E M. Pease (who, by agreement of parties, presided as Special Judge, the presiding Judge having been of counsel in said cause) the same were by the Court overruled, and the defendant excepted to the same; and thereupon the parties having announced themselves ready for trial on the merits of said cause, a Jury of twelve good and lawful men, to wit. C W. McAnelly and eleven others, who being duly empannelled and sworn according to law, and having heard the pleadings, the evidence, the argument of counsel, and the charge of the Court, retired to consider of their verdict, And thereupon returned into the Court the following, to wit: "We, the Jury, find for the defendant." (Signed) C. W. McAnelly, foreman." Whereupon, It is considered by the Court that the plaintiffs in said cause take nothing by their said suit, and that the said defendant A Herron, go hence without day, and have and recover of and from the said plaintiffs all the costs in this behalf expended, for which execution may issue, &c

E M Pease
Special Judge

1469

Sarah de Witt, et al — Plaintiffs
vs
Andrew Herron — Defendant

And now on this day appeared the parties to this suit by their respective attorneys; and the plaintiffs' counsel submitted to the Court his motion this day filed, for a new trial in said cause. and the said motion being duly considered by the Court, It is ordered that the same be overruled. Whereupon said plaintiffs, by their attorneys, give notice, in open Court, of an appeal to the Supreme Court of the State of Texas.

E M Pease
Special Judge

Fall Term, 1858. Thursday, February 18th, 1859.

1099 Geo Hancock } Plff } Before A. G. Shelley, Esq. Special Judge.
vs } And now at this Term came the parties
James P. Cope } Defdt } to this suit by their attorneys, and by agree-
ment of said parties it is ordered by the court that the judgment
rendered in this case at the Fall Term, 1857, be vacated, set-
aside, and held for naught, and that the defendant Cope pay all
costs of this suit, for which execution may issue.

A. G. Shelley, Special Judge

1749 Wm. L. Cowan, et als } Plaintiffs } And now on this day came the
vs } parties to this suit by their
E. Clark, Cont'd } Defendant } respective attorneys, and
announced themselves ready for trial, and submitted the cause
to the court, waiving the intervention of a Jury. And thereupon defend-
ants exceptions to plaintiffs' petition coming on to be heard, and being
fully argued by counsel, the same were sustained by the court, where-
upon it is ordered by the court, that the said exceptions be sustained
and that the suit be dismissed, and that said plaintiffs, Wil-
liam L. Cowan, Benjamin F. Cowan, Sarah Jane Cowan, Joseph C. Irvin,
Margaret Irvin pay all costs of this suit. And said plaintiffs'
counsel thereupon gives notice, in open court, of an appeal to the
Supreme Court.

1311 E. K. Pike } Plaintiff } And now at this day appeared
vs } the parties to this suit by their
Joseph Harrell } Defendant } attorneys; and the plaintiff having
submitted his motion heretofore filed for a new trial in said case, and
the same being duly and fully considered, it is ordered by the court
that the same be overruled, February 19th, 1859

John Hancock,
Special Judge.

1729 Magee, Kneass & Co. } Plaintiffs. } And now on this day came the
vs } Plaintiffs by their attorneys, and
Francis M. White, Comr } Defendant. } the defendant by R. J. Browning
Esq. representing the Attorney General, and the said defendant by attorney
having waived his answer herein, and submitted the cause on his dem-
urrer on file herein. And the said defendant having admitted the truth
of the allegations of said plaintiffs petition, but denying the legal suffi-
ciency thereof; and the said plaintiffs having joined issue on said demurrer.
And the same having been argued and submitted by the attorneys for both plain-
tiffs and defendants, and the same having been fully considered by the court, It is
adjudged, adjudged and decreed that said demurrer be overruled, and that a
Peremptory mandamus issue to the said Francis M. White, Commissioner

Fall Term, 1858: Thursday, February 10th 1859

of the Genral Land office of the State of Texas, commanding him to issue and deliver forthwith to the said plaintiffs, James Magee, Michael Magee, Napoleon B. Kneass and Geo. Faber, known in their co-partnership capacity as Magee, Kneass & Co., upon the presentation to said Commissioner of the certificate of Wm. Henry Daingerfield, Secretary of the Treasury of the late Republic of Texas, showing that said Secretary of the Treasury had received and cancelled for the said Magee, Kneass & Co hereinbefore named, the sum of Five Thousand Three Hundred and thirty-six dollars in eight per cent. bonds, including the amount of seven hundred and thirty-six dollars interest due thereon, and the sum of thirty-three dollars in promissory notes, making in all the sum of Five Thousand, three hundred and sixty-nine dollars, certificates to the amount of twenty-six hundred and eighty-four and one-half acres, in parcels of six hundred and forty acres each, or, if necessary, to make the complete amount, and no more, he shall issue one parcel for a less number than 640 acres

And it is ordered, adjudged and decreed that said White, Comr. &c shall forthwith, without delay, issue said certificates to the grss amount aforesaid, in manner and form above stated, and deliver the same to said plaintiffs, Magee, Kneass & Co, or their authorized agents. And it is ordered, adjudged and decreed, that execution issue against the said plaintiffs for the costs in this cause.

V, 1678. Geo. Bancock & Reff. } And now at this day came the parties to this
of } suit by their attorneys; and defendants counsel
H. D. Roy, et al. & Defts. } submitted the motion to set aside the default
judgment rendered in this case at a former day of the present term. And the same being considered by the Court, It is ordered that said motion be overruled

V 1710 Mary Kelley } Plaintiff } It is ordered, on motion, that the venue
v. } in this case be changed to the county
Francis Kelley } Defendant } of Williamson, and that the clerk of this Court forward the papers and a certified copy of all the entries to the District clerk of Williamson county on or before the next Term of said Court

V 1280 A. J. Peck } Reff. } It is ordered, on motion, that the venue
v. } in this case be changed to the county
B. Payne, et al. & Defts. } of Williamson, and that the clerk of this Court forward the papers and a certified copy of all the entries to the District clerk of Williamson county on or before the next Term of said Court.

Fall Term, 1858. Thursday, February 10, 1859.

V 1187 — B Marte, et als. vs H. Henry, et als — Pffs / Defts — The motion to amend the decree in this case filed by the counsel for John Wahrenberger, coming on to be heard, It is adjudged that the same be granted, except so far as to the ammount to be deducted from the three hundred, fifteen & 59/100 Dollars paid into Court by H. Henry. As the ammount to be deducted for the whole of the Guardian ad litems fee of fifty Dollars, and one fourth of the other costs. And thereupon, It is adjudged by the Court, that the three hundred, fifteen & 59/100 dollars paid into Court, by the ammount of Fifty-Nine 3/100 Dollars, the portion of the costs adjudged against the estate of Henry Henry, do be held and retained by the clerk, subject to the order of John Wahrenberger, Administrator of the estate of Henry Henry deceased.

V 1158 — J.W. Thrimp, Admr vs Joseph Newsham and a certified copy of Williamson county — Pff / Deft — It is adjudged that the motion to change the venue in this case be granted, and that the clerk forward all the papers of the cause in the case to the District clerk of Williamson county on or before the next term of the District Court of said County.

V 1421 — The State of Texas vs J. G. Huggins, et als. and a certified copy of all the entries in the case to the District clerk of Williamson county, on or before the next term of the District Court said County — Pff / Defts — It is adjudged by the Court that the motion to change the venue in this case be granted, and that the clerk forward all the papers

V 1422 — The State of Texas vs James G. Irisher, et als. — Pff / Defts — It is adjudged that the motion to change the venue in this case be granted, and that the clerk forward all the papers, and a certified copy of all the entries in the case to the District Court of Williamson county, on or before the next term of said Court.

V 1629 — W. M. Shepherd vs J. H. Raymond — Pff / Deft — On motion It is adjudged that the order dismissing this case from the docket at a former day of the term be set aside, and that the case be reinstated on the docket, and continued.

V 1737 — J. G. Scruggs vs Ezell & Ezell — Pff / Defts — It is adjudged that this cause be dismissed at defendants cost, as per agreement in writing, for which execution may issue.

Fall Term, 1858. Thursday, February 18th, 1859.

1158 Susan Taylor & Deft In District Court, Travis County, November
vs Term, 1859. It appearing that the above case
J. N. A. Carter wife & Deft's may be continued on affidavit of the def-
endants, & it appearing that the same may be tried at the present term of the
Court, & that the setting of a Judge in the case for that purpose is waived.
It is therefore considered, &c. for Deft.

The State of Texas & Fall Term, 1858. To the District Court of
County of Travis & Travis County. The undersigned, Clerk of
said Court, makes the following Report of Causes decided at said
term, in which a Jury fee of Three Dollars is recovable, in each case,
as follows, To wit:

864	Robbs	vs	Newham	$ 3.
1117	Spencer, Adam	vs	R Wells	3
1192	Kufort, et al	vs	Rhegley	3
1286	Compton	vs	Hays Co	3
1058	Cartard	vs	Burditt et als	3
1311	Pike	vs	Harrell	3
1323	Lyon	vs	Lyon	3
1469	De Wills	vs	Herron	3
1324	Smith, Adam	vs	Woods	3
1356	Moore & Owings	vs	Alexander	3
1384	Glascock	vs	Burditt	3
1431	Ingerville	vs	Herndon	3
1433	James	vs	Collins	3
1478	Sampson & Co	vs	Rockwood	3
1482	Burchard	vs	Collins	3
1483	Davis	vs	Clark	3
1509	Mckee	vs	Hacker	3
1522	Wards	vs	Mayfield	3
1529	Watkins	vs	Oldham	3
1531	Barnes	vs	Griffin	3
1533	Hague	vs	Hague	3
1536	Lewis	vs	de Normandie	3
1538	Davidson	vs	Thomas	3
1541	Steiner	vs	Conner, et al.	3
1542	Upton	vs	Griffin	3
1556	Laurence	vs	Perman et al.	3
1561	Dutsch	vs	Ireland et als	3
1562	Harrell	vs	Clifton, et als	3
1563	Connels et als	vs	Haren et als	3
1564	Herndon	vs	Griffin	3
1568	Perry	vs	Durham et al	3
1582	Wahrenberger	vs	Nichols	3
1588	Brister et al	vs	Nichols et als	3.

Fall Term, 1858. Thursday, Febman 10. 1859.

1596	Cannington & Co	v.	Railey & Mayfield	$3
1598	Aldham	v	deBormandie	3
1606	Osborne	v	Compton et als	3
1609	Lane & Co	v	Nichols	3
1618	Arnold et als	v.	Lockwood et als	3
1645	Norton	v	Brown Admt)	3
1646	Cannington & Co	v.	Gerge	3
1651	Quinn	v.	Haynie et als	3
1653	Glasscock	v	Doyle	3
1666	Knight et als	v	White	3
1672	Luckett, Guard	v.	Nichols	3
1674	Gone & Co	v.	Hunt et als	3
1676	Patterson	v.	Hendrickson	3
1677	Cannington & Co	v	B. Sims	3
1682	McGarey	v.	Medlin et als	3
1683	Gillespie & Hall	v.	Davidson	3
1687	Martin et als	v.	Stanfey et als	3
1688	Thomas	v	Blaylock	3
1690	Palmer	v.	deWitt et als	3
1694	Brandon	v	Hunt & Miller)	3
1699	Reams	v	Glasscock)	3
1700	Byrne et al	v	Hunt et als	3
1708	Johnson	v.	McMinn et als	3
1711	Crutcher	v	Cook	3
1713	Reed	v	Bowers	3
1714	Simpson	v	O'Connell et als	3
1715	Moore	v.	Fellman	3
1717	Hopkins	v.	Nichols	3
1723	Jones	v.	Lane et als	3
1724	Marshall	v	Cook	3
1726	Cannington & Co	v	Robinson	3
1727	Daniels et als	v.	Kerley et als	3
1736	Hancock	v.	McGill	3
1741	Spellman	v.	Crenshaw	3
1742	Kline	v	Hart et al	3
1749	Corum et als	v	Clark	3
1750	Cole	v	Payne et al	3
1729	McRee, Kneapf & Co	v	White, Exr	3

Amount of Jury fund $213.00
Deduct 2½ per cent. commissions allowed by law 5.32
The amount of Jury Service at the Fall Term, 1858, is 977 days, $207.68
which @ $1.50 per day, makes $1465.50
Pro Rata 21¼ per day Respectfully submitted, FRANK BROWN,
approved Feby 10 1859 Clerk, D.C.T.C.
A.O. Lucas Jud 2d Dist.

Fall Term, 1858. Thursday February 10, 1859.

List of Petit Jurors Fall Term, 1858.

1	Gustavus Kirchberg	10	days	$ 15 00
2	D. S. Young	10	"	15 00
3	Sam Cooper	10		15 00
4	L. Hellman	10		15 00
5	Jerry Robinson	16		24 00
6	J M Hopkins	13		19 50
7	C Goodman	5		7 50
8	A Hartz	4		6 00
9	C A Hopkins	6		9 00
10	James Phillips	8		12 00
11	H. Nichols	2		3 00
12	W. D. Ezell	6		9 00
13	Mark Emmett	2		3 00
14	L Kuhn	3		4 50
15	A G Weis	2		3 00
16	A. O. Hare	30		45 00
17	Aaron Bulow	10		15 00
18	L. D. Piper	18		27 00
19	A. J Butts	10		15 00
20	Wm B Brodill	10		15 00
21	T. Bostick	10		15 00
22	Hugh McGinnis	22		33 00
23	Thomas Freeman	8		12 00
24	Mc. A Hinton	12		18 00
25	A. J Penrod	10		15 00
26	L. Malicky	10		15 00
27	Robert Bass	15		22 50
28	John D. Spence	8		12 00
29	James A. Brodill	22		33 00
30	John Horan	10		15 00
31	N C Bengeus	10		15 00
32	Thomas Eborn	9		13 50
33	Wm. H. Robinson	10		15 00
34	R D Cain	10		15 00
35	W H Hart	7		10 50
36	John Nelson	16		24 00
37	H H Roberts	7		10 50
38	H M Forbes	10		15 00
39	R. Smith	2		3 00
40	A Mc Cox	10		15 00
41	W. T. Patterson	11		16 50
42	L B Collins	8		12 00
43	James H. Shaw	10		15 00
44	John H Tuck	9		13 50

Fall Term, 1858. Thursday. February 10. 1859

45	R Cleaveland	10 days	15 00
46	H R Mabin	10	15 00
47	J R Billingsley	14	21 00
48	William Saunders	10	15 00
49	H R Tunnehill	5	7 50
50	A W Davidson	10	15 00
51	Matthew Brown	5	7 50
52	L C Muse	10	15 00
53	P B Muse	10	15 00
54	J Y Carr	10	15 00
55	John H Robinson	10	15 00
56	C Raven	10	15 00
57	W M Grimsley	10	15 00
58	Jas H Raymond	10	15 00
59	George Saunders	10	15 00
60	C Spalding	7	10 50
61	John W Bowsher	10	15 00
62	J Pearce	5	7 50
63	L B Moore	10	15 00
64	B B Townsend	10	15 00
65	M A Wade	21	31.50
66	O F Waddle	6	9 00
67	J W England	4	6.00
68	J M Alexander	17	25.50
69	William Simpson	1	1.50
70	A H Barnes	15	22.50
71	John M Thomas	10	15 00
72	P W Dob	28	42 00
73	M Walton	16	24.00
74	Leander Brown	10	15 00
75	C Leidens	6	9 00
76	Thomas Stone	5	7 50
77	W H Carr	9	13 50
78	H Gloomy	10	15 00
79	Thomas E Cater	10	15 00
80	C Steiner	10	15 00
81	W M Brock	9	13 50
82	A G Compton	2	3 00
83	John S Perry	2	3 00
84	M C Burditt	2	3 00
85	Thos H Hill	2	3 00
86	Wesley Osburn	2	3 00
87	C H Rondo	2	3 00
88	J J Tannehill	2	3 00
89	H Green	2	3 00

Fall Term, 1858. Thursday, Feb'y 10, 1859.

90	W W Townsend	1	1	50
91	J G Haynie	1	1	50
92	Isaac Wolbahn	7	10	50
93	J. McKnight	7	10	50
94	O. W. McAnelly	8	12	00
95	H. Hamilton	8	12	00
96	Fred. Kerfoot	8	12	00
97	P. K. Marshall	7	10	50
98	Joseph Warren	3	4	50
99	F. O Loy	3	4	50
100	Q. Adkins	3	4	50
101	A. Swikey	3	4	50
102	A. Canes	3	4,	50

List of the Grand Jurors Fall Term 1858.

1	A. G. Wren, foreman	5	7	50
2	John M. Garret	5	7	50
3	James Manor	5	7	50
4	M. C. Ryan	5	7	50
5	Thos. P. Washington	5	7	50
6	J. H. Bondurant	5	7	50
7	Thos. H. Jones	5	7	50
8	J. Davis	5	7	50
9	W. B. Nichols	5	7	50
10	R M Johnson	5	7	50
11	M C Hamelin	5	7	50
12	A H Cook	5	7	50
13	G W Davis	5	7	50
14	J. H. Walker	5	7	50
15	J. H. Johnson	5	7	50
16	Wm Oliphant	5	7	50
17	H W. Long	5	7	50
			$ 177,	50

Days served in dud'd Grand Jury 997 days
Making total sum of $1465.50

I hereby certify that the foregoing a true and correct statement of all the Jury service at the Fall Term, 1858.

D M Blackwell, Chm'n G.C.

Approved Feby 10th 1859.

A W Terrell Jn Dge 2d Dist.

Fall Term 1858. Thursday, February 10. 1859

And thereupon it is ordered by the Court that John Horan be fined ten dollars for contempt of Court, and that execution issue to collect the same; he being in Court, and having notice of this order, sufficient cause to the contrary does not appear.

X The within & foregoing Minutes of the Court having been by me examined are by me approved except so far as relates to those causes then depending Special jurdges & in which I am disqualified & it is thereupon ordered that this Court do now stand adjourned until the next Regular Term July 16th 1859

A. W. Jones

Judge 2d Dist.

"

Spring Term, Monday, June 6th 1859

The State of Texas } Be it Remembered, That on this the
County of Travis } 6th day of June, A.D. 1859, The same
being Monday the Ninth Monday after the first Monday in
April, 1859, the Time appointed by law for the commencement
of the Sessions of the Spring Term of the District Court of Travis
County, 1859, said Court convened at the Court House of said
County, at the hour of Ten o'clock A.M. Present the Hon.
A.W. Terrell Presiding Judge of the Second Judicial District of
the State of Texas, Frank Brown, clerk of the District Court
aforesaid, and J. M. Blackwell, Sheriff of Travis county.
Whereupon the following proceedings were had by said
Court, as follows, to wit:

Ordered, by the Court, that the Sheriff call the names of those
persons appearing upon the Regular Venire, selected by the
County Court, which said Venire having been duly issued and
executed. And a sufficient number not appearing it is

Ordered, That a Special Venire issue for five persons to
complete the panel of Grand Jurymen for the present Term,
returnable instanter.

Whereupon said Special Venire having been duly issued
and returned into Court executed, the following named
persons, summoned upon said Regular and Special Venires
as aforesaid, were constituted by the Court the Grand Jury
for the present Term and were duly empanelled and sworn
by the Court, according to law, as follows, to wit:

John[1] M. Swisher; Thomas[2] D. Hill, George[3] Skinner; John[4] H.
Pope; A. B. Slaughter, Ed. S[t] Giles; J. W. Darlington; Wm P.
Mabin[6]; A. W. Miller; Thomas[10] E. Rowe; W. H. Gilbert; J. Hornsby;
Robert M[c]Elveen[13]; J. R. Billingsley[14]; Joel A. Burdill.

And thereupon, It is ordered that John M. Swisher,
Esq. be appointed Foreman of said Grand Jury.

And ordered further that F. V. Angelina and Albert
Weir be appointed Bailiffs to attend upon said Grand
Jury, who were duly sworn by the Court as such Bailiffs,
and instructed as to their duties.

And thereupon the Court having charged the Grand
Jury as to the duties devolving upon them, they were or-
ered to retire upon a discharged the same being attended by the

Spring Term, Tuesday, June 7th 1859.

Bailiffs aforesaid

And Thereupon, It is further ordered That the Criminal Docket be set for hearing and trial on Monday morning of the Fourth Week of the present Term

And ordered That a Special Venire issue, for twenty four Jurymen, returnable to-morrow morning

Ordered, That Court adjourn until to morrow 8 o'clock A.M.

Tuesday June 7th 1859

Court convened at 8 o'clock A.M. pursuant to adjournment. Present the same as on Yesterday. Whereupon The following proceedings were had by said Court, as follows, to wit:

413	R. D. McArdle vs Simon Purdon	Plaintiff / Defendant	Continued by Plaintiff	
643	Geo. N. White vs Payne & Case	Plaintiff / Defendant	Continued Generally	
818½	Henry Cox vs John A. Green	Plaintiff / Defendant	Continued by Defendant's Counsel, Pltff being absent.	
849	R. E. Flanneken vs Daniel McKenzie	Plaintiff / Defendant	Continued	
830	H. W. Bunker vs Wm Britten	Plaintiff / Defendant	Continued generally	
887	Wm Callinworth vs John Caldwell	Plaintiff / Defendant	Continued generally	
986	F. P. Chapman vs Grimsley & Duncan	Plaintiff / Defendant	Continued generally	

Spring Term, Friday June 7th 1859.

1041	T. F. Chapman & Stone & Calvin	Plaintiff & Defendants	Continued generally
C 1162	A. C. Maule & Pease & Frar	Plaintiff & Defendant	Continued generally
V 1189	James McGruder & Richard Wells	Plaintiff & Defendants	On this day this cause was regularly called, and the Plaintiff not appearing to comply with the rule for costs made by the defendants Counsel, It is therefore ordered by the Court that said cause be dismissed and that the Plaintiff, James Magruder, Horatio J Magruder and B. H. Magruder pay the costs of suit, for which execution may issue.
1199	W C Sansom & Brown, Admr	Plaintiff & Defendant	And now on this day comes the parties by their attorneys and announced themselves ready for trial. And thereupon came a jury of twelve good and lawfulmen of Travis county, to wit. A Schwartzman and eleven others, who were tried, elected empannelled and sworn according to law. And said jury having heard the testimony and the charge of the Court, rendered the following verdict: "We, the jury find for the defendant. A. Schwartz, Foreman" Whereupon, It is ordered by the Court that the plff take nothing in this behalf; that the defendant go hence and recover of the Plaintiff Sansom and the security on his cost bond, to wit. Wm H Henderson all cost of this suit, for which execution may issue
1450	S. M. Swenson & S. E. Reed	Plff & Deft	Ordered that Plaintiff have leave to amend.
1288	Thomas Blair & Silas H. Harris	Plff & Deft	Continued on Defendants affidavit

And Thereupon Court adjourned until to-morrow 8 o'clock A M

Spring Term, Wednesday June 8th 1859

Wednesday June 8th 1859.

Court convened at 8 o'clock A.M. pursuant to adjournment. Hon A. W. Terrell Judge 2d Dist. Presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

1289 L. A. Lockett Ex'r. &c. } Plaintiffs. } And now at this day
v. } appeared these parties
Joseph H. Robertson } Defendant. } by their attorneys, and announced themselves ready for trial. Whereupon, on motion, the Plff. has leave to amend their pleadings. And then came a Jury of twelve good and lawful men of Travis county, to wit: W. H. Roberts, Foreman, and eleven others, who were tried elected empannelled and sworn according to law. And the Jury having heard the testimony introduced by the parties, the argument of counsel, and the charge of the Court, retired for deliberation, and returned into Court the following verdict, to wit: "We, the Jury find for the Plaintiffs Two Hundred Dollars. W. H. Roberts Foreman." Whereupon, It is ordered, adjudged and decreed by the Court, that the Plffs. L. A. Lockett and Thos. H. Duval, Executors of the Estate of W. M. Lockett, deceased do have and recover of and from the defendant Joseph H. Robertson, said sum of Two Hundred Dollars and all costs of this suit, for which execution may issue.

1303 North, Sherman & Co } Plffs. } Continued Generally.
v.
Mitchell & Gibson } Defts.

1312 Stephen A. Boyce } Plff. } And now at this day came the
v. } parties to this cause by their attorneys, and announced themselves
S. Lockwood } Deft. } ready for trial; and on motion, It is ordered that the defendant have leave to amend. And thereupon came a Jury of twelve good and lawful men of Travis county, to wit: R. W. Humphreys, Foreman, and eleven others, who were tried, elected, empannelled and sworn according to law. And the Jury having heard the testimony, argument of counsel and the charge of the Court, rendered the following verdict, to wit: "We, the Jury, find for the plaintiff the sum of Three Hundred and Twenty-Six dollars and fifty cents. 8th June 1859. R. W. Humphreys, Foreman." Whereupon, It is ordered, adjudged and decreed by the Court, that the plaintiff, Stephen A. Boyce, do have and recover of and from the defendant, S. Lockwood, said sum of Three Hundred and Twenty-Six 50/100 Dollars and all costs. For which execution may issue.

Spring Term Wednesday June 8th A.D 1859.

1400 R D McAnelly } Plaintiff } And now come the parties to
of } } this cause and by agreement
J. J. Grumbles } Defendant } of said parties It is ordered,
adjudged and decreed that this cause be dismissed from
the docket, and that the plaintiff R. D McAnelly pay all
cost in this suit incurred, for which execution may issue.

1436 J R McCall, former } Pltff } Continued for Service
of } }
Wm G. Lyman } Defd }

1459 J R Pace et al } Pltffs } Continued Generally
of } }
C R Johnson et al } Defts }

1460 C R Johnson et al } Pltffs } Continued Generally
of } }
J R Pace et al } Defts }

1450 S. M Swenson } Pltff } And now come the parties in
of } } attorney and announced
S. G Reed } Defd } themselves ready for trial.
And on motion It is ordered that the Sheriff have
leave to amend his return of service on the attach-
ment issued herein. Came a jury of twelve good and lawful
men of Travis county, to wit W W Roberts Foreman and
eleven others who were tried, elected, empannelled and
sworn according to law. And the jury having heard the
testimony, argument of counsel and charge of the Court,
retired and brought into Court the following verdict to wit:
"We, the Jury, find for the plaintiff the sum of One Hundred
and fifteen dollars, and 55/100 W W Roberts, Foreman
Whereupon It is ordered by the Court that the pltff. S. M.
Swenson do have and recover of and from the defendant
S. G Reed the sum of One Hundred, Fifteen & 55/100 Dollars
and all costs of suit, for which execution may issue.

And now on this day appeared in open Court the Grand
Jury of Travis County, heretofore empannelled and sworn, at
this Term and through their Foreman John M Swisher
presented to the Court the following Bills of Indictment, to
wit:

Spring Term, Thursday June 9th 1859.

1191	The State of Texas v. Robert H. Smith	Deft. Deft.	Selling Intoxicating Liquors to Slave without the written consent of the Master, Mistress, Overseer or Employer
1192	The State of Texas v. Robert H. Smith	Deft Deft	Selling Intoxicating Liquors to Slave without the written consent of the Master, Mistress, Overseer or Employer
1193	The State of Texas v. Robert H. Smith	Deft Deft	Selling Intoxicating Liquors to Slave without the written consent of the Master, Mistress, Overseer or Employer
1194	The State of Texas v. Robert H. Smith	Deft Deft	Selling Intoxicating Liquors to Slave without the written consent of the Master, Mistress, Overseer or Employer
1195	The State of Texas v. Robert H. Smith	Deft. Deft	Selling Intoxicating Liquors ~~to Master~~, Slave Mistress; Or without the written consent of the Master, Mistress, Overseer or Employer
1196	The State of Texas v. Robert H. Smith	Deft Deft	Selling Intoxicating Liquors to Slave without the written consent of the Master, Mistress, Overseer Employer

And thereupon said Grand Jury reporting to the Court that there was further business before them, they were ordered to retire upon a further discharge of the same.

And thereupon Court adjourned until to-morrow 8 o'clock, a.m.

Thursday June 9th, 1859.

Court convened at 8 o'clock, a. M. pursuant to adjournment, Hon. A. M. Terrell, 2d. Dist. Judge presiding, whereupon the following proceedings were had by said Court, as follows, to wit:

1473	A. H. Phillips v. J. S. Stalman	Pltff Deft	Ordered that the plaintiff have leave to amend
1487	Elliott & Co v. Samuels & Mofson	Pltffs Deft.	Ordered by agreement of parties, that this cause be dismissed from the docket, the costs having been paid

Spring Term, Friday June 10th 1859

Friday June 10, 1859

Court convened at 8 o'clock, A.M. pursuant to adjournment. Hon. A. W. Terrell, 2d District Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

C 1510	D C & G R Freeman vs Jno M McCalla	Plff / Defts	Continued by consent.
✓ 1461	L. Milland et als. vs J. S. Milland et als	Plffs / Defts	Ordered that the plaintiffs have leave to amend and that said cause be continued.
✓ 1465	Geo. W. Hitchings vs G W Johns et	Plff. / Defts.	And now on this day comes the parties by their attorneys, and announced themselves ready for trial. And it is ordered that the plff and defendant have leave to amend their pleadings whereupon came a jury of twelve good and lawful men of Travis County, to wit: A. Schwartz, Foreman, and eleven others, who being duly tried, elected empannelled and sworn according to law, heard the testimony, argument of counsel and charge of the Court, and retired for deliberation. Whereupon said jury returned into Court the following verdict, to wit: "We, the jury, find for the defendant the Negroes or the value thereof. Aug Schwartz, Foreman." Whereupon, It is ordered by the Court that the said plaintiff Geo W. Hitchings take nothing on this behalf; that the defendant Johns go hence, and recover of and from the said Hitchings all cost of this suit, for which execution may issue.
✓ 1537	R. H. Genye vs Phillips & Black	Plff / Defts	Ordered that the Defendant have leave to amend
✓ 1625.	J. L. Nichols vs C. Lockwood, et als	Plff. / Defts.	Ordered that Defendant have leave to amend
✓ 1679	John W. Lawrence vs A. McKenzie	Plff / Defts	Continued for Service, and ordered that Plff. have leave to amend.
✓ 1692	O. J. Peck vs W. P. DeMorandie	Plff / Defts	Ordered that the defendant have leave to amend his answer

Spring Term, Friday, June 10, 1859

1695 — A. S. Slaten vs Miller & Davidson — Deft & Deft — And now on this day came the Plaintiff by attorney, and claims a Judgment final by default. And because it appears to the Court that the defendants have been duly cited and have wholly failed to answer within the time prescribed by law. It is therefore Ordered adjudged and decreed by the Court, that said plaintiff A. S. Slaten do have and recover of and from the defendants, O. D. Miller, as principal, and A. M. Davidson, as indorser, the sum of Sixteen Hundred and Twenty-One ×××× Dollars principal debt & interest due on the note mentioned to date, together with 10 per cent. per annum interest thereon till paid and all cost of suit, for which execution may issue

1707 — Wm. H. Perry vs J. D. Ford, et al — Deft vs Deft — Continued for Service.

1722 — J. G. Harrell et als vs Jno C. Robey et als — Deft vs Deft — And now comes Deft's counsel, and in his motion it is ordered by the Court that this cause be dismissed from the docket, and that the plaintiff J. G. Harrell & Mary Harrell Exrs of Jacob Harrell dec'd pay the costs of this suit, and that the same be certified to the proper Court.

1730 — Wm G. Lane & Co vs N. S. Oakman — Deft. vs Deft. — And now comes Deft's counsel and claims a Judgment final by default. And because it appears to the Court That the defendant has been duly cited and has wholly failed to answer within the time prescribed by law, It is therefore, ordered, adjudged and decreed by the Court that the Deft's Wm G. Lane, Edward H. Lane, Kerr Boyce and Deft C. Lane, under their firm name of Wm G. Lane & Co do have and recover of and from the defendant N. S. Oakman the sum of Four Hundred, Fourteen 42/100 Dollars, principal debt and interest due on the note mentioned to date, with 10 per cent. per annum interest thereon until paid, and all cost of this suit, for which execution may issue

1734 — Tho. Freeman & Co vs Heffin & Wallace — Deffts vs Defts — On motion It is ordered that the Sheriff of Caswell County have leave to amend his return of service on the citation issued on Heffin & Co, and that the cause be continued for service.

Spring Term, Friday June 10, 1859.

1735. W W Webster & H Bennett, Ind & Defts } Defts } On motion, It is ordered that the Sheriff have leave to amend his return of service in the citations in this cause. And thereupon, Because it appears that the defendants have been duly cited and have wholly failed to answer, It is ordered that the Pefft recover of the Defendants W and Henry Bennett according to the prayer of his petition, and that a writ of Inquiry be awarded.

1789 B Cage & I H Matthews Deft. } Defts } And now comes the Pefft by attorney & claims a judgment by default. And because it appears to the Court that said defendant has been duly cited, and has wholly failed to answer within the time prescribed by law It is, therefore, ordered, adjudged and decreed that the Pefft Benjamin Cage do have and recover off and from the defendant, James H. Mathews, the sum of Four Hundred, Thirty Three 23/100 Dollars, principal debt and interest due on the note sued on till date, with Twelve per cent. interest thereon until paid, and all cost of suit for which execution may issue.

1745 A M Cox & Kinzo & Cruzbam Defts. } Defts } And now comes the counsel for Pefft and on his motion It is ordered that this cause be dismissed from the docket, and that said Pefft pay all cost of suit, for which execution may issue.

1757 John M Gould & Co. & Horel & Fellman } Pefft & Defts } And now on this day come the Pefft. and on motion, It is ordered that the Sheriff have leave to amend the return of service on the citation by him issued in said cause & Claim a judgment by default. And because it appears to the Court that said defendants have been duly cited and have wholly failed to answer within the time prescribed by law It is therefore ordered, adjudged and decreed that the said Pefft. John M. Gould, Henry R Gould and Samuel Gould, under their firm name of John M Gould & Co. do have and recover off and from the defendants, Louis Horel and L Fellman the sum of Three Hundred, Seventy Three 83/100 Dollars, principal debt and interest due on the note sued on to date, with 8 per cent. interest thereon till paid, and all cost of suit, for which execution may issue.

1772. Walton & Barnes & Tho & Wm Griffin } Pefft & Defts. } Continued to next Term Service.

1773 Thomas Freeman & Geo. E Robinson et al } Pefft. & Defts. } On motion It is ordered that the Sheriff have leave to amend his return of service on the citation against Geo. E Robinson in this cause.

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1786 — S A. E. Fowler / Wm M. Fowler — Pltff. / Deft. — On motion of counsel in this case, It is ordered that the same be dismissed from the Docket, and that the Defendant Wm M. Fowler pay all cost of said suit, for which executions may issue.

1787 — A M Cox / A M Davidson — Pltff / Deft — Ordered that the Pltff have leave to amend his ~~answer~~ petition.

1788 — Phebe Johnston / Wade Moore — Pltff. / Deft. — Continued for term.

1790 — Wade Henry et al / M P Glascock, Adl. — Pltff. / Defts. — On motion of pltff. counsel, It is ordered by the Court that Henry W. Tabb, Esq. be appointed Guardian ad litem to represent the interest of the minor Texas and Frank Glascock, in this suit.

1791 — Baker Roberts / Ellen S. Robert — Pltff. / Deft. — Continued for Term

1792 — James Cole / John VanWinckle — Pltff / Deft — Continued for terms

1794 — B. J. Smith / Geo. L. Walton — Pltff. / Deft. — Continued by consent.

1795 — E. A. Beck / Truman B. Beck — Pltff / Deft — Continued for Term

1798 — Schuton & Pelham / O. Perine Exrs. — Pltff. / Defts. — Continued for Term

1799 — R. J. Conant & Bailey / Wm R. Baker — Pltff. / Deft. — And now come the pltff. by attorneys and claim a Judgment by default, and because it appears that the Defendant has been duly cited and has failed to answer within the time pre-

Spring Term Friday, June 10, 1859.

ecribed by law. It is, Therefore, adjudged and decreed by the Court, that the Plaintiffs, Frederick J. Grant and Jefe M. Ballo, under their firm name of F. J. Grant & Ballo, do have and recover of and from the defendant W. R. Baker, the sum of One Hundred and Forty-Nine 57/100 Dollars, principal debt and interest due on the note med into date, with 10 percent. per annum interest thereon till paid, and all cost of suit, for which execution may issue.

1800. Rhodes & Johns Tm vs W. P. Rhodes. Plff & Deft. And now on this day come the respts. by attorney and daim a Judgment finally by default. And because it appears to the Court that the Defendant has been duly cited and has wholly failed to answer within the time prescribed by law, It is therefore Ordered, adjudged and decreed that the Plaintiffs, John Rhodes & Wesley Johnston, under their firm name of Rhodes & Johnston, do have and recover of and from the defendant Wm. P. Rhodes the sum of Four Hundred, Twenty-Six & 34/100 Dollars, principal debt and interest due on the note med into date, with 10 per cent. per annum interest thereon till paid, and all cost of suit, for which execution may issue.

1802 A. S. Harper vs A. Lane & J. M. Lane. Plff & Deft. And now on this day came the plaintiff by attorney and claims a Judgment final by default. And on motion It is ordered that the Sheriff have leave to amend the return of Service on the citation in this case. And because it appears to the Court that the defendants have been duly cited and have wholly failed to answer within the time prescribed by law, It is therefore ordered by the Court that the Plaintiff, A. S. Harper, do have and recover of and from the defendants, Addison Lane and James M. Lane, the sum of One Hundred and Thirty-Nine 83/100 Dollars, principal debt and interest due on the note med into date, with 12 percent. per annum interest thereon till paid, and all cost of suit, for which execution may issue.

1805 Wm. M. Cozart vs Robert Weir. Plff & Deft. And now come the parties by attorney and consent and agree that Judgment may be entered against the defendant for the amount due on the note med on, and stay of execution till 1st March 1860. Whereupon It is ordered by the Court that the Plff. Wm. M. Cozart, do have and recover of and from the defendant, Robert Weir, the sum of Three Hundred, Thirty-Six & 76/100 Dollars, principal debt & interest due on the note aforesaid & costs with all cost of suit, for which execution may issue. & that execution be stayed until March 1, 1860

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V 1806. D. C. Freeman, Jr. } Plff. } And now comes the plff. by
v. } attorney, and claims a Judgment
Posey & Talbot. } Defts. } final by default. And because it
appears that the Defendants have been duly cited and have
wholly failed to answer within the time prescribed by law, It
is therefore ordered, adjudged and decreed by the Court, that
said Plaintiff, D. C. Freeman, Jr. do have and recover of and
from the defendants, James C. Posey and E. W. Talbot, the
sum of One Hundred, Forty-one & 23/100 Dollars, principal
debt and interest due on the note sued on to date together
with all cost of suit, for which execution may issue

V 1812 M. A. Taylor } Plff } And now comes the plff by attorney,
v. } and on motion, It is ordered, that the
Charles Payne } Deft } Sheriff have leave to amend his return
of service in the citation in this case. And because it appears to
the Court, that the defendant has been duly cited and has wholly
failed to answer within the time prescribed by law, but wholly
made default, It is therefore ordered that the Plaintiff recover
and from the defendant Payne according to the prayer of his
petition, and that cost of suing may be awarded.

1813. P. Dillingham } Plff. } And now comes the Plff by attorney, and
v. } claims a Judgment final by default.
M. P. Whitaker. } Deft. } And because it appears to the Court
that the defendant has been duly cited and has wholly failed to
answer within the time prescribed by law, but made default. It is
therefore ordered by the Court that the Plff. Price Dillingham, do
have and recover of and from the defendant, M. P. Whitaker, the
sum of One Hundred, Twenty-Nine & 50/100 Dollars, principal debt &
interest due on the note sued on to date, together with all cost of suit, for
which execution may issue.

V 1814 G. H. & I. P. Burdett, Admrs } Plffs. } On motion, It is ordered by the
v. } Court, that the Sheriff have leave
Isaac Hammond, et al. } Defts. } to amend his return of service on the
defendants in this case that have been served, and that the case be
continued for service on the defts. Wm. B. Burdett.

V 1815 G. H. & I. P. Burdett, Admrs } Plffs. } On motion, It is ordered by the Court
v. } that the Sheriff have leave to amend
W. C. Burdett, et al. } Defts. } his return of service on the defendants
in this case.

Spring Term, Friday June 16, 1854.

1820 — Wm. G. Lane & Co. & L. D. Carrington & Co. } Plffs. / Defts. } Continued to perfect Service

1823 — Magee & Kneass vs Hart & Fellman } Plffs. / Defts. } Continued for Service

1824 — Phelps & Johnston vs J. P. Henry } Plffs. / Deft. } And now come the Plffs. by attorney, and claim a Judgment Final by default. And because it appears to the Court that the defendant has accepted service of Plffs. petition and waived proof, and has failed to answer within the time prescribed by law, but wholly made default, It is, therefore, ordered, adjudged and decreed by the Court that the Plffs. John Phelps and Wesley Johnston, under their firm name of Phelps & Johnston, do have and recover of and from the defendant, Jr. P. Henry, the sum of One Hundred, Seventy & 7/100 Dollars, principal debt and interest due on the note sued on to date, together with 10 per centum per annum interest thereon till paid and all cost of suit, for which execution may issue.

1825 — Phelps & Johnston vs W. P. de Mumandie } Plffs. / Deft. } And now come the Plffs. by attorney and claim a Judgment final by default and because it appears to the Court that the defendant has accepted service of Plffs. petition and waived proof, and has failed to answer within the time prescribed by law, but wholly made default. It is therefore, ordered, adjudged and decreed by the Court, that the Plffs. John Phelps and Wesley Johnston, under their firm name of Phelps & Johnston, do have and recover of and from the defendant, William P. de Mumandie, the sum of Two Hundred, Fifty-Three & 94/100 Dollars, principal debt and interest due on the note sued on to date with ten per cent. per annum interest thereon until paid, and all cost of suit, for which execution may issue.

1826 — Phelps & Johnston vs Geo. W. Gray } Plffs. / Deft. } And now comes the plaintiff by attorney and claims a Judgment final by default. And because it appears to the Court that the defendant has accepted service of Plffs. petition and waived proof, and has failed to answer within the time prescribed by law, but wholly made default, It is, therefore, ordered, adjudged and decreed by the Court, that the Plffs. John Phelps and Wesley Johnston, under their firm name of Phelps & Johnston, do have and recover of and from the defendant George W. Gray, the sum of One Hundred, Seventy-Nine 26/100 Dollars, principal debt and interest due on the note sued on to date, with 10 per cent. per annum interest and cost of suit, for which execution may issue.

Spring Term, Friday June 10. 1859.

1827. D. L. Pilggerald vs Jno D. Gillum, et al } Plff / Defts. } And now on this day comes the Plff. by attorney, and claims a Judgment final by default. And because it appears to the Court, that the defendants have been duly cited and have wholly failed to answer within the time prescribed by law but wholly made default, It is therefore ordered, adjudged and decreed by the Court, that the Plff. D. L. Pilggerald, do have and recover of and from the defendants herein, Jno D Gillum, J. W. Holman and W. A. Morris the sum of One Hundred, Thirty-One & 10/100 Dollars, principal debt and interest due on the note sued on to date, together with all cost herein, for which execution may issue.

1828 Juliet Jayne vs S. P. Brown } Plff / Deft. } And now comes the Plff. by attorney and claims a Judgment final by default. And because it appears to the Court that said defendant has accepted service of Plff's petition, and waived proof, and has failed to answer within the time prescribed by law but wholly made default, It is therefore ordered, adjudged and decreed by the Court that the Plff. Juliet Jayne, do have and recover of & from the defendant S. P. Brown, the sum of One Hundred, Twenty-Four & 44/100 Dollars, principal debt and interest due on the note sued on to date, with ten per centum per annum interest thereon until paid, and all cost of suit, for which execution may issue. And it appearing that the note sued on was given in consideration of Lots Nos. 15 & 25 in Division B of the Government Tract adjoining the City of Austin, purchased by said Brown from said Jayne It is ordered, adjudged and decreed by the Court that the vendors lien of the Plff. be ~~hereby~~ decreed, and that an order of sale issue to the Sheriff of Travis county, directing him to sell the above described real estate, to wit: 15 & 25 in Division B and apply the proceeds thereof to the satisfaction of said Judgment and costs: but if said real estate should not bring a sufficient amount to pay said Judgment, then execution shall issue against said Brown for the balance that may be due.

1829. C. Krohn vs H Conner } Plff / Deft } On motion, It is ordered by the Court that the Sheriff have leave to amend his return with citation issued in this case and ordered that the cause be continued until the next Term of this Court. And ordered that the Defendant have leave to withdraw his answer.

1833 W. O. Martin vs Wesley Franklin } Plff. / Deft. } And now comes the Plff by atty & claims a Judgment final by default and because it appears to the Court

Spring Term, Friday June 10, 1859

that the defendant has been duly cited and has wholly failed to answer within the time prescribed by law and wholly made default, It is, therefore, ordered, adjudged and decreed by the Court that the plff W. A. Martin, do have and recover of & and from the defendant Morley Granville ~~the amount~~ according to the prayer of his petition, and ~~[illegible] that he do recover the rate sued on to date, with per centum per annum interest thereon until paid, together with all costs of suit, for which~~ executions may issue.

1834.	J. W. McMurtry, Trustee. v. R A A Carleton & Wife	Plff. Deft.	On motion It is ordered that the Sheriff have leave to amend his return on the citation in this suit. and ordered that the cause be continued under the rule per cur made by the Clerk, the attorney for the plaintiffs being present in Court, and having notice of said rule.
1835.	J. B. Morris & Co v. D. Trabue & Wife	Plffs Deft	On motion It is ordered that the Sheriff have leave to amend his return on the citation in this cause
1836.	Wilson Green v. W. P. DeNormandie & Wife.	Plff. Defts.	Ordered that this cause be continued for service on the defendant Conner, and that the Sheriff have leave to amend the return of service on parties served
1837.	Wilson Green v. W. P. DeNormandie & Wife	Plff Defts	On motion of Plff's counsel, It is ordered by the Court that this cause be dismissed from the docket, and that the Plff Wilson Green, pay all costs of this suit, for which execution may issue.
1839.	M. W. Townsend v. R. I. Nichols & Wife	Plff. Defts	Continued for service
1843	H C Halman v. Wallace & Keffington & Wife	Plff Defts.	and now comes the Plff. by Atty. and doth said Plff dismisses this suit as to the defendant Keffington. claims a Judgment by default, and because it appears that said Wallace and has failed to answer or within the required time Plff's petition and Mandate pro cap. It is therefore ordered, adjudged and decreed by the Court that the Plff H.C. Halman, do have and recover of and from the defendant William G. Wallace, the sum of Three Hundred and

Spring Term, Saturday, June 11, 1859.

Sixteen 65/100 Dollars principal debt and interest thereon the note sued on to date, together with all cost of suit, for which execution may issue.

1846 — D. A. Boyce, Repl. v. F. H. Boyce, Defr. } Continued for service

and thereupon Court adjourned until to-morrow morning at 8 o'clock.

Saturday, June 11, 1859.

Court convened at 8 o'clock, A. M. pursuant to adjournment. Hon. A. A. Terrell, 2d District Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

1388 — Eleanor I. Lane, James Lane, Susan A. Revells, Theodore B. Revells, Repls. v. Silas Parsons, Deft } In this case now come the parties by their attorneys. And the attorney of the defendant moves the Court to dismiss said cause on the grounds set forth in an agreement entered into heretofore by the attys. of said parties, which agreement is now filed, and is as follows:

" Lane & wife and Revells & wife and Silas Parsons } Suit pending in the District Court of Travis county.

" This agreement between Amos Morris as attorney for the plaintiffs, and John A. Green as attorney of the defendant witnesseth

" That the matters & things in controversy in this suit are to be compromised and adjusted upon the following basis:

" 1st The plaintiffs, upon proof of heirship to Greenberry Gates, " is to have a decree for the North half of the two-thirds " of a League and Labor of land in controversy in this suit.

2nd The defendant is to have a decree for the South half of the " said tract of two-thirds of a League and Labor, in accordance " with his purchase from John A. Cunningham and settlement " under the same, his decree to embrace the boundaries in the " deeds from Cunningham to him. The right, title and interest " of plaintiffs as widow and heirs of said Gates, is to be decreed " out of them & to be vested in defendant.

" 3d The plaintiff is to have a decree for two hundred and " fifty dollars against the defendant; and the defendant is to

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"pay ten dollars ($10.00) of the costs of suit, and no more
"4th The Judgment of said Court is to be in conformity with this
"agreement, and the same is to be filed in said cause.
"And whereas, the said Morrill desires to procure more full and
"complete authority from James Lane and Eleanor I Lane, two of
"the parties plaintiff, in order to act in the premises, the said Morrill
"binds himself to procure said authority by the Fall Term of the
"District Court of Travis county, and should he fail to procure the
"same so that the decree contemplated herein can be entered as
"stipulated, then he agrees that said cause shall be dismissed.
"It is further understood that should the propositions of compromise
"herein offered fail as contemplated, or be rejected by Lane & wife,
"any admission of right on the part of plaintiff, or waiver of right,
"or defendants part, herein contained, is not to be construed as an ad-
"mission of the things stated or waived. And the same stipulation
"is made in reference to the plaintiffs statements or waivers herein con-
"tained. Austin, May 19th 1858. "Wm A. Green atty for Defts"
"Morrill, for Repts."

and it appearing to the Court that there has been no evidence up to this date produced of the heirship of the plaintiffs to Green Berry Gates, and it further appearing that the attorney of repts. has procured no authority from Eleanor J. Lane and new husband as contemplated in the agreement - and the said atty. of the plaintiffs having stated in open court that he had since the making of said agreement seen a man who represented himself and who had in his possession certificates representing him to be the Greenberry Gates alleged to be dead, and said attorney further stating in open court, that he believes said representations to be true, and that the said Greenberry Gates is alive, It is therefore ordered, adjudged and decreed that the said cause be dismissed, and that the plaintiffs pay all costs in this behalf expended, for which execution may issue.

1732. Wm G. Lane & Co. } Repts. } And now comes the repts. by atty. & claim a
vs } } judgment final by default. and, on motion,
Wm R. Baker. } Defts. } It is ordered that the Defts have leave to
amend his return on the citation in this suit. And because said
defts. has been legally cited, and has failed to answer, but wholly
made default, It is, therefore, ordered, adjudged and decreed by the
Court, that the repts. Wm G. Lane, Edward H. Lane, Lem Boyce & Jesse C. Lane,
under their firm name of Wm G. Lane & Co. do have & recover of & and
from the defts. Wm R. Baker, the sum of Four Hundred, Fifty Nine &
17/100 Dollars, principal debt & interest due on the note sued on to date, with ten per ct.
interest thereon till paid, and all cost, for which execution may issue.

Spring Term, Saturday, June 11, 1859.

1475 — A. P. Blocker vs. L. K. Jennings — Plff / Deft — And now on this day came the plff by attorney, and moves the court to empannel a Jury to ascertain the amount due the plff in this suit. And thereupon came a Jury of twelve good and lawful men of Travis county, to wit: A. Schwartz, Foreman, and eleven others, who being duly tried, elected, empannelled and sworn according to law, heard the testimony and the charge of the Court, and retired for deliberation, and thereupon said Jury returned into Court the following verdict, to wit: "We, the Jury, find for the plaintiff in the sum of $229 6/100 Two Hundred and Twenty-Nine 6/100 Dollars. A. Schwartz, Foreman." Whereupon, it is ordered by the Court, that the plff. A. P. Blocker, Admr of Wm M. Maltby dec'd do have and recover of and from the defendant, L. K. Jennings, in the sum of Two Hundred and Twenty-Nine 6/100 Dollars as aforesaid and all cost, for which execution may issue.

1357 — M. W. Pommond vs. Chas. Payne, Bledsoe, Brutin & Wilson, Garnishees — Plff / Deft — And now comes the counsel for the plff. and in his motion it is ordered that this cause be dismissed from the docket, and that the cost for Garnishments issued in this case be adjudged against the plff. Pommond, for which execution may issue.

1521 — The State of Texas vs. G. W. Scott et al — Plff / Defts — Continued generally

1521 — The State of Texas vs. A. B. Butler et al — Plff / Defts — Continued generally

1528 — L. S. Thompson vs. J. Dyches et al — Plff / Defts — Continued generally

1473 — A. H. Phillips vs. L. Holman et al — Plff / Defts — And now at this day came the parties by their attorneys, and announced themselves ready for trial. Whereupon came a Jury of 12 good and lawful men of Travis county, to wit: W. W. Roberts, Foreman and eleven others who were tried, elected, empannelled and sworn according to law. And the Jury having heard the testimony, argument of counsel & the charge of the Court, retired and being at into Court the following verdict, to wit: "We, the

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Jury, find for the Defendant. W W Roberts. Foreman whereupon it is ordered, adjudged and decreed by the Court that the Plff. take nothing in this behalf; that the Defendant go hence and recover and have said A K Phillips Agent of this suit for which execution may issue.

And now on this day appeared in open Court the Grand Jury of Travis County, and through their Foreman, John M Gaither, presented to the Court the following Bills of Indictment, To wit.

1197	The State of Texas vs John C. Frehley	Plff & Deft	Embezzlement of Goods belonging to Phelps & Johnston of the value of twenty-three dollars and sixty cents.
1198	The State of Texas vs John C. Frehley	Plff & Deft	Embezzlement of a Coat, Hoop Skirt and monetrap worth Twenty-two 25/100 Dollars
1199	The State of Texas vs John C. Frehley	Plff & Deft	Embezzlement of a coat worth fifteen Dollars.
1200	The State of Texas vs John C. Frehley	Plff & Deft	Embezzlement of Four Dollars in money
1201	The State of Texas vs John C. Frehley	Plff & Deft	Embezzlement of Four Dollars & twenty cents in silver, and Two bank bills of Five Dollars each
1202	The State of Texas vs John C. Frehley	Plff & Deft	Embezzlement of a Neck Tie of the value of One 50/100 Dollars
1203	The State of Texas vs John C. Frehley	Plff & Deft	Embezzlement of One Dollar & Fifty Eight cents in money
1204	The State of Texas vs John C. Frehley	Plff & Deft	Embezzlement of One Dollar in money

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1205	The State of Texas vs John C Pickley	Deft	Deft	Embezzlement of Twenty cents in Silver
1206	The State of Texas vs John C Pickley	Deft	Deft	Embezzlent of Seventy-five cents in Silver
1207	The State of Texas vs John C Pickley	Deft	Deft	Embezzlement of Fifty-five cents in money
1208	The State of Texas vs John C Pickley	Deft	Deft	Embezzlement of Ninety cents in Silver
1209	The State of Texas vs Adrian K. Roper	Deft	Deft	an assault with intent to Kill and murder one Richard D Cheegwin
1210	The State of Texas vs Krohn & Bertram	Deft	Deft	Theft of a dog belonging to David K Cox
1211	The State of Texas vs Fink, Eilers & Green	Deft	Deft	Selling Intoxicating Liquors in quantities of a Quart and permitting it drank on the premises
1212	The State of Texas vs Fink Eilers & Green	Deft	Deft	Selling Intoxicating Liquors in quantities of a Quart and permitting it to be drunk on the premises
1213	The State of Texas vs Fink, Eilers & Green	Deft	Deft	Selling Intoxicating Liquors in quantities of a Quart, and permitting the Liquors to be drunk on the premises
1214	The State of Texas vs C Spalding	Deft	Deft	Giving to a Slave Intoxicating Intoxicating Liquors without the written consent of the Slaves master, &c
1215	The State of Texas vs B H H Bell,	Deft	Deft	An assault with intent to murder Wm Sauer

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1216 The State of Texas vs J B Wilson & D M Wilson } Deft } Selling liquor in quantities of a quart and permitting the Intoxicating liquor so sold to be drank there on sold

1217 The State of Texas vs Herman Cirot. } Deft } Theft of a Cow of the Species of neat cattle of the property of J W Robertson

1218 The State of Texas vs John D A St. clair } Deft } Embezzlement of One Hundred & Ninety Seven Dollars of the property of Robert Thompson

And said Grand Jury having suggested to the Court that there was no further business before them, they were therefore discharged from further attendance.

And thereupon Court adjourned until to-morrow morning at 8 o'clock.

Monday 13th June, 1859.

Court convened at 8 o'clock, A. M. pursuant to adjournment. Hon. A. M. Jewell, Second District Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

1537 R. H. George vs Phillips & Black } Deft } And now on this day came the parties by their attorneys and announced themselves ready for trial. Whereupon came a Jury of Twelve good and lawful men of Travis County, to wit: Jno. Schwartz, Foreman, and eleven others, who were tried, elected, empannelled and sworn according to law. And the Jury having heard the testimony, argument of Counsel and the charge of the Court, retired for deliberation. Whereupon said Jury returned into Court the following verdict, to wit: "We, the Jury, find for the plaintiff in the sum of Ten Dollars. Jno. Schwartz, Foreman." Whereupon, It is ordered by the Court, that the plaintiff, R. H. George do have and recover of and from the defendants W C Phillips and John A. Black, the sum of Ten Dollars, for which execution may issue. It is further ordered that said ~~R. H. George~~ recover of and from the ~~Deft~~ ~~W C Phillips & John A Black~~ R. H. George all cost of suit, for which execution may issue.

1539 R. Williamson et al vs S W Blount, Sr. et al } Deft } Continued Generally.

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560	L. F. Price v M. Short	Deft / Deft	Defendant moves the Court to approve the deposition of Wm G. & Mary Lawson, which motion is retained. And the death of Short having been suggested in open Court, It is ordered that the surviving Co-Defendant to make his representatives parties defendant
1578	J. McCollum with v J. N. Brown Admr	Deft / Deft	Continued by consent under a Rule for cost entered by the defendant at last Term
1583	A. Kingsley v L. L. Ayres	Deft / Deft	Continued by Deft. as on his affidavit
1592	Charlotte Hulsey v M. Hulsey	Deft / Deft	Continued generally
1622	A. O. Hamblin v D. W. Degnan and Arbitration of persons selected by the parties	Deft / Deft	By consent of parties It is ordered that this cause be submitted to the arbitration of persons selected by the parties.
1766	The State of Texas v Wm B. Jones et al	Deft / Defts	And now comes the counsel for the State, and dismisses this suit as to the defendant Samuel C. Jones, and moves the Court to render a final Judgment by default. And because it appears to the Court that at the last term of this Court, to wit: on the 7th day of January 1859 Judgment nisi was rendered against the defendants herein for the sum of Seven Hundred dollars on a forfeited appearance bond for the sum of Seven Hundred Dollars dated 2d Dec 1858, given in case No 635 of The State of Texas vs W. Jones et al, and it appearing that the defendants have been duly served with process, and have wholly failed to appear and show cause why said Judgment nisi should not be made final, and wholly made default, It is therefore ordered adjudged and decreed that the State of Texas do have and recover of and from the defendants William B. Jones, William Winans and Edward Winans the Amount of said Judgment nisi to wit: Seven Hundred Dollars and all cost of this proceeding, for which execution may issue.

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1767 The State of Texas vs James V. Russ, et als } Reffs / Debt } And now comes the counsel for the State, and asks the court that the perfeiture and that the defendants, James V. Russ, O.K. Mooney and Alexander Cames pay all cost of this proceeding for which execution may issue.

1815. G. A. & J. F. Burditt, admrs vs M. C. Burdett, et al. } Reffs / Defts } And now come the Reffs by their attorneys, and claims a Judgment final by default, and because it appears to the court that the defendants have been duly cited and have failed to answer within the time prescribed by law, but wholly made default, It is therefore ordered, adjudged and decreed by the court, that the plaintiffs, Giles A. Burditt and Jesse H. Burditt, administrators of the Estate of M. W. Burditt, deceased do have and recover of and from the defendants, M. C. Burditt, A. A. Burditt and Andrew M. Davidson the sum of One Thousand and Two 8/100 Dollars ($1002.80) principal debt and interest due on the note sued on to date, together with ten per centum per annum interest thereon till paid, and all cost of suit, for which execution may issue.

Whereupon Court adjourned until to-morrow morning at 8 o'clock.

Tuesday, 14th June, 1859.

Court convened at 8 o'clock A.M. pursuant to adjournment. Hon. A. W. Terrell, Legal District Judge presiding. Whereupon the following proceedings were had by said Court as follows, to wit:

And thereupon, It is ordered by the Court, that N. G. Shelley, F. W. Chandler, Thomas P. Reed, O. D. West and W. W. Sabell, Esqrs attorneys practicing in this Court, be appointed a committee to examine the qualifications of the applicant Anderson, under his application for admission to practice law in the District and Inferior Courts of this State

1593 N. Grooms vs P. & P. Priestley. } Reffs. / Defts. } And now on this day came these parties by their attorneys and announced themselves ready for trial. And thereupon came a jury of twelve good and lawful men of Travis county, to wit: W. W. Roberts, Foreman, and eleven others who were tried, elected, impannelled and

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sworn according to law. And said Jury having heard the Testimony, argument of counsel and the charge of the Court, retired, and brought into Court the following Verdict to wit: " We, the Jury find for the plaintiff in the sum of Sixty Dollars against Philander Priestley and Periander Priestley, for the board of Joseph Priestley. We also find for the plaintiff in the sum of Sixty Dollars against Periander Priestley alone for the Board of Hiram Summers. W. M. Roberts, Foreman." Whereupon, It is ordered adjudged and decreed by the Court, that the Pltff. Horatio Grooms do have and receive off and from the defendants Philander Priestley and Periander Priestley the sum of Sixty Dollars for the board of Joseph Priestley; and that said Horatio Grooms do recover off and from Periander Priestley the sum of Sixty Dollars for the Board of Hiram Summers; and that said Grooms do have and recover off and from the said Periander Priestley and Philander Priestley all cost of suit, for which execution may issue.

1616 Silas Parsons vs I. Nichols — Pltff & Defts — And now on this day this cause being regularly reached on the docket and the Pltff not appearing in person or by attorney to prosecute the same, It is ordered by the Court that said cause be dismissed from the Docket, and that said Nichols recover off and from said Silas Parsons all cost herein incurred for which execution may issue.

1625 J. L. Nichols vs C. Lockwood, etal — Pltff vs Defts — Continued generally, and ordered that the plaintiff have leave to amend.

1629 W. M. Shepherd vs Jos H. Raymond, etal — Pltff. vs Defts. — Continued generally.

1631 Wm Alexander vs Thos F. Chapman — Pltff. vs Defts. — Continued generally

1644 Wm Angate vs J. J. Johnson, etals — Pltff. vs Defts. — And now on this day comes the Pltff by attorney, and on motion, It is ordered by the Court, that the Sheriff have leave to amend his return of service on the citation issued on Goalman Martin. And thereupon came

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a Jury of twelve good and lawful men of Travis county, to-wit: Augustus Schwartz, Daeman, and eleven others, who were tried, elected, empannelled and sworn according to law. And the Jury having heard the evidence, and the charge of the Court, retired for deliberation and brought into Court the following verdict, to wit: "We, the Jury, find for the plaintiff in the sum of $228 66/100 (Two Hundred and Twenty-Eight 66/100 Dollars. Aug. Schwartz, Foreman." Whereupon, It is ordered by the Court that the Pltff. William Ingate, do have and recover of & from the defendants, Gadiman Martin, William Martin and I. I. Johnson the sum of Two Hundred and Twenty-Eight 6/100 Dollars together with all the cost of suit, for which execution may issue.

1663	Philo Woodruff et al / Tyre Buckley et als	Pltff / Defts	}	Continued generally
1507	G. G. Hale / P. A. Monroe, W. H. D. Canning Jr.	Pltff / Defdt. Garnishee	}	On motion, It is ordered by the Court, that this cause be dismissed from the docket, and that the cost of the Garnishment herein be adjudged against the Pltff. for which execution may issue
1661	A. M. Emerson / D. W. Bell	Pltff / Defdt	}	And now comes on this day this cause came on to be heard in regular order and the Pltff. not appearing in person or by attorney to prosecute the same, It is ordered by the Court that said cause be dismissed from the docket, and that said Emerson pay all cost of this suit, for which execution may issue.

And thereupon Court adjourned until to-morrow at 8 o'clock, A. M.

Wednesday 15th June 1859.

Court convened at 8 o'clock, A.M. pursuant to adjournment. Hon A. W. Terrell, Second District Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

1656	J. D. L'Estrange / S. Lockwood et als	Pltff / Defts	}	And now at this day came the parties to this suit by their Attorneys and announced themselves ready for trial. And by agreement of the parties, It is ordered that the two causes in this suit embraced be consolidated

and tried at the same time. And thereupon came a Jury of twelve good and lawful men of Travis county, to wit. Humphreys. Freeman, and eleven others, who were tried, elected, empannelled and sworn according to law. And the Jury having heard the testimony, argument of counsel and the charge of the Court, retired for deliberation, and returned into Court the following Verdict to wit: "We the Jury, find for the "plaintiff the sum of One Hundred and fifty-one 50/100 Dollars "against L. Lockwood and Catherine Lockwood his wife. P.W. "Humphreys. Foreman." And thereupon comes the Pff & Defendant by their attorney and enters a remittitur, in open Court of the sum of Eleven 20/100 Dollars. Whereupon it is adjudged and decreed by the Court that the Pff. Frank P. L'Estrange do have and recover of and from the defendants, Catherine Lockwood and Sylvester Lockwood, and the securities in the Cathrine Bond to wit: James Carter, L. O'Neill, William Wood and J. J. Manor the sum of One Hundred and Forty Dollars, together with all cost of suit in this Court and the Court below expended, for which execution may issue.

1662 Andrew Harper et Sherman Case } Pff & Deft } And now on this day came the parties to this suit by their attorneys and the defendants counsel submitted his demurrer going to the sufficiency of plaintiffs petition, which said demurrer is overruled by the Court, and the cause continued.

1665 Mary Schmidt et John Schmidt } Pff & Deft } And now on this day this cause was regularly reached on the docket for trial. And thereupon the Court appointed William M. Walton, Esq. an attorney of this Court to represent the defendant, who has not answered. And thereupon the parties announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis county, to wit: W.W. Roberts, Freeman and eleven others, who were duly tried, elected, empannelled and sworn according to law. And said Jury having heard the testimony, argument of counsel and the charge of the Court, retired for deliberation, and returned into Court the following verdict, to wit: "We, the Jury, find "that John Schmidt and Mary Schmidt were man and "wife. We also find that the improper conduct of the "defendant John Schmidt towards his wife Mary Schmidt "was such that rendered their living together insupportable "W.W. Roberts, Foreman". "We also find that the defendant

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"was guilty of the conduct towards his wife, charged against
"him in the petition, and that it consisted of such outrages
"towards his wife as rendered their living together of the parties
"insupportable. W.W. Roberts, Examiner." Whereupon, It is ordered, adjudged and decreed by the Court here, that the bonds of matrimony heretofore existing between the said Mary Schmidt and John Schmidt, be and are hereby forever dissolved, and that the said Mary Schmidt be and is hereby restored to all the rights, and privileges of a single woman. Ordered, that John Schmidt pay all the cost of this suit, for which executions may issue.

1669.	W. Groams et al vs B. F. Carter et al	} Defts	} Defts	} Continued for service.
1670	H. C. Dunn vs O. B. Hallingsworth	} Defts	} Defts	On motion It is ordered by the Court that W. A. Darlton be made a party defendant to this suit, the said Darlton being in open Court; and It is ordered that this cause be continued on the affidavit of the defendant; and ordered further, that Pltff. have leave to insert the proper name of the defendant Hallingsworth in his petition.
1671	J. A. Poage v. L. P. Birt.	} Pltff	} Dft	Ordered that this cause be continued for service, and that the costs of the present term be adjudged against the Pltff. for which execution may issue.
1673	Charles Wacker vs R. A. Rutherford	} Pltff	} Dft	} Continued for service
1681	Gillespie & Hall vs D. Hardeman et al	} Pltffs	} Defts	} Continued for service on Hardeman
1686	J. W. Robertson vs James Thompson	} Pltff	} Dft	Ordered that this cause be continued on account of Pltff's. absence, defendants attorneys consenting thereto.
1769	The State of Texas vs B. Hinds et al	} Pltff	} Defts	And now on this day comes the counsel for the State, and moves the Court to render judgment final

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by default. And it appearing that at the last term hereof, to wit: at the 7th January, 1859, Judgment nisi was rendered against these defendants for the sum of One Hundred Dollars conditional appearance bond; and said defendants having been duly served by writs of Scire facias to appear and show cause why said Judgment should not be made final, and they having failed to appear and show such cause, and wholly made default, It is, therefore, ordered, adjudged and decreed by the Court that the Judgments nisi aforesaid be and the same are declared final, and that the State of Texas do have and recover off and from the defendants, Ben. Hinds and James R. Jackson, the said sum of One Hundred Dollars as aforesaid, and all cost of this proceeding, for which execution may issue.

1770

The State of Texas vs Ben. Hinds et al } Defts } And now on this day came the counsel for the State, and claims Judgment final by default in this cause. And it appearing that at the last term hereof, to wit: on the 7th day of January, A. D. 1859, Judgment nisi was rendered against these defendants for the sum of One Hundred Dollars on a forfeited appearance bond; and said defendants having been duly served by writs of Scire facias to appear and show cause why said Judgments should not be made final, and they having failed to appear and show such cause, and wholly made default, It is, therefore, ordered, adjudged and decreed by the Court, that the Judgments nisi aforesaid be and the same are declared finally and that the State of Texas do have and recover off and from the defendants Ben. Hinds and James R. Jackson, the said sum of One Hundred Dollars aforesaid and all cost of this ~~proceeding~~ proceeding, for which execution may issue.

1771

The State of Texas vs Ed Finnin } Deft } It appearing that Ed. Finnin was fined Twenty Dollars at last term, to wit: on the 7th January 1859, for failing to attend as a witness, after having been subpoened, in case No. 988, of the State of Texas v. The Anderson and the said Finnin having been served by writ of Scire facias to appear and show cause why said fine should not be made final, and he having failed to do so,

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It is therefore ordered that said fine be made final, and that the State of Texas do have and recover off and from the said Timmins said sum of Twenty Dollars and all cost of this proceeding, for which execution may issue.

1832 — Thos Freeman & Co / vs / Thurman Case — Defts & Deft — An motion of this ordered by the Court that the Sheriff have leave to amend his return of service on the citation in this case. And because said defendant has been duly cited and has wholly failed to answer within the time prescribed by law, It is therefore, ordered, adjudged and decreed by the Court, that the Pffs. Thomas Freeman, Watson Freeman and Robert Freeman, under their firm name of Thomas Freeman & Co. do have and recover off and from said Thurman Case Judgment by default for the sum of Three Hundred and Sixty-seven & 50/100 Dollars, principal debt and interest due on the note sued on to date, together with ten per centum per annum interest thereon till paid, and all cost of suit, for which execution may issue

1735 — Wm W. Webster / vs / H. & N. Bennett — Pff / Defts — And now on this day came the Pffs. by attorney, and announced himself ready for trial, and the defendants not having answered, It is ordered that a Jury be empannelled to pass upon the facts. And the Jury having been tried, empannelled and sworn, consisting of A. Schwartz and eleven others, they heard the evidence introduced by the Pffs and the charge of the Court, and retired for deliberation. And thereupon said Jury returned into Court the following verdict, to wit: "We, the Jury, find for the plaintiff in the sum of $502 25/100 (Five Hundred and Two 25/100 Dollars; and we, the Jury, further find that the mortgage was executed by Hiram Bennett and Nancy, his wife, to secure the payment of the note mentioned in this petition and in said Mortgage. A. Schwartz, Foreman." Whereupon, It is ordered, adjudged and decreed by the Court that the Pffs. W.W. Webster, do have and recover off and from the defendants, Hiram Bennett and Nancy Bennett, the sum of Five Hundred and Two 25/100 Dollars together with all cost of suit, for which execution may issue. And it appearing that the defendants executed a mortgage to Pffs. upon Lots No. One, Two, Three and Four in Block No. Twenty, in the city of Austin to secure the payment of the note sued on, It is, therefore, ordered, adjudged and decreed by the Court, that the mortgage lien of the said

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pefft, when said tax on Lots be duely foreclosed, and that an order of sale issue to the Sheriff of Dallas commanding him to sell said property according to law and apply the proceeds to the satisfaction of said Judgment and the cost, and if said lots shall not bring a sufficient amount to satisfy this Judgment then execution shall issue against the defendant Hiram Bennett for the balance that may be due after such sale, if any,

And thereupon Court adjourned till to morrow morning at 8 o'clock

Thursday June 16th. 1859.

Court convened at 8 o'clock A M pursuant to adjournment Hon. A. W. Terrell, 2d. District Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

1691 — A. R. Blocker, Admr. vs. D. D. Sneed — Pefft vs. Deft — And now on this day comes the pefft by his attorney, and on motion it is ordered by the Court that this cause be dismissed from the Docket, and that the cost be adjudged against the Estate of Mc M. Murphy, Decd; that said bill of cost be entered on the proper Court as a just claim against the estate of said Murphy to be paid in due course of administration

1692 — O. J. Peck vs. W. P. DeMorandie — Pefft vs. Deft — Continued by consent of parties

1693 — S. J. Caffiday, Admr. vs. John King — Pefft vs. Deft — Continued by consent of parties

1696 — Thos. H. Dabadie vs. Wacker Wilson — Pefft vs. Deft — Continued at instance of defendants counsel, Plaintiffs counsel being absent.

1126 — Geo. J. McMurtry vs. J. D. Easton — Pefft vs. Deft — On motion of pefft's. counsel, it is ordered that this motion to revive the Judgment in this case in the name of W. L. Rabardy, admr of said McMurtry be granted, the death of said Plaintiff being suggested

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V. 1126	Geo J. McMurtry's Admr vs James D. Easton	Plff & Deft	It is adjd that the motion of the plaintiff in this suit, to set aside & all proceedings therein from the date of service of proc[ess] to the filing of petition of the Admr. be granted.
✓ 1450	D.M. Rucker vs J G Reed	Plff & Deft	It is adjudged by the Court that defendants motion for a new trial in this suit be overruled - and thereupon the defendant gives notice, in open Court, of an appeal to the Supreme Court.
✓ 1530 ✓	Hugh Lewis vs Rome & Conner	Plff & Deft	And now on this day comes the Plff. by attorney and submits his motion to enter the Judgment nunc pro tunc, in this case, as of date, the 13th June 1858, And the Defendants receiving notice of said motion, and not objecting thereto, and it being apparent that Judgment was rendered at that date for the amount due on the note, which was not entered at said term, through mistake, It is therefore ordered, adjudged and decreed by the Court that said motion be granted, and that said Hugh Lewis do have and recover of & from the Defendants, Joseph Rome and John H. Conner, as of date June 13th 1858, the sum of One Hundred, Forty-Three 3/100 Dollars, principal debt and interest due on the note sued on to said date, together with ten per centum per annum interest thereon from said 13th June, 1858, until paid, and all cost of suit, for which execution may issue
✓ 1465	G. W. Hutchings vs W. G. Johnson	Plff & Deft	and now comes Plff's. counsel, and withdraws the motion heretofore filed, for a new trial, in this case.
✓ 1475	A. P. Blocker vs R K Jennings	Plff & Deft	ordered that defendants motion for a new trial in this case be overruled
✓ 1473	A H Phillips vs L S Johnson	Plff & Deft	It is ordered that plaintiffs motion for a new trial in this case be overruled
✓ 1473	A H Phillips vs L S Johnson	Plff & Deft.	It is ordered that plaintiffs motion to set aside the Judgment in this case be overruled

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1656 — H. I. & Celrange vs I & C Lockwood — Defendants give notice — Pltff / Deft — Ordered by the Court that defts. motion for a new trial in this case be overruled. Whereupon said notice in open Court, of an appeal to the Supreme Court.

1593 — H. Grooms vs P. & P. Priestley — Pltff / Defts — It is adjud by the Court that the motion for a new trial in this case be and the same is hereby overruled.

And thereupon Court adjourned till to-morrow at 8 o'clock A.M.

Friday, 17th June, 1859

Court convened at 8 o'clock, A.M. pursuant to adjournment. Hon. A. A. Terrell, Texas District Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

And thereupon, It is adjud that the order heretofore entered setting the Criminal Docket for hearing on the 4th Monday of the Term be set aside, and that the said Docket be set for hearing on the 5th Monday of the present Term.

1698 — Joseph Maulard vs Sterling Neblett — Pltff. / Dft. — And now on this day comes the Plaintiff by attorney and announces himself ready for trial; and thereupon It is adjud by the Court that the Sheriff have leave to amend his return of service on the citation issued in this case, and thereupon came a Jury of twelve good and lawful men of Rains county, to wit: W. W. Roberts, Foreman, and eleven others, who were duly tried, elected, empannelled and sworn according to law. And the Jury having heard the evidence and the charge of the Court, retired and brought into Court the following verdict, to wit: "We, the Jury, find for the plaintiff in the sum of Nine Hundred and Nineteen Dollars and Sixty-three cts. W. W. Roberts, Foreman." Whereupon It is adjud, adjudged and decreed by the Court, that the plaintiff, Joseph Maulard do have and recover of and from the defendant Sterling Neblett, the sum of Nine Hundred and Nineteen Dollars 63/100 and all cost of this suit, for which execution may issue.

1701 — William Drake vs D. C. Heffington — Pltff. / Deft. — And now on this day this cause being regularly reached on the docket, the plaintiff, by his counsel appeared and

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announced himself ready for trial, the defendant not appearing, but making default. Whereupon a Jury of twelve good and lawful men of Davis county, to wit: A. Schwartz, Foreman and eleven others, who being duly tried, empannelled and sworn, tried, and bought into Court the following verdict, to wit: "We the Jury, find for the plaintiff in the sum of $371.45 and we also find that the mortgage "was executed for the purpose of securing the payment of the note men- "tioned in the petition. Augustus Schwartz, Foreman."

Whereupon It is ordered, adjudged and decreed by the Court, that the plaintiff, William Drake, do have and recover of and from the defendant, David C. Hefflington, the said sum of Three Hundred and Seventy One & 45/100 Dollars, together with all cost of suit, for which execution may issue. And it appearing that the defendant had executed his mortgage to the plaintiff, to secure the payment of the note sued on, upon the following described property, to wit: " a certain tract or " parcel of land situate in Davis county, Texas, included in the following " metes and bounds, Beginning at a stone mound in the west boundary " line of I. C. Dannehill's League of land, and original N. E. corner of " said Survey No. 20. Thence N. 60 W. 4 3/4 varas to a stone mound from " which a Black Jack 4 inches in diameter marked "X" bears S. 72 1/2 W. 3 " varas. Thence S. 30 W. 480 varas to a drain, and 520 varas to a stake " in the East bank of a drain, from which a Black Jack 12 inches in " diameter marked "X" bears N. 59 1/2 E. 14 3/4 varas. Thence S. 60 E. 4 3/4 " varas with the N. boundary line of James Mathews Survey to a stake in the " N. margin of the road leading from Austin to Barbata, from which a P.O. " 6 inches in diameter marked 'X' bears N. 12 W. 11 varas. Thence with Dannehill's W. boundary line N. 30 E. 520 varas to the place of beginning." It is thereupon ordered, adjudged and decreed that the Mortgage lien of the said Plff. be foreclosed, and that the Clerk issue an order of sale to the Sheriff of Davis county, commanding him to sell the above described lands and premises, and apply the proceeds thereof to the satisfaction of this Judgment and costs, and the overplus, if any, he shall pay over to said Heffington. But in the event that said land shall not bring a sufficient amount to satisfy said Judgment, then execution shall issue against said Heffington for whatever balance may be due thereafter.

1702 Wm. S. Hotchkiss vs. J. R. Hunter, et al } Plff / Defts. } and now on this day appeared the plaintiff by attorney, and announced himself ready for trial. and thereupon the Court appointed Thomas C. Reed, Esq. attorney and Guardian ad litem to represent the infants of the minor defendants in this suit, Geny W. Paschal having been appointed at the last term, and he having failed to appear and act. And thereupon

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came a Jury of twelve good and lawful men of Travis county, to wit: Augustus Schwartz, Foreman, and eleven others, who were duly tried, elected, empannelled and sworn according to law. And the Jury having heard the testimony introduced by the parties and the charge of the Court, retired for deliberation, and returned into Court the following Verdict, to wit: "We, the Jury, find for the plaintiff. Augustus Schwartz, "Foreman." And it appearing to the Court that the pleadings are correct, that the rights of the parties defendant have been duly protected; that the evidence authorized the finding of the said verdict, and that the plaintiff is entitled to the relief prayed for. It is therefore ordered, adjudged and decreed by the Court, that the said defendants William S. Hunter and Thomas R Hunter be, and are hereby divested of all right, title and interest in and to said certificate, as heirs at law of the said I. S Hunter; that plaintiff be, and is adjudged, adjudged and decreed, to be, the legal and equitable owner of said Headright Certificate No. 317, issued by the Board of Land Commissioners of Montgomery county, to James S. Hunter, for one Labor of Land, bearing date 29th March, 1838, and said Hatchkiss is hereby invested with the legal and equitable title thereto, with all the rights and privileges of an assignee thereof. It is further ordered, adjudged and decreed that the said Wm S. Hatchkiss pay all cost of this suit, for which execution may issue.

1704. C. W. Pressler, Admr. } Pltff
vs. } Debt
Saml G. Nowell, et al. } Debt

And now on this day came the parties to this suit by their respective attorneys, and in open Court moved the Court to render Judgment in accordance with the terms of the agreement heretofore filed herein. Whereupon, It is ordered, adjudged and decreed by the Court, that the plaintiff, Charles W. Pressler, Administrator of the Estate of Theodore Miller, dec'd do have and recover off and from the defendants, S. G. Nowell, R. H. Simmons and W. H. D. Carrington the sum of Four Hundred and Fifty-three 93/100 Dollars, principal debt and interest due on the note sued on to-date, together with all cost of this suit, for which execution may issue. And it appearing that the defendant Nowell executed his mortgage upon Out Lot No. (18) Eighteen in Division "O", of the Austin City Tract, containing Ten Acres to secure the payment of the note sued on, It is therefore ordered, adjudged and decreed, that plaintiff's mortgage lien upon said Out Lot No 18 in Division O be foreclosed

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and that an order of Sale issue to the Sheriff of Davis county, commanding him to sell said Out Lot and apply the proceeds thereof to the satisfaction of this Judgment and the overplus, if any, he shall pay over to said Powell; but if said Out Lot shall not bring a sufficient amount to satisfy said Judgment, then execution shall issue against said defendants for the balance that may be due

1706 Mary O'Brien, et al, Pepps. / R. H. Clements Deft. } And now on this day appeareth in open Court the parties to this suit by their attorneys, and said parties agree and move in open Court that Judgment may be entered for $50 and cost in favor of plaintiffs. Whereupon, It is ordered, adjudged and decreed by the Court that the Pepps. Mary O'Brien and Amen O'Brien do have and recover off and from the defendant R. H. Clements, the said sum of Fifty Dollars and all cost of this suit, for which execution may issue.

1709. Phelps & Johnston, Pepps. / John C. Zuehlcy Deft. } And now on this day came the parties to this suit by their atty's and the defendant submitted his motion to quash the levy by the Sheff. on the 17th July 1859, made upon personal property, consisting of 185 bound German books, and about 20 unbound and one Spanish dagger, he and the same is hereby sustained. and thereupon the case is continued on the affidavit of the plaintiffs. Ordered, further, that the defendant have leave to amend.

1712 Thomas Mooney, Pepp. / J. W. Hannig Deft. } And now come the parties to this cause by their attorneys, and the counsel for the defendant submitted his ~~motion~~ affidavit for a continuance of this cause, which application is overruled. and the parties having announced themselves ready for trial, then came a Jury of twelve good and lawful of Davis county, to wit: A. Schwartz, Foreman, & the others, who were duly tried, elected, empannelled and sworn according to law, and the Jury having heard the testimony, argument of counsel and the charge of the Court, retired for deliberation, and returned into Court the following verdict, to wit: "We, the Jury find for plaintiffs in the sum of $174.93 One Hundred and Seventy Four 93/100 Dollars. A. Schwartz, Foreman." Whereupon, It is ordered by the Court that said Thomas Mooney do have and recover off and from said J. W. Hannig said sum of One Hundred and Seventy-Four 93/100 Dollars and all cost of suit, for which execution may issue.

Spring Term, Saturday 18th June 1859.

1752. Thomas Eborn vs W. R. Cannan's admr. } Reff. Deft. } In this case appeared the parties plaintiff and defendants - and upon application of the defendants, It is ordered, adjudged and decreed by the Court, that the Surveyor of this county survey the following portions of the League of Land in Travis County granted to William Cannan, to wit; that portion of said League that is described in a bond for title executed by William R. Cannan to the plaintiff, Thomas Eborn, dated the 6th day of January 1855, and that portion of said League included or described in a deed or bond for title, executed by the said W. R. Cannan to the plaintiff, Thomas Eborn, dated the 20th March, 1855, and ascertain and report to this Court the number of acres in each tract, and return a plat of the League and each tract on the same at the present term of this Court. It is further ordered that the said Surveyor do also survey, forthwith, on behalf of the Defd. the tract of land sold by said W. R. Cannan in his lifetime on the 20th day of January, 1854, to Nathaniel Berry, according to the field notes of the same as recorded from a certified copy of the deed now on file in said cause, which certified copy the Clerk will furnish to said Surveyor together with a full copy of this order of Reference. & Co

And thereupon Court adjourned until to-morrow morning at 8 o'clock.

Saturday June 18, 1859

Court convened at 8 o'clock, A. M. pursuant to adjournment. Hon. A. W. Terrell, Second District Judge, presiding. Whereupon the following proceedings were had, as follows, to wit:

And now on this day came Theophilus G. Anderson, Esq. and the committee heretofore appointed by the Court to examine into his qualifications as an attorney - and said Committee having fully examined the said Anderson in open Court, touching his qualifications, and having made a Report stating that they had fully examined him, and had found him qualified, and recommending that he be admitted to the Bar, It is therefore, ordered by the Court that said Theophilus G. Anderson be admitted to the practice as an attorney and counsellor at Law in the several District and Inferior Courts of the State of Texas, and that the Clerk of this Court issue to him a certificate accordingly, upon his taking the oath prescribed by the Constitution

and Court adjourned till Monday morning at 8 o'clock A

Spring Term Monday 20th June 1859.

Monday 20th June 1859

Court convened at 8 o'clock A. M. pursuant to adjournment. Hon. A. W. Terrell Second District Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

1394 M. A. Taylor } Pltff. } And now comes the plaintiff by his attorney, and on
vs } motion It is ordered that the Sheriff have leave to
King & Ford } Defts. } amend his return of service on the citation served on the defendant Ford. And thereupon It is ordered, on motion, that the cause be dismissed as to the defendant King who has not been served and that the plaintiff pay all the cost that has accrued as to the said King; and the pltff thereupon moves the Court to render judgment final by default as to the defendant Ford. And because said Ford has been duly cited and has wholly failed to answer within the time prescribed by law; It is therefore ordered, adjudged and decreed by the Court, that the plaintiff M. A. Taylor, do have and recover off and from the defendant John T. Ford the sum of One Hundred and Forty One Dollars, principal debt and interest due on the note sued on to date, together with all cost incurred as to said Ford, for which execution may issue

1392 Charlotte Stirling } Pltff } On motion It is ordered by the Court that
vs } } the Commissioners heretofore appointed to
Mason Stirling } Deft } partition the land decreed to the parties
in this suit, be removed, and that the following named persons be appointed to act in their stead, to wit: S. A. Black, Dennis Corwin, James Manor, & J. M. Blackwell, Jr. That said Commissioners are ordered to make partition according to the terms of the Decree heretofore entered, and return make within two weeks, to the present term of the Court.

1719 G. W. Paschal } Pltff. } and now comes the pltff. by attorney and
vs } } dismisses this suit as to the defendants
S. F. Plumley et. als. } Defts } Plumley and Grumbles and takes judg-
ment by default as to the defendant Scott. Whereupon It is ordered, adjudged and decreed by the Court that the suit be dismissed as to said Plumley and Grumbles and that the plaintiff pay the cost as to the said parties for which execution may issue. And the defendant T. J. Scott having been duly cited and failed to answer within the time prescribed by law, It is therefore, ordered adjudged and decreed by the Court, that said plaintiff, George W. Paschal, do have and recover off and from the defendant, T. J. Scott, the sum of Nine Hundred and Thirty-Eight 60/100 Dollars, principal debt and interest due on the note sued on to date, with 10 per centum per annum interest thereon till paid, and all cost of suit, for which execution may issue.

Spring Term, Monday 20th June 1859

V. 1720. P. J. Leathridge, admr. vs J. A. Burdett — Deffs. & Deft. — Cont. pepfs. counsel being absent.

V. 1721 J. O. Baum vs J. A. Black — Deff & Deft — Continued Generally

V. 1725 R. H. Mathews vs F. M. White, Coun. — Deff. & Deft. — On motion, it is ordered that the Deft. counsel have leave to withdraw his demurrer, and notice to dismiss and motion filed in this case, and that the case be continued as on defendants affidavit.

V. 1731 I. O. Illingworth vs The Western Stage Co. — Deff. & Deft. — And now in this day comes the pepf. by attorney, and on his motion, It is ordered by the Court, that this cause be dismissed from the Docket, and that the pepf. Illingworth pay all cost of this suit, for which execution may issue.

V. 1744. John B. Purris vs R. H. Clements — Deff. & Deft. — And now comes A. W. Monill Esq on suggestion the death of the plaintiff Purris and moves the Court to make his admr Isam Harris, party pepf. which is accordingly done and his appearance entered by attorney, Monill

V. 1753. Thos. B. Watling vs J. W. Blalock — Deff & Deft — Continued by consent.

V. 1755 G. H. Gray, Chf. Jus. vs Geo. C. Robinson, et al. — Deff & Defts — Ordered that the defendants have leave to amend answers.

V. 1774 Wm. H. Luckie vs John H. Conner — Deff. & Defs — Continued by consent

V. 1787 A. M. Cox vs A. M. Davidson — Deff & Defs — Ordered that defendant have leave to amend.

V. 1789 Asa Monill vs A. M. Hopkins — Deff & Deft — And now on this day came the parties to this suit by their attorneys, and announced themselves ready

Spring Term, Tuesday, 21st June 1859.

for trial. And the defendant submitted his demurrer to pefft's petition, which demurrer is overruled. And thereupon the defendant withdraws his answer and says nothing in defence, whereupon it is ordered, adjudged and decreed by the Court that the pefft. Amos Morrell do have and recover judgment by default against the defendant for the sum of Three Hundred, Thirty-Nine & 25/100 Dollars, principal debt and interest due on the note sued on, together with ten per cent. per annum interest thereon until paid, and all cost of suit, for which execution may issue.

And Court adjourned until to-morrow at 8 o'clock AM

Tuesday, 21st June, A.D. 1859.

Court convened at 8 o'clock, A.M. pursuant to adjournment. Hon. A. C. Jewell, Second District Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

1743 W. G. Stemmons vs D. C. & G. R. Freeman } Pefft. & Defts. } Continued Generally

1765 S. B. Reid vs Nichols & Baker } Pefft. & Defts. } And now comes pefft by counsel and moves that default be entered against said Baker. And said Baker having been duly cited and wholly failed to answer within the prescribed time, It is ordered that the pefft. recover against said Wm R Baker according to the prayer of his petition, and that a jury be empannelled to ascertain the amount due on pefft's demand.

And thereupon Court adjourned until Wednesday at 8 o'clock, A.M.

Wednesday, 22nd June, 1859.

Court convened at 8 o'clock, A.M. pursuant to adjournment. Hon. A. C. Jewell, Second District Judge, presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

1747 A. B. Burleson vs Jno. Burleson, et al. } Pefft. & Defts. } Cont'd pefft's counsel being absent.

1748. William Rust vs H. Grooms } Pefft & Defft. } On this day this cause was regularly reached on the Docket, and the pefft not appearing in person or by attorney to prosecute the same It is ordered that said cause be dismissed for want of prosecution, and that said Rust pay all cost, for which execution may issue.

Spring Term, Wednesday 22d June, 1859.

1751 P. de Cordova & Jno Croyton, et al. } Defts. } Continued finally by consent.

1752 Thos. Ebon & W R Cannin's admr } Deft } Continued by consent

1553 Wm P. Mecklinny & J.W. Claudby, admr not in person by attorney } Deft } And now on this day this cause was regularly reached on the Docket, and the Deft. being duly called appeared to prosecute the same. Whereupon it is ordered by the Court, that this cause be dismissed for want of prosecution, and that said Wm P. Mecklinny and his sureties, to wit: Sam. H. Renick, Geo. W. Parchal and A.H. Chalmers pay all cost of this suit, for which execution may issue

1578 C. P. Smith & Nelson Mcnell } Deft. } And now on this day came the parties to this suit by their respective attorneys & announced themselves ready for trial. And the defendant in person filed his demurrer to Pltff's petition, which is overruled. And thereupon came a jury of twelve good and lawful men of Travis county, to wit: Wesley Johnston, Foreman, & eleven others, who were duly tried, elected, empannelled & sworn according to law. And the jury having heard the testimony, argument of counsel, and the charge of the Court, retired for deliberation, & returned into Court the following Verdict, to wit: "We, the jury, find for the Plaintiff the sum of Five Hundred and Forty Four 23/100 Dollars, "Wesley Johnston, Foreman." Whereupon, It is ordered, adjudged and decreed by the Court, that the Pltff C. P. Smith, do have & recover of and from the Defendant Nelson Mcnell said sum of Five Hundred and Forty-Four 23/100 Dollars, and all cost of this suit, for which execution may issue.

1764 L D Carrington & Co & H W Nichols } Pltffs Deft } Continued by consent.

And thereupon Court adjourned until to-morrow morning at 8 o'clock A.

Thursday, 23d June, 1859.

Court convened at 8 o'clock, A. M. pursuant to adjournment. Hon. A. W. Terrell, Second District Judge presiding. Whereupon the following proceedings were had by said Court, as follows to wit:

Spring Term, Thursday, 23d June 1859.

1326	P.W. Humphreys, et al. / Thomas Freeman	Pffs. / Deft.	Cont'd by consent.	
1620	L.D. Carrington & Co / S. Case, R. Platt	Pffs. / Defts.	On motion, it is ordered by the Court that David Epperright have leave to intervene in the above entitled cause, & that the cause be continued by consent.	
1754	G.W. Gray, Chf. Jus. / John Horan, et al.	Pffs. / Defts.	It is ordered that this cause be continued because of the absence of defendants counsel.	
1755	G.W. Gray, Chf. Jus. / Jos. C. Robinson, et al.	Pffs. / Defts.	It is ordered, on motion, that the parties have leave to substitute pleadings in this cause, & that the cause be cont'd generally.	
1756	S.W. Dawson / J.H. Hutchins	Pffs. / Defts.	Continued as on plaintiff's affidavit.	
1761	A.G. Kimbell / Heirs of Sheldon, et al.	Pffs. / Defts.	Continued to perfect Service.	
1762.	City of Austin / Geo. W. Paschal	Pffs / Defts	Continued by consent.	
1758.	Curtis & Hoppin / E. & A. Ten Eyck	Pffs / Defts	And now at this Term came the parties by attorney and announced themselves ready for trial. And then came a Jury of twelve good and lawful men of Travis county, to wit: B. Chote, Foreman, & eleven others, who being duly tried, elected, empanneled and sworn according to law, heard the testimony, and the charge of the Court and retired for deliberation. And thereupon said Jury returned into Court the following verdict, to wit: "We, the Jury, find for the plaintiff Four Hundred and Ten 30/100 Dollars, which includes principal, interest and exchange on the two notes in this suit. Benjamin Chote, Foreman." Whereupon, It is ordered, adjudged and decreed by the Court, that the pltffs. Edwin Curtis and Matthew Hoppin, under their firm name of Curtis & Hoppin, do have and recover off and from the defendants, Edward Ten Eyck and Alfred Ten Eyck said sum of Four Hundred and Ten 30/100 Dollars and all cost of suit, for which execution may issue.	

Spring Term, Thursday 23rd June, 1859.

1765. Seth B. Reid vs. Nichals & Baker — Plff. vs. Defts. — And now on this day comes the plff by counsel, and also the deft Nichals in person and by atty. and thereupon the said Nichals withdraws his answer heretofore filed and says nothing in defence. And the plff having announced, there came a jury of twelve good and lawful men of Travis county, to wit: B. Chote, Foreman, and eleven others, who were duly tried, elected, empannelled and sworn according to law. And the jury having heard the testimony and the charge of the Court retired and brought into Court the following verdict, to wit: "We, the jury, find for the plaintiff the sum of Six Hundred and Twenty-Five Dollars. Benjamin Chote, Foreman." Whereupon it is ordered, adjudged and decreed by the Court, that the plff. Seth B. Reid, do have and recover of and from the defendants, William R. Baker and Cuilla J. Nichols the just and full sum of Six Hundred and Twenty-Five Dollars and all cost herein expended or incurred, for which execution may issue. And that execution be stayed 4 months from date.

1777. Lathrop & Wilkinson vs. Andrew Schaton — Plffs. vs. Defd. — And now come the parties by atty. in open Court, and by agreement and on motion of said parties, It is ordered that this cause be dismissed from the docket, the cost having been paid.

1780. D. C. Hall & Co. vs. Schaton & Pulliam — Plffs. vs. Defts. — And now come the parties by atty. in open Court, and by agreement and on motion of said parties, It is ordered that this cause be dismissed from the docket, the cost having been paid.

1798. Schaton & Pulliam vs. D. Pierson et als — Plffs vs. Defts — And now come the parties by atty. in open Court, and by agreement and on motion of said parties It is ordered that this cause be dismissed from the Docket, the cost having been paid.

1811. John M. Finney & Co vs. D. J. Nichols — Plffs. vs. Defd. — And now on this day appeared the parties to this suit by their attorneys, and the plff having announced, the defendant withdraws his answer, and says nothing in defence, the parties having previously waived a jury, and submitted this cause to the Court for final action. And the defendant also confesses in open Court, that Judgment be rendered against him in this cause for the amount specified in the note sued on, and interest thereon. Whereupon, It is ordered, adjudged and decreed by the Court that the said plaintiffs, R. M. Grimes, John M. Finney and P. R. Turner, under their firm name of John M. Finney & Co. do have and recover of and from the said

Spring Term, Friday, 24th June, 1859.

defendant, Luella J. Nichols. the just and full sum of two hundred, thirteen & 40/100 Dollars, together with all costs of this suit, for all which execution may issue, after the expiration of four months from this date, that being agreeable to the stipulation of the parties made in open Court. That this Judgment draw interest from date, at the rate of ten per centum per annum till paid.

1872 — M. A. Payler, Plff, vs Charles Payne, Deft. — And now at this day come the parties, and file their agreement (signed by the defendant) among the papers in this suit, by which defendant agrees that Judgment may go for the sum of Three Hundred and Twelve Dollars. Wherefore, It is ordered, adjudged and decreed by the Court, that the plaintiff, M. A. Payler, do have and recover off and from the said defendant, Charles Payne said sum of Three Hundred and Twelve Dollars and all cost of this suit, for which execution may issue.

1815 — G. H. & J. F. Burditt, Plffs, vs M. C. Burdett, et al, Defts — On motion of plff's. counsel, It is ordered that the Judgment rendered in this cause at a former day of the present term, be vacated, set aside and held for naught, and that the cause be continued for service.

1821 — Brown, Miller & Co, Plffs, vs Pick & Wise, Deft. — And now comes plff's. counsel and on motion It is ordered by the Court that this cause be dismissed from the Docket, and that the plffs. John W. Brown and Robert Miller, and their firm name of Brown, Miller & Co. pay all cost of this suit, for which execution may issue.

And thereupon Court adjourned until to-morrow morning at 8 o'clock.

Friday, 24th June, 1859.

Court convened at 8 o'clock A. M. pursuant to adjournment. Hon. A. W. Terrell, Second District Judge presiding. Whereupon the following proceedings were had by Court, as follows, to wit:

1782 — Geo. Hancock, Plff, vs Luella J. Nichols, Deft. — This cause having been called, and the parties having appeared by their attorneys respectively announced to the Court that the same had been compromised by the following agreement in writing by them signed which (together with the note indorsed) is filed among the papers in said suit, which is ordered to be entered as a part of the Judgment of the Court, To wit." Geo. Hancock vs. Luella J. Nichols

Spring Term, Friday 24th June A.D. 1859

" No. 1782. in the District Court of Travis county Summer Term A.D. 1859.
" In the above entitled and numbered cause it is hereby agreed by
" way of compromise between the parties thereto, and also the sureties
" of said Nichols, that a Judgment for the amount sued for with
" cost the whole to bear interest as stipulated in the note and
" at the rate of ten per centum per annum, the same to be
" computed by the clerk under the supervision of the Court, and
" without a Jury, is to be entered at this Summer Term in favor
" of said Hancock and against said Nichols and each of his
" sureties in the replevy bond upon file in said cause. It is further
" agreed that said Judgment is to operate as a specific and
" continuing lien upon the property (slaves) upon which the
" attachment in said cause has been levied, or whereof, or to be
" substituted if forthcoming. It is further agreed that said Judgment
" is to bind said Nichols and each of his said sureties, to wit: S.G.
" Sneed, and J. W. Bonner, absolutely for the payment of the amount
" of said Judgment with cost and interest as aforesaid until the whole
" thereof is paid."

It is further agreed that said Judgment shall be entered absolutely
at this time, with stay of execution thereon until next Christmas.
It is further agreed that on next Christmas day, or any time
thereafter, if the same be not paid, that execution against
said Nichols and his sureties may issue endorsed with the following
stay. That stay is given on two-thirds of the amount thereof
until Christmas A.D. 1860, and for the balance, to wit: the remaining
one third thereof until Christmas A.D. 1861, and no longer. June 23rd
1859. "William Alexander, atty. for the Pffs. Geo Hancock."
"Sneed & Wooten, for Defts Nichols and sureties."

It is, therefore, considered by the Court that said George Hancock
Plaintiff, have and recover Judgment against said Lindsey J.
Nichols, Defendant, and also against each of his sureties in the
replevy bond filed therein, absolutely, to wit: against S.G. Sneed, W.W.
Nichols and J.W. Bonner for the amount of said note with interest,
at the rate of ten per cent. per annum thereon from the date
thereof until the date of this Judgment; that is to say, for Five
Thousand, Two Hundred and Thirty-Two 40/100 Dollars, with the
costs of this suit - said Judgment to bear interest at the rate
aforesaid from the date thereof until paid, for which execution
may issue. It is further ordered, adjudged and decreed by the Court,
that this Judgment is to operate as a specific and continuing lien
upon the property attached in this suit, that is to say upon the
following described slaves to wit: Ralph, aged about twenty-three
years, Lester, a woman and her child aged about three years
named Mary; Margaret aged about eighteen years and her

This Judgment was released
by D.G. Nichols by the Terms of
Trust executed by Nichols to Cook
5th day of July 1860 and recorded in Book R. pa. 5-1/2c

Entered on the Docket of a certain check of Travis County Texas

child Silas aged about eight months; Al a boy aged about fifteen years; George, aged about twenty years; Etta, a girl aged about thirteen years; Cloe, a girl aged about seventeen years; Amanda, aged about three years, and Bentley Bimley or Bemley, a boy aged about eight years, and that said slaves, if forthcoming, are first to be subjected to execution before the individual property of each of said owners may be sold.

It is further ordered, adjudged and decreed that on this Judgment there shall be a stay of execution until Christmas, A. D. 1859, and that over at any time after said day if the same not paid, that execution against said Nichols and each of his said owners absolutely may issue in lawful as follows, to wit: "Stay is given on two-thirds of the amount of the within execution until and on Christmas A.D. 1860, and for the remaining third thereof until Christmas A.D. 1861, and no longer" and that the parties go hence without day.

1763 Mackin & Stanton vs. E. & A. Den Eyck. } Plffs. & Defts. } And now on this day came the Plffs. by Attorney and announced themselves ready for trial. And thereupon, It is ordered that the Sheriff have leave to amend his return of service on the citation served upon Edward Den Eyck. and it is ordered that the Plff have leave to amend. Whereupon came a Jury of twelve good and lawful men of Travis county, to wit: Wesley Johnston, Foreman, and eleven others, who were duly tried, elected, empannelled and sworn according to law. And thereupon said Jury having heard the testimony, and the charge of the Court retired for deliberation, and returned into Court the following verdict, to wit: "We, the Jury, find for the plaintiffs the sum of One Thousand Two Hundred and Sixty 24/100 Dollars Wesley Johnston, Foreman." Whereupon, It is ordered, adjudged and decreed by the Court, that the plaintiffs, Edward Mackin and Ephraim Stanton under their firm name of Mackin & Stanton do have and recover of and from the defendants, Edward Den Eyck and Alfred Den Eyck the sum of One Thousand, Two Hundred and Sixty 24/100 Dollars, together with all cost herein incurred, for which execution may issue.

1744. Sam'l Harris, Admr vs. R. H. Clements. } Plff & Deft. } This day came the parties by attorney, and also came John Remmel, who obtained leave to intervene herein, and announced themselves ready for trial. And a Jury, consisting of B Chote and eleven others, having been duly tried, elected, empannelled and sworn according to law, said Jury heard the testimony argument of counsel, and the charge of the Court and retired for deliberation, and returned into Court the following verdict, to wit: "We, the Jury, find for the plaintiff John F. Parris, the sum of Seven Hundred and Thirty-Nine Dollars, as principal and interest of the note held by Parris against Clements."

"Answer to Question First: We, the Jury, believe the order given by

Spring Term, Friday, 24th June, 1859.

"Clements to Remand on the Sheriff of this County was not given to pay a
" Co-partnership debt, but was given to pay his individual debt."
" Answer to Question Second: We the Jury don't believe the lot in controversy was
" bought with partnership means."
" Answer to Question Third: We, the Jury, find the balance of means in Sheff's. hands
" on sale of property to be amount to the sum of Three Hundred and Ninety-Two
" Dollars and twenty-five cents. Benjamin Chote, foreman."
Wherefore, It is adjudged, adjudged and decreed by the Court that the Pltff Sam. Harris, Admr. of John D. Pruin, dec'd. have and recover of and from the Defendant, R. H. Clements, the sum of Seven Hundred and Thirty-Nine Dollars as found by the Jury, upon which execution may issue. Adjudged, that the Sheriff pay over to the Pltff. the sum of Three Hundred and Ninety-Two Dollars and twenty-five cents, proceeds arising from sale of property attached, after paying ~~including~~ the the costs herein and that execution issue for the balance; It is further ordered that the said John Remmd take nothing by his inliw action.

1773. Thomas Freeman, Pltff. & Geo. C. Robinson, et als. Deft. And now on this day came the Pltff and the defendant Robinson by atty's and announced themselves ready for trial. And the defendants Adrian and Adolph Pestard having failed to answer the Pltff's process to the Jury, consisting of B. Choate and eleven others, who were elected, tried, empannelled and sworn according to law. And the Jury having heard the evidence and the charge of the Court, retired and brought into Court the following verdict to wit: "We, the
" Jury, find for Plaintiff in the sum of Five Hundred and Ninety-Nine
" 25/100 Dollars. Benjamin Choate. Foreman." Whereupon, It is ordered, adjudged and decreed by the Court, that the Pltff. Thomas Freeman do have and recover of and from the defendants, Geo. C. Robinson, Adolph Pestard and Adrian Pestard said sum of Five Hundred and Ninety-Nine & 25/100 Dollars & Ten per cent. interest thereon till paid, together with all cost herein incurred or expended, for which execution may issue.

1775 W. D. Miller, Pltff. & W. D. Martin, Deft. And now on this day came the parties to this suit by their attorneys and the Deft. Thereupon withdrew and abandoned his answer heretofore filed and says nothing in bar or preclusion of Plaintiff's demand. And Pltff. demands a Judgment final by default. And ~~because~~ Thereupon, It is ordered, adjudged and decreed by the Court, that the plaintiff W. D. Miller do have and recover of and from the defendant W. D. Martin, Judgment by default for the sum of Two Hundred, Eighteen & 97/100 Dollars, principal debt and interest due on the note sued on to date, together with all the cost of this suit, for all which execution may issue.

Spring Term, Friday 24th June 1859

1778 A H Bell } Deft } ordered, that this cause be continued for service on
v } P Rommel & Deft } suggestion of defendant, Plaintiffs counsel
} being absent.

1779 Joseph Rowe } Deft } Continued to perfect Service.
v } v } &
} H E Howell. & Deft }

1781 Justus Davidson } Deft } And now on this day appeared the parties
v } v } to this suit by their attorneys, and announced
} Walker & Hancock & Deft. } themselves ready for trial. And thereupon
came a Jury of twelve good and lawful men of Travis county, to wit:
Wesley Johnston, Foreman, and eleven others, who were duly tried, elected,
empannelled and sworn according to Law. And the Jury having heard
the evidence and the charge of the Court, retired, and brought into Court
the following verdict, to wit: "We, the Jury, find for the plaintiff the sum
of Five Hundred and Forty-Six & 52/100 Dollars. Wesley Johnston, Foreman."
Whereupon, It is ordered, adjudged and decreed by the Court, that the
Pltff. Justus Davidson, do have and recover of and from the defendants,
Joseph Walker and John Hancock, said sum of Five Hundred and
Forty-Six & 52/100 Dollars, together with all cost of this suit, for which
execution may issue.

1784. L D. Carrington & Co } Pltffs. } Continued by the plaintiffs.
v } v }
} J. Holt, Claimant } Deft.

1785. D Ramsey & Rotard, } Pltffs. } Ordered that this cause be continued to
v } v } perfect Service. And thereupon, It is ordered,
} John C. Grayson's Heirs } Defts. } further, on motion, that W. H. D. Carrington,
Esq. an attorney of this Court, be appointed Guardian ad litem, to represent
the interests of the minor Defendants, Martha C. and Nancy C. Grayson; and
that Thomas C. Jones, Esq. attorney be appointed Guardian ad litem to rep-
resent the interests of the minor defendants Sarah C. and Wm C. Grayson.
Ordered, further, that the pltffs. have leave to amend.

1787 A. M. Cox } Pltffs. } Continued by consent.
v } v }
} A. M. Davidson. } Defts.

1796 Wm Custard } Pltff. } On motion, It is ordered by the Court that
v } v } John Hancock, Esq. be appointed Guardian, ad
} Wm Custard, Jr. et. al. } Defts. } litem to represent the interests of the minor de-
fendants in this suit.

Spring Term, Monday, 27th June, 1859

Ord Court adjourned until to-morrow morning 8 o'clock

Saturday, 25th June 1859

Court convened at 8 o'clock A.M. pursuant to adjournment. Hon A.W. Terrell Second District Judge presiding. Whereupon the following proceedings were had by said Court as follows, to wit:

1789 — Amos Merrill & Wm Hopkins } Plff. & Deft. } It is ordered that defendants motion for a new trial be overruled and said defendant thereupon gives notice in open Court of an appeal to the Supreme Court.

1578 — C P Smith & A Merrell } Plff & Deft } It is ordered that defendants motion for a new trial in this cause be overruled. Whereupon the defendant, thereupon, gives notice, in open Court, of an appeal to the Supreme Court.

1783 — John H. Purvis adm'r & R H Clements & J Redmond } Plff & Deft Intv. } It is ordered by the Court that the motion filed by the Intervenor, John Redmond for a new trial, in this suit be granted

Monday, 27th June 1859

Court convened at 8 o'clock A.M. pursuant to adjournment. Hon. A.W. Terrell, Second District Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

1785. — Flournoy & Richards & J.C. Grayson's Heirs. } Plffs. & Deffs. } On motion of Plffs. It is ordered by the Court, that the Plffs. have leave to substitute the citation and Brief Statement issued in this case, and which has been lost by him.

1790 — Wade Henry, et al. & Mary P. Glapcoat, et al. } Plffs. & Deft. } Continued generally.

1793 — Cynthia R. Hampton & John C. Hampton } Plffs & Deft. } Continued generally.

1796 — Wm Custard & W. Custard, et al. } Plff. & Defts. } Continued generally on motion of T.W. Chandler, acting for Haines & Plff's counsel being absent.

Spring Term, Monday, 27 June, 1859

1801 ✓

Sheeps Johnston } Plffs. } And now on this day this cause was
vs. } regularly reached and called for trial
A H Hopkins } Deft. } and the Plffs announced themselves
ready for trial. Whereupon came a Jury of twelve good and
lawful men of Travis county, to wit: B. Chole, Foreman, and
eleven others, who were duly tried, elected, empannelled and
sworn, and the Jury having heard the evidence and the charge
of the Court, retired and brought into Court the following verdict, to wit,
" We, the Jury, find for the Plaintiffs in the sum of One Hundred and
" Twelve 28/100 Dollars. Benjamin Chole, Foreman." Whereupon it is
ordered, adjudged and decreed by the Court, that the Plffs. Wesley
Johnston and John Sheeps under their firm name of Sheeps & Johnston,
do have and recover of and from the defendant, A H Hopkins, the
said sum of One Hundred and Twelve 28/100 Dollars, with ten per
cent. per annum interest thereon until paid, and all cost of
suit, for which execution may issue.

1803 ✓

Charles Klein } Plff.
vs. } Continued generally.
Wm. Ratledge } Deft. }

1804 ✓

D. M. Avenson } Plff
vs. } On motion, It is ordered that the Sheriff
Mary E Payne } Deft } have leave to amend his return of the levy
Avenson & Charles Payne. } on the execution, so as to conform to the facts in case 1576, of

1808 ✓

D. C. Freeman, Jr } Plff.
vs. } On motion, It is ordered that the
Robert Hamilton } Deft. } Sheriff have leave to amend his
return of service on the citations in
this suit, and that the cause be continued, by consent of parties

1809 ✓

Geo. Goldthwaite } Plff.
vs. } And now on this day this cause was
T. S. Anderson. } Deft. } regularly reached, and the Plff. announced
himself ready for trial. Whereupon came
a Jury of twelve good and lawful men of Travis County, to wit: B. Chole,
Foreman, & eleven others, who were tried, elected empannelled and
sworn according to law. And the Jury having heard the testimony and
the charge of the Court, retired and brought into Court the following
verdict, to wit: " We, the Jury, find for the Plaintiff in the sum of Two
Hundred and Thirty-Nine 37/100 Dollars. Benjamin Chole, Foreman."
Whereupon it is ordered by the Court, that the Plff. Geo. Goldthwaite,
do have and recover of and from the defendant, T. S. Anderson the
said sum of Two Hundred and Thirty-Nine & 37/100 Dollars and 10 ct.
interest thereon until paid, and all cost of suit, for which execution
may issue.

Spring Term, Monday 27th June, 1859

1870 John H. Robm } Deff. / John C. DaVal, et al. & Deffs. } Continued Generally.

1817 F. J. Conant & Bulles } Pffs. / S. M. Wright } Deft. } And now in this day came the parties by their Attorneys, and announced themselves ready for trial, and agreed to submit the case to the Court, waiving the intervention of a Jury, and the Court having heard the testimony, doth order, adjudge and decree that the Pffs. Frederick J. Conant & Jesse H. Bulles under their firm name of F. J. Conant & Bulles, do have and recover of and from the defendant, S. M. Wright, the sum of Two Hundred, Twenty-Seven & 34/100 Dollars, principal debt and interest due on the notes named on to date, with ten per cent. per annum interest thereon until paid, together with all cost of suit, for which execution may issue.

1818 John F. Miller } Pffs / M A Parker } Defts. } Continued generally

1819 P. A. Thompson et al } Pffs. / A. Eanes, et al } Defts } Continued for term.

1576. S M. Swenson } Plaintiff. / Charles Payne } Defendant. / W. G. Johnson, O. H. Millican, G. W. Glascock } Garnishees. } And now in this day this cause being regularly reached on the Docket, and peremptorily called for trial, the Pffs. appeared by his counsel, and announced himself ready for trial, and dismissed the suit as to the ~~defendant~~ W. G. Johnson, Whereupon, It is ordered by the Court that said Johnson go hence and recover of and from said Swenson the cost of bringing him into Court and the cost incurred by said Johnson, for which execution may issue. And thereupon, on motion of said Pffs. counsel, It is ordered that the Sheriff have leave to amend his return of service on the Garnishees Glascock & Millican. And said Pffs. thereupon claims Judgment by default against said Glascock & Millican for the amount of his debt and cost against the Defendant Payne. And said Glascock and Millican being three times solemnly called, came not, but made default. And because said Garnishees have been duly cited by writ of Garnishment, and have failed to answer, and wholly made default, It is, therefore, ordered, adjudged, and decreed

Spring Term, Wednesday, 29th June, 1859.

by the Court, that the Pltff. S. M. Owens do have and recover of and from the Garnishees, George W. Glafcock and O. H. Millican, the full and full sum of Three Hundred, Ninety-Nine and 24/100 Dollars, with legal interest Thereon from the 21st July 1858, all paid together with all the cost incurred by said Owens, as to said Payne, that being the amount of the Judgment obtained by the Pltff. in this case, against the Deft. Payne, Ordered, further, that the Pltff. recover of the said Glafcock & Millican the cost of the Garnishments as to them, for all which execution may issue.

And Thereupon Court adjourned until To-morrow morning 8 o'clock

Tuesday, 28th June, A.D. 1859.

Court convened at 8 o'clock, A.M. pursuant To adjournment. Hon. A.W. Powell, Second District Judge, presiding. Whereupon the following proceedings were had by said Court, as follows, To wit:

And now on this day comes George R. Freeman, Esq., and presents To the Court his application To be admitted To the practice as an Attorney and Counsellor at Law in the several District & Inferior Courts of this State, and exhibits To the Court his License admitting him To the practice of the Law in the Superior and Inferior Courts of the State of Kentucky, and also a certificate of good moral character and honorable deportment. Wherefore it is ordered by the Court that the said George R. Freeman, Esq., be and is hereby admitted To the bar, and that the Clerk issue To him a License granting him the privilege To practice as an Attorney & Counsellor at Law in the several District and Inferior Courts of the State of Ky.

And thereupon Court adjourned until To-morrow morning 8 o'clock

Wednesday, 29th June, 1859.

Court convened at 8 o'clock, A.M. pursuant To adjournment. Hon. A.W. Powell, Second District Judge presiding. Whereupon the following proceedings were had by said Court, as follows, To wit:

1783 John A. & R. Green Pltffs. } At this Term, in the above entitled
vs. } cause, appeared the parties by their
J.M. & Marietta Chilton Defts. } Attorneys, and said cause having been called, the parties announced themselves ready for Trial. And thereupon came a Jury of good and lawful men, To wit: B. Cole and eleven others, who being duly empanelled and sworn, after hearing the evidence and charge of the Court, returned the following verdict, To wit:

(over)

Spring Term, Wednesday, 29th June, 1859

" We, the Jury find for the Plaintiffs in the sum of Five Hundred
" Dollars. Benjamin Chile, Foreman." And thereupon, It is ordered,
adjudged and decreed, that the Pffs. John A. & Robert Green
do have and recover of and from said Francis M. and Marietta
Hilburn the sum of Five Hundred Dollars by said Jury assessed and
the cost of this suit, for which execution may issue. And it appearing
that a writ of attachment has been issued at the instance of the
plaintiffs against the defendants in this case, and was levied
March 28th 1859 upon a negro girl named Sarah, about ten or
twelve years old, of dark copper color, who was found in possession
of John A. Green, and levied upon as the property of said Defendants
F. M. & Marietta Hilburn. And whereas, said property was re-
plevied from said attachment by said Defendants, March
29th 1859, by a replevy bond executed by said Defendants with
C. C. Hilburn & Amos Morrill as securities, binding themselves to
return said property in specie to the Sheriff in case Judgment
should be rendered against the defendants in said cause,
or else to pay & satisfy said Judgment. It is, therefore, ordered,
adjudged and decreed that if said property shall be delivered
to said Sheriff within ten days after the rendition of this Judgment,
he shall proceed to sell the same according to law after due ad-
vertisement, and after satisfying said Judgment and costs, pay the
balance, if any, to said defendants. And it is further ordered, that
if said defendants and their securities, the said C. C. Hilburn, and
Amos Morrill, fail to deliver or cause to be delivered said property
so replevied, according to the requirements of the law and their
said bond, then execution may issue against them the said
Morrill and Hilburn for said Judgment and costs, as limited by law.

V
1831

R. M. Johnson & Co. } Pffs. } And now on this day appeared the
vs } pffs by their Attorneys, and claim
Joseph Lee. } Deft. } a Judgment final by default. And
because said defendant has been duly cited and has wholly failed
to answer within the time prescribed by law, and wholly made
default, It is, therefore, ordered, adjudged and decreed by the Court,
that the pffs R. M. Johnson, John A. Gordon and R. M. Wilcox,
under their firm name of R.M. Johnson & Co do have and recover
of and from the defendant, Joseph Lee, the sum of One Hun-
dred, Ninety-Nine & 82/100 Dollars, principal debt and interest
due on the note sued on to date, with Ten percent. per annum
interest thereon until paid, together with all the cost of this
suit, for which execution may issue.

Spring Term, Wednesday, 29th June A.D. 1859.

1822 Margaret Grooms Deff. } And now on this day appeared these parties by
v. } their Attorneys and announced themselves
Horatio Grooms. Deft. } ready for Trial, and thereupon came a Jury of 12
good and lawful men of Travis county, to wit: P.W. Humphreys, Foreman,
and eleven others, who were duly elected, impannelled and sworn according
to law. And the Jury having heard the testimony, argument of counsel and the
charge of the Court, retired, and brought in into Court the following verdict, to wit:
"We, the Jury, find for the defendant. P.W. Humphreys, Foreman." Whereupon, It is
ordered, adjudged and decreed that the pltff take nothing by her action,
that the prayer of her petition be refused; that the defendant go hence, and that
the pltff recover off and from said Horatio Grooms, the defendant, all cost of this suit, for
which execution may issue.

1835. J. B. Homes & Co. Pltffs. } And now come the pltffs by atty. and on motion of
v. } said counsel, It is ordered by the Court, that this
D. Drake. Deft. } cause be dismissed from the docket, and that the
pltffs and their cost bond security, to wit: John P. Bowes, pay all cost of this
suit, for which execution may issue.

1126. Geo. J. McMurtry By W. L. Robards, Admr. Pltff } And now on this day came the parties to this
v. } suit by their attorneys, and announced them-
James D. Easton. Deft. } selves ready for trial, and waiving a Jury,
on submit the cause to the Court. Whereupon, It is
ordered, that the defendant have leave to amend. Whereupon, on hearing of the testimony, &c. It is ordered, adjudged and decreed by the
Court, that said pltff W. L. Robards, Admr of the said George J. McMurtry,
dec'd, do have and recover of and from said defendant, James D.
Easton, the sum of One Hundred, Ninety-Three 75/100 Dollars, principal
debt and interest due on the obligation sued on to this date, with
Ten per centum per annum interest. Wherein [illegible] that the pltff may
be paid, and all
cost of suit, praying the appeal—that the defendant may the balance of the cost
for which execution may issue.

1841 Geo. Hancock Pltff } Continued on motion of pltff's counsel,
v. } Defendant's counsel being absent.
Martin Moore. Deft.

1842 M. C. Burdett Pltff } And now comes C. D. West, Esq. Attorney
v. } of this Court, and enters his appearance
G. H. Burdett & } on open Court, upon the record for the
J. D. Burdett, Admrs Deft's. } defendants herein; and the case is
continued on motion of defendant's attorney, pltffs. being absent.

1845. M. A. Taylor Pltff } And now on this day appeared the pltff
v. } and announced himself ready for trial.
H. P. de Normandie Deft. } Whereupon came a Jury of twelve good

Spring Term, Thursday, 30th June, 1859.

and lawful men of Travis county, to wit: B. Chole, Foreman, & eleven others, who were Tried, elected, empannelled and sworn according to law. And the Jury having heard the testimony, and the charge of the Court, retired, and brought in into Court the following verdict, to wit: "We the "Jury find for the plaintiff in the sum of One Hundred and Twenty- "Three 1/100 Dollars. Benjamin Chole, Foreman." Whereupon it is ordered, adjudged and decreed, that the Pltff. M. A. Paylor, do have and recover of and from the defendant W. P. de Normandie, the said sum of One Hundred, Twenty-Three & 1/100 Dollars and all cost of suit, for which execution may issue.

1847 — Ed. Tillman, Pltff. / vs. / A. Bahn, Deft. — Continued for service.

1721 — N. C. Baucum, Pltff. / vs. / J. A. Black, Deft. — And now on this day came the parties to this suit by their attorneys and the motion to dismiss the petition having been submitted and argued by counsel, is overruled by the Court.

1822 — M. Groom, Pltff. / vs. / H. Graves, Deft. — And now on this day appeared the parties plaintiff and defendant by their attorneys, and move the motion filed by the Pltff. for a new trial. And the same being fully argued by counsel, It is ordered that said motion be refused. Whereupon the Pltff. by her attorneys, gives notice, in open Court, of an appeal to the Supreme Court.

And Court adjourned until to-morrow morning, at 8 o'clock.

Friday, 30th June, 1859.

Court convened at 8 o'clock, A.M. pursuant to adjournment. Hon. A. W. Terrell, Second District Judge, presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

1819 — D. M. Dawson, Pltff. / vs. / John King, Deft. — And now on this day came the parties and move the Court to render Judgment by confession, in this case, for the amount due on the note sued on, with interest, and also a foreclosure of Pltff's mortgage lien upon the property described in the mortgage. And said Pltff. having filed his affidavit stating that the defendant is indebted to him in the sum of Twelve Hundred Dollars, principal, besides interest, and defendant having confessed to such indebtedness, in open Court, and not denying the execution of the

mortgage set out in the petition, and which said Original mortgage is filed among the papers, It is, therefore, ordered, adjudged and decreed by the Court, that the Pltff. S. M. Swenson do have and recover off and from the defendant, John King, the sum of Twelve Hundred and Fifty Dollars, principal debt and interest due on the note sued on to date, with ten per centum per annum interest thereon until paid, together with all cost of this suit, for which execution may issue. And it is further ordered, that Pltff's. mortgage lien on the following described property be foreclosed, to wit:" The North half of Lot No.(41) Four, in Block No.(70) Seventy, and the South half and fraction of North half of Lot No.(5) Five, in Block No.(70) Seventy, situated in the City of Austin," and that an order of sale issue to the Sheriff of Travis county, commanding him to sell the above described property, according to law, and apply the proceeds thereof to the satisfaction of said Judgment, and the overplus, if any, he shall pay over to the said King, or his lawful attorney. But if said property shall not bring a sufficient amount to satisfy said Judgment and costs, then execution shall issue against said King, for the balance that may be due after such sale.

And Court adjourned until To-morrow morning at 8 o'clock A.

Friday, July 1st 1859.

Court convened at 8 o'clock, A.M. pursuant to adjournment. Hon. C. R. Ventress, Judge of the 17th Judicial District, presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

950 John Miles, et.al. vs. I. I. Grumbles, et.al. — Pltff. vs. Defts. — Cause coming on at this day comes the counsel for the Pltff. and suggest in open Court the death of the defendant John I. Grumbles; and on motion of said attorney, It is ordered that leave be granted to amend, making the heirs of said John I. Grumbles parties, to wit: Perry B. Grumbles, John D. Grumbles, Martha A. Stanley, William Stanley, Enoch W. Grumbles, Jane Grumbles, Mary Stanley, I. P. Stanley, Samuel Grumbles, Medorah Grumbles, Anderson Grumbles and Caroline Grumbles. And ordered, further, that Thomas E. Reed, Esq. attorney of this Court, be appointed Guardian ad litem to represent the interests of the minor heirs of said John I. Grumbles, to wit: Samuel Grumbles, Medorah Grumbles, Anderson Grumbles.

1728 D. B. Cochran vs. Geo. Hancock, et.al. — Pltff. vs. Defts. — On motion, It is ordered by the Court, that the plaintiff have leave to file an amended petition

and Court adjourned till To-morrow morning at 9 o'clock A.

Spring Term, Tuesday, 5th July, 1859.

Saturday, 2d July, 1859.

Court convened at 8 o clock, A.M. pursuant to adjournment. Hon. E. H. Vontress 17th District Judge, presiding. Whereupon the following proceedings, were had by said Court, as follows, to wit.

1184. The State of Texas vs Wm. R Perrin } Deft. / Deft. } Indictment on this day came the Deft. and Deft. in this cause by attorney, the defendant appearing also in proper person, and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Rains County, To wit: P.W. Humphreys and eleven others, who were elected, tried, empannelled and sworn according To law. And said defendant being arraigned, plead not guilty to the charge contained in the indictment. And the Jury having heard said plea, as also the testimony introduced by the parties, and the argument of the counsel & the charge of the Court, retired for deliberation, and returned into Court the following verdict, To wit: "We, the Jury, find the defendant not guilty. P.W. Humphreys Foreman." Whereupon, It is ordered, adjudged and decreed by the Court, that the case be dismissed, and that the said defendant Wm R Perrin, go hence without day, fully acquitted and discharged.

and Court adjourned until Monday at 8 o'clock, A.M.

Monday 5th July, 1859.

Court convened at 8 o'clock, A.M. pursuant to adjournment Hon. E.H. Vontress, 17th District Judge presiding. Whereupon the following proceedings were had by said Court, as follows that:

111 The State of Texas vs Andrew Jackson & } Deft / Deft } alias capias ordered and continued.

132 The State of Texas vs B Thompson } Deft / Deft } alias capias ordered and continued

143 The State of Texas vs M Needham } Deft / Deft } alias capias ordered and continued.

Spring Term, Tuesday 5th July 1859

142	The State of Texas vs E C Travelstead	Deft	alias capias ordered and the case continued
146	The State of Texas vs E C Travelstead	Deft	alias capias ordered and cont'd
157	The State of Texas vs E C Travelstead	Deft	alias capias ordered and cont'd
153	The State of Texas vs B A Thompson	Deft	alias capias ordered and cont'd
441	The State of Texas vs Geo W McCoy	Deft	and now come the District Attorney, in open Court, and on his motion it is ordered that this cause be dismissed from the Docket.
463	The State of Texas vs Enoch Hodges	Deft	alias capias ordered and continued.
477	The State of Texas vs J M Morris	Deft	alias capias ordered and continued
560	The State of Texas vs Guy Clements	Deft	And now comes the District Attorney, and on his motion, in open Court, it is ordered that this cause be dismissed from the docket.
596	The State of Texas vs Inman B. Buck	Deft	alias capias ordered and cont'd
601	The State of Texas vs Burwell D. Lewis	Deft	On motion of the Dist Atty in open Court it is ordered that the last bond taken in this cause be quashed, and that the case continue for service.
625	The State of Texas vs Wm A Bates	Deft	alias capias ordered and continued
632	The State of Texas vs Wm A Bates	Deft	alias capias ordered and continued
634	The State of Texas vs Owen S Jones	Deft	And now comes the District Attorney and suggests the death of these Defendants, and on his motion the cause is dismissed from the docket.
635	The State of Texas vs Wm & Martin Jones	Deft.	And now comes the District Atty. and suggests the death of Martin Jones, and on his motion, the case is dismissed as to him, and continued for service as to Wm Jones

Spring Term, Tuesday 5th July, 1859.

637	The State of Texas vs Ned Robertson	Deft	On motion comes the Dist Atty. and on his motion It is ordered that the case be dismissed from the Docket. & the
657	The State of Texas vs Alejo Obregon	Deft	Defft discharged Continued and capias ordered to Bexar county.
663	The State of Texas vs Bob Turner	Defts Deft	and now comes the Dist Atty and on his motion It is ordered that this case be dismissed from the Docket.
666	The State of Texas vs James V. Rob	Defts Deft	It appearing to the Court that Gen W. Walling has been duly subpoened as a witness on behalf of the Defts in this case and had failed to appear in obedience thereto, It is ordered that he be fined Fifty Dollars for contempt of Court. And said Walling having appeared in open Court after the ~~24th~~ case had been disposed of, and receiving notice of said fine, and not showing cause why the same should be remitted It is ordered that execution issue to collect the same. And a Jury having previously been empannelled and tried in this, and heard the testimony & returned a verdict of not guilty. In consideration whereof It is ordered that the defendant James V. Rob go hence finally acquitted and discharged.
696	The State of Texas vs Charles O Brien	Defts Deft	Dismissed on motion of the District Attorney, in open Court. and the defendant discharged
677	The State of Texas vs Owen O Brien	Defts Deft	Dismissed on motion of the District Attorney made in open Court. and the defendant discharged
678	The State of Texas vs O O Brien	Defts Deft	Dismissed on motion of the District Attorney made in open Court. and the defendant discharged
682	The State of Texas vs Thomas Robb	Defts Deft	Dismissed on motion of the District Attorney made in open Court. and the defendant discharged
689	The State of Texas vs John Kirani	Defts Deft	Dismissed on motion of the District Attorney made in open Court, and the defendant discharged
696	The State of Texas vs R C White	Defts Deft	alias orders ordered to Bell County and continued
697	The State of Texas vs Neal & Tuell	Defts Defts	Dismissed on motion of the District Attorney made in open Court.

Spring Term Tuesday 5th July 1859

✓ 766	The State of Texas vs Horan & Hall	Deft Defts	Comation of the District Attorney, made in open Court, It is ordered that this cause be dismissed from the docket. ~~and~~ and the defts. discharged.
✓ 788	The State of Texas vs John R. Stone	Deft Deft	Comation of the District Attorney made in open Court, It is ordered that this cause be dismissed from the Docket.
✓ 826	The State of Texas vs Smith	Deft Deft	Comation of the District Attorney, made in open Court, It is ordered that this cause be dismissed from the Docket alias capias ordered and the cause continued.
✓ 858	The State of Texas vs G Bugarren	Deft Deft	
✓ 862	The State of Texas vs Samuel Duncan	Deft Deft	alias capias ordered to Travis county & the cause continued.
✓ 866	The State of Texas vs Martinez & Lopez	Deft Defts	and now comes the District Attorney, and on his motion, made in open Court, It is ordered that the prosecution in this cause be dismissed.
✓ 877	The State of Texas vs John D. Sneed	Deft Deft	alias capias ordered to Travis county and cause continued
✓ 878	The State of Texas vs Samuel Duncan	Deft Deft	alias capias ordered to Travis county, and cause continued
✓ 884	The State of Texas vs Sneed & Todd	Deft Defts	Comation of the District Attorney, made in open Court, It is ordered that this cause be dismissed and that the defendants go hence fully discharged
✓ 899	The State of Texas vs Alfred Evans	Deft Deft	ordered that capias issue for the deft. to Milam county and that the cause be continued
✓ 900	The State of Texas vs J. C. Evans	Deft Deft	ordered that capias issue to Webb county for the deft and that the cause be continued
✓ 909	The State of Texas vs W. C. Philips	Deft Deft	And now at this day appeared in open Court the parties to this cause by their attorneys and by agreement of said parties, made in open Court, this cause is to abide the decision of the Supreme Court in the case of the State of Texas against John Marshall, No 907, on appeal to the Supreme Court, and that the cause be cont'd
✓ 911	The State of Texas vs S. H. Duncan	Deft Deft	alias capias ordered in this cause and the cause continued

Spring Term. Tuesday, 5th July 1859.

912	The State of Texas vs D H Duncan	Deft	alias capias ordered and the case continued
913	The State of Texas vs D H Duncan	Deft	alias capias ordered and the case continued
914	The State of Texas vs D H Duncan	Deft	alias capias ordered and the case continued
915	The State of Texas vs E O Warren	Deft	alias capias ordered, to Harrison Co and the case continued
916	The State of Texas vs E O Warren	Deft	alias capias ordered to Harrison County and the case cont'd
917	The State of Texas vs E O Warren	Deft	alias capias ordered to Harrison County and the case continued
918	The State of Texas vs E O Warren	Deft	alias capias ordered to Harrison county, and case continued
919	The State of Texas vs E O Warren	Deft	alias capias ordered to Lampasas county and case continued
920	The State of Texas vs E O Warren	Deft	alias capias ordered to Lampasas county and case continued
921	The State of Texas vs E O Warren	Deft	alias capias ordered and case to Lampasas county and case cont'd
922	The State of Texas vs E O Warren	Deft	alias capias ordered to Lampasas county and case continued
907	The State of Texas vs John Marshall	Deft	And now on this day appeared the parties to this cause by their attys and the defendant thereupon submitted to the Court his exceptions going to the sufficiency of the Indictment, and said exceptions being fully argued by the counsel, and well understood by the Court, It is ordered that said exceptions be and are hereby sustained, and the Indictment quashed, that the cause be dismissed from the docket, and that the defendant go hence without day fully discharged and the District Attorney, on behalf of the State, gives notice, in open Court, of an appeal to the Supreme Court, from the ruling of the Court on said exceptions.

Spring Term, Wednesday, 6th July, 1859.

And Court adjourned until To-morrow morning at 8 o'clock

Wednesday, July 6th 1859.

Court convened at 8 o'clock A. M. pursuant to adjournment. Hon Edw Vontress, 17th District Judge presiding. Whereupon the following proceedings were had by said Court, as follows, To wit:

✓ 666 The State of Texas } Deft
James V. Roff } Deft

} ordered in motion, that the fine entered against the writing Waiting in execution be remitted, and the order imposing the same be set aside.

✓ 792 The State of Texas } Deft
of
Sherman Case } Deft

} In this cause this day came the District Attorney, A. D. McGinnis, who prosecutes for the State in this behalf, and the said defendant Sherman Case being three times solemnly called, came not, but made default; And it appearing to the Court that the said defendant Sherman Case, as principal, and Quincy Case and R. I. Daniels, as his securities, had executed their joint and several bond, payable unto The State of Texas in The sum of Three Hundred Dollars, dated the 19th day of November, A. D. 1857, conditioned that the said defendant Sherman Case, make his personal appearance at the District Court of said County of Travis, to be begun and holden at the Courthouse of said county in the City of Austin, on the Seventh Monday after the first Monday in April, A. D. 1857, to answer the Indictment preferred against him by the Grand Jurors of Travis County, at the Fall Term, A. D. 1856, of said District Court, for Cutting down and carrying off Timber from off of Land not his own without the consent of the owner, and there remain from day to day, and from Term to Term of said Court, and that he do not depart thence without leave of said Court, and the said defendant Sherman Case being three times solemnly called and required to answer said charge, came not, but wholly made default, and the said securities also being again three times solemnly called and required to bring with them into Court the body of said defendant Sherman Case, to answer said charge, which they wholly failed to do. It is therefore, considered, ordered, adjudged and decreed by the Court, that the said Bond of the said defendant Sherman Case, and the said Quincy Case and the said R. I. Daniels, be, and the same is hereby forfeited, and that the State of Texas do have and recover of and from them jointly and severally, the sum of Three Hundred Dollars, The amount of said bond, and that Scire Facias do issue to each of them severally, returnable to the next Term of this Court, commanding them then and there to shew cause, if any they can, why this Judgment should not be made final against them as aforesaid.

Spring Term, Thursday, July 7th 1859.

Thursday, 7th July 1859.

Court convened at 8 o clock AM pursuant to adjournment. Hon. O.H. Vontress, 17th Dist. Judge, presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

746	The State of Texas & J M H Hall	Defts / Deft	}	Capias ordered to Galveston county and cause continued
764	The State of Texas & J M H Hall	Defts / Deft	}	Capias ordered to Galveston county and cause continued
765	The State of Texas & J M H Hall	Defts / Deft	}	Capias ordered to Galveston county and cause continued
769	The State of Texas & Sherman Case	Defts / Deft	}	And now on this day came the Distrd Attorney A. D. McGinnis, who prosecutes for the State in this behalf, and the said defendant Sherman Case, being three times solemnly called, came not but made default; and it appearing to the Court that the said defendant Sherman Case, as principal, and P. A. Morrow and Quincy Case, as his securities, had executed their joint and several bond, payable unto The State of Texas in the sum of Three Hundred Dollars, on the 17th day of January, A. D. 1859, conditioned that the said defendant Sherman Case, make his personal appearance at the District Court of said County of Travis to be begun and holden at the Court House of said County in the City of Austin, on the 4th Monday after the first Monday in April, A. D. 1859, to answer the indictment preferred against him by the Grand Jurors of Travis County at The Spring Term, A. D. 1856, of said District Court, for altering brand of one ox cattle not his own, without the consent of the owner, and there remain from day to day and from term to term of said Court, and not depart thence without leave of said Court, and the said defendant Sherman Case, being three times solemnly called, and required to answer said charge, came not but wholly made default, and the said securities also being again three times solemnly called, and required to bring forth them into Court the body of said defendant, Sherman Case, to answer said charge, which they wholly failed to do. It is therefore considered, adjudged and decreed by the Court, that the said bond of the said defendant Sherman Case, and the said P. A. Morrow and the said Quincy Case, be and the same is hereby forfeited, and that the State of Texas do have and recover of and from them jointly and severally the sum of Three Hundred Dollars, the amount of said bond, and that Scire Facias do issue to each of them severally, returnable to the next Term of this Court, commanding them then and there to shew cause, if any they can, why this Judgment should not be made final against them as aforesaid.

Spring Term, Thursday, July 7th 1859.

✓ 788 — The State of Texas vs J.M.W. Hall } Plff vs Deft } Capias ordered to Galveston county and case continued

✓ 1247 — The State of Texas vs Joseph Looney, et.als. } Plff vs Defts } It appearing that at the Fall Term, 1856, of this Court, to wit: on the 17th Day 1857 Judgment nisi was entered against these defendants for the sum of Three Hundred Dollars, on a forfeited appearance bond, and that they have wholly failed to appear and show cause why said Judgment nisi should not be made final, It is therefore ordered, adjudged and decreed by the Court that said Judgment be made final, and that the State of Texas do have and recover of and from the said defendants, To wit: Joseph Looney, Joseph Warren and Wm K. Conling the amount of said Judgment, to wit: three Hundred Dollars, together with all cost of this proceeding, for which execution may issue.

✓ 1248 — The State of Texas vs Sherman Case, et.als } Plff vs Deft } On motion of the District Attorney, It is ordered by the Court that the forfeiture entered in this case against the defts. Sherman Case, Thos. R Chapman and Hugh McLaurin be set aside, vacated and held for nought; that the case be dismissed from the Docket, and that said defendants pay all cost of this proceeding, for which execution may issue.

✓ 1797 — John Bremond vs Runton & Penell } Plff vs Defts } And now on this day appeared the Plaintiff, by attorney, and claimed a Judgment final by default. And because said defendant Runton has been legally cited, and because said Penell has accepted service of Plff's petition and waived process, and said defendants having failed to answer within the time prescribed by law, and wholly made default, It is therefore, ordered, adjudged and decreed by the Court, that the Plaintiff, John Bremond, do have and recover of and from the defendants, J. M. Runton, as principal, and A. W. Penell, as Endorser, the sum of Three Hundred and Eighteen Dollars, principal debt and interest due on the note sued on to this date, together with all cost herein incurred, for which execution may issue

And Court adjourned till to morrow morning at 8 o clock

Friday 8th July, 1859

Court convened at 8 o clock A.M. pursuant to adjournment Hon. Edward H Vontress 17th District Judge presiding. Whereupon the following proceedings were had by said Court, as follows, To wit:

Spring Term Friday. 8th July 1859

627 The State of Texas vs Charles L. Haley } Deft } Deft } And now on this day appeared the parties to this cause by their attys and the defendant appearing also in proper person, and announced Themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis county, Viz: James H. Matthews, Foreman, and eleven others, who were duly elected, empannelled and sworn according to law. And the Jury having heard the testimony introduced by the parties, the argument of the counsel, and the charge of the Court, retired for deliberation. Whereupon said Jury returned into Court the following verdict, To wit: "We, the Jury, find the Defendant Charles L. Haley guilty of uttering a forgery knowingly, and assess the punishment to hard labor in the penitentiary for five years. J.H. Matthews, Foreman." And thereupon the Deft filed his motion for a new trial, and the same being fully argued by counsel, and well considered, adjudged and decreed by the Court that said motion be granted and that this cause be continued for a new trial.

1716 Isaac Hammett vs John H. Pack } Deft } Deft } And now comes the Deft by Attny and enters his motion & it is ordered that the venue of this cause be changed to the County of Williamson because of the disqualification of the Judge of the 2d District, and that the clerk transmit the papers in the case, together with a certified copy of the entries to said County above the next Term.

772 The State of Texas vs Charles L. Haley et al } Deft } Deft } Continued on motion of the Dist Attorney made in open Court

773 The State of Texas vs C L. Haley et al } Deft } Defts } Continued on motion of the District Attorney, made in open Court.

993 The State of Texas vs J.W. Robertson } Deft } Deft } Dismissed on motion of the District Attorney made in open Court

611 The State of Texas vs John S. Thom } Deft } Deft } In this cause this day came the District Attorney A.D. McGinnis who prosecutes for the State in this behalf and the said defendant John S. Thom, being three times solemnly called, came not, but made default, and it appearing to the Court that the said defendant John S. Thom, as

Spring Term Friday 8th July 1836

pincipal and William B Ochiltree, William O'Connell and John S. Ford, as his securities, had executed their joint and several bond, payable unto the State of Texas in the sum of Fifteen Hundred Dollars, dated the 16th day of August AD 1836, conditioned that the said defendant John S Thom make his personal appearance at the District Court of said County of Travis, to be begun and holden at the Courthouse of said county, in the city of Austin, on the tenth Monday after the first Monday in October AD 1836, to answer the indictment preferred against him by the Grand Jurors of Travis county at the Spring Term AD 1835, of said District Court, for Perjury, and there remain from day to day and from term to term of said Court, and that he do not depart thence without leave of said Court, and the said defendant John S Thom being three times solemnly called and required to answer said charge, came not, but made default; and the said securities also being upon three times solemnly called and required to bring with them into Court the body of said defendant John S. Thom, to answer said charge which they wholly failed to do, Whereupon considered adjudged and decreed by the Court, that the said bond of the said defendant John S Thom and the said Wm B Ochiltree, Wm O'Connell and John S Ford be and the same is hereby forfeited, and that the State of Texas do have and recover of and from them jointly and severally the sum of fifteen hundred dollars the amount of said Bond, and that Scire Facias do issue to each of them severally, returnable to the next Term of this Court, commanding them then and there to show cause, if any they can, why this Judgment should not be made final against them as aforesaid

612

The State of Texas } Deft
vs } In this cause this day came the District
John S. Thom } Dept Attorney A D McGennis who prosecutes for
the State in this behalf, and the said
defendant John S Thom being three times solemnly called, came
not, but made default; and it appearing to the Court that the
said defendant John S Thom as principal, and William B.
Ochiltree, William O'Connell and John S. Ford as his securities,
had executed their joint and several bond payable unto the
State of Texas in the sum of Fifteen Hundred Dollars dated the 16th
day of August, AD 1836, conditioned that the said defendant John
S. Thom make his personal appearance at the District Court of said
County of Travis to be begun and holden at the Court house of said
County in the City of Austin, on the tenth Monday after the first Monday
in October AD 1836 to answer the indictment preferred against him by
the Grand Jurors of Travis county at the Spring Term AD 1835 of said
District Court, for Perjury, and there remain from day to day and from
term to term of said Court, and that he do not depart thence without
leave of said Court, and the said defendant John S. Thom being three

Spring Term, Monday, 11th July, 1859

times solemnly called, and required to answer said charge, came not, but wholly made default, and the said sureties also being again three times solemnly called and required to bring with them into Court the body of said defendant John S. Thum to answer said charge, which they wholly failed to do, It is therefore, considered, ordered, adjudged and decreed by the Court, that the said bond of the said defendant John S. Thum and the said Wm. B. Ochiltree and the said Wm. O'Donnell and the said John S. Ford be and the same is hereby forfeited, and that the State of Texas do have and recover from them jointly and severally the sum of Fifteen Hundred Dollars, the amount of said Bond, and that Scire Facias do issue to each of them severally, returnable to the next term of this Court, commanding them then and there to shew cause, if any they can, why this Judgment should not be made final against them as aforesaid.

It is ordered by the Court that the two last preceding forfeitures in cases 611 & 612 of the State of Texas vs. John S. Thum, on the charges of Forgery and Perjury be set aside and held for naught

And Court adjourn until to-morrow morning at 8 o'clock. July 8th 1859.

Ed H Vontress
Judge 17th Dist
Pro Tem

Court met & adjourned till next Monday morning 8 o'clock.

Monday, 11th July, 1859.

Court convened at 8 o'clock A.M. pursuant to adjournment. Hon. A.W. Terrell, Second District Judge, presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

No 920 The State of Texas vs Horace & Robinson } Reft Deft } It appearing by the minutes of this Court that at the Spring Term hereof, to wit: on the 9th day of July, A.D. 1858, this cause being reached, the parties appeared by their attorneys, and the defendants counsel submitted to the Court their exceptions going to the sufficiency of the Indictment; and the said exceptions having been argued by counsel, and the points arising thereon being well understood by the Court, the said exceptions were sustained by the Court; and it further appearing that no judgment was entered declaring the legal consequences of said action, it

Spring Term, Monday, 11th July, 1859.

is now adjudged that the ~~said exceptions filed at that Term be sustained;~~ that the Indictment be quashed; that the cause be dismissed from the docket, and that the defendant go hence without day fully discharged. Whereupon the District Attorney, in behalf of the State, gave notice, in open Court, of an appeal to the Supreme Court

930 The State of Texas vs Horan & Robinson } Defts } and now on this day appeared in open Court the defendant John Horan, who, as principal, and R.W. Rowlin, as security for the said Horan, acknowledged themselves severally and severally jointly to owe and be indebted unto The State of Texas in the penal sum of Two Hundred and Fifty Dollars, to be levied upon their respective Goods and Chattels, Lands and Tenements, But to be void if the said John Horan shall appear at the next Term of the District Court of Travis county, to be held at the Courthouse thereof in the City of Austin, on the Ninth Monday after the first Monday in October, A.D. 1859, and from term to term thereafter, and from day to day of each term, to answer the criminal accusation against him, in case the Judgment of the District Court be reversed in the above entitled cause

955 The State of Texas vs D C Kellington & Deft } Defts } Cont'd generally and cause ordered generally

956 The State of Texas vs Jennin et als } Defts } Dismissed in open Court as to the Deft Robt Barr, and said defendant discharged

957 The State of Texas vs E Jennin et als } Defts } Dismissed in open Court as to the dft R Barr, and said dft discharged

958 The State of Texas vs E Jennin et als } Defts } Dismissed in open Court as to the dft Robt Barr, and said defendant discharged

959 The State of Texas vs E Jennin et als } Defts } Dismissed in open Court as to the dft R Barr, and said defendant discharged

960 The State of Texas vs E Jennin et als } Defts } Dismissed in open Court as to the dft R Barr, and said defendant discharged

962 The State of Texas vs W H Carr et als } Defts } Dismissed in open Court as to the dft R Barr, and said defendant discharged

963 The State of Texas vs Carr et als } Defts } Dismissed in open Court as to the dft Slaughter and said defendant discharged

Spring Term, Monday 11th July 1859

964	The State of Texas vs W H Carr et als	Defts	Dismissed in open Court as to the dept Slaughter, and said defendant discharged
965	The State of Texas vs W H Carr et als	Defts	Dismissed in open Court as to the defendant Slaughter, and said defendant discharged
966	The State of Texas vs W H Carr et als	Defts	Dismissed in open Court as to the defendant Slaughter, and said defendant discharged
967	The State of Texas vs W H Carr et als	Defts	Dismissed in open Court as to the defendant Barr, and said defendant discharged
968	The State of Texas vs W H Carr et als	Defts	Dismissed in open Court as to the defendant Barr, and said defendant discharged
969	The State of Texas vs W H Carr et als	Defts	Dismissed in open Court as to the defendant Barr and said defendant discharged
970	The State of Texas vs W H Carr et als	Defts	Dismissed in open Court as to the dept Barr and said defendant discharged
971	The State of Texas vs W H Carr et als	Defts	Dismissed in open Court as to the defendant Barr and said defendant discharged
972	The State of Texas vs W H Carr et als	Defts	Dismissed in open Court as to the defendant Barr, and said defendant discharged
973	The State of Texas vs W H Carr et als	Defts	Dismissed in open Court as to the defendant Slaughter and said defendant discharged
974	The State of Texas vs W H Carr et als	Defts	Dismissed in open Court as to the defendant Slaughter and said defendant discharged
975	The State of Texas vs W H Carr et als	Defts	Dismissed in open Court as to the defendant Slaughter and said defendant discharged
976	The State of Texas vs W H Carr et als	Defts	Dismissed in open Court as to the defendant Slaughter and said defendant discharged
977	The State of Texas vs W H Carr et als	Defts	Dismissed in open Court as to the dept Slaughter and said dept discharged
978	The State of Texas vs W H Carr et als	Defts	Dismissed in open Court as to the dept Slaughter, and said dept discharged.

Spring Term, Monday, 11th July 1859.

987 — The State of Texas / Casner, Warnick & Lawson — Defts — Dismissed on their Costs as to J.W. Casner and alias Capias ordered for Warnick and Lawson

988 — The State of Texas / The Anderson — Defts — and now on this day came the parties by their attorneys and announced themselves ready for trial and upon having been duly empannelled sworn and tried heard the testimony & the charge of the Court, retired and returned into Court the following verdict, to wit: "We the jury find the defendant not guilty as charged in the Indictment. Wm D. Hamlin Foreman" Whereupon it is ordered that said defendant go hence fully acquitted and discharged, and that the case be dismissed

998 — The State of Texas / Wm Bennett — Defts — Ct'd for service and alias capias ordered to Rains & Bexar counties

999 — The State of Texas / Wm Bennett. — Defts — Continued for service and alias capias ordered to Rains & Bexar counties

1000 — The State of Texas / A Robinson — Defts — Continued and capias ordered generally

1014 — The State of Texas / A Robinson et al — Defts — Continued and alias capias awarded

1015 — The State of Texas / Carr & Runnin — Defts — Dismissed by Dist atty and defendants discharged

1016 — The State of Texas / John Robinson — Defts — and now on this day appeared the parties to this suit by their attys and announced themselves ready for trial and a jury having been duly empannelled, sworn charged, heard the evidence and the charge of the Court, and having returned a verdict of not guilty, It is ordered by the Court that the defendant be hence without day, fully acquitted and discharged

1038 — The State of Texas / Heffington & Wallace — Defts — and now on this day appeared the parties hereto and the said Wallace by his attorney & announced themselves ready for trial. And a jury having been duly empannelled & sworn, heard the testimony & the charge of the Court and retired for deliberation. And said jury returned into Court the following verdict, to wit: We the jury find the defendant guilty and assess the fine at ten dollars. J.C. Hampton, Foreman"

Spring Term, Monday, 11th July 1859.

Whereupon it is ordered by the Court that the State of Texas do have and recover of and from the defendant Wm G. Wallace said sum of Ten Dollars and all cost of this prosecution.

1041	The State of Texas vs Wallace & Heffington	Pltff / Defts	}	Dismissed by Dist Atty and defendants discharged
1042	The State of Texas vs Wallace & Heffington	Pltff / Defts	}	Continued by the State because of the absence of witnesses James R. Jackson, and attachment awarded for said Jackson
1055	The State of Texas vs David Mills	Pltff / Defts	}	Dismissed by Dist Atty and defendant discharged
1087	The State of Texas vs Hardy Haliman	Pltff / Defts	}	Dismissed by Dist Atty and defendant discharged
1111	The State of Texas vs A W Robertson	Pltff / Defts	}	Dismissed by Dist Atty and defendant discharged
1112	The State of Texas vs A W Robertson	Pltff / Defts	}	Dismissed by Dist Atty and defendant discharged
1113	The State of Texas vs A W Robertson	Pltff / Defts	}	Dismissed by Dist Atty and defendant discharged
1114	The State of Texas vs A W Robertson	Pltff / Defts	}	Dismissed by Dist Atty and defendant discharged
1122	The State of Texas vs Thos P Ochiltree	Pltff / Defts	}	Capias ordered to Travis Co and cont'd generally
1123	The State of Texas vs Tom Ochiltree	Pltff / Defts	}	Capias ordered to Travis Co and cont'd generally

Spring Term Monday 11th July 1859.

1129 The State of Texas vs Ben Hinds } Defts } and now on this day came these parties by their attys announced themselves ready for trial, and thereupon came a Jury of 12 good and lawful men of Travis County, to wit: R H Rowlin Foreman and eleven others who were duly elected, empannelled and sworn according to law. And the Jury having heard the testimony and the charge of the Court, retired and brought into Court the following verdict to wit: "We the Jury find the defendant guilty as charged in the Indictment and assess the fine at ten dollars R H Rowlin Foreman" Whereupon it is ordered by the Court that the State of Texas recover of and from the defendant Ben Hinds said sum of ten dollars and all cost of this prosecution

1130 The State of Texas vs Ben Hinds } Defts } Capias ordered to Williamson and Travis County and cont'd

1131 The State of Texas vs W R Poag } Defts } Capias ordered to Panola County and continued

1132 The State of Texas vs W C Poag } Defts } Capias ordered to Panola County and continued

1135 The State of Texas vs M T Caputon } Defts } Continued for service

1136 The State of Texas vs Mearen Hulsey } Defts } Continued w affidavit of the defendant

1137 The State of Texas vs Sam Yate } Defts } Continued and capias awarded

1138 The State of Texas vs Sam Yate } Defts } Continued and capias awarded

Spring Term Monday 11th July 1859

1139	The State of Texas vs A Robinson	Defts	&	alias capias ordered and cause continued
1140	The State of Texas vs A Robinson	Defts	&	alias capias ordered and cause continued
1147	The State of Texas vs John T Price	Defts	&	Dismissed by Dist Atty & cause continued defendant discharged
1148	The State of Texas vs James Tindell	Defts	&	Dismissed by Distrct Attorney and defendant discharged
1149	The State of Texas vs Thomas Green	Defts	&	Dismissed by Distrct Attorney and defendant discharged
1152	The State of Texas vs Nelson Merrell	Defts	&	Dismissed by Dist Atty & defendant discharged
1155	The State of Texas vs W L Chalmers	Defts	&	Dismissed by Dist Atty and defendant discharged
1159	The State of Texas vs W F Patterson	Defts	&	Dismissed by Dist Atty and defendant discharged
1160	The State of Texas vs O Klusser	Defts	&	Dismissed by Dist Atty and defendant discharged
1163	The State of Texas vs I L A St Clair	Defts	&	Dismissed by Dist Atty and cause discharged
1164	The State of Texas vs A Fore	Defts	&	Dismissed by Distrct Attorney and cause discharged

Spring Term, Thursday 12th Inst, 1859

1165	The State of Texas vs John Newland	Repl / Defr	Dismissed by Distrct attorney and defendant discharged
1169	The State of Texas vs James R McKinney	Repl / Defr	Dismissed by Distrct attorney and defendant discharged
1171	The State of Texas vs John W Blue	Repl / Defr	Dismissed by Distrct attorney and defendant discharged
1172	The State of Texas vs Wm Gonzales	Repl / Defr	Dismissed by Dist atty and defendant discharged.
1170	The State of Texas vs Hinds & Jackson	Repl / Defr	And now come the parties by their attorneys and upon motion of the Distrct attorney, made in open Court, and by consent of parties It is ordered that the forfeiture in this cause be set aside and held for naught, but that the defendants, Benj. Hinds and James R Jackson, pay all cost of this proceeding, for which execution may issue

And Court adjourned till to-morrow morning at 8 o'clock

Tuesday, 12th Inst, 1859

Court convened at 8 o'clock, A M pursuant to adjournment. Hon. A W. Terrell, Second District Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

1131	The State of Texas vs Benj Hinds	Repl / Defr	On motion of the District attorney It is ordered by the Court that the Bond of the defendant in this cause be quashed and the forfeiture had therein set aside & that Capias issue to Parker, Travis and Burnet counties for the defendant.
1143	The State of Texas vs John B. Costa	Repl / Defr	On motion of the District attorney, this cause is ordered to be dismissed from the docket, and the defendant discharged
1144	The State of Texas vs John B Costa	Repl / Defr	On motion of the District attorney this cause is ordered to be dismissed from the docket, and the defendant discharged

Spring Term Wednesday, July 13, 1859.

1167	The State of Texas vs D C Heffington	Plff Deft	}	alias capias ordered to Bastrop Co and continued
1168	The State of Texas vs Longley & Caviness	Plff Defts	}	Continued for service, and alias capias awarded
1176	The State of Texas vs J W Williams	Plff Deft	}	alias capias awarded to San Augustine County and continued
1177	The State of Texas vs John W. Kirk	Plff Deft	}	capias awarded to Harris county, and continued
1183	The State of Texas vs G B Zimpleman	Plff Deft	}	Dismissed by Distrct attorney and the defendant discharged
1184	The State of Texas vs H Easton alias Houghton	Plff Deft	}	Continued for service and alias capias awarded

And Court adjourned until to-morrow morning at 8 o'clock

Wednesday 13th July 1859

Court convened at 8 o'clock, A.M. pursuant to adjournment. Hon. A. W. Terrell, Presiding Judge presiding. Whereupon the following proceedings were had by said Court, as follows to wit:

1170	The State of Texas vs Heidt & Jackson	Plff Deft	}	It is ordered on motion of the defendants, that the forfeiture in this case be set aside and held for naught, that the cause be dismissed from the docket, and that the defendants go hence without day.

And thereupon Court adjourned till to-morrow morning, at 8 o'clock

Spring Term. Friday, July 15, 1859.

Thursday, July 14, 1859.

Court convened at 8 o'clock A. M. pursuant to adjournment. Hon. A. W. Terrell, Second District Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

1197 The State of Texas vs John C. Zuehlug } Reff Deft } and now on this day came the parties by their attorneys, & the deft. also appearing in proper person, and announced themselves ready for trial. and the jury having been duly empannelled, tried and sworn and having heard the testimony, argument of counsel & the charge of the Court, retired and brought into Court the following verdict, to wit: "We, the Jury, find the defendant not guilty. R W Naulin, Foreman, and thereupon it is ordered, adjudged & decreed by the Court, that the said cause be dismissed from the docket, and that the defendant go hence without day fully acquitted and discharged.

and Court adjourned till to-morrow morning 8 o'clock A.

Friday, 15th July, 1859.

Court Adjourned convened at 8 o'clock A. M. pursuant to adjournment, Hon. A. W. Terrell, 2d Dist Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

1180 The State of Texas vs W C Callinsworth } Reff Deft } On this day came the parties by attorney and the defts. counsel submitted his exceptions to the sufficiency of the Indictment. and the same being duly considered are sustained, and the Indictment quashed; it ordered that the case be dismissed and the defts. discharged

1181 The State of Texas vs W C Callinsworth } Reff Deft } On this day came the parties by attorney, and the defts counsel submitted his exceptions to the sufficiency of the Indictment; and the same being duly considered are sustained, and the Indictment quashed, it ordered that the case be dismissed and the defendant discharged

1182 The State of Texas vs W C Callinsworth } Reff Deft } On this day came the parties by attorney and the defts. counsel submitted his exceptions to the sufficiency of the indictment

Spring Term, Friday, 15th July, 1859

and the same being duly considered, are sustained by the Court. Ordered further, that the Indictment quashed and the case dismissed and that the defendant be discharged.

1191 The State of Texas vs Robert H Smith } Deft } Deft } and now on this day appeared the parties by their attorneys, the defendant also appearing in proper person, and announced themselves ready for trial. and thereupon came a Jury of twelve good and lawful men of Travis county, to wit: I. C Hampton, Foreman & eleven others, who having heard the pleadings, the testimony and the charge of the Court, retired, and brought into Court the following verdict, to wit: "We, the Jury, find the defendant guilty and assess the fine at fifty dollars. I. C. Hampton, Foreman." Whereupon It is ordered, adjudged and decreed by the Court that the State of Texas do have and recover of and from the defendant Robert H. Smith, said sum of fifty Dollars, and all cost of this prosecution.

1192 The State of Texas vs Robert H. Smith } Deft } Deft } and now on this day appeared the parties by their attorneys, the defendant also appearing in proper person, and announced themselves ready for trial, and a Jury having heard the evidence & the charge of the Court, retired and brought into Court the following verdict, to wit: "We, the Jury, find the defendant not guilty. It is therefore adjudged that said defendant go hence fully acquitted and discharged.

1034 The State of Texas vs Justard & Pestard } Deft } Deft } It is ordered that the last bond of the defendants, taken by the Sheriff of Washington county, in this cause, be quashed, and that capias issue for said defendants to said county.

1035 The State of Texas vs Pestard & Pestard } Deft } Deft } It is ordered that the last bond of the defendants, taken by the Sheriff of Washington county in this cause, be quashed, and that capias issue for said defendants to said county

1036 The State of Texas vs Justard & Justard } Deft } Deft } It is ordered that the last bond of the defendants, taken by the Sheriff of Washington county, in this cause, be quashed and that capias issue for said defendants to said county.

Spring Term, Saturday, 16th July, 1859

№ 1198 — The State of Texas vs John C. Greenlaw — Deft — On motion of the District Attorney It is ordered that this cause be dismissed from the docket, and the defendant discharged

№ 1210 — The State of Texas vs Karlos L. Berkem — Deft — On this day came the Deft and the defendant Berkem by attorney, Berkem appearing also in Person, and having severed, announced themselves ready for trial. and a Jury having been tried, elected and sworn, and having heard the testimony, argument of counsel and the charge of the Court, returned the following verdict, to wit: "We, the Jury, find the defendant Berkem not guilty. R.W. Humphreys, Foreman" Whereupon It is ordered that the case be dismissed as to said Berkem, and that he go hence fully acquitted and discharged And thereupon the case is continued up to the defendant Karlos upon his affidavit, made in open Court.

№ 1210 — The State of Texas vs Karlos Karlos — Deft — And now on this day appeared in open Court Carl Karlos, as principal, and Hiram Green and George Newman as securities, and acknowledged themselves jointly and severally, justly to owe and be indebted unto The State of Texas in the penal sum of One Thousand Dollars, to be levied upon their respective Goods and Chattels, Lands and Tenements But to be void, on condition, if the said Karlos shall appear at the next term of the District Court of this county, to be held at the Courthouse thereof in the City of Austin, on the 3rd Monday after the first Monday in October, A. D. 1859, and from time to time thereafter, to answer the Indictment preferred against him by the Grand Jury of this county, at this the Spring Term of said Court, A. D. 1859, for Stealing and taking from the possession of one David L. Crass, a barrow Hog, of the property of said Crass, without the consent of the said Crass

And Court adjourned until to-morrow morning 8 o'clock.

Saturday, 16th July, 1859.

Court convened at 8 o'clock, A.M. pursuant to adjournment. Hon. A. W. Terrell, 2nd Dist. Judge presiding. Whereupon the following proceedings were had by said Court as follows to wit:

And Thereupon Court adjourned Till Monday morning at 8 o'clock, 19th inst.

Spring Term, Monday, 18th July 1859.

Monday, 18th July 1859.

Court convened at 8 o'clock A.M. pursuant to adjournment. Hon Abner Dowell, Dist Judge, presiding. Whereupon the following proceedings were had by said Court, as follows, to wit,

0 ↓ 1592 Charlotte Huling } Deft
&
Marcus Huling } Deft } And now on this day came the parties to this cause by attorney; and it appearing to the Court that J.M. Blackwell, Dennis Cannan and John A. Black Commissioners appointed at the present Term of this Court to partition the homestead of plaintiff and defendants, did on the 29th day of June A.D. 1859, in accordance with a previous order of this Court at its present Term return into Court their Report, which is as follows, to wit:

" The State of Texas } District Court, Spring Term, 1859. Charlotte Huling & Marcus Huling
" County of Travis } To the Honorable A.A. Dowell Judge of the Second Judicial
" District In accordance with an order of your honorable Court in the above
" entitled cause made at the June 1859 we the undersigned Commissioners
" proceeded to obey said order by selecting out of the A.C. Caldwell league of
" Land situated in Travis County on Walnut creek two hundred acres as
" the homestead of Charlotte & Marcus Huling and by setting apart to them
" two hundred acres of said meliorated and fifty acres including and
" embracing all the improvements heretofore owned by the said parties with
" said league of land to the said Charlotte and the remainder two
" fifty acres to the said Marcus Huling. The limits, boundaries and courses
" of each tract made and described as follows, to wit.
" Two Hundred acres as the Homestead aforesaid Beginning at the S E
" corner of the A.C. Caldwell League No 32 Thence N. 60° W with the South
" line of the Fleming league 1063 vrs a stone mound. Thence N 30° E 1063
" varas a Stake from which an Elm marked X brs N. 8½ E 30 vrs, and
" another Elm 12 ins. in dia. marked H brs N. 72½° E. 50 vrs. Thence S.
" 60° E 1063 vrs. corner on the East line of the Caldwell League. Thence
" S. 30° W. with the said Caldwell line 1063 vrs to the place of beginning
" One Hundred and Fifty Acres set apart out of the foregoing described
" tract of two hundred acres for Charlotte Huling including all the improve-
" ments: Beginning at the N E corner of the said Huling tract. Thence
" N. 60° W. 798 varas stone mound from which a Live Oak 4 ins. in
" dia. brs N. 43° E. 10 vrs Thence N 30° E 1063 vrs a stake from which a
" Forked Elm marked X 18 ins. in dia. at the butt brs N. 22° E. 31½ vrs and an
" Elm 10 ins. in dia marked X brs S. 20 E. 8 vrs Thence S. 60° E. 798 vrs to the
" N.E. corner of the Homestead tract. Thence S. 30° W. 1063 vrs to the place
" of beginning
" Fifty Acres set apart to Marcus Huling. Beginning at the N.W.
" corner of the One Hundred and Fifty Acre tract set apart for Charlotte
" Huling. Thence N 60° W 265 vrs stone mound. Thence N 30° E. 1063 vrs
" to the N.W. corner of the homestead tract. Thence S. 60° E 265 vrs to the N.W.
" corner of Charlotte Huling tract. Thence S. 30° W 1063 vrs to the place of be-

Spring Term, Monday 18th July, 1859.

"Jennings & McBlackwell, Davis Comrs. Jno A. Black."
"Sworn to & subscribed before me, 29th June, 1859. F Ramsay CCK."
And no exceptions having been filed to said Report, and the Court obtaining inspecting and examining the same, and finding that the said Report is in accordance with the previous order of this Court, the same in all things adopted by the Court. It is further ordered, adjudged and decreed by the Court, that the title to the lands and improvements by metes and bounds assigned by said Commissioners to said Charlotte Huling, be vested in said Charlotte Huling and that all right, title and interest in the same be divested out of the said Marcus Huling & vested in the said Charlotte, her heirs and assigns forever in fee simple: and it is further ordered, adjudged and decreed by the Court that the title to the land set apart and assigned to the said Marcus Huling by metes and bounds by the said Commissioners in their said Report, be vested in the said Marcus Huling, and that all right, title and interest of the said Charlotte in and to the same be divested, and that the title to the same be vested in the said Marcus Huling, his heirs and assigns forever, in fee simple. It is further ordered, adjudged and decreed by the Court that parties respectively hereafter quieted in the possession and use of the parcels of land assigned as aforesaid to them; and that the parties to this suit be mutually perpetually enjoined from asserting any claim thereto or from disturbing each other's title & possession by entering thereon, contrary to the right and wish of the other
And it is further ordered, adjudged and decreed by the Court that the defendant pay all costs of this suit and procedure, for which execution may issue.

+ 1848.

Hampton Roads & Virginia R. R. Co. vs C. R. Johns & C. H. Randolph } And now at this Term came the parties to this suit by their attorneys, and announced themselves ready for trial, whereupon the plff. dismissed this suit as to the defendant Johns. And it is ordered that said Johns go hence and recover his cost. And thereupon the defendant Randolph submitted to the Court his exceptions to the petition of the Plaintiffs, and the same being argued by counsel, & the points arising thereon being well and duly considered by the Court, It is ordered, adjudged and decreed that the said exceptions be, and they are hereby sustained; that the plaintiff take nothing by his said suit & be hence dismissed; that the defendant go hence without day and recover of said Company all cost of this suit for which execution may issue, And thereupon the plff. by attorney, gives notice, in open Court, of an appeal to the Supreme Court.

It is agreed to continue the case of Thomas Snyder vs J. N. & Carter since as an affidavit of Defendants July 18, 1859. that the Clerk may enter the same in the Minutes of the present Term
Abraham & White, attys for Defts.

Spring Term, Monday, 18th July, 1859.

907 — The State of Texas vs John Marshall & Deft } Plff } And now on this day appeared in open Court the defendant, John Marshall, as prin. & Deft & Ezekiel and William Rust, as security, and acknowledged themselves jointly and severally justly to be indebted unto the State of Texas in the penal sum of Two Hundred Dollars to be levied upon their respective Goods and Chattels, Lands and Tenements, But whereof, nevertheless, if the said Marshall shall appear at the next Term of the District Court of Travis county to be held at the Courthouse thereof in the City of Austin on the 4th Monday after the first Monday in October 1859 then and there and from Term to Term thereafter, to answer the criminal accusation against him in Cause the decision of the District Court be reversed in the above cause

905 — The State of Texas vs John Marshall & Deft } Plff } And now come the parties by their attorneys and agree in open Court that this case & Deft shall abide the decision of the Supreme Court in the case 907 of the State of John Marshall on appeal

908 — The State of Texas vs John Marshall & Deft } Plff } And now come the parties by their attorneys and agree in open Court that & Deft this case shall abide the decision of the Supreme Court in the case 908 of the State of John Marshall on appeal.

Agreement Recorded — The State of Robinson & Robinson vs The State of Carr & Dennis et al & Dennis & Carr et al } Travis County Texas District Court June Term 1859 These cases being Indictments found by the Gran Jury at the June Term 1858 of this Court against said Geo E Robinson & John Robinson and Dennis, Carr et al and Carr, Dennis et al. that is against Ed. Dennis and W H Carr This agreed that all these Indictments shall abide the decision of the Sup. Court in the case of the State of Travis and Robinson appeals from the present Term of this Court

Thurcock & Hart atty for said Defts
A D McGuire Asst atty

956 — The State of Texas vs Dennis, Carr & Parr } Plff. & Defts. } This cause continued to abide the decision of the Supreme Court in Cause No 930 as per agreement on file

957 — The State of Texas vs Dennis, Carr & Parr } Plff. & Defts. } This cause cont'd to abide the decision of the Supreme Court in Cause No 930 as per agreement on file & recorded

958 — The State of Texas vs Dennis, Carr & Parr } Plff & Defts. } This cause continued to abide the decision of the Supreme Court in Cause No 930 as per agreement on file & recorded.

Spring Term, Monday, 18th July 1859.

959	The State of Texas vs Jennie et al	Plff / Defts	This case cont'd to abide the decision of the Supreme Court in cause No 930 as per agreement on file and recorded at this Term
960	The State of Texas vs Jennie et al	Plff / Defts	This cause cont'd to abide the decision of the Supreme Court in cause No 930 as per agreement on file and recorded at this Term
962	The State of Texas vs Jennie et al	Plff / Defts	This cause cont'd to abide the decision of the Supreme Court in cause No 930 as per agreement on file and recorded at this Term
963	The State of Texas vs W H Carr et al	Plff / Defts	This cause continued to abide the decision of the Supreme Court in Cause No 930 as per agreement on file & recorded at this Term
964	The State of Texas vs W H Carr et al	Plff / Defts	This cause continued to abide the decision of the Supreme Court in Cause No 930 as per agreement on file & recorded at this Term
965	The State of Texas vs W H Carr et al	Plff / Defts	This cause continued to abide the decision of the Supreme Court in Cause No 930 as per agreement on file & recorded at this Term
966	The State of Texas vs W H Carr et al	Plff / Defts	This cause continued to abide the decision of the Supreme Court in Cause No 930 as per agreement on file & recorded at this Term
967	The State of Texas vs W H Carr et al	Plff / Defts	This cause continued to abide the decision of the Supreme Court in Cause No 930 as per agreement on file & recorded at this Term
968	The State of Texas vs W H Carr et al	Plff / Defts	This cause continued to abide the decision of the Supreme Court in Cause No 930 as per agreement on file & recorded at this Term
969	The State of Texas vs W H Carr et al	Plff / Defts	This cause continued to abide the decision of the Supreme Court in Cause No 930 as per agreement on file & recorded at this Term
970	The State of Texas vs W H Carr et al	Plff / Defts	This cause continued to abide the decision of the Supreme Court in Cause No 930 as per agreement on file & recorded at this Term
971	The State of Texas vs W H Carr et al	Plff / Defts	This cause cont'd to abide the decision of the Supreme Court in Cause No 930 as per agreement on file & recorded at this Term
972	The State of Texas vs W H Carr et al	Plff / Defts	This cause cont'd to abide the decision of the Supreme Court in Cause No 930 as per agreement on file & recorded at this Term
973	The State of Texas vs W H Carr et al	Plff / Defts	This cause cont'd to abide the decision of the Supreme Court in Cause 930 as per agreement on file & recorded at this Term
974	The State of Texas vs W H Carr et al	Plff / Defts	This cause cont'd to abide the decision of the Supreme Court in Cause 930 as per agreement on file & recorded at this Term

Spring Term, Monday 18th July 1859.

975	The State of Texas vs W A Carr et al	Plff Defts	This cause cont'd to abide the decision of the Supreme Court in Cause No 930 as per agreement on file and recorded
976	The State of Texas vs W A Carr et al	Plff Defts	This cause cont'd to abide the decision of the Supreme Court in Cause No 930 as per agreement on file and recorded
977	The State of Texas vs W A Carr et al	Plff Defts	This cause cont'd to abide the decision of the Supreme Court in Cause No 930 as per agreement on file and recorded
978	The State of Texas vs W A Carr et al	Plff Defts	This cause cont'd to abide the decision of the Supreme Court in Cause No 930 as per agreement on file and recorded
1017	The State of Texas vs Geo & John Robinson	Plff Defts	This cause cont'd to abide the decision of the Supreme Court in Cause No 930 as per agreement on file and recorded
1018	The State of Texas vs John & John Robinson	Plff Defts	This cause cont'd to abide the decision of the Supreme Court in Cause No 930 as per agreement on file and recorded
1019	The State of Texas vs Geo & John Robinson	Plff Defts	This cause cont'd to abide the decision of the Supreme Court in Cause No 930 as per agreement on file
1020	The State of Texas vs Geo & John Robinson	Plff Defts	This cause cont'd to abide the decision of the Supreme Court in Cause No 930 as per agreement on file
1021	The State of Texas vs John & John Robinson	Plff Defts	This cause cont'd to abide the decision of the Supreme Court in Cause No 930 as per agreement on file and recorded
1022	The State of Texas vs Geo & John Robinson	Plff Defts	This cause cont'd to abide the decision of the Supreme Court in Cause No 930 as per agreement on file recorded
1023	The State of Texas vs Geo & John Robinson	Plff Defts	This cause cont'd to abide the decision of the Supreme Court in Cause No 930 as per agreement on file and recorded
1024	The State of Texas vs Geo & John Robinson	Plff Defts	This cause cont'd to abide the decision of the Supreme Court in Cause No 930 as per agreement on file and recorded
1025	The State of Texas vs Geo & John Robinson	Plff Defts	This cause cont'd to abide the decision of the Supreme Court in Cause No 930 as per agreement on file and recorded
1026	The State of Texas vs Geo & John Robinson	Plff Defts	This cause cont'd to abide the decision of the Supreme Court in Cause No 930 as per agreement on file and recorded
1027	The State of Texas vs Geo & John Robinson	Plff Defts	This cause cont'd to abide the decision of the Supreme Court in Cause No 930 as per agreement on file and recorded

Spring Term, Tuesday, 19th July, 1859.

1141	The State of Texas vs Geo Robinson	Defft & Defft	This cause cont'd to abide the decision of the Supreme Court in Cause No 930 as per agreement on file and recorded
1142	The State of Texas vs Geo Robinson	Defft & Defft	This cause cont'd to abide the decision of the Supreme Court in Cause No 930, as per agreement on file and recorded
1199	The State of Texas vs John C Zschlag	Defft & Defft	And now on this day came the parties to this cause by their attorneys the defft appearing also in person and announced themselves ready for trial. And thereupon came a jury of twelve good and lawful men of Travis County, to wit: Wm Simpson, Foreman and eleven others, who being duly tried, elected, empannelled and sworn, heard the testimony, argument of counsel and the charge of the Court, and retired and brought into Court the following verdict, to wit: "We, the jury, find the defendant J. C. Zschlag not guilty. Wm Simpson, Foreman." Whereupon, It is ordered, adjudged and decreed by the Court that the said defendant Zschlag go hence, fully acquitted and discharged from said Indictment.

And Court adjourned till to-morrow Morning at 8 o'clock

Wednesday July 19th 1859.

Court convened at 8 o'clock A.M. pursuant to adjournment. Hon. A. A. Terrell, Second District Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

1200	The State of Texas vs John C Zschlag	Defft & Defft	And now on this day came the State by the District Attorney, and the defendant in person and also by attorney, and announced themselves ready for trial. And then came a jury of 12 good and lawful men of Travis County, to wit: Wm Simpson, Foreman, and eleven others, who being duly elected, tried, empannelled and sworn according to law, heard the plea, testimony, charge of the Court, and argument of counsel. And the jury having retired, returned into Court the following verdict, to wit: "We, the jury, find the Defendant John C. Zschlag, not guilty. Wm Simpson, Foreman." Whereupon, It is ordered, adjudged and decreed by the Court, that said cause be dismissed from the docket, and that said defendant Zschlag go hence without day, fully acquitted and discharged from said Indictment

And thereupon Court adjourned until to-morrow morning at 8 o'clock

Spring Term, Wednesday, 20th July 1859

Wednesday 20th July 1859

1193 Court convened at 8 o'clock A.M. pursuant to adjournment. Hon. A.W. Terrell, Second District Judge presiding. Whereupon the following proceedings were had by said Court, as follows, viz:

1193	The State of Texas vs R.H. Smith	Deft	On motion of the District Attorney. It is ordered that this cause be dismissed and the defendant discharged
1194	The State of Texas vs R.H. Smith	Deft	On motion of the District Attorney. It is ordered that this cause be dismissed and the defendant discharged
1195	The State of Texas vs R.H. Smith	Deft	On motion of the District Attorney It is ordered that this cause be dismissed and the defendant discharged
1196	The State of Texas vs R.H. Smith	Deft	On motion of the District Attorney It is ordered that this cause be dismissed and the defendant discharged
1201	The State of Texas vs John C. Zuchlay	Deft	Continued by the State, the counsel for the defendant being absent
1202	The State of Texas vs John C. Zuchlay	Deft	Continued by the State, the counsel the defendant being absent
1203	The State of Texas vs John C. Zuchlay	Deft	Continued by the State, the counsel for the defendant being absent.
1204	The State of Texas vs John C. Zuchlay	Deft	Continued by the State the counsel for the defendant being absent
1205	The State of Texas vs John C. Zuchlay	Deft	Continued by the State the counsel for the defendant being absent.
1206	The State of Texas vs John C. Zuchlay	Deft	Continued by the State the counsel for the defendant being absent
1207	The State of Texas vs John C. Zuchlay	Deft	Continued by the State, the counsel for the defendant being absent
1208	The State of Texas vs John C. Zuchlay	Deft	Continued by the State, the counsel for the defence being absent.
1209	The State of Texas vs Julien K. Rosey	Deft	And now on this day appeared in open Court the Defendant Julien K Rosey, as principal, and James

Spring Term, Wednesday, 20th July, 1859.

B. Wilson as his security, and acknowledged themselves jointly and severally, jointly to owe and be indebted unto the State of Texas in the penal sum of Five Hundred Dollars, to be levied upon their respective Body and Chattels, Lands and Tenements, But to be void, if the said Reese shall appear at the next Term of the District Court of Travis County, to be held at the Courthouse thereof in the City of Austin on the 6th Monday after the first Monday in October, A. D. 1859, and from Term to Term thereafter, to answer the Indictment preferred against him by the Grand Jury of Travis County, at this the Spring Term of the District Court of said County, A D 1859 for an assault with intent to kill and murder one D. Richard D. Cheezum, and that he do not depart the Court without leave.

And thereupon, on motion of the District attorney, It is ordered that attachments issue for the witnesses S R D Cheezum and his wife Margaret A Cheezum, ~~subpoena~~ on behalf of the Pepl. in the above entitled cause.

Order

1211 The State of Texas vs Fink, Eilers & Co } Depl & Depts } And now on this day came the State by the District attorney and the defendants A. Eilers and H. Green by attorney and also in proper person and announced themselves ready for trial. And thereupon came a Jury of twelve good and lawful men of Travis County, to wit: E K Dailey Foreman and eleven others, who being duly elected tried empannelled and sworn according to law, heard the plea of guilty by the defendants, testimony, argument and the charge of the Court; and said Jury having retired, returned into Court the following verdict, to wit: "We, the Jury find the defendants guilty and assess the fine at fifty dollars. E K Dailey, Foreman." Whereupon, It is ordered by the Court that the State of Texas do have and recover of and from the defendants, A. Eilers and H. Green said sum of Fifty Dollars and all cost of this prosecution.

1212 The State of Texas vs Fink, Eilers & Co } Depl & Depts } On motion of the District Attorney It is ordered that this cause be dismissed from the Docket, and the defendant discharged

1213 The State of Texas vs Fink Eilers & Co } Depl & Depts } On motion of the District Attorney It is ordered that this cause be dismissed from the Docket, and the defendant discharged

1214 The State of Texas vs C. Spalding } Depl & Dept } On this day appeared the parties by atty and the defendants' counsel submitted his exceptions to the Indictment, and the same being duly considered It is ordered that said exceptions be overruled. and on motion the cause is continued by the State

Spring Term, Wednesday 20th July 1859

1216 The State of Texas vs J.B. & D.M. Wilson } Deft } On motion of the District Attorney It is ordered that an attachment issue for the witness F.M. Gibson and that the cause be continued at the instance of the State.

1217 The State of Texas vs Sherman Case } Deft } Cont'd for cause and alias Cabias awarded

1218 The State of Texas vs D.A. St Clair } Deft } On motion of the District Attorney It is ordered that this cause be continued at the instance of the State and that an attachment issue for the witness Robt Thompson

997 The State of Texas vs Thomas Bowles } Deft } In this cause this day came the District Attorney, A.D. McInnis, who prosecutes for the State in this behalf, and the said defendant Thomas Bowles, being three times solemnly called, came not, but made default; and it appearing to the Court that the said defendant Thomas Bowles, as principal, and C.A. Hopkins and David W. Allen, as his securities, had executed their joint and several bond payable unto The State of Texas in the sum of Fifty Dollars dated the 23rd day of November, A.D. 1858, conditioned that the said defendant Thomas Bowles make his personal appearance at the District Court of said County of Travis to be begun and holden at the Court House of said County in the City of Austin on the 4th Monday after the 1st Monday in October, A.D. 1858 to answer the Indictment preferred against him by the Grand Jurors of Travis County, at the Spring Term A.D. 1858, of said District Court, for playing at a game with cards in a house for retailing spirituous liquors, and there remain from day to day and from Term to Term of said Court, and that he do not depart thence without leave of said Court, and the said defendant Thomas Bowles being three times solemnly called and required to answer said charge, came not, but wholly made default, and the said securities also being again three times solemnly called and required to bring with them into Court the body of said defendant Thomas Bowles to answer said charge, which they wholly failed to do. It is therefore considered, ordered, adjudged and decreed by the Court that the said bond of the said defendant Thomas Bowles and the said C.A. Hopkins and the said David W. Allen be and the same is hereby forfeited and that the State of Texas do have and recover of and from them jointly and severally the sum of Fifty Dollars, the amount of said

Spring Term, Thursday 21st July 1859.

Bond, and that Sure Facias do issue to each of them severally returnable to the next Term of this Court, commanding them then and there to shew cause, if any they can, why this Judgment should not be made final against them as aforesaid.

1715 The State of Texas vs W H H Butts } Deft } Reff } And now on this day came these parties by their attorneys, the defendant appearing also in proper person, and announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County to wit Wm Simpson Foreman and eleven others, who being duly elected, tried, empannelled and sworn, heard the plea of not guilty, the testimony, charge of the Court, and the argument of counsel, and the charge of the Court; & they having retired for deliberation, returned into Court the following verdict, to wit: "We, the jury, find the defendant guilty, and assess the fine at Twenty-Five Dollars. Wm Simpson, Foreman." Whereupon it is ordered by the Court that the State of Texas do have and recover of and from the Defendant W H H Butts said sum of Twenty-Five Dollars and all cost of this prosecution.

And Court adjourned till to-morrow morning at 8 o'clock

Friday 22nd July 1859

Court convened at 8 o'clock A. M. pursuant to adjournment. Hon. A. W. Terrell, Second District Judge presiding. Whereupon the following proceedings were had by said Court as follows, to-wit:

1768 The State of Texas vs Thomas Robt et al } Deft } Reff } On motion of the District Attorney, & consented to by the defendants, It is ordered that the forfeiture in this case be set aside and that the defendants pay all cost of this proceeding, for which prosecution may issue

910 The State of Texas vs Geo W Parchal } Deft } Reff } It is ordered by the Court that the Judgment entered in this case at former term sustaining the exceptions to the Indictment be amended as follows: That said exceptions to the said Indictment be sustained, that the Indictment be quashed; that the cause be dismissed from the docket, and the defendant discharged. And thereupon the District Attorney excepts to said action, and gives notice, in open Court, of an appeal to the Supreme Court.

910 The State of Texas vs Geo. W. Parchal } Deft } Reff } On this day appeared in open Court the Defendant George W. Parchal, as principal, and S. G. Reed and

Spring Term Thursday 21st July 1859

John Hancock as securities, and acknowledged themselves jointly and severally, justly to owe and be indebted unto The State of Texas in the penal sum of Two Hundred Dollars, to be levied upon their respective Goods and Chattels, Lands and Tenements But to be void if the said Geo W. Paschal shall appear at the next Term of the District Court of Travis County to be held at the Courthouse thereof in the City of Austin on the 4th Monday after the first Monday in October 1859, and from Term to Term thereafter to answer the criminal accusation against him, in case the decision of the District Court be reversed in the above entitled cause.

984	The State of Texas vs M G Gay	Deft	Continued	Generally
983	The State of Texas vs Gay et al	Deft	Continued	Generally
979	The State of Texas vs J. M. Borchard	Deft	Continued	Generally
980	The State of Texas vs J M Borchard	Deft	Continued	Generally
981	The State of Texas vs J M Borchard	Deft	Continued	Generally
982	The State of Texas vs M G Gay	Deft	Continued	Generally
931	State vs Horan & Robinson		Continued	Generally
932	State vs Horan & Robinson		Continued	Generally
933	State vs Horan & Robinson		Continued	Generally
934	State vs Horan & Robinson		Continued	Generally
935	State vs John Horan		Continued	Generally
936	State vs John Horan		Continued	Generally
937	State vs John Horan		Continued	Generally
938	State vs John Horan		Continued	Generally
939	State vs John Horan		Continued	Generally
940	State vs John Horan		Continued	Generally
941	State vs John Horan		Continued	Generally
942	State vs John Horan		Continued	Generally
943	State vs Heffington Wallace		Continued	Generally
944	State vs Heffington Wallace		Continued	Generally
945	State vs Heffington Wallace		Continued	Generally

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946	The State of Jeffington Wallace	Continued	Generally
947	The State of Jeffington Wallace	Continued	Generally
948	The State of Jeffington Wallace	Continued	Generally
949	The State of Jeffington Wallace	Continued	Generally
950	The State of Jeffington Wallace	Continued	Generally
951	The State of Jeffington Wallace	Continued	Generally
952	The State of Jeffington Wallace	Continued	Generally
953	The State of Jeffington Wallace	Continued	Generally
954	The State of Jeffington Wallace	Continued	Generally

1183 Hunnicutt & Roberts & Ors vs Dept J C Gaynor's Heirs & Dept — Coming on to be heard on motion of Defts it is ordered by the Court that the citation and Return & Statement ignored and published in this case (a copy of which is exhibited to the Court in connection with the affidavit of the Defts & the log of the Agricola) be substituted by a copy, in accordance with the said motion filed in this case

1210 The State of Texas vs R K & A Pitts — Dept & Dept — This ordered that the defendants motion for new trial filed in this cause be overruled

1211 The State of Texas vs First Ednl Co — Dept & Dept — This ordered that the defendants motion in this cause to re-tax the cost be overruled

1576 A. M. Swanson vs Charles Jayne & Glascock & Mallam & Garnishees — Dept & Dept — And now on this day came the respective attorneys, the Garnishees appearing by attorney; and the counsel for said Garnishees submitted to the Court their motion heretofore filed in this cause to set aside the proceedings and judgment by default against them in said cause. And said motion being fully argued in the hearing of the Court, and the Court being well satisfied that the same ought to be granted, It is ordered that said motion be granted; that the judgment by default entered against them be set aside and held for naught; and that a hearing be had as to them. Ordered, further, that said Garnishees pay all cost of said Garnishment up to this date, for which execution may issue

1191 The State of Texas vs Robt A Smith — Dept & Dept — On this day came the parties by atty; and defts. counsel submitted their motion for a new trial. and the points arising thereon being argued and the same being well understood by the Court, It is ordered that said motion be overruled

Spring Term, Thursday 21st July 1859

1 219 ✓

The State of Texas } Deft
vs } and now on this day the motion
T. B. Beck, et. als. & Defts. } made by the District Attorney in
Blackwell and his securities for failing to make the money
in this cause, coming on to be heard, the parties submitted
their agreement filed in the case consenting that Judgment
may go for the amount claimed in the motion as well as all
cost. And the District attorney having dismissed as to the
security Wm Simpson, It is ordered, adjudged and decreed
by the Court that the State of Texas do have and recover off
and from the said W. Blackwell, Sheriff of Panin county, and
the other security, on his Official Bond to wit: Amos Morrill, the
sum of Twenty-Eight Hundred, Eighty and 83/100 Dollars, (less the
credit of six hundred and Fifty Dollars Date Dec. 27, 1855, and
Five Hundred and Fifty Dollars of date March 1, 1856) the full
amount claimed in the motion with interest on the same
from October 1st 1853, that being the date of the Judgment
rendered against the defendants Beck, Cook, Custard and
Mathews, together with the sum of $110 30/100 Dollars, cost
due on the execution, together with all cost of this motion,
for all which execution may issue.

1 V 191

The State of Texas } Deft
vs } and now on this day the motion
John Carroll, et. al. & Defts. } made by the District attorney in
Blackwell and his securities, for failing to make the
money in this cause, coming on to be heard, the parties
submitted their agreement filed in the case consenting
that Judgment may go for the amount claimed in the mo-
tion, as well as all cost. And the District attorney having dismis-
sed as to the security Wm Simpson, It is ordered, adjudged & decreed
by the Court that the State of Texas do have and recover off
and from the said J. W. Blackwell, Sheriff of Panin county and
the other security on his official Bond, to wit: Amos Morrill,
the sum of Three Hundred, Fifty Five & 47/100 Dollars with interest
thereon from 8th March 1853, the date of the original Judgment
against the defendants Carroll, Breed, Coats & Bricker, (less the credit
of $140 of Date May 12th 1854) together with Nineteen & 50/100 Dollars
cost due on said execution, and all cost of this motion, for all
which execution may issue.

1 1748

Wm Rust } Deft
vs } and this day appeared W. S. Oldham, atty. for the Deft &
W. Brooms & Deft } submitted his motion to reinstate this cause on the Docket,
the same having been dismissed at the present term. And the
causes set forth being deemed sufficient, It is ordered that the motion be granted, that
the cause be reinstated on the Docket, & that the costs of the term be paid by the Deft. in order to secure

Spring Term Thursday 21st July 1859.

1396

Wm Custard } Plff
vs
Wm Custard Jr et al } Defts

And now on this day came the parties to this cause by their attorneys, and by consent of said parties this continuance heretofore entered at the present Term be set aside. And thereupon the defendants came and submitted to the Court the demurrer to Plff's petition heretofore filed. And the same being duly considered and being well understood by the Court, It is ordered adjudged and decreed that said ~~motion~~ demurrer be sustained; that the Plff take nothing by his action, that the defendants go hence, and the case be dismissed. And thereupon the Plff by attorney, gives notice, in open Court, of his appeal to the Supreme Court.

Mary A. White Petition for } In the District Court of Grayson County,
the Appointment of a Trustee } Texas. June Term, 1859.

Be it Remembered, That this case was heard this day upon the petition of plaintiff, and proof before the Hon. A.W. Terrell Judge of the 2nd Judicial District in said State, & it appearing to the Court that the petitioner Mary A. White, & her husband Geo. W. White, are citizens of said Grayson County, and that she is the daughter of Mark Hutchins, Deceased, late of Franklin County, Tennessee, and one of his heirs at law. That heretofore by a Decree of the Chancery Court held at Winchester in and for said Franklin County, Tennessee, the property which descended to the said Mary A. White from her said Father, was vested in William C. Venable, Esq. as trustee for her sole and separate use and benefit. It also appeared to the Court that the said Venable is dead that no trustee has been appointed in his place, and that a portion of petitioners interest in said estate is in the hands of the Clerk and Master of the Chancery Court at Winchester, Tennessee, or some other person in that State. It further appeared to the Court that the said George W. White is a resident and proper person to be appointed Trustee for said Mary A. White and her children in the place of the said William C. Venable as prayed for in plaintiff's petition. It is therefore ordered, adjudged and decreed that the said Geo. W. White be appointed Trustee for said Mary A. White and her children in the room and place of the said William C. Venable, Deceased, with all the powers conferred on said Venable by an Ex officio Decree upon his entering into bond with good and sufficient security in the sum of Ten Thousand Dollars payable to A.W. Terrell, Judge of the Second Judicial District in said State of Texas (the said County of Grayson being a part of said District) and his successors in office for the sole and separate use and benefit of the said Mary A. White and her

Spring Term Friday, 22d July 1859

children, conditioned that he will faithfully discharge all the duties devolving on him as said Trustee according to law, and report at every Fall Term of this Court the condition of said Trust fund, and his proceedings as Trustee for the year preceding. All further matters are reserved for the further order of the Court

and Court adjourned till to morrow morning 8 o'clock

Friday, 22d July, 1859.

Court convened at 8 o'clock A.M. pursuant to adjournment. Hon. A. A. Terrell Second District Judge presiding. Whereupon the following proceedings were had by said Court as follows, to wit:

Mary A. White. Petition for the appointment of a Trustee & Travis County, Texas.
Be it Remembered that this cause was finally heard on this the 22d July, 1859, before the Hon A. A. Terrell Judge of the 2nd Judicial District in said State, when it appeared to the Court that the said Geo. W. White, as required by an Interlocutory Decree of this Court pronounced herein at the present Term of this Court has entered into Bond in the sum of Ten Thousand Dollars with W. S. Oldham and Arthur G. Terrell as his securities, which Bond is as follows: to wit:

"The State of Texas } Know all Men by these Presents That we,
"Travis County } Geo. W. White as principal and Arthur G.
"Terrell & Williams & W. S. Oldham as securities, all citizens of
"said County & State, are held & bound unto A. A. Terrell Judge
"of the Second Judicial District in said State, & his successors
"in office for the sole & separate use and benefit of Mary
"A. White, & her heirs, in the penal sum of Ten Thousand
"Dollars, the payment of which, well & truly to be made,
"we bind ourselves, jointly & severally, firmly by these
"presents. Signed, sealed & dated this 22nd day July, 859.
"The condition of the above Bond is such, that whereas the
"said Geo. W. White has by a decree of the District Court of
"said County, been appointed Trustee of his wife, the said
"Mary A. White, & required to enter into Bond & security, payable
"to A. A. Terrell, Judge said Court, this successors in of-
"fice in the sum of Ten Thousand Dollars for the sole &
"separate use & benefit of the said Mary A. White & her heirs
"Now if the said Geo. W. White shall at every Fall Term of
"the District Court of said Travis County, report to the said

Saturday, Spring Term, July 23, 1859.

"Court the condition of the Trust fund & his proceedings as Trustee
"for the year preceding, & shall well & truly discharge all the
"duties & trusts devolving on him as Trustee in the manage-
"ment of said Trust fund, then the above Bond shall be void, oth-
"erwise to remain in full force".

"Geo. W. White" Seal
"W. S. Oldham" Seal
"Arthur R. Crozier" Seal

And the said Bond being deemed sufficient by the Court the same is approved by the Court and ordered to be filed and recorded and made part of the Record in that cause and that the costs of this proceeding be paid out of said Trust fund

And Court adjourned till to-morrow morning at 8 o'clock

Saturday, 23d July 1859.

Court convened at 8 o'clock, A.M. pursuant to adjournment. Hon. A. W. Terrell, 2d Dist. Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

1828 — Isabel Jayne vs. S. P. Brown — Deft. — It appearing to the Court that the Defts. nor her Attorney has paid the fee required by law to the said Clerk, It is ordered that the Judgment heretofore at the present Term rendered in this cause be set aside, un-vacated and held for naught, for the reason stated, and that the cause be dismissed.

No 1853 — Wm P. Macklin vs. The Administrators of L. Vondeven — Deft — Deft — Agreed that this case may be reinstated 7th July, 1859. F. W. Chandler.

922 — Levi S. Chatfield vs. J. Douglas Bowne & Harvey A. Chatfield — Deft — Deft — By agreement of counsel, filed among the papers of this cause, Robert Green, Special Judge, took the Bench this day, to try the same. And now on this day appeared the Plaintiff and the Intervenor and the defendants by Attorney; And thereupon, on motion, It is ordered by the Court that said Intervenor and Plaintiff have leave to file an amendment to their pleadings. And thereupon the allegations contained in the pleadings of the Plaintiff and Intervenor against the Defendant A. W. Terrell, were abandoned and renounced by said Plff. and Intervenor, and the suit dismissed as to said Terrell. Whereupon, It is ordered that said Terrell go hence

without day, and recover off and from said Neff and Mc. Tenor all cost incurred by said Pendl. And thereupon the defendants' motion to dismiss plaintiffs petition and amended petition was sustained, and the amended petition of the Intervenor substituted for previous pleadings, and previous pleadings of the Intervenor were withdrawn. And thereupon, the parties having announced themselves ready for trial, came a jury of twelve good and lawful men of Travis county, to wit: B.C. Bennett, Foreman, and eleven others, who were tried, elected, empannelled and sworn according to law. And said jury having heard the testimony, argument of counsel and the charge of the Court, retired for deliberation. And thereupon said jury returned into Court the following verdict, to wit: "We, the jury, find for the Intervenor B.C. Bennett, Foreman." Wherefore, It is ordered, adjudged and decreed by the Court, that the said Intervenor, Harvey S. Chatfield, do have and recover off and from the Defendant J. Douglas Brown the premises sued for, being the said League of Land patented to John Bollinger, Senior, situated and described as follows, to wit: "One League of Land in Travis County, known as "Survey No. 315, on Blanket Creek, a tributary of Pecan Bayou, "and about 22 Miles N. from the Mouth of said Bayou, by "virtue of Headright Certificate No. 1 issued to said Bollinger, "by the Board of Land Commissioners of Jefferson County on "the 2nd Day of February, A.D. 1838. Beginning at the S.W. "corner of Survey No. 314, and N.E. corner of No. 313, a Stake "from which a Live Oak brs. N. 69½ E. 77 vrs. Another brs. "N. 70° E. 76 vrs. Thence North 5140 vrs to a Spring Branch "6175 vrs to a Stake from which a Black Jack 6 vrs S. 66½° E. "3 vrs Another brs S. 19° E. 3 vrs Thence East 2320 vrs to a Spring "Branch, 2650 vrs to another, 3610 vrs to the E. Fork of Blanket "Creek, 4048½ vrs to a Stake and stone mound, from which a Live "Oak brs S. 18½° E. 32½ vrs Another brs S. 17° E. 33 vrs. Thence South "6175 vrs to a Stake and mound. Thence West 3600 vrs to the "E. fork of Blanket Creek 4048 varas to the place of beginning "Bearings marked X"

And it is further ordered, adjudged and decreed that all title or claim, legal or equitable, in and to the said land or any part thereof, be, and the same is hereby divested from each of the said Defendants J. Douglas Brown and Leir S. Chatfield, and the same is hereby vested to all intents and purposes, fully and completely, in the said Intervenor, Harvey S. Chatfield, his heirs and assigns, in fee simple.

Spring Term, Saturday, May 23, 1857

This matter ordered that the said Leir S Chatfield pay all costs by him incured in this cause up to the time of his dismissal from the same as plaintiff therein, and also all costs which may have accrued by reason of the Defendants A. W. Terrell and Andrew Neill having been made parties defendants up to the respective times of their disclaimers of all interest in the same and dismissal therefrom. Ordered further, that said J. Douglas Brown pay all other cost than the above specified, and that execution issue against said parties for the cost as adjudged. And it is further ordered, adjudged and decreed by the Court, that the Constables deed from D. M. Blackwell Constable of Travis County &c. to Alexander W. Terrell, dated the 2nd day of April AD 1856, for the land aforesaid, be and the same is hereby cancelled and held for nought and the defendant J. Douglas Brown is hereby forever enjoined from setting up title to said land under said deed —.

Robert Green
Special Judge

V
922
✓

Leir Chatfield vs J D Brown et al } Deft / Defts Intr } On this day appeared the Defts Counsel and submitted his motion for a new trial, and the same being duly considered by the Court, It is ordered that said motion be overruled and said defendant gives notice in open Court, of an appeal to the Supreme Court.

Robert Green
Special Judge

✓
1342

Stephen A Boyce vs S. Lockwood } Plff / Deft } And now comes the Plff. by attorney, and said Plff. enters a remittitur of fifty-nine 60/100 Dollars on the Judgment entered in this cause heretofore It is ordered that the Judgment rendered in this case at the present term hereof, that instead of said sum of $326.50, the Plff. recover the sum of Two Hundred, Sixty-six & 90/100 Dollars and all cost of suit, for which execution may issue. Ordered that the motion filed by the defendant for a new trial, be overruled

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The State of Texas } In District Court of said County Fall
County of Travis } Term, A.D. 1859. To the Hon. District
Court of said County. The undersigned, clerk of said
Court, reports that the following is a true list of the
causes determined at the above Term, in which a Jury
Fee is Receivable and Paid, to wit:

No	Style	of	Case	Amount
922	Chatfield	vs	Brown	$ 3.-
1199	Lockhart	vs	Robertson	3.-
1289	Luckett	vs	Robertson	3
1242	Boyce	vs	Lockhart	3
1394	Taylor	vs	King et al	3
1450	Dawson	vs	Ford	3
1465	Hitchings	vs	Johnson	3
1473	Phillips	vs	Holman	3
1475	Blocker	vs	Jennings	3
1537	Gorge	vs	Phillips & Block	3
1593	Grimes	vs	Priestley et al	3
1644	Ingate	vs	Johnson et al	3
1656	L. Elbungo	vs	Lockhart	3
1665	Schmidt	vs	Schmidt	3
1695	Slaten	vs	Miller et al	3
1698	Moreland	vs	Wood	3
1701	Drake	vs	Hopkins	3
1702	Hatchkiss	vs	Hunter	3
1704	Priester	vs	Howell	3
1706	O'Brien	vs	Clements	3
1712	Mooney	vs	Harvey	3
1719	Paschal	vs	Pumley	3
1730	Lane & Co	vs	Oldham	3
1732	Lane & Co	vs	Baker	3
1733	Wooster	vs	Bennett et al	3
1739	Cage	vs	Mathews	3
1757	Smedes	vs	Hart et al	3
1758	Curtis & Hopkins	vs	Co. & Penfield	3
1763	Mackin & Hunter	vs	" " "	3
1765	Reid	vs	Nichols & Baker	3
1773	Freeman	vs	Robinson et al	3
1775	Miller	vs	Martin	3
1781	Davidson	vs	Walker et al	3
1782	Hunnicutt	vs	Nichols	3
1783	Greens	vs	Hebron	3
1789	Morrill	vs	Hopkins	3
1797	Bremond	vs	Brenan et al	3

Spring Term Saturday 25th July 1857

1799	Conant & Bates	vs	Baker	$	3 ~
1800	Sheets & Johnston	vs	Shop		3 ~
1801	Sheets & Johnston	vs	Hopkins		3 ~
1802	Hacker	vs	Case		3 ~
1805	Cozart	vs	Weir		3 ~
1806	Deeman	vs	Posey		3 ~
1809	Yoho Chwaile	vs	Andrews		3
1811	Feuney & Co	vs	Nichols		3
1812	Taylor	vs	Payne		3
1813	Dellingham	vs	Whitaker		3
1817	Conant & Bates	vs	Wright		3
1822	Grooms	vs	Grooms		3
1824	Sheets & Johnston	vs	Henry		3
1825	" " "	vs	DeNormandie		3
1826	" " "	vs	Gray		3
1827	Fitzgerald	vs	Gilbreath		3
1828	Jayne	vs	Brown		3
1831	Johnson & Co	vs	Lee		3
1832	Freeman & Co	vs	Case		3
1833	Holman	vs	Wallace		3
1835	Taylor	vs	DeNormandie		3
1839	Brown	vs	King		3
1848	Austin Dale & B. R R Co	vs	Randolph		3
1796	Continued	vs	Continued		3
					$183.00

In case 1828, Jayne vs Brown the Sum Dec is not paid by the Pl'ff or her Attorney, therefore the amount of the Fund is reduced $3 — 3.00 — $180.00

also case 658 Minick vs Markam — 3.00 — $183.00

1176

J. P. Miller & Co vs P. R. Chapman, Deft & Hugh Penman JR Bellinger & Wm M Melton Gars — Pl'ffs vs Deft vs Gars

On this day appeared the parties by atty and the matters presented in the case being considered by the Court, It is ordered, adjudged and decreed that the Pl'ffs. recover off and from the Gars J R Bellinger the sum of Forty-Seven Dollars and from the ~~defts~~ Gar. Wm M. Wallis the sum of Sixty-six Dollars, for all of which execution may issue. Ordered that the Pl'ffs. pay the cost of the Garnishments, for which execution may issue. and ordered that the case be continued as to the Gar. Penman until the next term.

Sept 1859 - Rec'd of P Brown $ Forty Seven Dollars in this case. Bellinger & Mayfield

1678

Geo. Hancock vs H. S. & Jane Roy — Pl'ff vs Deft

On this day this cause being reached the parties appeared and in motion the cause is dismissed from the docket, and that said Hancock pay all cost herein for which execution may issue

Spring Term, Saturday, July 23d 1859

Names of the Grand Jury and No of Days they served at the Spring Term, 1859, of the Davis District Court.

No	Names	No. of Days	am't Due
1	John M. Bircher, Foreman	6	$9.00
2	Thomas J. Hill	6	9.00
3	Geo Heisner	6	9.00
4	John A. Pope	6	9.00
5	A. B. Slaughter	6	9.00
6	E. L. Giles	6	9.00
7	J. W. Darlington	6	9.00
8	W. P. Maden	6	9.00
9	A W Miller	6	9.00
10	Thomas E. Rowe	6	9.00
11	W H Gibert	6	9.00
12	Joseph Hanson	6	9.00
13	Robert Masterson	6	9.00
14	John R. Billingsley	6	9.00
15	Jeb A Burdett	6	9.00
		90 Days	$135.00

Names of persons who served at the Spring Term 1859 of the District Court of Davis County as Jurors, & am't:

1	A. Schwartz	32 days	$48.00
2	Owen O'Brien	17 "	25.50
3	W. J. Patterson	11	16.50
4	P W Humphreys	32	48.00
5	Abner Lee	8	12.00
6	William Sauter	9	13.50
7	W M Seymours	9	13.50
8	Robert Smith	9	13.50
9	A. Sater	8	12.00
10	Meredith Walton	11	16.50
11	H C Bergener	4	6.00
12	B. O. Shirley	14	21.00
13	Wiley Hudson	11	16.50
14	John C Hamilton	19	28.50
15	P W Job	29	43.50
16	W W Roberts	14	21.00
17	J Bostick	29	43.50
18	J Patterson	10	15.00
19	Fred Kenney	4	6.00
20	J Vandeuse	10	15.00
21	John S. Perry	9	13.50
22	M A Wade	20	30.00
23	A O Hume Jr	15	22.50

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24	H N Jorgenson	9	13.50
25	M Moore	4	6.00
26	John J Johnson	5	7.50
27	John S. Shuee	2	3.00
28	W B Hebbeath	5	7.50
29	A O Hume Jr	3	4.50
30	D K Mayhall	4	6.00
31	B Chote	10	15.00
32	J D Fuck	10	15.00
33	J D Brown	10	15.00
34	C J Berry	11	16.50
36	A H Hopkins	8	12.00
36	A H Cade	11	16.50
37	J D Doney	10	15.00
38	Thomas Vann	10	15.00
39	Wm G Wallace	11	16.50
40	J. G. Jolly	9	13.50
41	J M Tibaut	10	15.00
42	L B Moore	10	15.00
43	D J Roy	4	6.00
44	J G Hawkins	14	21.00
45	A H Barnes	9	13.50
46	W Johnston	9	13.50
47	W A Hamilton	9	13.50
48	N D Ezell	12	18.00
49	J M Pitt	6	9.00
50	A M Cox	1	1.50
51	E D Hill	3	4.50
52	A M Woodroe	1	1.50
53	W Hamlin	1	1.50
54	J Davis	1	1.50
55	J W Nowlin	10	15.00
56	Isam Bullum	3	4.50
57	J J Tannehill	1	1.50
58	John A Tuck	2	3.00
59	M C Bridell	1	1.50
60	W B Bridell	1	1.50
61	L W Goodrich	3	4.50
62	T W Allen	10	15.00
63	J B Thaxton	2	3.00
64	Thos Crum	2	3.00
65	B. F Guest	1	1.50
66	L D Hinston	1	1.50
67	D H Wagner	15	22.50

Spring Term, Saturday, 23rd July 1859

68	Geo Saunders	2	$3.00
69	Jas Rodgers	2	3.00
70	R Rial	1	1.50
71	Ed Seiders	1	1.50
72	L Brown	10	15.00
73	C R Compton	10	15.00
74	L H Matthews	7	10.50
75	H W Nichols	10	15.00
76	J M McLane	10	15.00
77	R F Muse	5	7.50
78	H McGavin	9	13.50
79	L C Thomton	9	13.50
80	H McBride	9	13.50
81	Enoch Martin	9	13.50
82	C. P Linthicum	9	13.50
83	J. C. Bonner	9	13.50
84	Thos H Hize	9	13.50
85	Miles Pyne	12	18.00
86	H C Brown	1	1.50
87	J. C Taylor	5	7.50
88	D S Cross	3	4.50
89	Jno Warren	3	4.50
90	John Swan	3	4.50
91	W H Carr	4	6.00
92	D Walsh	6	9.00
93	H D Thomson	2	3.00
94	J. W Dawson	2	3.00
95	R H Simms	1	1.50
96	Wm H Thorp	1	1.50
97	C Hulding	1	1.50
98	J. J. Pennock	4	6.00
99	John F Miller	1	1.50
100	D A Meyer	1	1.50
101	D W C Baker	1	1.50
102	J H Brush	6	9.00
103	R D Carr	1	1.50
104	R A Carleton	1	1.50
105	J C Collins	1	1.50
106	C H Fox	1	1.50
107	Jas Black	1	1.50
108	Wm Gibson	1	1.50
109	Jos Harell	1	1.50
110	J H Kendall	1	1.50
111	A Kennick	1	1.50

Spring Term, Saturday, 23d. July, 1859.

112	Wm Wilson	1		1.50
113	B C Bennett	6		9.00
114	Wm Simpson	4		6.00
115	B. Dillingham	6		9.00
116	C F Rennemann	6		9.00
117	James Sims	4		6.00
118	A P Blocker	1		1.50
119	J J McCutchan	1		1.50
120	Thos H Tarney	1		1.50
121	A C Jones	3		4.50
122	Jas A Bury	3		4.50
123	J M Smith	2		3.00
124	L K Miller	3		4.50
125	Robt Jones	3		4.50
126	R Birchard	5		7.50
127	W H Robinson (Col. for Goodrich)	4		6.00
128	Wm Bozeto	1		1.50
129	Wiltt	1		1.50
130	E Chisham	3		4.50
131	James P Cope	1		1.50
132	W B Nichols	2		3.00
133	C W Carter	4		6.00
134	C D Walker	4		6.00
135	C A Hopkins	4		6.00
136	Eli Kirk	2		3.00
137	J D Shepherd	2		3.00
138	W J Norton	4		6.00
139	J M Mensfield	2		3.00
140	J. H. Walker	2		3.00
141	Wade Henry	4		6.00
142	J. R. Pace	2		3.00
143		886		1320.00
	Grand Jury	90		135.00
		976		$1464.00

My Service at this the Spring Term 1859 of the District Court of Travis County is nine hundred and Seventy-Six Days at one dollar and fifty cents per day amounting in the aggregate To Fourteen Hundred and fifty-four Dollars & fifty cents.

List of Jurors that served at the Fall Term, 1858, who was not reported, and which drew no pay, to wit:

1	John M. Pibnut	5	Days	$ 7.50
2	John Rennard	5	"	7.50
3	Edward Sides	3	"	4.50
4	C. A. Hopkins	3	"	4.50
5	W. Norton	3	"	4.50

Spring Term Saturday 23d July 1859.

6	Thos. H. Ramey	5	"	$7.50
7	Jerry Harrington	5	"	7.50
		29	"	43.50
	Bro't forward	976		1459.50
		1005	"	$1507.50

I hereby certify that the above list is a true and correct list of the persons that served at said Court at the Spring Term 1859, and also of the persons that served at the Fall Term, 1858, who were not returned

J.M. Blackwell Sheff T.C.
By John T. Price, Deputy.

1658

John W. Schmipf Admr of Henry Gunter dec'd — Plff
vs
Jacob Newsham — Deft
S. P. Rusk — Intervenor

And now on this day came the parties by their attorneys S. P. Rusk Intervenor having filed his petition of intervention and asked to waive a Jury and submit this cause to the Court- the parties by their attorneys having filed their written agreement that Geo. M. Flannery Esq. should preside as Special Judge for the trial of this cause, A. W. Terrell Judge of 2nd Judicial District having been of counsel, and therefore disqualified. And said cause having been submitted to the Court by the parties as aforesaid; and the pleadings and evidence being heard and considered by the Court, It is considered by the Court, that the Intervenor is entitled to have and recover the lot or parcel of land described in the pleadings as from the said defendant Jacob Newsham and against the plaintiff John W. Schmipf; that all the title which was in said Schmipf, as administrator of Henry Gunter, dec'd, and Henrietta Schmipf, as sole heir of said Gunter, has heretofore been conveyed to the said Intervenor, and that the title to said Lot No. 2 in Block No 84 in the City of Austin, was in the estate of the said Henry Gunter, Dec'd: and it further appearing that all the right and interest which the said defendant Jacob Newsham might have had in and to any portion of said lot had heretofore been sold by the Sheriff of Travis county under execution, and that the same was purchased by the said Intervenor and conveyed to him by said Sheriff. It is therefore ordered, adjudged and decreed by the Court that the Intervenor S. P. Rusk, do have and recover of and from the said defendant, Jacob Newsham the said Lot of land numbered Two (2) in Block Numbered Eighty-Four (84) in the City of Austin, fronting forty-six feet on Congress

Spring Term Monday 26th July 1859

Avenue and running back one hundred and sixty feet to the alley riding said Block 84, and that the said Bush be quieted in his title to said lot against the said Plaintiff and defendant It is further ordered, adjudged and decreed that a writ of Possession issue to the Sheriff of Travis county commanding him to remove the said defendant Wareham from the possession of said lot, and to place the said intervenor S. B. Bush into full and complete possession of said lot No. 2 in Block No. 84 in the City of Austin

It is further ordered, adjudged and decreed that Intervenor have and recover from the defendant all cost in this behalf expended for which execution may issue. It is further ordered that Intervenor have permission to withdraw his title papers from the file upon his leaving copies thereof

George Flournoy
Special Judge

1184 Adolph Smith et al vs S. Miguet, et al. } Plff / Defts } Before Geo. M. Flournoy Esq Special Judge ordered, that this cause be continued under the rule for want interposed by the defendants, the counsel of pffs. being in open court and receiving notice of said motion

1044 The State of Texas vs Rd. J. Randolph et al } Plff / Defts } On motion It is ordered that the motion in arrest of judgment be sustained, and that the defendant be hence without day, fully discharged.

On this day was presented to the Court the account of D M Blackwell, Sheriff stating that he had collected $28.75 in criminal cases up to 22d July 1859 - the same is ordered to be paid

And Court adjourned till Monday Morning 8 o'clock

Monday 25 July 1859

Court convened at 8 o'clock, A.M. pursuant to adjournment, Hon. A. A. Terrell, 2d Dist. Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

1420 The State of Texas vs James Doyle, et al. } Plff / Defts } and now come the counsel for the defendants, and submit their motion praying for a change of Venue to Williamson County. And thereupon It is ordered by the Court that the motion be granted, and that the clerk transmit the papers and entries as contemplated by law

Spring Term, Monday 25th July, 1859.

J. 1833 W. O. Martin Pltff
vs
Wesley Tomlin Deft

And now on this day comes the pltff by attorney, and on motion of said pltff. It is ordered that this cause be dismissed from the docket, and that said pltff pay all cost of suit, for which execution may issue

V. 1530 John H. Conner Pltff
vs
Dennis Corum, District Surveyor Deft

And now on this day came the pltff. by his attorneys, and also came the defendant in person and the questions arising upon the face of the pleadings being presented to the Court, and the same being well considered and understood by the Court. It is ordered, adjudged and decreed that the pltff. recover according to the prayer of his petition. And it is hereby ordered adjudged and decreed that the District Surveyor of Travis Land District proceed to survey, or cause the same to be done the entry of John H. Conner by metes & bounds certificate in the name of M. McKinney & Williams entered by him in the District Surveyors office on the 1st day of July, A.D. 1859 being the same as described in the pleadings, and that the same be done by him in accordance with the first part of the first section of "An act prescribing the manner of locating land certificates or scrip and to prohibit the lifting and floating the same," approved August 30th, 1858. and that a writ of Mandamus issue requiring said Surveyor to ~~discharge~~ survey said land and that the pltff. Conner pay all cost of this proceeding for which execution may issue

The Clerk states the Jury fund collected, to be $186.00
Deduct 2½ per cent. costs 4.65
Amount of Jury fund to be distributed $181.35
The Jury served 1005 days, making $1507.50
@ 18 cents per day is $1507.50 multiplied by
18 will make $180.90, within 45 ¢ of the amt

F. Brown, Clk

The within and foregoing minutes of the court having been read in open court are approved, and it is ordered that Court do now adjourn until the next regular term, July 25th 1859

A. W. Terrell
Judge 2nd Dist

11

The State of Texas } On this day the 21th October, 1859, the fol.
County of Travis } lowing named persons were drawn to serve
as Jurors at the Fall Term of the District Court of Travis county,
1859, by Frank Brown, Dist. Clk. Travis Co. and James P. Mc-
Laurin, Co. Clk. Travis Co. in the presence of E. H. Cushman, Esq,
J.P. Travis Co. in accordance with Art. 1049 of Oldham &
White's Digest, to certify which the officer append their
names, below:
John Burlage[1]; A. Bahn[2]; Isaac Enpright[3]; H. E. Adams[4];
Robert Bratton[5]; B. W. Deen[6]; James Sterling[7]; C. L. Nitschke[8];
John Jones[9]; Charles Sprenger[10]; J. S. C. Beck[11]; H. Jordan[12]; Lo.
Bolton[13]; E. Sanders[14]; Owen Adkins[15]; T. A. Mathews[16]; James
M. Bonner[17]; James Phillips[18]; James Parrar[19]; John D. Spence[20];
I. D. Skinkle[21]; Wm. Bozeth[22]; H. Bennett[23]; L. D. Carrington[24];
Frank Brown
Clk, D. C. T. C.

E. F. Calhoun
P. P. T. C

J. M. Laurin
Clk C Com. Co

Fall Term, Tuesday 6th December, 1859

The State of Texas / Be it Remembered, That on this the 6th
County of Travis / day of December, 1859, the Honorable District
Court of Travis county, convened at the Court House thereof in the
City of Austin pursuant to law, (the Judge having failed to appear
on yesterday morning, the Sheriff adjourned the Court until this
morning). Present the Honorable George W. Smyth, Judge of the First
Judicial District presiding; Frank Rowan, Clerk of Travis County Dis-
trict Court, and J.M. Blackwell Sheriff of Travis County, by John P. Price
Deputy. Whereupon the following proceedings were had by said Court
as follows, to wit:

The Regular Venire having been duly issued, executed, and returned
into Court, and a sufficient number of those summoned not being in
attendance, it was ordered that the Clerk issue a Special Venire returnable
forthwith for eleven Jurors, to complete the panel of Grand Jury men. And
said Special Venire having been duly issued, executed and returned
into Court, the following named persons were empannelled as the Grand
Jury for the present Term of this Court, out of the names of those pres-
ent summoned on the Regular and Special Venire, A. Hancock being
appointed Foreman by the Court, as follows to wit:
A. Hancock, Foreman; C. Christian, L. E. Monnickle, Wm. C. Rager,
Eli Kirk, W.L. Patton, W.B. Smith, W.W. Atwood, L.C. Hampton, J.J.
Manor, C.H. Darter, A. O'Herne, John Kwan, L. Redmond and S.D.
Roach.

And thereupon the Court having charged the said Grand Jury
as to the duties devolving upon them, they were ordered to retire upon
a discharge of the same. And thereupon the Court appointed C.A.
Hopkins, Bailiff to the Grand Jury, who was duly sworn and instructed
as such.

And Thereupon, It is ordered by the Court That the following persons,
summoned as Jurors, be fined in the sum of Fifty Dollars each for failing
to appear in accordance with the summons of the Sheriff, to wit:
P.H. Bolton, Thos. F. McKinney, E.L. Hutchens, L.G. Howard, W.C. Rowland,
Angus McLaurin, B.E. Simmons, E. Lawrence, Asa Hutchins, H.H. Hunt-
ington, Leo L. Skinner, L.P. Shields, H. Barnett and E.W. Cunningham. And
ordered, further, that Scire Facias issue to each of said persons, returnable
to the next Term of this Court, commanding them then and there to
appear and show cause, if any they can, why said fines should not
be enforced

And thereupon, It is ordered by the Court, that the Criminal Docket
be set for hearing and trial for next Thursday week, the 15th Dec. 1859

Fall Term, Thursday 6th Dec. 1859

98 — Alex. Thompson et al. vs E. D. C. Robertson, Admr. — Plaintiffs & Defendant — It is ordered that this cause be Continued, by consent of the parties

222 — B. Ennables vs J. J. Ennables et al. — Plaintiffs & Defendants — And now on this day came the Counsel for the Defendants, and Suggests to the Court the death of the Defendant J. J. Ennables. Wherefore It is ordered that this cause be continued, and that Scire Facias issue to the Legal Representatives of the said John J. Ennables when Known.

316 — J. J. Ennables et al. vs G. G. Pace et al. — Plaintiffs & Defendants — And now on this day Comes the Counsel for the plaintiffs and suggests to the Court the death of the plaintiff John J. Ennables. Wherefore, It is ordered by the Court that this cause be continued, and that Scire Facias issue to the Legal Representative of the said Ennables when known

637 — M. T. Johnson Admr vs S. Cayboy, Comr — Plaintiff & Defendant — And now on this day came the Attorney for the plaintiff, And on his motion, It is ordered by the Court that the cause be dismissed from the Docket and that the plaintiff is adjudged to pay all cost of the suit, for which purpose the Clerk may certify the bill of cost to the Probate Court of the County where the Administration is pending, as a just and legitimate claim against the estate of H. G. Corbett dec'd to be paid in due course of Administration.

643 — Geo. W. White vs Payne and Care — Plaintiff & Defendant — By consent of parties It is ordered that this cause be continued

670 — D. Dieterich vs James C. Rice — Plaintiff & Defendant — And now on this day came the parties to this cause by their attorneys, and announced themselves ready for trial. Whereupon Came a Jury of twelve good and lawful men of Travis County, to wit: Isaac Eppright, Foreman, and seven others, who were duly tried, elected, empannelled and sworn according to law. And the Jury having heard the evidence introduced by the parties, the Argument of the Counsel, and the charge of the Court, retired for deliberation, and returned into Court the following Verdict, to wit: "We, the Jury, find "for the Plaintiff the sum of Forty-Three 43/100 Dollars. Isaac "Eppright, Foreman." Whereupon, It is ordered adjudged and

Fall Term, Wednesday, 7th Dec 1859

decreed by the Court that the Pltff P. Dietrich, do have and recover off and from the Defendant, James A. Rice, said sum of Forty-Three 43/100 Dollars, for which execution may issue. It is further ordered that because the Plaintiff's demand has been reduced by payment, to a sum less than One Hundred Dollars, that the said defendant Rice recover off and from said Dietrich, all cost of this suit, for which execution may issue.

1583 — Nancy Bray, et als. vs. L. L. Sykes, et als. } Plaintiffs / Defendants } And now on this day comes the attorney for the defendant A. M. Cox, and on motion of said Counsel, It is ordered that said defendant have leave to amend his pleadings, on to-morrow.

1679 — John W. Lawrence vs. A. McKenzie, et als. } Plaintiff / Defendants } It is ordered that this cause be continued, by consent of the parties.

1790 — Wade Henry et als vs. Mary A Glasscock, et als. } Plaintiffs / Defendants } And now at this day comes the attorney for the plaintiffs, and on motion of said attorney, It is ordered that W.L. Rotards, Esq, an Attorney of this Court, be appointed Guardian ad litem to represent the interest of the minor defendants, Francis and Dixie Glasscock, and said Rotards, in open Court, accepts said trust.

And thereupon Court adjourned until To Morrow Morning 1/2 past 8 o clock

Wednesday 7th Dec 1859

Court convened at 1/2 past 8 o'clock, A.M. pursuant to adjournment. Hon. Geo. W. Smyth, Judge 1st Judicial Dist presiding. Whereupon the following Proceedings were had by said Court as follows, to wit:

850 — W W Burdett vs. Wm Buttery } Plaintiff / Defendant } And now on this day came the attorneys for the plaintiff and suggest the death of said plaintiff. And on motion of said counsel, It is ordered by the Court that Silas A. Burdett and Lafe P Burdett, Admrs of said W. W. Burdett, Decd be made parties plaintiff to this suit, and that the cause proceed in the name of said Administrators as plaintiffs.

Fall Term, Wednesday 7th Dec, 1859

882 — Henry P. Hill vs Gmubles & Hamilton — Plaintiff / Defendants — On this day came the attorneys for the plaintiff, and suggest to the Court the death of the defendant Gmubles. And on motion, It is ordered that Scire facias issue to the legal Representatives of said Gmubles when known, and that the cause be continued

887 — Wm C. Colhinsworth vs John Caldwell & Defendant — Plaintiff — And now on this day came these parties by their attorneys, and on motion of said parties, It is ordered, adjudged and decreed that said Cause be dismissed from the Docket, and that the defendant John Caldwell pay all the cost of this suit, for which execution may issue.

945 — S. H. Dawson, pro al. vs Jack A. Burdett — Plaintiffs / Defendant — It is ordered that this Cause be continued, none of the parties appearing.

950 — John Stiles, et al. vs D. D. Gmubles, et al. — Plaintiffs / Defendants — On motion, It is ordered by the Court that the plaintiff have leave to file an amended petition making new parties for Davis et Hem, and that the cause be cont'd

986 — Thos F Chapman vs Gmubles & Duncan — Plaintiff / Defendants — Ordered that this cause be continued, on the application of the plaintiff.

1000 — Joseph W. Lake vs Thos F. McKinney — Plaintiff / Defendant — And now on this day came the parties to this cause by their attorneys, and on motion of said parties, It is ordered by the Court that this cause be dismissed from the docket and that the Defendant, Thomas F. McKinney, pay all cost of this suit, for which execution may issue.

1037 — A. G. Weir vs Cravens et al — Plaintiff / Defendants — It is ordered that this cause be continued, by consent of parties

1041 — Thomas F. Chapman vs Stone & Calvin and Calvin Cravens to be joined — Plaintiff / Defendants — And now on this day came the parties by their attorneys and the Demurrer of Stone

Fall Term, Wednesday, 7th Dec 1859

tained. the demurrer. Whereupon it is considered by the Court that the plaintiff take nothing by his writ, and the defendants go hence without day and recover of the plaintiff all their costs in and about this writ expended, for which execution may issue. and that the cause be dismissed from the docket

1074 — Wm D. Thompson, Plaintiff; Charles Ridel, Defendant — And on this day appeared the parties by attorney, And on motion it is ordered by the Court that this cause be dismissed from the docket, and that the plaintiff, Wm D. Thompson pay all cost of this writ, for which execution may issue.

1094 — Mary Ann Fenley, Plaintiff; John T. Polk and Joseph and Isaac Polk, Defendant; Sarah Fenley — It is ordered by the Court, on motion, that the plaintiff have leave to amend, which is filed, or are allowed to intervene, which

1162 — Archm G Worrell, Plaintiff; C. M. Penn Gar, Defendant — It is ordered that this cause be continued.

1164 — W. D. Thompson, Plaintiff; Chas Riddell et al., Defendant — Continued on the application of the plaintiff

170 — Webb Kidd, Plaintiff; Hamilton & Kidd, Defendants — And now on this day came the parties by their attorneys, and the award of George W. Paschal and Andrew J. Hamilton heretofore filed was submitted to the Court in the following words and figures, to wit

" Kidd & Hamilton. We undersigned, who were appointed to compromise if possible or to arbitrate the matters and things in controversy in this cause after a full conference and impartiality with both parties and with Robert S. Bonner. the umpire mutually chosen, have fully considered the nature of the business and the difficulties of the questions involved and having reported these to the parties respectively, agree upon the following Report

1. The parties agreed to withdraw all pleas of the statute of limitations as to the partnership contract described and set out in the original and amended petitions; and also to the notes recovered by the Defendant signed by Webb Kidd & Co, and the said Webb Kidd withdraws his replication involving the matters concerning the old mercantile partnership of Webb Kidd & Co. and the said Morgan C. Hamilton withdraws his rejoinder thereto; each party retracting any thing which reflects injuriously upon the good faith of the other

The said Morgan C. Hamilton presented as a basis of settlement the following remarks.

Fall Term, Wednesday, 7th December, 1859.

8 Surveys Lying on the creek Contain in the aggregate 688 Acres

Deduct Atty's fee 1/5	1372		
Concession to Farley &c	930		
Sales	170 6/3	400 2/3	
@ $ 350 per acre		2871/3	$ 10.049.16
Rock Survey Originally	1120		
Deduct Atty fee 1/5	224		
Sales	544	768	
at $2		352	704.00
1814 Acres in Navarro Co. @ $1.50			2721.00
1457 " " Lampasas @ 1.25			1821.25
177 " on Dry Brushy @ $1.50			265.50
2302 1/2 " Refugio Co. @	80 4		1842.00
1476 " Elm Creek Cut @	30		442.80
960 " Bryan @	40		384.00
Obligations for Land sold			3526.00
			$ 21.755.71
Deduct Capital Stock			2.700.00
			19058.71
Deduct Bill charges			2757.65
nett profit			16.300.06
Hamiltons 1/2 is			5434.68
			10.869.38
Add Capital Stock			2.700
			13.569.38
Deduct amt due H			10.800.00
Residue			$ 2769.38

After satisfying the Atty. fee & concession to Farley out of the land on the North side of the Creek, the bal. remaining is only 688 2/3 acres - say the Wm Meeker Survey, which, on account of its situation may be rated at the same price as the lands on the South side, say $ 3.50 per acre.

Leaving due the said Webb Kidd the sum of Two Thousand Seven Hundred and Sixty-Nine Dollars and thirty-eight cents ($ 2769.38) to satisfy which he is willing that he may take any of said assets on hand, at the prices named. But as previous to this time the said A. D. Hamilton had proposed through George W. Paschal, as a basis of settlement, that M. C. Hamilton should convey to Kidd one thousand acres of the land in Navarro & Hill county, and one thousand acres upon Brushy, and also the third league certificate; And the said Kidd, after full examination, having signified his unwillingness to accept this as a compromise, and in doing so had presented a Memorandum of his views of the undecided assets, as follows:

A list of the property as shown by M. C. Hamiltons Ass

On Brushy

Fall Term, Wednesday, 7th December, 1859.

James Jordan	1120 Acres	@	3.50	2920
Jacob Sappington	640	@	3.50	2240
James Murphy	640	@	3.50	1920
A Rutledge	640	@	2	1280
Martin Shores	640	@	4	2560
Nat Edwards	1280	@	4	5120
Wm Mullen	640	@	5	3200
Jno A Crosby	1280	@	5.	6400
M Rucker	1120	@	2	2240
				$28.880

Less paid by Hamilton to Farley 716 2/3
" " to Mebargue 2157/3

1486 acres at average value	3.61	3.383.
		25.496.7
And the J.M. Shores Half League	2391 @ 1.	2.391.
And the Rucker Tract 1120 acres		
Less McRland tract 960	2080	
Less Hamilton's Claim	213 1/3	
	1.842 2/3 at	2.893.
1/3 League Eldridge 1476 acres		
Archer Ryan 960 "	2436 @ .404	974.
		31.760.

Subject to Charges as follows:
League for 1/5th of 7070 acres is
1414 acres and 361 $5104.54
M. C. Hamilton's Expenses &c 2.000.
W. Kidd's Expenses &c & int. 1.875.
W. Kidd's Investment 2.000.
M. C. Hamilton's note 10.000. 20.979.
Webb Kidd 2/3 is 7190 7.190. $10.785
1/3 Hamilton is 3.595. 10.785.

But as Hamilton's memorandum showed that all the Rusby Lands had been sold or bargained away except the 2891 1/3 and the 352 acres including the Shores Survey which he had bargained to Allen and is willing to keep at Five dollars per acre, and the said Hamilton agreeing to Kidd's average valuation at three 6/100 dollars per acre for the whole eight Surveys and Kidd to Hamilton's average valuation of three 5/100 dollars for all the Surveys on the South Side of Rusby, which are shall be most convenient. The said Hamilton's memorandum and answer, showing what sales in lieu of the lands sold as explained in his answer. The parties had another interference, and as a full and entire compromise of the whole matter, instructed the undersigned to agree to the following Settlement, viz:

Fall Term, Wednesday, 7th December, 1859.

3. That Morgan C. Hamilton convey to Webb Kidd the one undivided half of the Rushy and Kirkland Surveys, described in the answer as the lands in Navarro County, being 1120 acres and 960 acres

4. That the said Morgan C. Hamilton convey to the said Webb Kidd one thousand acres of the remaining Rushy lands of the average value of three dollars and 50/100 a three dollars and 60/100 compared to the whole eight surveys, quantity and quality considered, it being understood that the William Mullen survey is regarded as of the average value only because of Kimbrough being squatted upon it.

5. That the said Morgan C. Hamilton convey and deliver to said Webb Kidd the third league Eldridge certificate with the end view of title thereto

6. The said Webb Kidd accepts the said terms as a full satisfaction of his demand upon said parties hereto - and the parties mutually release each other from all sums, acts and demands involved in said suit whatsoever.

7. The fee of A. C. Hamilton is estimated at four thousand One hundred and fifty dollars, which the said Morgan C. Hamilton is to pay, without right of reclamation on Kidd.

8. That each party shall pay his own costs - the costs of continuances, orders and this decree to be divided, and no final record to be made or charged.

Given under our hands and Seals this 13th day of April, 1857.

Geo. W. Paschal [Seal]
A. C. Hamilton [Seal]

The parties personally agree that the settlement is final.

Webb Kidd

And thereupon, It is ordered, adjudged and decreed, that said award stand as the Judgment of the Court, and that said Morgan C. Hamilton proceed to execute and deliver the conveyances in accordance with said decree, and to deliver to said Kidd the said certificate for one third of a league of land, with a deed of transfer thereof, and should the parties fail to agree as to the sums and acres of the Rushy land, then

reappointed Commissioners, whose duty it shall be to take said award, and go to, over and examine said land, and considering quantity and quality, with reference to the average estimated values placed on the land by the parties, they shall lay off One Thousand Acres for an equivalent value, as contemplated by said decree, for the said Webb Kidd, and report their admeasurement to this Court; the order of partition to issue under direction of plaintiff and the Clerk to fill up the blanks for Commissioners

It is further ordered, adjudged and decreed that the costs be paid

Fall Term, Wednesday, 7th December 1859.

as directed in the decree and annd only to be made, for which execution may issue.

1075. Ann Hosey & Plaintiff } In this case appeared the plaintiff by his attorney. Upon the Statement of F. W. Chandler, attorney for plaintiff, that the defendant had left the land since the institution of this suit; that the defendant had agreed not to defend this suit any further, and agreed that the plaintiff might have Judgment and writ of Possession against him and all others claiming under him; that the plaintiff agreed to pay the costs of this suit upon the above Statement, the counsel for the defendant withdraw the Answer filed, & & & by them for the defendant, and withdraw their name as counsel in the cause. And the plaintiff announced himself ready for trial. And thereupon came a Jury of twelve good and lawful men of this county, who being duly tried, empannelled and sworn according to law, after hearing the evidence introduced by the plaintiff and charge of the Court, retired to consider of their verdict, and returned into Court the following verdict, to wit: "We, the Jury find for the plaintiff. Dec. 7, 1859. Isaac Epperight, Foreman." It is, therefore, ordered, adjudged and decreed by the Court that the plaintiff do have and recover of and from the defendant Wiley Ethridge, and all others claiming under by & through him, six leagues of land described in the plaintiffs' petition, which is bounded substantially as follows. "On Williamson and Milam counties on the San Gabriel River, and embracing the point where the stream called "Williamsons creek" empties into the said San Gabriel, on the left bank of the same and has metes and bounds, as follows - Beginning at a stake erected for the South a South east corner of a tract of eleven leagues surveyed for Miguel Danila, from which said stake S. 20° W. at 382 varas there is a mesquite 8 inches in diameter; from this point in a line S. 20° W. ten thousand nine hundred and nine varas to a stake erected for the second corner crossing the said San Gabriel and a small creek called Pecan creek. From said stake another line was N. 70° W. thirteen thousand seven hundred & fifty varas to another stake erected for the third corner. From this point in a line N. 20° E. 10,909 varas to the North a Northwest corner of the said land. Thence in a line S. 70° E. and following the boundary line of the said land thirteen thousand seven hundred and fifty varas to the place of beginning" The same being the six leagues of land granted to Pedro Zanza. It is further ordered, adjudged and decreed by the Court, that the Clerk of this Court issue a Writ of Possession in favor of the plaintiff against the defendant, and all persons claiming possession under by or through the defendant since the 9th October 1852 directed to the Sheriff of Williamson County commanding him to oust & remove them from

posession of said six leagues of land, or any part thereof, claiming the same by title a posession acquired from the defendant, and to put the plaintiff in his agent in the peaceable posession thereof. And by consent of the plaintiff, It is ordered, adjudged and decreed by the Court, that the defendant Milsby Ethridge, do have and recover off and from the plaintiff Asa Honey, all the cost of this suit, for which execution may issue.

1076 Asa Honey vs James Smith. } Plaintiff / Defendant } In this case appeared the plaintiff by his attorney. Upon the statement of J. W. Chandler, attorney for the plaintiff, that the defendant had left the land since the institution of this suit; that the defendant had agreed not to defend this suit any further, and agreed that the plaintiff might have Judgment and Writ of Posession against him and all others claiming under him; that the plaintiff agreed to pay the costs of this suit. Upon the above statement the counsel for the defendant withdrew the answer filed by them for the defendant and withdrew their names as counsel in the cause. And the plaintiff announced himself ready for trial: Thereupon came a Jury of twelve good and lawful men of Travis county, who being duly tried, empannelled and sworn according to law, after hearing the evidence introduced by the plaintiff, and charge of the Court, retired to consider of their verdict, and returned into Court the following verdict, to wit: "We, the Jury, find for the plaintiff. Dec. 7, 1859. Isaac Uppright, Foreman." It is thereupon ordered adjudged and decreed by the Court, that the plaintiff do have and recover off and from the defendant James Smith, and all others claiming by, through, or under him, the six leagues of land described in the plaintiffs petition, which is bounded substantially as follows, to wit: "On Milam and Williamson counties, situated on the San Gabriel River and embracing the point where the stream called Williamson's creek empties into the San Gabriel, on the left bank of the same, and has metes and bounds as follows: Beginning at a stake erected for the South a South east corner of a tract of seven leagues surveyed for Miguel Davilla, from which said stake S. 20° W. at 382 varas there is a Mesquite 8 inches in diameter. From this point in a line S. 20° W. 10,909 varas to a stake erected for the second corner, crossing the said San Gabriel and a small creek called Pecan creek, from said stake another line runs N. 70° W. 13,750 varas to another stake erected for the third corner. From this point in a line N. 20° E. 10,909 varas to the North a Nyte east corner of the said tract. Thence in a line S. 70° E. and following the boundary

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line of the said had 13.750 varas to the place of beginning. It being the six leagues of land granted to Pedro Zaza. It is further ordered adjudged and decreed by the Court that the clerk of this Court issue a Writ of Posession, in favor of the plaintiff against the defendant, and all persons claiming posession under by, or through the defendant, which was duected to the Sheriff of Williamson county, commanding him to put the plaintiff in posession of said six leagues of land or any part thereof, claiming the same by title or posession acquired from the defendant, and to put plaintiff or his agent in the peaceable posession thereof

And by consent of the plaintiff, it is ordered, adjudged and decreed by the Court, that the Defendant, James Smith, do have and recover off and from the plaintiff, Asa Hoxey, all cost of this suit, for which execution may issue.

1195	M. C. Hamilton v. Lucinda Raymond	Plaintiff / Defendant	It is ordered by the Court, on motion of the parties, that this cause be dismissed from the docket, the clerk electing not to claim any cost.
1299	F. Dietrich, Admr v. Glasscock & Malitsky	Plaintiff / Defendants	On motion made in open Court it is ordered that the Defendant have leave to file an amended answer, which is accordingly done.
1302	Joseph Newsham v. John Newland	Plaintiff / Defendant	It is ordered that this cause be continued, on application of the Defendant.
1315.	William Jones v. Cyrus Pockell	Plaintiff / Defendant	It is ordered that this cause be continued, on application of the plaintiff.
1321.	G. Kuchling v. W. C. Walker, et als	Plaintiff / Defendants	And now on this day comes the plaintiff, by his attorney, and on his motion, It is ordered, that this cause be dismissed as to the defendant Nathaniel Townsend, and that said Townsend recover off and from the plaintiff all his cost, for which execution may issue, and that said defendant go hence, fully discharged. from said action. Ordered, further, that the cause be continued by consent.
1332	Francis Kelley v. Geo. Hancock	Plaintiff / Defendant	It is ordered by the Court that the defendant have leave to amend his answer subject to exceptions

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1345.	P. de Cuba v. John Scott, et. als.	Plaintiff / Defendants	It is ordered that the defendants have leave to file an amended answer on this day.
1346	P. de Cuba v. A. B. Shaw, et. als.	Plaintiff / Defendants	It is ordered that the defendants have leave to file an amended answer on this day
1347	A. B. Shaw, et. als. v. G. W. Lamure	Plaintiffs / Defendant	It is ordered that both parties have leave to file amended pleadings on this day.
1424	A. H. Cook v. D. J. Nichols	Plaintiff / Defendant	It is ordered by the Court that the plaintiff have leave to file an amended ~~petition~~ petition on this day.
1459.	J. R. Pace, et. als. v. C. R. Johns, et. als.	Plaintiffs / Defendants	Continued by consent of parties
1460	C. R. Johns, et. als. v. J. R. Pace, et. als.	Plaintiffs / Defendants	Continued by consent of parties
1461	L. Millard, et. als. v. H. S. Millard, et. als.	Plaintiffs / Defendants	On motion It is ordered, that the defendants have leave to file an amendment on to-day.
1502	Thomas Adams v. Freeman & Hanell	Plaintiff / Defendants	On this day came these parties by attorney and on motion of said parties It is ordered that this cause be dismissed from the docket, and that the defendants, G. R. Freeman and Joseph Hanell, pay all cost of this suit, for which execution may issue.
1510	D. C. & G. R. Freeman v. Jno. M. McCalla	Plaintiffs / Defendant	It is ordered that the plaintiffs have leave to file an amendment on to-day.
1629	W. M. Shepherd v. J. H. Raymond, et. als.	Plaintiff / Defendants	Continued by consent.

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1670	H. C. Dunn v. B. R. Hollingsworth	Plaintiff / Defendant	It is ordered that the defendant have leave to amend by to-morrow.
1441	John F. Purris' Adm v. R. H. Clements, et. al	Plaintiff / Defendants	It is ordered that the parties to this suit have leave to amend their pleadings on to-morrow.
1752	Thomas Ebm v. Cannon's Adm	Plaintiff / Defendant	It is ordered by the Court that the parties pleff and defts have leave to amend their pleadings.
1852	Enoch Train v. S. P. Sawyer, et als.	Plaintiff / Defendants	Ordered that the plaintiff have leave to amend his petition
1420	The State of Texas v. James Doyle, et als.	Plaintiff / Defendants	And now at this day appeared the parties to this cause by their attorneys, and on motion and by consent of said parties it is ordered that the order granting the change of venue heretofore entered at a former term, be cancelled and set aside, and that said cause be reinstated on the docket of this Court
772	The State of Texas v. Charles L. Haley	Plaintiff / Defendant	And now at this day appeared James Leathers, one of the securities of the defts — — — — — — — — — — on his bail bond dated April 20, 1858, and having made affidavit of his intention to surrender his principal (the deft.) and asks that a warrant be issued to any Sheriff of the State of Texas, to arrest the deft. and bring him before this Court, which is ordered to issue, the said security not to be released until the deft. is produced in Court.
Order			And thereupon it is ordered that the following named Jurors be fined Twenty-five Dollars each for failing to be in attendance when called, to wit: Rocco Holmes, Wm Thompson, Wm T. Robinson, John C. Spence, and D. C. Broadnax. and that Scire Facias issue to each of said Jurors, returnable to this next term of this Court, commanding them then and there to appear and show cause, if any they can, why said fines should not be enforced.
			And thereupon it is ordered that Court stand adjourned till To-morrow morning at 9 o'clock.

Fall Term, Thursday, 6th December, 1859

Thursday, 8th December 1859

Court Convened at ½ past 8 o'clock, A.M. pursuant to adjournment. Present the Hon Geo. W. Jones, Judge 1st Judicial District presiding. Whereupon the following proceedings were had by said Court as follows to wit:

1625	J. L. Nichols et al vs C. Lockwood, et al	Plaintiff Defendants	And now comes the defendants by counsel, and by leave of the Court, files amended answer, to which the plaintiff have leave to file exceptions; And on motion, it is ordered that the plaintiff have leave to amend his petition, by consent.
1631	Wm Alexander vs Thos F. Chapman	Plaintiff Defendant	Continued by consent
1461	L. Millard, et al. vs F. S. Millard, et al.	Plaintiffs Defendants	Continued on the application of the Defendants atty
1510	D. C. & G. R. Freeman vs John M. McCalla	Plaintiffs Defendant	And now on this day come the parties to this cause by their attorneys, and the defendant submitted his motion exceptions to plaintiff's amended petition, which being considered, It is ordered that the same be sustained, and that the said plff by reason of the setting up of partition of said property during a new cause of action pay all the cost of this suit up to this date, for which execution may issue. And thereupon, on motion, It is further ordered that said plaintiffs have leave to file an amended petition by to-morrow morning at 9 o'clock
364	L. F. Price vs M. Short	Plaintiff Defendant	And now on this day came the counsel for the defendant and suggests the death of the said defendant, in open Court. And thereupon, on motion, It is ordered that said cause be continued and that leave issue to make the legal Representatives of said Short parties defendant when known
1887	L. Pellman vs C. R. Johns	Plaintiff Defendant	It is ordered on motion, that the defendant have leave file an amendment

Fall Term, Friday, 9th December, 1859.

Order — And thereupon it is ordered that ~~A. B. Spear~~ Plaintiff be fined fifty dollars for failing to be in attendance on the Jury when called, and that Sale Facias issue to him returnable to the next term of this Court, commanding him then and there to appear and show cause, if any he can, why said fine should not be enforced.

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

Friday, 9th December, 1859.

Court convened at 9 o'clock, A. M. pursuant to adjournment. Hon. George M. Smyth, Judge First Judicial District presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

(51) 1347.

A. B. Spear } Plaintiff
vs
G. W. Lamon } Defendant

This cause was tried on yesterday and the decree entered on to-days minutes, at which time the parties appeared by their attorneys, and announced themselves ready for trial. And thereupon came a Jury of twelve good and lawful men of Travis County, to wit: John L Spence, and eleven others, who being duly sworn, tried and empannelled according to law, after hearing the evidence introduced by the plaintiff and defendant, and being charged by the Court retired to consider of their verdict, and returned into Court the following verdict, to wit: "We the Jury, find for the defdt. the 320 acres claimed by him under his survey as a preemptionist. Jno L. Spence, Foreman." It is, therefore, ordered adjudged & decreed by the Court that the plaintiff take nothing by this his suit; that the defendant go hence without day, so far as the plaintiff's cause of action is concerned. It is further ordered, adjudged and decreed by the Court, that the Plaintiff A. B. Spear, be and he is, by virtue of this decree divested of all right, title interest and claim in and to the three hundred and twenty acres of Land claimed by the defendant in his answer in this cause, and the same is hereby fully vested in the defendant George W. Lamon, which land is situated in the County of Burnett and State aforesaid, and described as follows: In Burnet County, on the waters of South San Gabriel, about 9 miles S. 68° E. from Hamilton, known as Survey No. by virtue of Pre emption Certificate No. 26, issued by the Clerk of the County Court of Burnet County, on the 2nd of February 1857. Beginning 220 varas North 19° W. from the N. E. corner of a Survey in the name of Richard A. Lloyd a stone mound, for the S. E. corner of this Survey from which a Spanish Oak bears N. 71° W. 18 varas and two

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brs. S. 35° E. 3 brs. Thence North 19° W. crossing Oatmeal Creek 150 2/10 rods set a stake, from which a Live Oak brs S. 6° W 7 5/10 varas another bears S. 16° W. 12 5/10 varas. Thence South 71° W. 120 2/10 varas set a stake for the N. W. corner from which a Post Oak brs. S. 32° E. 12 varas. Another brs. S. 78° E. 18 varas. Thence South 19° E. 150 2/10 varas to a stake from which a Black Jack brs N. 69° E 15 varas. Another brs N. 27° E. 10 varas. Thence North 71° E. 120 2/10 varas to the place of beginning

It is further ordered adjudged and decreed by the Court that the Clerk of this Court issue the Writ of Possession directed to the Sheriff of Bowie County commanding him to oust the plaintiff, and all other parties claiming under by or through the plaintiff, from the possession of the aforesaid 320 acres of land and to put the defendant Lamon, his agent or assigns in the possession of the same, It is further ordered adjudged and decreed by the Court, that the defendant, George W. Lamon do have and recover off and from the plaintiff A. P. Spear and Noah Smithwick, his security for costs, all the costs of this suit, for which execution may issue. It is further ordered that the defendant have leave to withdraw his certified copies of field notes, patent and title deeds. The deft. disclaims all interest as to the balance of the tract.

53. 1436 — John R. McCall, Trustee } Plaintiff
vs
William G. Lyman } Defendant

And now on this day appeared the plff. by attorney, and claims a Judgment final by default And because it appears that said defendant has been legally cited by personal service; that he has failed to answer within the time prescribed by law, and that plaintiffs cause of action is liquidated, It is, therefore, ordered adjudged and decreed by the Court that the plaintiff, John R. McCall do have and recover, for the use of Compton & Brother off and from the defendant, William G. Lyman the sum of One Hundred Eighty-Five and 36/100 dollars, principal and interest due on the note sued on, to date, together with all cost of the suit for which execution may issue

89 1673 — Charles Wacker } Plaintiff
vs
R. A. Rutherford } Defendant

And now on this day came the attorney for the plaintiff, and on his motion It is ordered that this cause be dismissed from the Docket, and that said Charles Wacker pay all cost of this suit, for which execution may issue.

183 1774 — Joseph Rowe } Plaintiff
vs
Wm Howeth } Defendant

On motion of plaintiffs counsel It is ordered that the Sheriff have leave to amend his return of service

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on the Citation issued and returned in this case. And thereupon it appearing that the defendant has been legally cited by publication and has wholly failed to answer within the time prescribed by law, It is, therefore, ordered adjudged and decreed by the Court, that the plaintiff recover against said Defendant according to the prayer of his petition, and that a writ of inquiry be awarded.

137. 1788. Phelps & Johnston / Nathaniel Morse — Plaintiffs / Defendant — On motion of plaintiffs counsel, It is ordered that the Sheriff have leave to amend his return of service on the Citation issued in this cause. And thereupon, It is ordered that because said defendant has been duly cited and has failed to answer within the time prescribed by law, that the plaintiffs recover offand from said defendant according to the prayer of their petition, and that a writ of inquiry be awarded.

156. 1823. Magee & Kneass / Horst & Fellman — Plaintiffs / Defendant — And now at this day appeared the plaintiffs by their attorneys, and claim a Judgment by default. And because said defendants have been legally cited by personal service, and have failed to answer within the time prescribed by law, and plaintiffs cause of action being on a liquidated demand, It is therefore ordered, adjudged and decreed by the Court, that the said plaintiffs James Magee and Napoleon B. Kneass, under their firm name of Magee & Kneass, do have and recover off and from the defendants, Louis Horst and L. Fellman, the sum of Three Hundred Sixty-Five and 33/100 Dollars, principal debt and interest due on the note sued on to date, together with all cost of this suit, for which execution may issue

173. 1855. Wm A. Van Alstyne / John M. Thomas, et al. — Plaintiff / Defendants — And now comes the pff by attorney, and on his motion It is ordered that because the defendant John M. Thomas has been duly cited and has failed to answer within the time prescribed by law, that the said Plaintiff recover from said defendant according to the prayer of his petition, and that a writ of inquiry be awarded.
And thereupon, on motion, It is ordered that C. S. West, Esq. an attorney of this Court, be appointed Guardian ad litem to represent and defend the interests of the minor defendant Josequelin Thomas in this suit

Dec. 25 this judgment has been transferred to P. DeBrodova for Defendant as per Transfer on file

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176. 1858. The State of Texas / vs / Thomas Bowles, et al. } Plaintiff / Defendants } On this day this cause was regularly reached on the docket, and because said defendants thereupon, It appearing that on the 20th July, 1859, Judgment nisi was entered against the defendants in this suit for the sum of Fifty Dollars on a forfeited appearance bond, dated 25th November 1858, and that the said defendants have been legally cited, and have wholly failed to answer within the time prescribed by law, It is, therefore, ordered adjudged and decreed by the Court, that the said Judgment nisi be made final, and that the State of Texas do have and recover off and from the defendants, Thomas Bowles, E. A. Hopkins and Samuel W. Allen the said sum of Fifty Dollars and all cost of this proceeding, for which execution may issue.

186. 1867 Groff & Darlin / vs / Geo. E. Robinson } Plaintiffs / Defendant } Continued

188. 1869 Sampson & Kenrick / vs / Irving Root et als. } Plaintiffs / Defendants } And now on this day came the Counsel for the plaintiffs and on motion of said counsel It is ordered, that the Sheriff have leave to amend the returns of service in the Citations in this case.

189. 1870 Phicap Rommel / vs / Geo. E. Robinson } Plaintiff / Defendant } Continued for service.

190. 1871 B. Gop / vs / Webb & Holman } Plaintiff / Defendants } Continued.

196. 1877. Ernst Raven / vs / Josiah Fisk } Plaintiff / Defendant } And now on this day came the pltff by attorney, and claims a Judgment final by default, And because said defendant has been duly cited and has failed to answer within the time prescribed by law, and plaintiffs cause of action being a liquidated demand, It is, therefore, adjudged and decreed by the Court that the plaintiff, Ernst Raven do have and recover of and from the defendant Josiah Fisk the sum of One Hundred, Fourteen & 40/100 dollars, principal and interest due on the note sued on to date, with ten per cent. per annum interest thereon till paid, and all cost of suit, for which execution may issue.

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197 1878

Thomas F. Windsor } Plaintiff
vs
John C. Roby, et al. } Defendants

And now on this day came the plaintiff by attorney and claims a Judgment final by default against the defendant Roby, and move the Court to discontinue as to the defendant McBeath, who has not been served Whereupon, It is ordered, and appearing that the defendant John C. Robey has been duly cited by personal service and has wholly failed to answer within the time prescribed by law, and that plaintiffs cause of action is based on a liquidated demand, It is, therefore, ordered, adjudged and decreed by the Court that the plaintiff, Thomas F. Windsor, do have and recover off and from the defendant, John C. Robey the sum of Four Hundred Thirty Four & 26/100 Dollars, principal debt and interest due on the note sued on to date, together with ten per centum per annum interest thereon until paid, and all cost of this suit, for which execution may issue. and that the suit be dismissed as to McBeath.

198 1879

W. C. Little } Plaintiff
vs
Mabin & Peck } Defendants

And now on this day came the pff. by attorney, and claims a Judgment final by default. And because said defendants have accepted service of plaintiffs petition and waived the issuance of process, and have wholly failed to answer the same within the time prescribed by law, and said plaintiffs cause of action being on a liquidated demand, It is, therefore, ordered, adjudged and decreed that the pff. W. C. Little, do have and recover off and from the defendants, W. P. Mabin and R. H. Peck the sum of One Hundred and Forty 5/100 Dollars, principal debt and interest due on the note sued on to date, together with ten per cent. per annum interest thereon until paid, and all cost of suit, for all which execution may issue.

199 1880

Thomas Freeman } Plaintiff
vs
McKinney & Cook } Defendants

It is ordered that this cause be continued to perfect service on the defendant McKinney. And because said defendant A. H. Cook has been legally cited by personal service, and has wholly failed to answer within the time prescribed by law, It is therefore ordered that plaintiff recover Judgment against him according to the prayer of his petition, and cause continued

200 1881

M. L. Givens, et al. } Plaintiffs
vs
Elizabeth Givens } Defendant

And now at this day comes the the counsel for the plaintiffs, and suggest to the Court the death of M. C. Givens, one of the plaintiffs. When upon, It is ordered that this cause be continued, and that Scire Facias issue to the legal representatives of said M. C. Givens, when known.

Fall Term, Friday, December 9, 1859

202. 1883.

F. Dutench } Plaintiff
vs.
C. Kyle } Defendant

And now on this day appears the plaintiff by attorney, and claims a Judgment final by default. And because said defendant has been legally cited by personal summons and has wholly failed to answer within the time prescribed by law and said plaintiffs cause of action being based on a liquidated demand, It is, therefore, ordered adjudged and decreed by the Court that the plaintiff, Frances Dutench, do have and recover off and from the defendant C. Kyle the sum of Seven Hundred and One Dollars principal debt and interest due on the note sued on to date, together with ten per centum per annum interest thereon until paid, and all cost of this suit, for which execution may issue.

204. 1884

Joseph Wright } Plaintiff
vs.
Samuel Hamilton } Defendant

Continued

215. 1885

Wm G. Wallace } Plaintiff
vs.
D. C. Heffington } Defendant

Continued

216. 1886

Leonhard Egen } Plaintiff
vs.
Adolph Smith } Defendant

Continued for service

218. 1888

George W. Helme } Plaintiff
vs.
Fellman & Horst } Defendant

And now on this day appears the plaintiff by attorney and claims a Judgment final by default as to the defendant Horst and discontinues the suit as to the defendant Fellman. And because said defendant Horst has been duly cited by personal service, and has wholly failed to answer within the time prescribed by law, and plaintiffs cause of action being liquidated, It is, therefore, ordered, adjudged & decreed by the Court, that the plaintiff, George W. Helme, do have and recover off and from the defendants, Louis Horst, the sum of Five Hundred and Seventy-Nine & 50/100 Dollars, principal debt and interest due on the note sued on to date, together with all cost of suit, for which execution may issue. ~~issue~~

211. 1891.

N. S. Porrey } Plaintiff
vs.
Geo. & John Robinson } Defendants

On motion of the Clerk, It is ordered, adjudged and decreed that the plaintiff enter into bond & security for the cost of this suit, on or before the first day of the next term of this Court and that the cause be cont'd for service.

Fall Term, Friday December 9th 1895.

214. 1893

S. A. Stites vs Finnin & Carr } Plaintiff / Defendants } And now on this day comes the Counsel for the Plaintiff and claims a Judgment final by default. And because said Defendant Carr has accepted service of plaintiffs petition and waived the issuance of process, and said defendant Finnin having been duly cited by personal service, and said defendants having wholly failed to answer within the time prescribed by law, and plaintiffs cause of action being based upon a liquidated demand, It is, therefore, ordered, adjudged and decreed by the Court that the plaintiff, S. A. Stites do have and recover off and from the defendants, Wm H. Carr and Edward Finnin, the sum of Two Hundred, Fifty-Three and 32/100 Dollars, principal debt and interest due on the instrument sued on to date, together with all cost of suit, for which execution may issue.

214. 1894

Geo. Hancock vs Sussmann & Davis } Plaintiff / Defendants } And now on this day comes the plaintiff and claims a Judgment final by default. And because the defendants have been legally cited by personal service and have wholly failed to answer within the time prescribed by law. It is therefore ordered, adjudged and decreed that the plaintiff George Hancock, do have and recover offand from the defendants, G. Sussmann and George W. Davis, (the latter being the endorser on the note sued on,) the sum of Three Hundred, Ninety-Seven and 49/100 dollars, principal debt and interest due up to this date, together with ten per centum per annum interest thereon till paid, and all cost of suit, for which execution may issue.

215. 1895

George Hancock vs Zimmerman & Davis } Plaintiff / Defendants } And now on this day comes the plaintiff by attorney, and claims a Judgment final by default. And because said defendants have been legally cited by personal service and have wholly failed to answer within the time prescribed by law: and plaintiffs demand being on a liquidated demand, It is, therefore, ordered, adjudged and decreed by the Court that the plaintiff George Hancock, do have and recover off and from the defendants, Edward Zimmerman, as principal, and George W. Davis, as Endorser the sum of Two Hundred, Thirty-Four and 38/100 Dollars, principal debt and interest due on the note sued on to date, and ten per cent. ingrant, thereon till paid together with all cost of this suit, for which execution may issue.

26. 95

W. S. Oldham vs Wm F. Robinson } Plff / Defd. } On motion of the parties, It is ordered that this cause be dismissed from the docket, and that the Defd. W. S. Oldham pay the cost, for which execution may issue.

Fall Term, Friday, December 9th 1859.

217. 1896

R. L. Rector } Plaintiff
v
Anderson Chandler } Defendants

And now on this day appeared the plaintiff by attorney and claims a Judgment final by default And because said defendants have accepted service of plaintiffs petition and waived the issuance of process and plaintiffs cause of action being liquidated, It is, therefore, adjudged and decreed by the Court that the plaintiff R. L. Rector, do have and recover off and from the defendants, P. A. Anderson and P. W. Chandler the sum of One Hundred and Fifty-Five 33/100 Dollars, principal debt and interest due on the note sued on to date, together with all cost of this suit, for which execution may issue

218 1897

N. C. Raymond } Plaintiff
v
Charles Payne } Defendant

And now on this day comes the plaintiff by attorney, and claims a Judgment final by default and because said defendant has been legally cited and has wholly failed to answer within the time prescribed by law- and said plaintiffs cause of action being on a liquidated demand, It is therefore ordered, adjudged and decreed by the Court that the plaintiff, N. C. Raymond do have and recover off and from the defendant Charles Payne, the sum of One Hundred and Eighty Six Dollars, principal debt and interest due on the note sued on to date, and all cost of this suit, for which execution may issue.

219. 1898

Peet, Simms & Co. } Plaintiffs
v
John L. Bivins } Defendant

And now on this day come the pffs by attorney, and claims a Judgment final by default. And because the defendant has been duly and legally cited, and has wholly failed to answer within the time prescribed by law, and pffs. cause of action being based on a note of hand, It is, therefore, ordered, adjudged and decreed by the Court, that the plaintiffs, E. Peet, P. Simms, N. Williamson and D. Bolling, under their firm name of Peet, Simms & Co. do have and recover off and from the defendant, John L. Bivins, the sum of Three Hundred, Eighty-Six and 20/100 Dollars, principal debt and interest due on the note sued on to date, together with all cost of suit, for which execution may issue.

223 1902

A. J. Hamilton } Pff
v
T. C. Collins } Defd

and now on this day comes the pff. by atty. and on motion of said counsel, It is ordered that this cause be dismissed from the docket, and that said plaintiff pay the cost of this suit, for which execution may issue.

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No. 1510

D. C. & G. R. Freeman
vs
John M. McCalla

And now on this day appeared the parties by their attorneys, and announced themselves ready for trial. And thereupon, the exceptions of the plaintiffs to the defendants plea in abatement, coming on to be heard, and being duly considered, were sustained by the Court. And the demurrer of the defendant submitted was also overruled. And thereupon came a Jury of twelve good and lawful men of Dorris County, who were duly tried, elected, empannelled & sworn according to law. And the Jury having heard the testimony, argument of counsel and the charge of the Court, retired for deliberation, and returned into Court the following verdict, to wit: "We, the Jury, find for the Plaintiff the sum of Three Hundred and Thirty-Eight 72/100 dollars. Grace Eppinghoff, Foreman."

Whereupon, It is ordered, adjudged and decreed by the Court that the plaintiffs, D. C. & G. R. Freeman, for the use of D. C. Freeman, Jr. do have and recover of and from the defendant, John M. McCalla, the sum of Three Hundred, Thirty-Eight and 72/100 Dollars found due by the Jury aforesaid, and the cost that has accrued since the filing of the amended petition on the 9th instant, setting up a change of action, on a written contract, for which execution may issue.

No. 1424

A. H. Cook
vs
Guilda J. Nichols

Plaintiff
Defendant

And now on this day appeared the parties to this cause by their attorneys and announced themselves ready for trial. And thereupon the demurrer and exceptions of the defendant setting up the statute of limitations, being submitted, and the same being argued by counsel, and the points arising thereon being well understood by the Court, It is ordered, adjudged and decreed that the said demurrer and exceptions be sustained. And the plaintiff failing to amend, It is further ordered that the cause be dismissed, to all of which ruling the said plaintiff excepts and gives notice, in open Court, of an appeal to the Supreme Court. Ordered, that said plaintiff pay all the cost incurred by the defendant, as well as by himself, for which execution may issue.

No. 1528

I. S. Thompson
vs
I. S. Dyches, et al.

Plaintiff
Defendants

On this day this cause was regularly reached on the docket, and the parties not appearing, It is ordered that the same be continued.

Fall Term, Friday, 9th December, 1859

leg. 1552. John Hendrickson of Jessie 2d. Mitchell & Jessie } Plaintiff / Defendant } It is ordered that this cause be continued at the application of the defendant.

71. 1578 J. M. Collinsworth of John W. Brown, Admr. } Plaintiff / Defendant } And now on this day came the parties to this cause by their attorneys and announced themselves ready for trial. Thereupon came a Jury of twelve good and lawful men of Travis County, who were duly tried, elected, empannelled and sworn according to law. And the Jury having heard the evidence, argument of counsel and the charge of the Court, retired for deliberation, and returned into Court the following verdict, to wit: "We, the Jury, find for the plaintiff the amount of Seventy-Nine Dollars, Isaac Epperright, Foreman." Whereupon it is ordered, adjudged and decreed by the Court that the plaintiff, J. M. Collinsworth, do have and recover off and from the defendant John W. Brown, Administrator of the Estate of William P. Davis, deceased, the said sum of Seventy-Nine dollars, and that the same may be certified to the Probate Court of Travis County as a just and established claim against the estate of the said Wm. P. Davis deceased. It is further ordered, that because plaintiffs demand has been reduced to a sum less than One Hundred dollars, that the said plff. James M. Collinsworth pay all the cost of this suit, for which execution may issue.

82. 1663 Phila. Woodruff & wife et al. of Pyre Buckley, et als. } Plffs / Defts } And now at this day on motion of the Clerk it is ordered that the plaintiffs enter into bond and security for the cost of this suit, on or before the first day of the next term of this Court

95. 1692 A. J. Peck of W. P. DeMonandie } Plaintiff / Defendant } And now at this day comes the Clerk, and on his motion it is ordered that the plaintiff enter into bond and security for the cost of this suit on or before the first day of the next term of this Court.

104. 1728 R. B. Cochran of Geo. Hancock, et als } Plaintiff / Defendants } The defendants in this case are allowed to file an amendment this order was rendered on yesterday, and entered on the minutes of to-day.

Fall Term, Friday, 9th December, 1859

122. 1959

N. M. Rice } Plaintiff
v
Haling & Bunton } Defendants

} And now come the defendants by attorney, and on their motion It is ordered that they have leave to file an amended answer by Monday next.

133. 1779

Joseph Rowe } Plaintiff
or
Wm Horsch } Defendant

} And now at this day again came the plaintiff by his attorney, and on his motion, It is ordered that the Judgment by default rendered on to-day be cancelled, set aside and held for naught, and that said plaintiff have leave to file an amended petition, And thereupon said amendment being filed, the plaintiff elects to abandon the lien set up in his original petition, and asks for Judgment for the amount of his demand. Whereupon, It is ordered, adjudged and decreed by the Court that the plaintiff, Joseph Rowe, do have and recover of and from the defendant, William Horsch the sum of Three Hundred and Eighty-Nine Dollars, principal debt and interest due on the note sued on to date, with ten per cent per annum interest thereon until paid, and all cost of this suit, for which execution may issue.

180. 1862

E. A. Rice } Plaintiff
or
D. Gilleland, et al } Defendants

} And now comes the Clerk, and on his motion It is ordered by the Court that the plaintiff enter into bond and security for the cost of this suit on or before the next Term of this Court

183. 1864

Anna M. Houston } Plaintiff
or
Andrew Houston } Defendant

} On motion of the plaintiff Clerk. It is ordered that the plaintiff enter into bond and security for the cost of this suit on or before the next Term of this Court.

184. 1865

Sweetser, Jenkins & Co } Plaintiffs
v
W. H. Brown } Defendant

} On motion of the Clerk It is ordered that the plaintiffs enter into bond and security for the costs of this suit on or before the next term of this Court

212. 1892

R. Butcher, et al. } Defts
or
C. H. Randolph, Trus } Defts

} On motion of the Clerk It is ordered that the plaintiffs enter into bond and security for the costs of this suit on or before the next Term of this Court.

Fall Term, Friday, 9th December, 1859

225. 1904.

Jacob C. Higgins } Plaintiff
vs
Millican & Payne } Defendants

And now on this day came the plaintiff by attorney and declares a Judgment final by default. And because said defendants have been duly cited by personal service, and have wholly failed to answer within the time prescribed by law, and said plaintiffs demand being liquidated, It is, therefore, ordered, adjudged and decreed by the Court that said plaintiff, Jacob C. Higgins, do have and recover off and from the defendants, O. H. Millican and Charles Payne, under their firm name of Millican & Payne, the sum of Six Hundred and Seventy-three dollars, principal debt and interest due on the note sued on to date, with ten per centum per annum interest thereon until paid, and all cost of this suit, for which execution may issue.

And now on this day came and appeared in open Court the Grand Jury of Travis County duly elected and empannelled and sworn for and during the present term of this Court and through their Foreman Abram Hennicke presented to the Court the following Bills of Indictment as follows, to wit:

1219 The State of Texas vs Edward B. Smith } Plaintiff vs Defendant } Selling Intoxicating liquors in quantities less than a quart without a License

1220 The State of Texas vs Edward B. Smith } Plaintiff vs Defendant } Selling Intoxicating liquors in quantities less than a quart without License

1221 The State of Texas vs Edward B. Smith } Plaintiff vs Defendant } Selling Intoxicating liquors in quantities less than a quart without a License

1222 The State of Texas vs Edward B. Smith } Plaintiff vs Defendant } Selling Intoxicating liquors in quantities less than a quart without a License

1223 The State of Texas vs Edward B. Smith } Plaintiff vs Defendant } Selling Intoxicating liquors in quantities less than a quart without a License

1224 The State of Texas vs Edward B. Smith } Plaintiff vs Defendant } Selling Intoxicating liquors in quantities less than a quart without a License

1225. The State of Texas vs Edward B. Smith } Plaintiff vs Defendant } Selling Intoxicating liquors in quantities less than a quart without a License

Fall Term, Friday 9th December 1859

1226	The State of Texas vs Edward B Smith	Plaintiff Defendant	Selling Intoxicating liquors in quantities less than a quart without a licence
1227	The State of Texas vs Thomas M Evans	Plaintiff Defendant	Selling Intoxicating liquors in quantities less than a quart without a Licence
1228	The State of Texas vs Thomas M Evans	Plaintiff Defendant	Selling Intoxicating liquors in quantities less than a quart without a Licence
1229	The State of Texas vs Thomas M Evans	Plaintiff Defendant	Selling Intoxicating liquors in quantities less than a quart without a licence.
1230	The State of Texas vs Thomas M Evans	Plaintiff Defendant	Selling Intoxicating liquors in quantities less than a quart without a Licence
1231	The State of Texas vs Thomas M Evans	Plaintiff Defendant	Selling Intoxicating liquors in quantities less than a quart without a Licence
1232	The State of Texas vs Thomas M Evans	Plaintiff Defendant	Selling Intoxicating liquors in quantities less than a quart
1233	The State of Texas vs Thomas M Evans	Plaintiff Defendant	Selling Intoxicating liquors in quantities less than a quart
1234	The State of Texas vs Thomas M Evans	Plaintiff Defendant	Selling Intoxicating liquors in quantities less than a quart
1235	The State of Texas vs Wm C Leggett	Plaintiff Defendant	An Assault with intent to Kill and murder Wm M Smoltz
1236	The State of Texas vs Jacob Bonham	Plaintiff Defendant	Betting at a gaming Bank called monte prohibited for the purpose of Gaming
1237	The State of Texas vs Jas Thomas	Plaintiff Defendant	Keeping a Disorderly House in Brazos County

And thereupon said Grand Jury having inquired to the Court that there was other business before them they were ordered to retire upon after the discharge of the same.

And Court adjourned till to-morrow morning at 9½ past 8 o'clock

Fall Term Saturday, 10th December, 1859.

Saturday 10th December 1859

Cnt convened at 9 past 10 o'clock A.M. pursuant to adjournment. Hon Geo W Jones Judge 1st Judicial Dist presiding. Whereupon the following proceedings were had by said Cnt as follows to wit:

43. 1570 — D C & G. E. Freeman vs John M. McCalla — Plaintiffs / Defendant — Sam'l Cliff and now on this day came the parties to this cause by their attorneys, and it is ordered that a new trial be granted in this cause.

72. 1583 — Nancy Bray etals vs A M Cox — Plaintiffs / Defendant — And now on this day came C. S. West Esq. and acknowledged. agreed in open Cnt that the firm of Bruce & West acknowledged themselves bound unto the Defendant and Officers of Cnt for the cost of this suit to which per motion granted by the Cnt the counsel for the Defendant except, and thereupon the cause continued upon the application of the defendant.

75. 1625 — J. L Nichols vs C Lockwood etals — Plaintiffs / Defendants — Continued by consent.

78. 2755 — D. Pratt & Co vs R. J. Lloyd — Plaintiffs / Defendant — And now on this day appeared the plffs by attorney and it being shown to the Cnt that the Defendant had been served by writ of Scire Facias to appear and show cause why the Judgment rendered in this cause on the 25th. Janry 1855 for the sum of One Hundred & Seventy-Five Dollars principal, and Twenty Six 43/100 Dollars Interest should not be revived and said defendant failing to appear it is ordered that said Judgment be revived as rendered on said 25th Janry 1855 and that execution issue therefor for said amount and the cost of the suit.

81. 1662 — Andrew Harper vs Sherman Case — Plaintiff / Defendant — And now on this day came the parties to this cause by their attorneys and announced themselves ready for trial. And thereupon, It is ordered, on motion that so much of the plaintiffs amended petition filed on the 8th instant as sets up the $100. worth of Texas Treasury notes be stricken out as a new cause of action. And thereupon the exceptions of the plaintiff to defendants plea in abatement coming on to be heard the same was sustained

Fall Term Saturday, 10th December, 1859

And thereupon came a Jury of twelve good and lawful men of Evans County who were tried, elected, empanneled and sworn according to law And the Jury having heard the testimony, argument of counsel and the charge of the Court, retired for deliberation and returned into Court the following Verdict, to wit: "We, the Jury, find for the plaintiff the sum of One Hundred and Five Dollars. Jno S. Spann, foreman." Whereupon, It is ordered, adjudged and decreed by the Court, that the plaintiff, Reuben Harper, do have and recover of and from the defendant, Thomas Case the sum of One Hundred and Five dollars and all cost of this suit, for which execution may issue.

84. 1667	John Edgar vs D. McNeish, et.al	Plaintiff / Defendants	Continued on application of the pltff
88. 1669	H. Groover, et.al vs B. F. Carter, et.al.	Plaintiffs / Defendants	Continued for Service
87. 1670	H C. Dunn vs S. P. Hollingsworth	Plaintiff / Defendant	Continued by consent
88. 1671	L. A. Poage vs S. P. Hart	Plaintiff / Defendant	Continued
92. 1684	Adolph Smith vs Isaac Wyatt, et.al.	Plaintiff / Defendants	On this day this cause was regularly reached on the docket, and it appearing that at the last term of this Court the plaintiff was ruled to enter into bond and security for the cost of this suit by the present term, which he has failed to do, It is, therefore, ordered that said cause be dismissed from the Docket for the failure to give bond as aforesaid and that said plaintiff Adolph Smith pay all cost of this suit, for which execution may issue.
93. 1685	Philopine Wilcox, et.al vs Ebel M Smith, et.al	Plaintiffs / Defendants	Continued for Service
95. 1692	O. L. Peck vs W. P. DeMornedie	Pltff / Deft	And now comes the pltff. by attorney and on motion of said pltff. ordered, It is ordered that this cause be dismissed from the docket at the cost of said pltff. for which execution may issue.

Fall Term, Saturday, 10th December, 1859.

96. 1693 — S. J. Copiday, Admr. } Plaintiff
vs.
John King } Defendant
} Continued by Consent.

97. 1696 — Thomas H. Dubat } Plaintiff
vs.
Wade Wilson } Defendant
} Continued by consent

99. 1707. — Wm H Perry } Plaintiff
vs.
Ford & Hahnun } Defendants
} On motion of the counsel for the plaintiff It is ordered that the Sheriff have leave to amend his return on the Citation issued against the Defendant Ford And thereupon, on motion, because said Ford has been duly cited and failed to answer within the time prescribed by law. It is, therefore ordered that the plaintiff recover against him the said Ford according to the prayer of his petition, & that the cause be continued for cause as to the Defendants

1709 — Phelps & Johnston } Plff
vs.
J C Lockhart } Defts
} And now comes the plaintiff by attorney and suggest to the Court the death of Henry W. Fabbs, one of the Intervenors in this case. And thereupon it is ordered that the cause be continued

101. 1720 — S. J. Copiday, Admr } Plaintiff
vs.
Joel A. Pruitt } Defendant
} And now on this day this cause was regularly reached on the docket and thereupon appeared the counsel for the plaintiff and suggested that the matter in controversy had been settled between the parties. It is therefore ordered that the cause be dismissed from the docket, and that the defendant, Joel A. Pruitt pay the cost of this suit, for which execution may issue.

17 1728 — R. B. Cochran } Plff
vs.
Geo. Hancock Exrs } Deft
} It is ordered that the parties plaintiff and defendant have leave to file amended pleadings into day

105. 1733. — C. A. Hopkins. Etals } Plaintiffs
vs.
Amos Morrill } Defendant
} And now on this day appeared A. A. Hopkins, who has been made a party to this suit, by his attorney, and disclaims any interest in the same. Whereupon, It is ordered that said Hopkins be permitted to withdraw from the case, and that he recover from the plaintiff all his cost, for which execution may issue

Fall Term, Saturday, 10th December 1859

And thereupon it is ordered that said Plaintiff have leave to file an amended petition

106 1734 — Thomas Freeman &c vs Keffington & Wallace — Plaintiffs / Defendants — It appearing to the Court that the defendant Keffington has been duly cited by personal service and has wholly failed to answer within the time prescribed by law it is ordered that default be entered against him and that the plaintiff recover according to the prayer of his petition.

107 1738 — W. Talbot vs J. S. & H. B. Mellard — Plaintiff / Defendants — Continued on the application of the plaintiff. And ordered that both parties have leave to amend their pleadings

108 1743 — H. G. Stemmons vs J. R. Freeman & C. — Plaintiff / Defendants — Continued by Consent

111 1747 — A. B. Bowlson vs John Bowlson et al — Plaintiff / Defendants — Continued because of the absence of Plff's Counsel

112 1748 — Wm Rust vs H. Grooms — Plaintiff / Defendant — It is ordered that both parties to this suit have leave to amend their pleadings, and that the defendant have leave to withdraw his amended answer filed to-day.

181 1863 — Thomas Ragsdale vs William Davenport — Plaintiff / Defendant — The Judgment by default in this case was rendered by the Court on yesterday and is recited in the minutes of to-day. And it appearing to the satisfaction of the Court that the Defendant has been duly cited by personal service, and has wholly failed to answer within the time prescribed by law, It is therefore ordered that the plaintiff, Thomas Ragsdale do have and recover offand from the Defendant William Davenport the sum of Two Hundred and Ninety Nine Dollars principal debt and interest due on the note sued on to date together with all cost of this suit, for which execution may issue.

200 1881 — M. L. Givins vs Elizabeth Givins — Plaintiff / Defendant — And now comes the plaintiff by attorney and in his motion it is ordered that the Continuance ordered in this Cause on the 6th instant be set aside, and that said Plff have leave to amend.

Fall Term. Saturday, December 10th 1859.

And now on this day came and appeared in open Court the Grand Jury of Travis County, duly elected, empannelled, Sworn and Charged for and during the present Term of this Court and through their foreman, Abram Kenrick, presented to the Court the following Bills of Indictment, as follows, to wit:

1238	The State of Texas v. Robert F. Campbell	Plaintiff / Defendant	Playing at a game with cards in a room attached to a house for retailing spirituous liquors and commonly used for gaming.
1239	The State of Texas v. O. H. Maroney & Willis Freeman	Plaintiff / Defendants	Exhibiting, for the purpose of gaming a certain gaming bank called "Faro"
1240	The State of Texas v. O. H. Maroney and Willis Freeman	Plaintiff / Defendants	Exhibiting, for the purpose of gaming a certain gaming bank called "Faro"
1241	The State of Texas v. O. H. Maroney and Willis Freeman	Plaintiff / Defendants	Exhibiting for the purpose of gaming, a certain gaming bank called "Faro"
1242	The State of Texas v. O. H. Maroney and Willis Freeman	Plaintiff / Defendants	Exhibiting for the purpose of gaming, a certain gaming bank called "Faro"
1243	The State of Texas v. O. H. Maroney and Willis Freeman	Plaintiff / Defendants	Exhibiting, for the purpose of gaming, a certain gaming bank called "Faro"
1244	The State of Texas v. Frank Cotton and Bud Cotton	Plaintiff / Defendants	Exhibiting, for the purpose of gaming a certain gaming bank called "Monte"
1245	The State of Texas v. Frank Cotton & Bud Cotton	Plaintiff / Defendants	Exhibiting, for the purpose of gaming, a certain gaming bank called "Monte"
1246	The State of Texas v. Frank Cotton & Bud Cotton	Plaintiff / Defendants	Exhibiting, for the purpose of gaming, a certain gaming bank called "Monte."

Tall Term, Saturday, December 10th 1859.

1247	The State of Texas v. Frank Cotton & Byrd Cotton	Plaintiff Defendants	Exhibiting for the purpose of gaming, a certain gaming bank called "Monte"
1248	The State of Texas v. Frank Cotton & Byrd Cotton	Plaintiff Defendants	Exhibiting, for the purpose of gaming, a certain gaming bank called "Monte"
1249	The State of Texas v. Frank Cotton & Byrd Cotton	Plaintiff Defendants	Exhibiting for the purpose of gaming, a certain gaming bank, called "Monte"
1250	The State of Texas v. Thomas Bowles	Plaintiff Defendant	Betting at a certain gaming bank called "Monte".
1251	The State of Texas v. Thomas Bowles	Plaintiff Defendant	Playing a game with cards in a room attached to a house for retailing spirituous liquors and commonly used for gaming.
1252	The State of Texas v. Thomas Bowles	Plaintiff Defendant	Betting at a gaming bank called "Faro"
1253	The State of Texas v. Thomas Bowles	Plaintiff Defendant	Betting at a gaming bank called "Monte"
1254	The State of Texas v. Thomas Bowles	Plaintiff Defendant	Betting at a gaming bank called "Faro"
1255	The State of Texas v. James Sardin & F. M. Stegall	Plaintiff Defendants	Exhibiting for the purpose of gaming, a certain gaming bank, called "Faro"
1256.	The State of Texas v. James Sardin & F. M. Stegall	Plaintiff Defendants	Exhibiting, for the purpose of gaming, a certain gaming bank called "Faro."
1257	The State of Texas v. James Sardin & F. M. Stegall	Plaintiff Defendants	Exhibiting for the purpose of gaming a certain gaming bank called "Faro"
1258	The State of Texas v. James Sardin & F. M. Stegall	Plaintiff Defendants	Exhibiting, for the purpose of gaming a certain gaming bank called "Faro".

Dallas Term, Saturday, December 10th A.D. 1859.

1259	The State of Texas v. James Sanders & F. A. Stegall	Plaintiff Defendants	Exhibiting, for the purpose of gaming, a certain gaming bank called "Faro".
1260	The State of Texas v. James Sanders & F. A. Stegall	Plaintiff Defendants	Exhibiting, for the purpose of gaming, a certain gaming bank called, "Faro."
1261	The State of Texas v. Daly O'Neal & Green Duffield	Plaintiff Defendants	Playing at a game with cards in a room attached to a house for retailing Spirituous liquors and commonly used for gaming.
1262	The State of Texas v. Daly O'Neal	Plaintiff Defendant	Playing at a game with cards in a room attached to a house for retailing spirituous liquors & commonly used for gaming.
1263	The State of Texas v. Wm B. Covington	Plaintiff Defendant.	Playing at a game with cards in a room attached to a house for retailing spirituous liquors and commonly used for gaming.
1264	The State of Texas v. Wm B. Covington	Plaintiff Defendant.	Playing at a game with cards in a room attached to a house for retailing spirituous and commonly used for gaming.
1265	The State of Texas v. Thos P. Ochiltree	Plaintiff Defendant.	Betting at a certain gaming bank called "Faro"
1266	The State of Texas v. Thos P. Ochiltree	Plaintiff Defendant.	Betting at a certain gaming bank call. "Faro."
1267	The State Texas v. Thos P. Ochiltree	Plaintiff Defendant	Betting at a certain gaming bank called "Faro."
1268	The State of Texas v. Robt H. Cumby	Plaintiff Defendant	Betting at a certain gaming bank called, Faro.
1269	The State of Texas v. Robt H. Cumby	Plaintiff Defendant	Betting at a certain gaming bank Called "Faro."
1270	The State of Texas v. Wm J. Moten	Plaintiff Defendant	Betting at a certain gaming Bank. Called "Faro."
1271	The State of Texas v. Wm J. Moten	Plaintiff Defendant	Betting at a certain gaming bank called "Faro."

Fall Term, Saturday, December, 10th A.D. 1859.

1272	The State of Texas v. F. W. Giraud	Plaintiff Defendant	Betting at a certain gaming Bank called "Faro."
1273	The State of Texas v. J. S. W. Cook	Plaintiff Defendant	Betting at a certain gaming bank called "Monte."
1274	The State of Texas v. Alfred Robinson	Plaintiff Defendant	Playing at a game with cards in a room attached to a house for retailing Spirituous Liquors and commonly used for gaming.
1275	The State of Texas v. Charles Barnard	Plaintiff Defendant	Betting at a certain gaming bank called "Faro."
1276.	The State of Texas v. A. H. Hicks	Plaintiff Defendant	Betting at a certain gaming Bank called "Faro."
1277	The State of Texas v. John S. Ford	Plaintiff Defendant	Betting at a certain gaming bank called "Monte."
1278.	The State of Texas v. Samuel Jourdan	Plaintiff Defendant	Playing at a game with cards in a room attached to a house for retailing spirituous liquors and Commonly used for Gaming—

And thereupon Court adjourned till Monday morning at ½ past eight o clock

Monday, 12th Dec. 1859.

Court convened at ½ past eight o'clock, A.M. pursuant to adjournment. Hon. George W. Smyth Judge Presd. in 2nd Judicial District Presiding. Whereupon the following proceedings were had by said Court, as follows to wit.

1664	John Horan v. Charles Bonnland	Plaintiff Defendant	And now on this day appeared the parties to this cause by their attorneys; whereupon the Plaintiff submitted to the Court his motion heretofore filed to quash the Certiorari, which said motion being duly considered after argument of Counsel, It is ordered, adjudged and decreed that said motion to quash be sustained; that the cause be dismissed from the docket. that a writ of Procedendo be awarded directing the Magistrate, Pole Cordera, to proceed to ~~Record to~~ the collection of the Judgment rendered by this Court in favor of the Plff. and against the defendant on the 29th May, 1858, for the sum of Thirty One 20/100 Dollars. It is further ordered that the defendant Charles Bonnland and his securities on his Certiorari Bond, to wit: Wm. M. Wade & J. G. pay the cost of this suit in this Court, for which execution may issue

Fall Term Monday 12th December 1859

99 ↓ 1691 — Gilleispie & Hall vs Hardeman & Hamilton — Plaintiff / Defendants — Continued

103. ↓ 1725 — R. H. Matheus vs P. H. White Gen — Plaintiff / Defendant — Whereas in this cause was rendered on the 10th instant and inserted in the minutes of to day. The Clerk having regarded the Court to rule the pltff for security for the cost & this suit: Thereupon appeared in open Court Amos Morrill, Esq. and acknowledged himself bound and liable unto the Officer of the District Court of Travis County for the cost of said suit. And therupon the case is continued by consent

105. ↓ 1733 — C. A. Hopkins, etals vs Amos Morrill — Plaintiff / Defendant — An motion, It is ordered that the Order entered in this case on the 10th can not be amended so as to read as follows: "And now at this day comes Andrew A. Hopkins, who has been made a party to this suit by amendment of the defendant, and states to the Court & by his Counsel, that he declines to make any defence in this case, and at the request of said Hopkins, It is ordered that he be permitted to withdraw from the said suit."

125. ↓ 1761 — A. G. Kimball vs Heirs of Sheldon dcd — And now at this Term, to wit, on the 10th Dec. 1859, comes the Clerk And on his motion, It is Ordered that the Plaintiff enter into bond and security for the cost of this suit on or before the first day of the next Term of this Court

127 ↓ 403 — James Park vs H. J. Oldham, etals — Plaintiff / Defendants — And now at this term, to wit, on the 10th December, 1859, comes the Clerk of the Court, and on his motion it is ordered that the Plaintiff enter into bond & security for the cost of this suit on or before the first day of the next term of this Court

209. ↓ 1889 — D. M. Swearn vs M. P. Johnson — Plaintiff / Defendant — The Judgment in this cause was rendered on the 9th instant, and inserted in the minutes of to-day. This cause being regularly reached on default day comes the plaintiff by attorney and moves the Court to render Judgment by default. And because said Defendant has been cited by personal service and has wholly failed to answer within the time prescribed by law, and plaintiff's cause of action being liquid

Fall Term Monday, 12th Dec 1859

on a legal dated demand, It is therefore adged adjudged and decreed, that the Plaintiff, J. M. Swisher do have and recover aff and from the defendant, M. T. Johnson the sum of Two Thousand, Three Hundred and Eighty-Eight Dollars, principal debt and interest due on the note sued on to date, with ten per centum per annum interest thereon until paid, and all cost of this suit, for which execution may give.

And now on this day came and appeared in open Court, the Grand Jury of Davis County, duly elected, tried, empannelled, sworn and charged for and during the present Term of this Court, and through their foreman Abram Hendricks, presented to the Court the following Bills of Indictment, as follows, to wit:

1279	The State of Texas	Plaintiff	Betting at a certain gaming bank called "Faro".
	v.		
	James Sardin	Defendant	
1280	The State of Texas	Plaintiff	Betting at a certain gaming bank called "Faro"
	v.		
	James Sardin and		
	F. M. Stegall	Defendants	
1281	The State of Texas	Plaintiff	Exhibiting, for the purpose of gaming a certain gaming bank called "Monte".
	v.		
	Wm R. Henry and		
	Lon Wells	Defendants	
1282	The State of Texas	Plaintiff	Exhibiting, a certain gaming bank called "Monte" for the purpose of gaming
	v.		
	Wm R. Henry &		
	Lon Wells	Defendants	
1283	The State of Texas	Plaintiff	Exhibiting, for the purpose of gaming a certain gaming bank called "Monte"
	v.		
	Wm R. Henry &		
	Lon Wells	Defendants	
1284	The State of Texas	Plaintiff	Keeping a house for the purpose of public prostitution
	v.		
	Kate Howard	Defendant	
1285	The State of Texas	Plaintiff	Keeping a house for the purpose of public Prostitution.
	v.		
	Sarah Williams	Defendant	
1286	The State of Texas	Plaintiff	Betting at a certain gaming bank called "Faro".
	v.		
	A. W. O. Hicks	Defendant	

Fall Term, Monday December 12th A.D. 1859.

1287	The State of Texas	Plaintiff	Selling intoxicating liquors in	
	v.		quantities of a quart and permitting	
	W.D. Scott	Defendant	the same to be drunk about the establishment under	
1288	The State of Texas	Plaintiff	Playing at a game with cards in a room	
	v.		attached to a house for retailing spirituous	
	Willis Freeman	Defendant	liquors and commonly used for gaming.	
1289	The State of Texas	Plaintiff		
	v.		Betting at a certain gaming bank	
	Thomas M. Evans	Defendant	called "Monte."	
1290	The State of Texas	Plaintiff		
	v.		Betting at a certain gaming bank	
	Green Duffield	Defendant	called "Monte."	
1291	The State of Texas	Plaintiff	Exhibiting a certain gaming bank	
	v.		called "Faro" for the purpose of	
	Green Duffield	Defendant	gaming.	
1292	The State of Texas	Plaintiff		
	v.		An Appeal with intent to kill	
	Jack Robertson	Defendant	and murder John L. Bean.	

And thereupon said Grand Jury having reported to the Court that there was still further business before them they were ordered to retire upon a discharge of the same.

94 1686	J. W. Robertson	Plaintiff	Continued on this day came	
	vs		the parties to this cause	
	James H. Thompson	Defendant	by their attorneys and the	
	the Plaintiff comes and submits to the Court his appli-			
	cation for a Continuance of this cause which is opposed			
	and the cause the plaintiff, in open Court declines			
	this suit, and declines to prosecute the same any			
	further. Whereupon, It is ordered, adjudged and			
	decreed by the Court that the Injunction granted in			
	this cause be and the same is dissolved; that the			
	plaintiff defendant recover of and from the plaintiff			
	Joseph W. Robertson, and the securities on his			
	Injunction Bond, to wit: Joseph Record and John Brown			
	the sum of Five dollars and Ninety Cents, being ten per			
	cent. damages on the sum enjoined together with all			
	cost in this Court expended. For all of which execution			
	may issue. It is further ordered that a Writ of Pro-			
	cedendo be issued directing the Magistrate Jacob Bled-			
	soe and his successor in office, to proceed to enforce the			
	collection of the Sixty Nine 50/100 Dollars enjoined by a			
	Judgment rendered by said Justice in favor of the def-			

Fall Term, Tuesday, 13th December 1859

cedent against D. C Heffington, and Joseph M. Robertson
Plea of Execution for the said Heffington, on the 30th January 1858
for the

And thereupon Court adjourned until to-morrow morning at
½ past eight o'clock

Tuesday, 13th Dec, 1859

Court convened at ½ past eight o'clock, A.M. pursuant to adjournment. Hon. Geo. A. Smith, Judge 1st Judicial District
presiding. Whereupon the following proceedings were had by said
Court as follows, to wit:

William Rust vs. Horatio Sroom	Plaintiff / Defendant		On motion of the Defendants counsel It is ordered that the said Defendant have leave to amend.
P. DeCordova vs. John Crayton et.al.	Plaintiff / Defendants		Continued by consent
Wm P. McElroy vs. F. M Chandler et.al.	Plaintiff / Defendants		And now on this day this cause was regularly reached on the Docket, and the pltff not appearing in person or by attorney to prosecute the same It is ordered that the said cause be dismissed from the docket for the want of prosecution and that the Defendants in this suit recover off and from the plaintiff Wm P. McElroy and the securities on his cost bond, to wit. Jam. H. Renick, A. W. Chalmers and George W. Paschal all cost of this suit, for which execution may issue.
Thomas B. Huling vs. George W. Glascock	Plaintiff / Defendant		On this day came the parties by attorney and suggested to the Court that the matters in controversy in this suit have been settled and compromised by the parties. It is, therefore on motion, ordered that the cause be dismissed from the docket, and that the defendant Geo. W. Glascock pay all cost of this suit, for which execution may issue.
A. G. Kimball vs. Heirs of Jack Sheldon	Plaintiff / Defendants		It is ordered by the Court that C. S. West, Esq., be appointed attorney to represent the interests of the unknown heirs of Jack Sheldon, in this suit, who accepts said trust.

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194. 1875 — John T. Miller vs Deats & Oldham } Plaintiff / Defendants } And now at this day comes the plaintiff by attorney, and on his motion. It is ordered by the Court that the Sheriffs who executed and returned the writs in this case be allowed to amend the Returns of same on said citations.

And now on this day appeared in open Court the Grand Jury of Travis County duly and empannelled and sworn according to law for and during the present Term of this Court and through their Foreman Abram Henrick presented to the Court the following Bill of Indictment, as follows to wit:

1293 — The State of Texas vs John T. Shanks } Plaintiff / Defendant } Indictment for Forging a Conveyance of a Donation Land Warrant

1294 — The State of Texas vs John T. Shanks } Plaintiff / Defendant } Indictment for Forgery of a transfer of a Bounty Land Warrant.

And thereupon said Grand Jury retired upon a further discharge of their duties, engaging to the Court that there was still further business before them.

104. 1778 — R.B. Calhoun vs Geo. Hancock, et al. } Plaintiff / Defendants } And now on this day came the parties plaintiff, defendants and Intervenors by their attorneys, the Guardian ad litem M. H. Bowers, appointed by the Court. Whereupon said parties announced themselves ready for trial. And thereupon the exceptions of the plaintiff to the plea in abatement filed this day by the Defendants Potts, Grayton, Thompson & Hancocks, coming on to be heard, are sustained by the Court. And the parties thereupon agreed to waive a Jury and submit the cause to the Court. And the pleadings being read, the testimony and the argue being duly considered by the Court introduced, It is ordered, adjudged and decreed by the Court that the plaintiff and Intervenors in this case take nothing by their suit and Intervention, that the defendants go hence without day, and recover of and from said plaintiff R.B. Calhoun and said Intervenors ~~S.~~ S. Munger all the cost of this suit, for which execution may issue against said plaintiff, said be certified as the law directs to the as an established claim against the estate of said Wm Potts, dec'd Probate Court of Austin Co. as to so much of said costs as have accrued at the institution of said Intervenors

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112. 1748 — William Rust v. Horatio Storms — Plaintiff / Defendant — And now on this day appeared the plaintiff and defendant by their attorneys and announced themselves ready for trial. And thereupon the exceptions of the Defendant to Plaintiffs amended petition coming on to be heard, were overruled by the Court. And the plaintiffs exceptions to defendants amended answer being submitted, were overruled to all of which rulings of the Court the parties respectively except. And thereupon came a Jury of twelve good and lawful men of Travis County, who were tried, elected, empannelled and sworn according to law. And said Jury having heard the testimony, argument of counsel, and the charge of the Court, retired and returned into Court the following verdict, To wit: "We, the Jury, find for the Plaintiff the sum of One Hundred and Eighty Dollars. Jno. S. Spence, Foreman." Whereupon, it is ordered adjudged and decreed by the Court that the plaintiff, William Rust do have and recover off and from the defendant Horatio Storms said sum of One Hundred and Eighty Dollars and all the cost of this suit for all which execution may issue.

131. 1776 — S. C. & A. G. Kimball v. A. C. Raymond, et al. — Plaintiffs / Defendants — Ordered, on motion, that the plaintiffs have leave to amend.

141. 1793 — C. R. Hampton v. John C. Hampton — Plaintiff / Defendant — Ordered, on motion that the defendant have leave to amend

142. 1808 — D. C. Freeman, Jr. v. Rowe & Hamilton — Plaintiff / Defendant — Ordered, on motion, that the plaintiff have leave to amend.

142 1794 — B. F. Smith v. Geo. L. Walton — Plaintiff / Defendant — And now on this day came the parties to this cause by their attorneys, and said parties agree in open Court that Judgment may be entered by consent for the sum of One Hundred and Eighty-Six 80/100 Dollars. Whereupon it is ordered, adjudged and decreed by the Court that the plaintiff do have and recover off and from the Defendant George L. Walton Judgment for the sum of One Hundred and Eighty-Six 80/100 Dollars and all cost of this suit, for which execution may issue

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8. 413 — R D McAnelly vs Simon Purdom — Plaintiff / Defendant — And now on this day came the plaintiff by attorney, and on motion of said plaintiff It is ordered that this cause be dismissed from the Docket, and that the said plaintiff R D McAnelly, pay all cost of this suit, for which execution may issue.

136. 1787 — A M Cox vs A M Davidson — Plaintiff / Defendant — It is ordered, on motion, that both parties to this suit have leave to amend their pleadings.

And thereupon Court adjourned until To Morrow Morning at ½ past eight o'clock.

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Court convened at ½ past eight o'clock, A. M. pursuant to adjournment. George W Smyth, Judge First Judicial Dist. presiding. Whereupon the following proceedings were had by said Court, to wit:

38. 1254 — The State of Texas vs J. M. W. Hall, et.al. — Plaintiff / Defendants — And now on this day appeared the parties to this cause by their respective attorneys. And the defendants submitted to the Court their answers and special exceptions, which being duly considered, are not deemed sufficient. And said defendants failing to show cause why the Judgment nisi rendered against them at the Fall Term, 1856, for the sum of Two Hundred Dollars, on a forfeited appearance bond dated Oct. 16, 1856, on a charge against the defendant Hall permitting a gaming table called Pin Pool to be exhibited for gaming in his Billiard Saloon, It is therefore ordered & adjudged and decreed by the Court that said Judgment nisi so rendered as aforesaid, be and the same is hereby made final, and that the State of Texas do have and recover of and from the said defendants, J. M. W. Hall, John Horen and J. W. Roberson said sum of Two Hundred Dollars and all cost of this suit, for which execution may issue.

39. 1255 — The State of Texas vs J. M. W. Hall, et.al. — Plaintiff / Defendants — And now on this day came the parties to this cause by their respective attorneys, and the defendants submitted to the Court their answers and special exceptions, which being duly considered, and not being deemed sufficient, And said defendants failing to show cause why the Judg-

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ment nisi so rendered against them at the Fall Term, 1856, for the sum of Two Hundred Dollars, on a forfeited appearance bond Oct. 16, 1856, on a charge against the Defendant Hall for permitting one William B. Lilly to exhibit in his house a Faro Bank for the purpose of gaming. It is, therefore, ordered, adjudged and decreed by the Court that said Judgment nisi so rendered as aforesaid be and the same is hereby made final, and that the State of Texas do have and recover off and from the said defendants, J. M. W. Hall, John Horan and J. W. Roberts on said sum of Two Hundred Dollars and all cost of this suit, for which execution may issue.

58. 1497

The State of Texas } Plaintiff
vs
Charles L. Haley, et al. } Defendants

And now on this day came the parties to this cause by attorney, the defendants not appearing in person, the said cause being regularly reached and called for final hearing. Whereupon the counsel for the Defendants submitted to the Court the answers heretofore filed by them, and the same being deemed insufficient, and the defendants not showing cause why the Judgment nisi so rendered against them at the Fall Term 1857, for the sum of Three Thousand Dollars on a forfeited appearance bond, on a charge against them defendant Charles L. Haley for Forgery, It is therefore, ordered, adjudged and decreed by the Court that said Judgment nisi be made final and that the State of Texas do have and recover of and from said defendants, Charles L. Haley, J. W. Taylor, Thos. H. Garner and Richard Smith the said sum of Three Thousand Dollars and all cost of this proceeding, for which execution may issue.

59. 1498

The State of Texas } Plaintiff
vs
Charles L. Haley, et al. } Defendants

And now on this day came the parties to this cause by their attorneys, the defendants not appearing in person, the said cause being regularly reached and called for hearing. Whereupon the counsel for the Defendants submitted to the Court the answers heretofore filed by them, And the same being deemed insufficient, and the defendants not showing cause why the Judgment nisi so rendered against them at the Fall Term, 1857, for the sum of Three Thousand Dollars, on a forfeited appearance bond, on a charge against the Defendant Charles L. Haley for Arson, It is, therefore, ordered, adjudged and decreed by the Court that said Judgment nisi be made final, and that the State of Texas do have and recover of and from the said defendants, Charles L. Haley, James W. Taylor, Thomas H. Garner and Richard Smith the said sum of Three Thousand Dollars, and all the cost of this proceeding, for which execution may issue

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61. 1500

The State of Texas } Plaintiff
of
John D. Cummins, et.al. } Defendants

And now on this day came the Distrt Attorney, N.D. McGinnis, and dis continues this suit as to the defendant Thomas Staby who has not been cited, and asks the Court to render Judgment final by default against the other Defendants for the want of an answer. And thereupon it appearing that Judgment nisi was rendered against the Defendants at the Fall Term, 1857, on a forfeited appearance bond for the sum of Three Thousand Dollars, on a change against the defendant Cummins, for arson, and said defendants being cited to appear and show cause why said Judgment nisi should not be made final, which they have severally failed to do, It is, therefore, ordered, adjudged and decreed by the Court that said Judgment nisi be made final, and that the State of Texas do have and recover off and from the defendants, John D. Cummins, Sebastian C. Shond, J. W. Taylor, Richard Smith and J. P. Border, said sum of Three Thousand Dollars and all cost of this proceeding, for which execution may issue.

64. 1520

The State of Texas } Plaintiff
of
Geo. W. Scott, et.al. } Defendants

It is ordered by the Court that the Defendants have leave to amend, and that the cause be cont'd

131. 1476

S. C. & A. J. Kimball } Plaintiffs
of
H. C. Raymond, et.al. } Defendants

On this day appeared the parties to this cause by their attorneys, and the exceptions, No 3, filed by the Defendants on the 24th June, 1859 being submitted, are sustained by the Court, and the plaintiff has leave to amend, on application. And thereupon the exceptions of the defendants to the plaintiffs amendment being also submitted, are sustained by the Court. And thereupon the plaintiff, on motion, has leave to amend

134. 1781.

L. D. Carrington & Co } Plaintiffs
of
L. Hoet, Claimant } Defendant

Continued

133. 1785.

Flannery & Richards } Plaintiffs
of
M. C. Grayson's Heirs } Defendants

And now at this day came the parties to this cause by their attorneys and announced themselves ready for trial. And thereupon B. A. Carter, Esq attorney regularly retained by the Court the marriage of one of the Defendants, to wit: Martha C. Grayson, and on motion, it is ordered that the husband of said Martha, George P. Bray,

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makes himself a party defendant in this suit in connection with the said Martha. And the exceptions of the minor defendants and their demurrers coming on to be heard, the same are overruled. And thereupon came a Jury of twelve good and lawful men of Travis County, who were tried, elected, empannelled and sworn according to law. And said Jury having heard the testimony, argument of counsel and the charge of the Court retired for deliberation, and returned into Court the following verdict, to wit: "We, the Jury, find for the plaintiff the amount of Three Hundred and Seventy-Seven 70/100 Dollars. Isaac Epperight, Foreman."

136.	1787	A. M. Cox vs A. M. Davidson	Plaintiff / Defendant	Continued by consent.
141.	1793.	C. R. Hamplin vs John C. Hamplin	Plaintiff / Defendant	Continued on the application of the Pff.
143.	1795	E. A. Bick vs T. B. Bick	Plaintiff / Defendant	It is ordered by the Court that H. G. Shelley, Esq. be appointed to represent the Defendant in this suit, who accepts said trust. And thereupon, on motion, It is ordered that the plaintiff have leave to amend her petition.
147.	1807	Edward Gonzales vs B. G. Gonzales, et als.	Plaintiff / Defendants	And now comes the clerk and on his motion It is ordered that the plaintiff enter into bond and security for the cost of this suit, ovr before the next Term of this Court.
153.	1842	M. C. Burdett vs G. H. & D. P. Burdett, Adms	Plaintiff / Defendants	It is ordered, on motion, that both parties to this suit have leave to amend their pleadings

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170.	1852	Enoch Frain vs. F. P. Saunders et al. the Plaintiff	Plaintiff / Defendants	On motion, It is ordered that this cause be continued on the application of
00	1499	The State of Texas vs. John D. Cummins, et al.	Plaintiff / Defendants	And now on this day comes the Plaintiff by the District Attorney and discontinues this suit as to the Defendant Thomas Hatz who has not been served. And said Defendants in this suit having been duly served by writ of Scire Facias to appear and show cause why the Judgment nisi rendered at the Fall Term, 1859, for the sum of Three Thousand Dollars, on a forfeited appearance bond in the charge of Burning the Office of the Adjutant General of the State of Texas, and the securities (Defendants) failing to do which they have severally failed to do, It is, therefore, ordered adjudged and decreed by the Court that said Judgment nisi be made final, and that the State of Texas do have and recover of and from the Defendants, John D. Cummins, Sebastian C. Shand, J. W. Taylor Richard Smith and John C. Border the said sum of Three Thousand Dollars and all cost of this proceeding, for which execution may issue.

And now on this day came and appeared in open the Grand Jury of Travis County, duly elected, empannelled, sworn and Charged for and during the present Term of this Court, and through their Foreman, A. Hendricks, presented the following Bills of Indictment, as follows, to wit:

1.	1295	The State of Texas vs. John T. Shanks	Plaintiff / Defendant	Forging a transfer of a Bounty Land Warrant.
1.	1296	The State of Texas vs. R. P. Brownrigg, George Hancock & A. B. McGill	Plaintiff / Defendants	Playing at a game with cards in a room attached to a Store house and commonly used for gaming.
	1297	The State of Texas vs. R. P. Brownrigg, Geo. Hancock & A. B. McGill	Plaintiff / Defendants	Playing at a game with cards in a house attached to a store house and commonly used for gaming.

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1298	The State of Texas v. Margil Flores	Plaintiff Defendant	An aggravated assault and battery on a female.
1299	The State of Texas v. A.H. Barnes	Plaintiff Defendant	Permitting a game with cards to be played in a room attached to a Store house under his control.
1300	The State of Texas v. A.H. Barnes	Plaintiff Defendant	Permitting a game with cards to be played in a house under his control.
1301	The State of Texas v. A.H. Barnes	Plaintiff Defendant	Permitting a game with cards to be played in a house under his control.
1302	The State of Texas v. A.H. Barnes	Plaintiff Defendant	Permitting a game to be played with cards in a house under his control.
1303	The State of Texas v. A.H. Barnes	Plaintiff Defendant	Permitting a game with cards to be played in a room attached to a Store house, under his control.
1304	The State of Texas v. A.H. Barnes	Plaintiff Defendant	Permitting a game with cards to be played in a room attached to a Store house, under his control.
1305	The State of Texas v. A.H. Barnes	Plaintiff Defendant	Playing at a game with cards in a room under his control.
1306	The State of Texas v. A.H. Barnes	Plaintiff Defendant	Permitting a game with cards to be played in a house under his control.
1307	The State of Texas v. A.H. Barnes	Plaintiff Defendant	Permitting a game with cards to be played in a house then and there under his control.
1308	The State of Texas v. A.H. Barnes	Plaintiff Defendant	Permitting a game with cards to be played in a house under his control.
1309	The State of Texas v. A.H. Barnes W.L. Chalmers A. Morrill M.S. Davis James Cole	Plaintiff Defendants	
1310	The State of Texas v. A.H. Barnes, A. Morrill Wm S. Chalmers M.S. Davis, & James Cole	Plaintiff Defendant	Playing at a game with cards in a room attached to a Store house and commonly used for gaming

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1311	The State of Texas v. A.H Barnes and others	Plaintiff Defendants	Playing at a game with cards in a room attached to a store house and Commonly used for gaming.
1312	The State of Texas v. A. H. Barnes, et al	Plaintiff Defendants	Playing at a game with cards in a room attached to a store house and Commonly used for gaming
1313	The State of Texas v. J. R. Jackson	Plaintiff Defendant	An aggravated Assault & Battery on Rufus M Lain.
1314	The State of Texas v. R. F. Campbell	Plaintiff Defendant.	Betting at a certain gaming bank called "Faro".
1315	The State of Texas v. R. F. Campbell	Plaintiff Defendant	Betting at a certain gaming bank called "Faro"
1316	The State of Texas v. James Hickey	Plaintiff Defendant	Theft of nine dollars and Seventy five Cents in gold and Silver Coin.
1317	The State of Texas v. M. S. Davis and L. H. Esmond	Plaintiff Defendants	Murder &c.
1318	The State of Texas v. M. S. Davis	Plaintiff Defendant	Playing at a game with cards in a room attached to a Store house & commonly used for gaming
1319	The State of Texas v. Wash Hammett	Plaintiff Defendant	Neglecting to keep in good order his road Section.
1320	The State of Texas v. Philip Golden		Neglecting for Seventy days to keep his road precinct in good order.
1321	The State of Texas v. B. W. Dean	Plaintiff Defendant	Neglecting to replace mile posts marked as the law directs
1322	The State of Texas v. James Sensing	Plaintiff Defendant	Failing for Six months to replace mile posts at the end of each mile mared as the law directs —

And said Grand Jury having suggested to the Court that there was no further business before them they were discharged

And Court adjourned till to-morrow morning 1/2 after 8 o clock

Fall Term, Thursday, 15th December, 1859

Thursday, 15th December, 1859

Court convened at 1/2 past eight o'clock pursuant to adjournment. George W. Smyth, Judge First Judicial District presiding. Whereupon the following proceedings were had by said Court as follows, To wit:

1. 111	The State of Texas vs Andrew Jackson	Plaintiff / Defendant	Continued for Jurie	
2. 132	The State of Texas vs B. R. Thompson	Plaintiff / Defendant	Continued for Jurie	
3. 143	The State of Texas vs M. Needham	Plaintiff / Defendant	Continued for Jurie	
4. 142	The State of Texas vs E. C. Travelstead	Plaintiff / Defendant	Continued for Jurie	
5. 146	The State of Texas vs	E. C. Travelstead	Continued for Jurie	
6. 152	The State of Texas vs	E. C. Travelstead	Continued for Jurie	
7. 153	The State of Texas vs	B. W. Thompson	Continued for Jurie	
8. 463	The State of Texas vs	Joseph Rodgers	Continued for Jurie	
9. 477	The State of Texas vs	J. M. Morris	Continued for Jurie	
10. 576	The State of Texas vs	Furman D. Duck	Continued for Jurie	
11. 621	The State of Texas vs	Powell Jr Lewis	Dismissed by the State by her attorney	
14.	The State of Texas vs	Wm A. Bates	Continued for Jurie	
15. 627	The State of Texas vs Charles P. Staley	Plaintiff / Defendant	An motion of the District Attorney It is ordered that the bond taken by the Sheriff of this County in the 20th April 1858, be quashed, and that Capias fine Fa for the Defendant. It is further ordered that W. A. Pruitt, Sheriff of this County be fined One Hundred Dollars, and that fine facias fine to him & appear at the next Term of this Court and Shew Cause why said fine should not be enforced for not performing his duty in taking the bond quashed in this case	
16. 632	The State of Texas vs Wm A. Bates	Plaintiff / Defendant	Continued for Jurie	
17. 635 ✓	The State of Texas vs William Jones	Plaintiff / Defendant	Ordered that the Sheriff have leave to amend the return of service on the writ issued & served on Defendant Jones in this case.	
18. 651	The State of Texas vs Alijo Abrigon.		Dismissed on motion of the District Attorney	
19. 696	The State of Texas vs R. C. White.		Dismissed on motion of the District Attorney	

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20. | 746 | The State of Texas / J. M. W. Hall | Plaintiff / Defendant | And now on this day came the parties to this cause by their attorneys and the Defendant also appeared in person. And announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County, who were duly tried, elected, empannelled and sworn. And the Defendant electing to be tried under the present law, he enters the plea of guilty. And the Jury thereupon returned into Court the following verdict, to wit: "We, the Jury, assess the fine at ten Dollars. Jno. J. Jones Foreman." Whereupon, It is ordered, adjudged and decreed by the Court that the State of Texas do have and recover of and from the Defendant, J. M. W. Hall said sum of Ten Dollars and all cost of this prosecution, and that he remain in the custody of the Sheriff until said fine and costs are paid.

21. | 764 | The State of Texas / J. M. W. Hall | Plaintiff / Defendant | And now on this day came the parties to this cause by their attorneys the Defendant appearing also in person, and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County, who were duly tried, elected, empannelled and sworn. And the defendant electing to be tried under the present law, he enters the plea of guilty. And the Jury thereupon returned into Court the following verdict, to wit: "We, the Jury, assess the fine at ten Dollars. Jno. J. Spence Foreman." Whereupon, It is ordered, adjudged and decreed by the Court that the State of Texas do have and recover of and from the Defendant, J. M. W. Hall, said sum of Ten Dollars and all cost of this prosecution, and that he remain in the custody of the Sheriff until said fine and costs are paid.

22. | 765. | The State of Texas / J. M. W. Hall | Plaintiff / Defendant | Dismissed on motion of the District Attorney

23. | 769 | The State of Texas / Sherman Case | Plaintiff / Defendant | On motion of the District Attorney It is ordered that the following named witnesses who have been subpoened be attached, and that the clerk issue attachment for such purpose, to wit; James Lansing, Jno Sims Kirchberg, Hubert Kersting and John Hook, and that the cause be continued on the application of the State. And thereupon appeared in open Court the Defendant Sherman Case, as principal, and Terrell A. Marron and Quincy Case as his securities, and acknowledged themselves jointly and severally justly to owe and be indebted unto the State of Texas in the penal sum of One Thousand Dollars, to be levied upon their respective goods and Chattels, Lands and Tenements,

Fall Term, Thursday, 15th December, 1859

But to be void if the said Sherman Case shall appear at the next term of the District Court of Travis County, to be held at the Courthouse thereof in the City of Austin, on the 9th Monday after the first Monday in April, 1860 and from Term to Term thereafter, to answer to an Indictment preferred against him, the said Case, by the Grand Jurors of Travis County at the Spring Term, 1856, for marking and Branding, in his own mark and brand certain neat Cattle, to wit: a Spotted Heifer, belonging to Jas Kinchburg without having the consent of said Kinchburg, and that he, the said Case, do not depart the Court without leave.

27	792	The State of Texas vs Sherman Case	Plaintiff / Defendant	Dismissed on motion of the Dist. Attorney
29	858	The State of Texas vs G. Bugamon		Continued for Service
30	862	The State of Texas vs Samuel Duncan		Continued for Service
31	877	The State of Texas vs John I. Sneed	Plaintiff / Defendant	And now on this day came the parties to this cause by their attorneys, and the Defendant appeared also in person. And thereupon, on motion of the Defendant, It is ordered that the Judgment granting the Indictment in this case rendered at the Spring Term, 1857, be entered nunc pro tunc, as of date June 27, 1857. Whereupon, It is ordered, adjudged and decreed by the Court that the motion to quash the Indictment in this cause be overruled, that the said Indictment be, exceptions ~~quashed~~, that the Defendant go hence discharged and that said cause be dismissed from the Docket, to all of which ruling the ~~plaintiff~~ by their said attorneys, excepted, and gave notice, in open Court, of an appeal to the Supreme Court. And thereupon appeared in open Court the said Defendant, John I. Sneed, as principal, and Silvan G. Sneed and John D. Costa as securities, and acknowledged themselves jointly and severally, justly to owe and be indebted unto The State of Texas in the penal sum of Three Hundred Dollars, to be levied upon their respective goods and Chattels, Lands and Tenements, Not to be void, if the said John I. Sneed shall appear before the Honorable District Court of Travis County to be held at the Courthouse thereof in the City of Austin on the 9th Monday after the first Monday in April, 1860, and from term to term thereafter, to answer the criminal accusation against him in this case, in the event the Judgment of the District Court be reversed.
32	878	The State of Texas vs Samuel Duncan.		Continued for Service
34	900	The State of Texas vs J. C. Evans		Continued for Service
40	911	The State of Texas vs S. H. Duncan		Continued for Service

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41. 912 The State of Texas v. J. H. Duncan. Continued for Service
42. 913 The State of Texas v. J. H. Duncan. Continued for Servic
43. 914 The State of Texas v. J. H. Duncan. Continued for Servic
44. 915 The State of Texas v. E. O. Warren. Capias ordered to Lampasas Co.
45. 916 The State of Texas v. E O Warren. Capias ordered to Lampasas Co
46. 917 The State of Texas v. E O Warren Capias ordered to Lampasas Co
47. 918 The State of Texas v. E O Warren Capias ordered to Lampasas Co
48. 919 The State of Texas v. E. O. Warren Capias ordered to Lampasas Co
49. 920 The State of Texas v. E O Warren Capias ordered to Lampasas Co
50 921 The State of Texas v. E O Warren Capias ordered to Lampasas Co
51 922 The State of Texas v. E O Warren Capias ordered to Lampasas Co.
77 955 The State of Texas v. D. C. Heffington Continued for Service
100 979 The State of Texas v. J M. Forehand Continued for service
103. 982 The State of Texas v. M. G. Gay Capias ordered to Bell Co
106 ⌋ 987 The State of Texas v Comm. Ord. Dismissed by the District Attorney.

107 ⌋ 977 The State of Texas v Thomas Bowles } Plaintiff / Defendant } And now on this day came the parties to this cause by their attorneys the Defendant appearing also in person, and announced themselves ready for trial. And thereupon came a jury of twelve good and lawful men of Bexar county, to-wit: Messrs. duly tried elected empannelled and sworn to try this cause, who after hearing the evidence and argument of counsel returned into Court the following verdict, to-wit: "We the jury find the defendant guilty and assess his fine at ten Dollars Jno. L Spence, foreman." Whereupon it is ordered by the Court that the State of Texas do have and recover of and from the Defendant Thomas Bowles said sum of Ten Dollars and all cost of this prosecution, and that said defendant remain in the custody of the Sheriff until said fine and cost are paid.

108. ⌋ 998 The State of Texas v Wm Bennett } Plaintiff / Defendant } Continued for service and Capias ordered to Bexar County. And thereupon, on motion, It is ordered that the District Attorney have leave to amend the name of the Defendant in said Indictment, by inserting the name Buck instead of William

109 ⌋ 999 The State of Texas v Wm Bennett } Plaintiff / Defendant } On motion of the District Attorney It is ordered that he have leave to amend the Indictment in this case by inserting the name Buck instead of William, in the name of the Defendant.

And Court adjourned until to-morrow morning 1/2 past 8 o'clk

Fall Term, Friday, 16th December 1859

Friday, December 16, 1859

Court convened at 1/2 past eight o'clock, A.M. pursuant to adjournment. George W. Smyth, Judge 21st Judicial Distrct presiding. Whereupon the following proceedings were had by said Court as follows, to wit:

The State of Texas } Plaintiff
John S. Thorn } Defendant

And now on this day came the Distrct Attorney, A.D. McGinnis, who prosecutes for the State in this behalf, and the said Defendant John S. Thorn being three times solemnly distinctly at the Courthouse door called, came not, but made default; And it appearing to the Court that the said Defendant John S. Thorn as principal, and Wm B. Ochiltree and Wm O'Connell and John S. Ford as his securities had executed their joint and several bond, payable unto The State of Texas in the sum of Fifteen Hundred Dollars, dated the 16th day of August, A.D. 1856, conditioned that the said Defendant John S. Thorn make his personal appearance at the Distrct Court of said County of Travis to be begun and holden at the Courthouse of said County in the City of Austin on the tenth Monday after the first Monday in October, A.D. 1856, to answer the Indictment preferred against him by the Grand Jurors of Travis County at the Spring Term, A.D. 1856, of said Distrct Court, for Forgery, and then current from day to day, and from Term to Term of said Court, and that he do not depart thence without leave of said Court; and the said Defendant John S. Thorn being three times distinctly called and required to answer said charge, came not, but wholly made default; And the District Attorney suggested to the Court the death of Wm O'Connell, his Administrator, Wilburn C. Phillips, and the said securities, also being again three times distinctly called and required to bring with them into Court the body of the said Defendant, John S. Thorn, to answer said charge, which they wholly failed to do, and the District Attorney suggested to the Court the death of Wm O'Connell, and that W.C. Phillips is his Administrator; It is, therefore, considered, ordered, adjudged and decreed by the Court that the said Bond of the said Defendant, John S. Thorn and the said Wm B. Ochiltree, Wm O'Connell and John S. Ford be and the same is hereby forfeited, and that the State of Texas do have and recover of and from them jointly and severally, the sum of Fifteen Hundred Dollars, the amount of said Bond, and that Scire Facias do issue to each of them severally returnable to the next Term of this Court, commanding them then and there to shew cause, if any they can why the Judgment should not be made final against them as aforesaid; the death of O'Connell being suggested, Scire Facias is ordered to his administrator, W.C. Phillips.

612

The State of Texas } Plaintiff
John S. Thorn } Defendant

And now on this day came the District Attorney A.D. McGinnis, who prosecutes for the State in this behalf, and the said Defendant John S. Thorn being three times distinctly called at the Courthouse door came not but made default; And it appearing to the Court that the said Defendant John S. Thorn as principal, and Wm B. Ochiltree and Wm O'Connell and John S. Ford as his securities had executed their joint and several bond, payable unto The State of Texas in the sum of Fifteen Hundred Dollars, dated the 16th day of August, A.D. 1856, and ordered that the

said Defendant John S. Thum make his personal appearance at the District Court of said County of Travis to be begun and holden at the Courthouse of said County in the City of Austin on the First to Monday after the first Monday in October A.D. 1856, to answer the Indictment preferred against him by the Grand Jurors of Travis County at the Spring Term, A.D. 1855 of said District Court for Perjury, and there remain from day to day and from time to Time of said Court and that he do not depart thence without leave of said Court. And the said Defendant John S. Thum being three times distinctly called, and required to answer said charge, often wanting a reasonable length of time came not, but wholly made default. And the District Attorney suggesting to the Court the death of Wm. O'Connell, his Sureties bond, William G. Phelps, and the other securities being again three times distinctly called, at the Courthouse door and required to bring with them into Court the body of the said Defendant John S. Thum to answer said charge which they wholly failed to do. It is, therefore, considered adjudged and Decreed by the Court that the said bond of the said Defendant John S. Thum and Wm. B. Chilton and John L. Ford and Wm. B. O'Connell be and the same is hereby forfeited, and that the State of Texas do have and recover of and from them jointly and severally the sum of Fifteen Hundred Dollars, the amount of said Bond and that Scire Facias do issue to each of them severally, returnable to the next Term of this Court, commanding them then and there to show cause, if any they can, why this Judgment should not be made final against them as aforesaid, and that Scire facias issue to W.G. Phelps surety of Wm. O'Connell.

24 1792

The State of Texas } Plaintiff
v.
Charles L. Haley } Defendant

And now on this day came the District Attorney A.D. McGinnis who prosecutes for the State in this behalf, And the said Defendant Charles L. Haley, being three times distinctly called, at the Courthouse Door came not, but made default; And it appearing to the Court that the said Defendant Charly L. Haley as Principal, and James Lathers and Richard Smith as his securities had executed their joint and several bond payable unto The State of Texas in the sum of Three Thousand Dollars, dated the 20th day of April, A.D. 1858, conditioned that the said Defendant Charles L. Haley make his personal appearance at the District Court of said County of Travis to be begun and holden at the Courthouse of said County in the City of Austin, on the 4th Monday after the first Monday in April, A.D. 1858, to answer the Indictment preferred against him by the Grand Jurors of Travis County at the Spring Term A.D. 1856, of said District Court, for Perjury in the Office of the Adjutant General, and there remain from day to day and from Time to Term of said Court, and that he do not depart thence without leave of said Court. And the

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said Defendant Charles L Haley being three times ~~solemnly~~ distinctly called at the door of the Courthouse and required to answer said charge, came not but wholly made default, And the said Securities also being again three times ~~solemnly~~ distinctly called, at the door of the Courthouse and required to bring with them into Court the body of the said Defendant Charles L. Haley, to answer said charge which they wholly failed to do. It is, therefore, considered ordered adjudged and decreed by the Court that the said Bond of the said Defendant Charles L Haley and the said James Leathers and the said Richard Smith be and the same is hereby forfeited, and that the State of Texas do have and recover off and from them jointly and severally the sum of Three Thousand Dollars, the ammount of said Bond, and that Scire Facias do issue to each of them severally returnable to the next Term of this Court, commanding them then and there to shew cause, if any they can, why this Judgment should not be made final against them as aforesaid.

24 772 — The State of Texas vs Charles L Haley et al — Plaintiff / Defendants

On motion of the District Attorney It is ordered by the Court that the Bond of the Defendant John D. Cummins and securities in this case, dated May 1, 1858 be quashed, because the same provides for the appearance of said Cummins before the Dem District Court; and that the Deputy Sheriff, Samuel Dunlap, who took said Bond, be fined One Hundred Dollars for taking such Bond, and that Scire Facias issue to him citing him to appear and shew Cause why this Judgment nisi should not be made final, and that the Cause be continued for issue on the Defendants.

25 773 — The State of Texas vs Charles L Haley et al — Plaintiff / Defendants

On motion of the District Attorney It is ordered by the Court that the Bond of the Defendant John D Cummins and securities in this case, dated May 7, 1858 be quashed because the same provides for the appearance of said Cummins before the Dem District Court, and that the Deputy Sheriff, Samuel Dunlap who took said Bond be fined One Hundred Dollars for taking such a Bond, and that Scire Facias issue to him citing him to appear and shew cause why this Judgment nisi should not be made final, and that the cause be continued for issue on the Defendants.

25 773 — The State of Texas vs Charles L. Haley — Plaintiff / Defendant

And now on this day came the District Attorney A. D. McGinnis who prosecutes for the State in this behalf; and the said Defendant, Charles L. Haley, being three times ~~solemnly~~ distinctly called, at the door of the Courthouse came not, but made default; And it appearing to the Court that the said Defendant, Charles

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C. Haley as principal, and James Leathers and Richard Smith as his Securities had executed their joint and several bond payable unto The State of Texas in the sum of Three Thousand Dollars dated the 20th Day of April A.D. 1858, conditioned that the said Defendant Charles C Haley make his personal appearance at the District Court of said County of Travis to be begun and holden at the Courthouse of said County in the City of Austin on the 4th Monday after the first Monday in April A.D 1858 to answer the Indictment preferred against him by the Grand Jurors of Travis County at the Spring Term A.D 1856 of said District Court, for Arson, and there remain from day to day and from Term to Term of said Court, and that he did not depart thence without leave of said Court, and the said Defendant Charles C Haley being three times ~~solemnly~~ distinctly called at the Courthouse door of Travis county after waiting a reasonable length of time and required to answer said charge, came not, but wholly made default; and the said securities being also again three times ~~solemnly~~ distinctly called, at the door of the Courthouse of Travis County and required to bring with them into Court the body of the said Defendant Charles C Haley, to answer said charge, which they wholly failed to do, after waiting a reasonable length of time. It is therefore, considered, ordered, adjudged and Decreed by the Court, that the said Bond of the said Defendant Charles C Haley and the said James Leathers and the said Richard Smith be and the same is hereby forfeited, and that the State of Texas do have and recover of and from them, jointly and severally the sum of Three Thousand Dollars, the amount of said Bond, and that Scire Facias do issue to each of them severally, returnable to the next Term of this Court, commanding them then and there to shew cause, if any they can, why this Judgment should not be made final against them as aforesaid.

33. 899

The State of Texas } Plaintiff
v.
Alfred Evans } Defendant

And now on this day came the District Attorney A D McGinnis who prosecutes for the State in this behalf; and the said Defendant Alfred Evans being three times ~~solemnly~~ distinctly called at the Courthouse door of Travis county came not, but made default; and it appearing to the Court that the said Defendant Alfred Evans, as principal, and George W. Johnson and Alexander Glenn, as his securities, had executed their joint and several bond, payable unto The State of Texas in the sum of Five Hundred Dollars, dated the 24th Day of November A. D. 1859, conditioned that the said Defendant Alfred Evans make his personal appearance at the District Court of said County of Travis to be begun and holden at the Courthouse of said County in the City of Austin on the 9th Monday after the 1st Monday in October, A. D. 1859, to answer

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the Indictment pufsed against him by the Grand Jury of Travis County, at the Fall Term, A. D. 1857, of said District Court, for Using and Publishing Oppro brious Language in the State Gazette towards Justin M. Gibson, and there remain from day to day and from term to Term of said Court, and that he do not depart thence without leave of said Court. And the said Defendant Alfred Evans being three times distinctly called, at the Courthouse door of Travis county, and required to answer said Charge, came not, but wholly made default. And the said securities also being three times distinctly called, at the Courthouse door of Travis county, and required to bring with them into Court the body of the said Defendant Alfred Evans to answer said charge, which they wholly failed to do, after waiting a reasonable length of time, It is, therefore, considered, ordered, adjudged and Decreed by the Court that the said Bond of the said Defendant Alfred Evans and the said Jos. W. Johnson and the said Alexander Glenn be and the same is hereby forfeited, and that the State of Texas do have and recover of and from them jointly and severally the sum of Five Hundred Dollars, the amount of said Bond, and that Scire facias do issue to each of them severally, returnable to the next Term of this Court, commanding them them and there to shew cause, if any they can, why this Judgment should not be rendered against them as aforesaid

The State of Texas vs Alfred Robinson } Plaintiff vs Defendant } And now on this day came the parties to this cause by their Attys. the Defendant appearing also in person and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County, to wit: Wm. Green Jackman and eleven others, who were duly tried, empannelled and sworn. And the Jury having heard the testimony, argument & the charge of the Court, retired and they bring into Court the following verdict, to wit: "We, the Jury find the Defts. not guilty. Wm. Green Foreman." Whereupon, It is ordered by the Court that said Defts. Alfred Robinson go hence without day, fully acquitted and Discharged. (1)

110. 1000

The State of Texas vs Ben. Haines } Plaintiff vs Defendant } Dismissed from the Docket on motion of the District Attorney

133. 1130

The State of Texas vs Wm. G Wallace } Plaintiff vs Defendant } And now on this day came the District Attorney and the Defendant appeared only in person by attorney, and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis Co. to wit:

128 1042

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D.R.D. Cheezum James Farrar, James Phillips, James Sterling, John Jones Wm Bozeth, Joseph Warren W.H. Brown, W.W. Nichols and Charles Boyce, J. Pearce, C.L. Whitehead who were duly tried, elected, empannelled and sworn. And said Jury having heard the plea of not guilty, the evidence and the Charge of the Court retired and returned into Court the following verdict to wit: "We the Jury, find the Defendant guilty and assess the fine to Twenty Dollars," D.R.D. Cheezum Foreman" Whereupon It is Ordered, adjudged and Decreed by the Court that the State of Texas do have and recover of and from said Defendant Wm G. Wallace said sum of Twenty Dollars and all cost of this prosecution, and that a Capias issue to enforce the collection of said fine and cost.

135. ✓ 1132 The State of Texas / Wm R Poag } Plaintiff / Defendant } And now on this day came the District Attorney and the Defendant only by attorney and announced themselves ready for trial. Whereupon Came a Jury of 12 good and lawful men of Travis County, to wit. J. Phillips, J. Brown, I. Epperson, J.T. Mills, J. Sterling, Wm Bozeth, L.B. Moore, Wm Gebron, John Billingsley, A.W. Nichols, W.H. Brown, I. Hancock who heard the plea of guilty & the Charge of the Court. And said Jury Whereupon returned into Court the following verdict, to wit: "We, the Jury find the Defendant guilty and assess the fine at ten Dollars, W. Gebron, Foreman" Whereupon It is ordered by the Court that the State of Texas recover of and from the Defendant William R. Poag said sum of Ten Dollars and all cost of this prosecution and that a Capias issue to Travis Co. to enforce the collection of said fine and cost.

136. ✓ 1135 The State of Texas / A. P. Caperton } Plaintiff / Defendant } Dismissed from the Docket on motion of the District Attorney

146 1168 The State v. Langley Harwig. Capias to San Saba County

148 1177 The State v. J. W. York Continued for Term

150 1189 The State v. Easton alias Haywood Continued for Term

163 ✓ 1216 The State v. Wilson et al Dismissed by the State.

165 1218 The State v. J. R St. Clair Continued for Term

And thereupon Court adjourned till to-morrow morning at ½ past 8 o'clock

Saturday 17th December 1859

Court convened at ½ past eight o'clock A.M. pursuant to adjournment. Hon. Js W. Smith, Judge First Judicial District presiding. Whereupon the following proceedings were had by said Court, as follows, To wit:

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vs. 1014 — The State of Texas vs Alfred Robinson — Plaintiff / Defendant — And now on this day came the parties to this cause by their attorneys, the Defendant also appearing in person and announced themselves ready for trial. Whereupon came a Jury of the duly good and lawful men of Travis County, to wit: Joseph Warren, James Sterling, A.W. Nichols, Owen Adkins, John H. Conner, John Jones, Wm Bozeth, James Faman, H. Dean, Wm F. Robinson, B.G. Jordan, & B.C. Stanley, who were tried elected, empannelled and sworn according to law. And said Jury having heard the plea of not guilty, the testimony, argument of counsel and the charge of the Court, retired for deliberation, and returned into Court the following verdict, to wit: "We the Jury find the Defendant guilty and assess a fine of Ten Dollars. John Jones, Foreman." Whereupon, It is ordered, adjudged and decreed by the Court that the State of Texas do have and recover of and from the Defft. Alfred Robinson, said sum of Ten Dollars and all cost of this prosecution, and that said Defendant remain in the custody of the Sheriff until said fine and costs are paid

138. 1137 — The State of Texas vs. Sam. Tate. Continued for Juries

139 1138 — The State of Texas vs. Sam Tate. Continued for Juries

140 1139 — The State of Texas vs A. Robinson — Plaintiff / Defendant — And now on this day came the parties to this cause by their attorney, the Deft. appearing also in person and announced themselves ready for trial. Whereupon came a Jury of the duly good and lawful men of Travis County, to wit: D.R.D. Chesnutt, John D Miller, J. Bohek, W.H. Brown, A. Bohn, W. Dean, W.M. Saunders, S. Brown, S.W. Dawson, H. Jordan, C.L. Nibecker and James F. Payne, who were duly tried, elected, empannelled and sworn according to law. And the jury having heard the Defendants plea of guilty, and the charge of the Court, retired for deliberation, and returned into Court the following verdict, to wit: "We the jury find the Defendant guilty, and assess the fine at Ten Dollars. L. Brown Foreman." Whereupon, It is ordered, adjudged and Decreed by the Court that the State of Texas do have and recover of and from the Defendant Alfred Robinson, said sum of Ten Dollars and all cost of this prosecution, and that he remain in the custody of the Sheriff until said fine and costs are paid.

1140 — The State of Texas vs A. Robinson — Plaintiff / Defendant — Dismissed from the Docket on motion of the District Attorney.

1239 — The State of Texas vs A. A. Maring — Plaintiff / Defendant — And now on this day came the parties to this cause by their Attorneys, the Defendant appearing also in person and announced themselves ready for trial. Whereupon came a Jury of the duly good and lawful men of Travis County to wit: Joseph Warren, T. Bohek, A. Bohn, W. H. Brown, John Jones, W. M. Saunders, S. W. Dawson, L. Brown, J. F. Payne, C. L. Nibecker, John H. Conner and H. Jordan, who being duly tried,

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elected, empannelled and sworn according to law, heard the Defts. plea of guilty, and the charge of the Court, and returned into Court the following verdict to wit: "We the Jury assess the fine against the Defendant Mamey at Twenty Five Dollars. John H. Conner Foreman" Whereupon It is ordered, adjudged and Decreed by the Court that the State of Texas do have and recover of and from the Defendant, O. H. Mamey, said sum of Twenty-Five Dollars and all cost of this prosecution, and that said Defendant remain in the custody of the Sheriff until said fine and costs are paid.

189 1240. The State of Texas } Plaintiff
O. H. Mamey } Defendant

And now on this day came the parties to this cause by their attorney the Defendant also appearing in person and announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County, to wit: Joseph Mauer, T. Barlick A. Bahn, John Jones W. H. Grumbles S. M. Dawson M. Green, L. Brown, J. S. Payne, C. L. Ketchle, John H. Conner and F. Jordan, who being duly tried, elected, empannelled and sworn according to law, heard Defendants plea of guilty and the charge of the Court, and returned into Court the following verdict, to wit: "We, the Jury assess the fine against the Defendant Mamey at Twenty Five Dollars. John H. Conner, Foreman." Whereupon, It is ordered, adjudged and decreed by the Court that the State of Texas do have and recover of and from the Defendant O. H. Mamey said sum of Twenty Five Dollars and all cost of this prosecution, and that he remain in the custody of the Sheriff until said fine and costs are paid.

190. 1241 The State of Texas } Plaintiff
O. H. Mamey } Defendant

And now on this day came the parties to this cause by their attorney, the Defendant appearing also in person, and announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County, to wit, Joseph Mauer, T. Barlick A. Bahn, John Jones W. H. Grumbles, S. M. Dawson, M. Green, L. Brown, J. S. Payne, C. L. Ketchle John H. Conner and F. Jordan, who being duly tried, elected, empannelled and sworn according to law, heard Defendants plea of guilty and the charge of the Court, and returned into Court the following verdict to wit: "We the Jury assess the fine against the Defendant Mamey at Twenty Five Dollars. John H. Conner, Foreman." Whereupon, It is ordered, adjudged and decreed by the Court that the State of Texas do have and recover of and from the Defendant O. H. Mamey, said sum of Twenty-Five Dollars and all cost of this prosecution, and that he remain in the custody of the Sheriff until said fine and costs are paid.

191. 1242 The State of Texas } Plaintiff
O. H. Mamey } Defendant

And now on this Day came the parties to this cause by their attorney, the Defendant appearing also in person, and announced themselves ready for trial. Whereupon came a jury of twelve good and

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Lawful men of Travis County, to wit: Joseph Warren, T. Bartlett, A. Bahn, John Jones, W. M. Grumbles, S. M. Dawson, W. Green, L. Brown, J. S. Payne, C. L. Ritchie, John H. Conner, & F. Jordan, who were duly tried, elected, empannelled and sworn according to law. And the Jury having heard the plea of guilty and the charge of the Court, returned into Court the following verdict, to wit: "We the Jury, assess the fine against the Defendant Mahoney at Twenty-Five Dollars. John H. Conner, Foreman." Whereupon It is ordered, adjudged and Decreed by the Court that the State of Texas do have and recover off and from the Defendant O.H. Mahoney said sum of Twenty-Five Dollars and all cost of this prosecution, and that he remain in the custody of the Sheriff until said fine and costs are paid.

142. 1243. The State of Texas v. O.H. Mahoney. Dismissed as to the Defendant Mahoney.

193. 1244. The State of Texas v. Frank Cotton et al. Plaintiff / Defendant. And now on this day came the parties to this cause by their attorney the Defendant Frank Cotton appearing in person, and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County, to wit. Joseph Warren, T. Bartlett, A. Bahn, John Jones, W. M. Grumbles, S. M. Dawson, W. Green, L. Brown, J. S. Payne, C. L. Ritchie, John H. Conner and F. Jordan who being duly tried, elected, empannelled and sworn according to law heard the Defendants plea of guilty and the charge of the Court and returned into Court the following verdict, to wit. "We, the jury, assess the fine against the Defd. Frank Cotton at Twenty-Five Dollars. John H. Conner Foreman." Whereupon, It is ordered adjudged and Decreed by the Court that the State of Texas do have and recover off and from the Defendant Frank Cotton said sum of Twenty-Five Dollars and all cost of this prosecution, and that he remain in the custody of the Sheriff until said fine and costs are paid.

194. 1245. The State of Texas v. Frank Cotton, et al. Plaintiff / Defendant. And now on this day came the parties to this cause by their attorney, the Defendant Frank Cotton appearing also in person, and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County, to wit, Joseph Warren, T. Bartlett, A. Bahn, John Jones, W. M. Grumbles, S. M. Dawson, W. Green, L. Brown, J. S. Payne, C. L. Ritchie, John H. Conner and F. Jordan, who being duly tried, elected, empannelled and sworn heard Defendants plea of guilty and the charge of the Court. And said Jury returned into Court the following verdict, to wit: "We, the Jury, assess the fine against the Defd. Frank Cotton at Twenty-Five Dollars. John H. Conner, Foreman." Whereupon It is ordered, adjudged and decreed by the Court that the State of Texas do have and recover off and from the Defendant, Frank Cotton, said sum of Twenty-Five Dollars and all cost of this prosecution, and that he remain in the custody of the Sheriff until said fine and costs are paid.

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195. 1246

The State of Texas } Plaintiff
o
Frank Cotton, et al } Defendant

And now on this day came the parties to this cause by their attorneys, the Defendant Frank Cotton appearing, also in person, and announced themselves ready for trial. Whereupon came a Jury of twelve good & lawful men of Travis County, to wit: Joseph Warren, T. Babick, A. Baker, John Innis, W. M. Gramblin, S. W. Damon, W. Green, L. Brown, J. S. Payne, C. L. Mitchell, J. H. Conner and F. Jordan, who were tried, elected, empannelled and sworn according to law. And the Jury having heard the ~~testimony~~ plea of guilty and the charge of the Court, brought into Court the following verdict, to wit: "We, the Jury, assess the fine against the Defd. Frank Cotton at Twenty-Five Dollars. John H. Conner, Foreman." Whereupon, It is ordered, adjudged and decreed by the Court that the State of Texas do have and recover of and from the Defendant Frank Cotton, said sum of Twenty-Five Dollars and all cost of this prosecution, and that he remain in the custody of the Sheriff until said fine and cost are paid.

196. 1247.

The State of Texas } Plaintiff
o
Frank Cotton } Defendant

And now on this day came the plaintiff and defd. Frank Cotton by their attys to this cause, the Defendant, Frank Cotton appearing also in person, and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County, to wit: Joseph Warren, T. Babick, A. Baker, John Innis, W. M. Gramblin, S. W. Damon, W. Green, L. Brown, J. S. Payne, C. L. Mitchell, J. H. Conner and F. Jordan, who were tried, elected, empannelled and sworn according to law. And the Jury having heard the plea of guilty and the charge of the Court, returned the following verdict, to wit: "We, the Jury, assess the fine against the Defendant Frank Cotton at Twenty-Five Dollars. John H. Conner, Foreman." Whereupon It is ordered adjudged and decreed by the Court that the State of Texas do have and recover of and from the Defendant, Frank Cotton, said sum of twenty-five Dollars and all cost of this prosecution, and that he remain in the custody of the Sheriff until said fine and cost are paid.

197. 1248

The State of Texas } Plaintiff
o
Frank Cotton et al } Defendants

Dismissed as to the Defendant Frank Cotton only

198. 1249

The State of Texas } Plaintiff
o
Frank Cotton et al } Defendants

Dismissed as to the Defendant Frank Cotton only

199. 1250

The State of Texas } Plaintiff
o
Thos. Bowles } Defendant

And now on this day came the parties to this cause by their attorneys the Defendant

Fall Term, Saturday, 19th December, 1857.

appearing also in person and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County, to wit: Joseph Warren, T. Bartlett, A. Baker, John Jones, W. M. Grumbles, S. W. Dawson, W. Green, L. Rhine, J. S. Payne, C. L. Ritchie, J. H. Conner and F. Jordan, who were duly tried, elected, empannelled and sworn according to law. And the Jury having heard the plea of guilty and the charge of the Court returned into Court the following verdict, to wit: "We, the Jury, upon the fine against the Defendant at Ten Dollars. John H. Conner, Foreman." Whereupon, It is ordered, adjudged and Decreed by the Court that the State of Texas do have and recover off and from the Defendant, Thomas Bowles said sum of Ten Dollars and all cost of this prosecution, and that he remain in the custody of the Sheriff until said fine and cost are paid.

200. 1251

The State of Texas vs Thomas Bowles } Plaintiff / Defendant } And now on this day came the parties to this cause by their attorney the Defendant also appearing in person, and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County, to wit: Joseph Warren, T. Bartlett, A. Baker, John Jones, W. M. Grumbles, S. W. Dawson, W. Green, L. Rhine, J. S. Payne, C. L. Ritchie, John H. Conner and F. Jordan who were tried, elected, empannelled and sworn according to law. And the Jury having heard the plea of guilty and the charge of the Court returned into Court the following verdict, to wit: "We, the Jury, upon the fine against the Defendant at Ten Dollars. John H. Conner, Foreman." Whereupon, It is ordered, adjudged and Decreed by the Court that the State of Texas do have and recover off and from the Defendant, Thomas Bowles said sum of Ten Dollars and all cost of this prosecution, and that he remain in the custody of the Sheriff until said fine and cost are paid.

200 1252

The State of Texas vs Thomas Bowles } Plaintiff / Defendant } And now on this day came the parties to this cause by their attorney the Defendant also appearing in person, and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County, to wit: Joseph Warren, T. Bartlett, A. Baker, John Jones, W. M. Grumbles, S. W. Dawson, W. Green, L. Rhine, J. S. Payne, C. L. Ritchie, J. H. Conner and F. Jordan, who were duly tried, elected, empannelled and sworn according to law. And the Jury having heard the plea of guilty and the charge of the Court returned into Court the following verdict, to wit: "We, the Jury, upon the fine against the Defendant at Ten Dollars. John H. Conner, Foreman." Whereupon, It is ordered, adjudged and decreed by the Court that the State of Texas do have and recover off and from the Defendant, Thomas Bowles, said sum of Ten Dollars and all cost of this prosecution, and that he remain in the custody of the Sheriff until said fine and cost are paid.

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202. 1253 — The State of Texas / vs / Thomas Bowles — Plaintiff / Defendant — Dismissed from the Docket on motion of the District Attorney

203. 1204 — The State of Texas / vs / Thomas Bowles — Plaintiff / Defendant — Dismissed from the Docket on motion of the District Attorney

161. 1210 — The State of Texas / vs / C Krohn — Plaintiff / Defendant — And now on this day came the State by the District Attorney and the Defendant in person and also by attorney and announced themselves Ready for trial. And thereupon came a jury of twelve good and lawful men of Travis County to wit. F Jordan, Joseph Warren Wilson Irion, A Bates, S. W. Damon, James S Payne, Isaac Epperson, James Farrar, C F Simmons, John S Spence, W. M. Brock and J A Walker who were duly tried elected empannelled and sworn according to law. And the Jury having heard the evidence in the case, the Argument of the Counsel and the charge of the Court, retired for Deliberation, and returned into Court the following verdict, to wit: "We the Jury find the Defendant not guilty" Jno. S Spence Foreman" Whereupon it is ordered, adjudged and decreed by the Court that the Defendant, Charles Krohn, go hence without day fully acquitted and Discharged.

And Court adjourned until Monday Morning 1/2 past 8 o'clock

Monday Dec 19th 1859

Court convened at 1/2 past eight o'clock A M pursuant to adjournment. Ginge W. Smyth, Judge First Judicial District presiding. Whereupon the following proceedings were had by said Court, as follows to wit:

131. 1122 — The State of Texas / vs / Thomas P Ochiltree — Plaintiff / Defendant — And now on this day came the parties to this cause by attorney the Defendant being present both by his attorney R. T. Brownrigg Esq and announced themselves ready for trial. Whereupon came a jury of twelve Good and lawful men of Travis County, to wit: J. W. Thompson James Sterling, F Jordan, S. Bobbett, James Farrar, Wm Bozeth, T. S. Bell W. J Robinson, J. T. Brown, J. S. Miller, James Shelton and D F Jordan who were duly tried, elected, empannelled and sworn according to law. And said Jury having heard the Defendants plea of guilty and the charge of the Court, rendered the following verdict to wit, "We the jury assess the fine against the Defendant at ten Dollars. J. W. Thompson Foreman" Whereupon it is ordered, adjudged and Decreed by the Court that the State of Texas recover of and from said Defendant, Thomas P. Ochiltree, said

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sum of Ten Dollars and all cost of this prosecution, and that a Capias
132. 1123 issue to enforce the collection of said fine and cost
The State of Texas v. Thos. P. Ochiltree. Prosecution Dismissed by the District Attorney

The State of Texas } Plaintiff
v
J. H. Robertson } Defendant

And now comes the District Attorney and moves the Court, as ordered, that because the defendant in
this case hath, heretofore appealed to the Supreme Court, and the Judgment
rendered herein at a former Term hath been affirmed by said Court
and said Defendant further to appear and abide the Decision of the
Supreme Court. It is ordered that a Capias issue to commit the Defendant
until the fine and cost are paid.

The State of Texas } Plaintiff
v
Mahney & Freeman } Defendants

And now on this day comes the
State by the District Attorney and
the Defendant Freeman in person
and also by attorney, and announced themselves ready for trial.
Whereupon came a Jury of twelve good and lawful men of Travis
County, to wit: Joseph Warren, James Fleming, F. Jordan, T. Patrick, James
Phillips, James Fanan, Wm. Bogett, T. S. C. Beck, Wm. P. Robinson, John D.
Miller, B. G. Goodrich and John H. Comm, who were duly tried, elected,
empanelled and sworn according to law. And the Jury having heard the
plea that guilty the testimony and the charge of the Court returned
the following verdict, to wit: "We, the Jury, find the Defendant guilty
and assess the fine @ $25 John D. Miller, Foreman"
Whereupon it is ordered by the Court that the State of Texas do
have and recover of and from said Defendant Wallace Freeman said
sum of Twenty-Five Dollars and all cost of this prosecution, and
that he remain in the custody of the Sheriff until said fine & costs paid.

The State of Texas } Plaintiff
v
Mahney & Freeman } Defendants

And now on this day came the
State by the District Attorney and
the Defendant Freeman in person
and announced themselves ready for trial. Whereupon came a Jury
of twelve good and lawful men of Travis County, to wit: J. T. Brown
James A. Payne, Wm. H. Bunn, Isaac Pilsbright, A. Bates, B. F. Brown-
ing, J. W. Thompson, Owen Adkins, L. Brown, L. D. Moore, John S.
Spivey, C. L. Nichols, who were duly tried, elected, empanelled and
sworn according to law. And the Jury having heard the plea of guilty and
the charge of the Court, returned the following verdict, to wit: "We, the Jury,
assess the fine against the Defendant, Freeman at Twenty Five Dollars
Jno. S. Spivey, Foreman." Whereupon it is ordered and adjudged and decreed by the Court
that the State of Texas do have and recover of and from the Defd. Wallis Freeman
said sum of Twenty-Five Dollars and all cost of this prosecution and that he remain
in the custody of the Sheriff until said fine and cost are paid.

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190 | 1241 The State of Texas / Plaintiff
vs
Manning & Freeman / Defendant
And now at this day came the State by the District Attorney and the Defendant Freeman in person and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County, to wit. J. L. Munford, Payne, W. H. Brown, D. Oppenheimer, A. Bates, B. L. Brenneman, J. W. Thompson, C. Adkins, L. Brown, L. B. Morris, John L. Sinn and C. L. Nichols, who were duly tried, elected, empannelled and sworn according to law. And the Jury having heard the plea of guilty and the Charge of the Court returned the following verdict, to wit: "We the Jury find the fine against the Defendant Freeman at twenty-five Dollars. Jno. L. Spence, Foreman." Whereupon It is ordered by the Court that the State of Texas do have and recover of and from the Defendant Wells Freeman said sum of Twenty-five Dollars and all cost of this prosecution, and that he remain in the custody of the Sheriff until said fine and costs be paid

191 | 1242 The State of Texas v. Wells Freeman. Prosecution Dismissed as to Freeman by the District Attorney.

192 | 1243 The State of Texas v. Wells Freeman Prosecution Dismissed by the District Attorney

214 | 1265 The State of Texas / Plaintiff
vs
Thomas P. Ochiltree / Defendant
And now at this day came the State by the District Attorney, and the Defendant by his Attorney R. T. Brownrigg, Esq. and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County, to wit. J. W. Thompson, James Sterling, F. Jordan, T. Bostick, James Tannar, Wm. Bogdt, T. D. C. Beck, M. T. Robinson, J. T. Brown, J. T. Miller James Phillips and D. J. Goodrich, who were duly tried, elected, empannelled and sworn according to law. And the Jury having heard the plea of guilty and the Charge of the Court returned into Court the following verdict, to wit: "We the Jury, find the fine against the Defendant at Ten Dollars. J. W. Thompson, Foreman." Whereupon, It is ordered by the Court that the State of Texas do have and recover of and from the Defendant Thomas P. Ochiltree, said sum of Ten Dollars and all cost of this prosecution, and that a Capias issue to enforce the collection of said fine and cost

215 | 1266 The State of Texas / Plaintiff
vs
Thomas P. Ochiltree / Defendant
And now at this day came the State by the District Attorney and the Defendant appeared by his Attorney, R. T. Brownrigg, Esq., and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County, to wit. J. W. Thompson, James Sterling, F. Jordan, T. Bostick, James Tannar, Wm. Bogdt, T. D. C. Beck, M. T. Robinson, J. T. Brown, J. T. Miller, James Phillips and D. J. Goodrich, who were duly tried, elected, empannelled and sworn according to law. And the Jury having heard the plea of guilty and the

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charge of the Court, returned the following verdict, to wit: "We, the Jury, of the Jurors against the Defendant at Ten Dollars. J. M. Thompson, Foreman." Whereupon, It is ordered by the Court that the State of Texas have and recover of and from the Defendant, Thomas P. Ochiltree, said sum of Ten Dollars and all cost of this prosecution, and that a Capias issue to enforce the collection of the fine and cost aforesaid.

216 ↓ 1267

The State of Texas } Plaintiff
vs
Thomas P. Ochiltree } Defendant

And now at this day comes the Defendant by attorney and submits to the Court his motion to quash the Indictment in this case. And the said motion being duly considered It is ordered that the same be sustained; that the Indictment be quashed that the Defendant go hence without day and that the cause be dismissed from the Docket

271 ↓ 1272

The State of Texas } Plaintiff
vs
F. W. Grand } Defendant

And now at this day comes the State by the District Attorney; and the Defendant appears and by his Attorney Flanning & Carter, and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Fannin County, to wit: J. M. Thompson, James Shirley, F. Jordan, T. Boteler, James Fanan, Wm. Bozeth, T. C. Beck, W. F. Robinson, J. S. Brown, John S. Miller, James Phillips and R. G. Goodrich, who were duly tried, elected, empannelled and sworn according to law. And the Jury having heard the plea of guilty and the charge of the Court returned the following verdict, to wit: "We, the Jury, of the fine against the Defendant at Ten Dollars. J. M. Thompson, Foreman." Whereupon It is ordered by the Court that the State of Texas recover of and from the Defendant, F. W. Grand said sum of Ten Dollars and all cost of this prosecution, and that a Capias issue to enforce the collection of said fine and cost

237 ↓ 1288

The State of Texas } Plaintiff
vs
Willis Freeman } Defendant

And on this day came the District Attorney and Defendant discharged from the Docket on motion of the District Attorney and Defendant discharged to serve punishment in the Penitentiary.

245 ↓ 1296

The State of Texas } Plaintiff
vs
R. T. Bonnifield et al } Defendants

And now on this day came the State by the District Atty and the Defendant Bonnifield in person and announced themselves Ready for trial. Whereupon came a Jury of 12 good & lawful men of Fannin Co. to wit: J. Warren, J. Shirley, F. Jordan, T. Boteler, J. Phillips, J. Fanan, Wm. Bozeth, T. C. Beck, W. F. Robinson, J. S. Brown, J. S. Miller & R. G. Goodrich, who were duly elected, empannelled & sworn according to law. And the Jury having heard the plea of guilty and the charge of the Court returned into Court the following verdict, to wit: "We the Jury, of the fine against the Defendant Bonnifield at Ten Dollars. F. Jordan, Foreman." Whereupon It is ordered by the Court that the State of Texas recover of and from the Defendant R. T. Bonnifield said sum of Ten Dollars and all cost of this prosecution, & that he remain in the custody of the Sheriff until said fine and cost are paid.

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246 ↓ 1297 The State of Texas } Plaintiff
R. T. Bonnegg, et al } Defendants } Dismissed by the District Attorney as to the Defendant Bonnegg, and said Defendant discharged

166 ↓ 1217 The State of Texas } Plaintiff
Sherman Cass } Defendant } And now on this day came the State by the District Attorney the Defendant appearing in person and also by attorney and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County, to wit: Joseph Warren, James Shirley, H Jadwin, S. Babcock, J. Tannar, D. C. Dick, W. T. Robinson, B. G. Goodrich, J. S. Rogers, W. H. Brown, S. Albright & A. Baker, who were tried, elected empannelled and sworn according to law. And the jury having heard the plea of not guilty, the testimony introduced by the parties, the argument of the Counsel and the charge of the Court, returned into Court the following verdict to wit: "We, the Jury find the Defendant not guilty. S. Babcock, Foreman." Whereupon it is ordered by the Court that the said Defendant Sherman Cass be hence without day fully acquitted and discharged, and that the cause be dismissed from the Docket

And Court adjourned till to-morrow Morning 1/2 past 8 o'clock

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Court convened at 1/2 past eight o'clock A.M. pursuant to adjournment. Geo. M. Smyth, Judge First Judicial District presiding. Whereupon the following proceedings were had by said Court, as follows to wit:

28. ↓ 795 The State of Texas } Plaintiff
vs
Geo Robinson } Defendant } The trial in this case was had on the 16th inst. and, at which time the parties appeared by their attorneys and announced themselves ready for trial. And thereupon came a Jury of twelve good and lawful men of Travis County, to wit: Charles Payne and eleven others who were tried elected empannelled and sworn according to law. And the Jury having heard the plea of not guilty, the evidence, argument of counsel and the charge of the Court, retired and brought into Court the following verdict, to wit: "We, the Jury, find the Defendant not guilty. Chas. Payne, Foreman." Whereupon, It is ordered by the Court that the Defendant go hence without day fully acquitted and discharged, and that the case be dismissed

104 ↓ 983. The State of Texas } Plaintiff
vs
Jay. Brown & Hambly } Defendants } On motion of the District Attorney It is ordered that an attachment issue, on behalf of the

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State, for the arrest of Wm A. Townsley for failing to obey a Subpoena. It is further ordered, on motion, that the case be dismissed as to the Defdt. Gay, and ordered that said Gay go hence discharged from said Indictment. Ordered further that the case be continued on the application of the District Attorney, and that Capias issue to Guadalupe County for the ~~Defendant~~ Wamsley

111. 1011 The State of Texas } Plaintiff
v
The Andrew Court } Defendant

An motion of the District Attorney It is ordered, that because the Judgment in this case hath been affirmed in the Supreme Court, that a Capias issue against the Defendant to enforce the collection of the fine and cost.

146. 1168 The State of Texas } Plaintiff
v
Longley & Cannif } Defendant

And now on this day came the State by the District Attorney; and thereupon it being shown to the Court that Thomas Milligan, Sheriff of Mason County, hath wilfully refused to execute a Capias in this case in his hands against the Defendant, J. Cannif, dated 8. Day of October, 1859, It is therefore ordered by the Court that said Milligan be fined One Hundred Dollars, and that Scire Facias issue to him to appear at the next Term of this Court to shew cause why this Judgment nisi shall not be made final.

176 1227 The State of Texas v. Thos. M. Evans. Continued for Service
177. 1228 The State of Texas v. Thos. M. Evans Continued for Service
178. 1229 The State of Texas v. Thos. M. Evans Continued for Service
179. 1230 The State of Texas v. Thos. M. Evans. Continued for Service
180. 1231 The State of Texas v. Thos. M. Evans Continued for Service
181. 1232 The State of Texas v. Thos. M. Evans Continued for Service
182. 1233 The State of Texas v. Thos. M. Evans Continued for Service
183. 1234 The State of Texas v. Thos. M. Evans Continued for Service
184 1235 The State of Texas v. Wm. C. Leggett Continued for Service
185 1236 The State of Texas v. Jacob Bullion Continued for Service
193. 1244 The State of Texas v. F. & B. Cotton Continued for Service on Bond Cotton
194. 1245 The State of Texas v. F. & B. Cotton Continued for Service on Bond Cotton
195 1246 The State of Texas v. F. & B. Cotton Continued for Service on Bond Cotton
196 1247 The State of Texas v. F. & B. Cotton Continued for Service on Bond Cotton
197 1248 The State of Texas v. F. & B. Cotton Continued for Service on Bond Cotton
198. 1249 The State of Texas v. F. & B. Cotton Continued for Service on Bond Cotton
204 1255 The State of Texas v. Sandin & Sligall. Continued for Service Capias ordered to Harris Co. for Sligall & to Rusk Co. for Sandin
205 1256 The State v. Sandin & Sligall. Cont'd for Service and Capias ordered to Harris Co. for Sligall & to Rusk for Sandin
206 1257 The State v. Sandin & Sligall. Co. for Service & Capias ordered to Harris Co. for Sligall & to Rusk for Sandin
207 1258 The State v. Sandin & Sligall. Co. for Service & Capias ordered to Harris Co. for Sligall & to Rusk for Sandin
208 1259 The State v. Sandin & Sligall. Co. for Service & Capias ordered to Harris Co. for Sligall & to Rusk for Sandin

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209 1260 The State v. Jardin & Sligatt. Con. for Davis and Capias issued to Harris Co. for Sligatt & to Cass Co. for Davis

210 1261 The State v. O'Neal & Duffield. Continued for Term

211 1262 The State of Texas } Plaintiff
v.
Terry O'Neal } Defendant

It appearing to the Court that the witness for the State in this case Dan. Hines has been duly subpoened and he has failed to appear, It is ordered that an attachment issue for him, and that he be fined Fifty Dollars and that Scire Facias issue to him returnable to the next Term of this Court, commanding him to appear and show cause why this Judgment nisi should not be made final.

212 1263 The State of Texas } Plaintiff
v.
W. D. Covington } Defendant

It appearing to the Court that the witness for the State in this case, Dan. Hines, has been duly subpoened and has failed to appear, It is ordered that an Attachment issue for him, and that he be fined Fifty Dollars, and that Scire Facias issue to him returnable to the next Term of this Court, commanding him to appear and show cause why this Judgment nisi should not be made final.

213 1264 The State of Texas } Plaintiff
v.
Wm. B. Covington } Defendant

It appearing to the Court that the witness for the State in this case Dan Hines, has been duly subpoened and he fails to appear, It is ordered that an attachment issue for him, and that he be fined Fifty Dollars, and that Scire Facias issue to him returnable to the next Term of this Court commanding him to appear and show cause why this Judgment should not be made final.

217 1268. The State of Texas } Plaintiff
v.
R. H. Crumby } Defendant
L. H. Eckett, who has been subpoened on behalf of the State

On motion of the District Attorney It is ordered that an attachment issue in this case for the witness

218 1269 The State of Texas } Plaintiff
v.
R. H. Crumby } Defendant
who has been subpoened on behalf of the State

On motion of the District Attorney It is ordered that an attachment issue in this case for the witness L. H. Eckett

168 1219 The State of Texas } Plaintiff
1219 v.
E. B. Smith } Defendant

And now on this day came the State by the District Attorney the Defendant appearing by his attorney John Hancock, Esq., and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of this County to wit: L. B. Moore, John S. Spencer, J. T. Miller, A. Bahn, T. S. C. Buck, James Phillips, Wilson Jones, T. Barrick, D. R. D. Chessum, F. Judson, Wm. Bozeth and J. W. Hampton,

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who were tried, elected, empanneled and sworn according to law. And the Jury having heard the Defendants plea of not guilty, the testimony and the charge of the Court, retired for deliberation, and returned into Court the following verdict, to wit "We the jury, find the Defendant, E. B. Smith, guilty, and asses the fine at Fifty Dollars. Jno. S. Shenes, Foreman." Whereupon, It is ordered by the Court that the State of Texas do have and recover of and from said Defendant E B Smith, said sum of Fifty Dollars, and all cost of this prosecution, and that xxxx a Capias issue to enforce the collection of the fine and cost

Reg. 1220

The State of Texas } Plaintiff
vs.
E B Smith } Defendant

And now on this day came the State by the District Attorney the Defendant appearing by his attorney John Hancock, Esq., and announced themselves ready for trial. Whereupon came a Jury of twelve Good and lawful men of Travis County, to wit: John S. Shenes, F. Jordan, J. S. Payne, James Phillips, Isaac Ehright, A. Bahn, L. B. Mare, Joseph Warren, T. Bartek, C. L. Mitchell, James Sterling & Owen Adkins, who were duly tried, elected empanneled and sworn according to law. And the Jury having heard Defendants plea of guilty & the Charge of the Court, returned the following verdict, to wit: "We, the Jury, assess the fine against the Defendant at Fifty Dollars. Jno. S. Shenes, Foreman." Whereupon, It is ordered by the Court that the State of Texas do have and recover of and from the Defendant E B Smith said sum of Fifty Dollars, and all cost of this prosecution, and that a Capias issue to enforce the collection of the fine and cost aforesaid.

170. 1221

The State of Texas } Plaintiff
vs.
E. B. Smith } Defendant

And now on this day came the State by the District Attorney the Defendant appearing by his attorney John Hancock Esq and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County, to wit: John S. Shenes, F. Jordan, J. S. Payne, James Phillips, Isaac Ehright, A. Bahn, L. B. Mare, Joseph Warren, T. Bartek, C. L. Mitchell, James Sterling and O. Adkins, who were duly tried, elected empanneled and sworn according to law. And the jury having heard the plea of guilty and the charge of the Court returned the following verdict to wit: "We the jury, assess the fine against the Defendant at Fifty Dollars, Jno. S. Shenes, Foreman." Whereupon, It is ordered that the State of Texas do have and recover of and from the Defendant E. B. Smith said sum of Fifty Dollars and all cost of this prosecution, and that a Capias issue to enforce the collection of said fine and costs.

Reg. 1222

The State of Texas } Plaintiff
vs.
E. B. Smith } Defendant

And now on this day came the State by the District Attorney the Defendant appearing by his attorney, John Hancock Esq, and announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County, to wit, John S. Shenes, F. Jordan, J. S. Payne, James Phillips, Isaac Ehright, A. Bahn, L. B. Mare, Joseph Warren, T. Bartek, C. L. Mitchell, James Sterling and O. Adkins, who were tried, elected, empanneled and sworn according

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To Law. And the Jury having heard the Defendants plea of guilty and the charge of the Court returned the following verdict to wit. "We the Jury, assess the fine against the Defendant at Fifty Dollars. Jno. S. Spence, Foreman." Whereupon it is ordered by the Court that the State of Texas recover of and from the Defendant E. B. Smith said sum of Fifty Dollars and all cost of this prosecution, and that a capias issue to enforce the collection of said fine and cost

172 | 1223 The State v. E. B. Smith. Prosecution Dismissed by the State and the Defft. discharged

173 | 1224 The State v. E. B. Smith. Prosecution Dismissed by the State and the Defft. discharged

174 1225 The State v. E. B. Smith Prosecution Dismissed by the State and the Defft. discharged

175 | 1226 The State v. E. B. Smith. Prosecution Dismissed by the State and the Defft. Discharged

186. | 1237 The State of Texas } Plaintiff / Jno Thomas } Defendant — On motion of the District Attorney it is ordered that an attachment issue for the arrest Samuel T. Forte, who has been duly subpoened on behalf of the State, and has failed to be in attendance

219 | 1270 The State of Texas } Plaintiff / Wm J. Morton } Defendant — And now on this day came the State by the District Attorney the Defendant appearing by his attorney John Howard Esq. and announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Rain County to wit: John S. Spence, T. Jordan, J. S. Payne, James Phillips, Isaac Epley sr, A. Bahn, E. B. Moore, Joseph Warren, T. Patrick, C. L. Mitchell, James Shirley, Owen Adkins, who were duly tried, elected, empannelled and sworn according to law. And the Jury having heard Defendant's plea of guilty and the charge of the Court returned, by the Court the following verdict, to wit: "We, the Jury, assess the fine at the dollars against the Defendant Wm J. Morton. Jno S. Spence, Foreman." Whereupon it is ordered by the Court that the State of Texas recover of and from the Defendant William J. Morton said sum of Ten Dollars and all cost of this prosecution, and that a Capias issue to enforce the Collection of said fine and cost

220 | 1271 The State of Texas } Plaintiff / Wm J. Morton } Defendant — And now on this day appeared the State by the District Attorney and the Defendant by his Attorney Howard and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Rain County to wit: D. D. Chazum, D. G. Goodrich, W. F. Robinson, B. F. Cunningham, Wm Bozath, C. L. C. Beck, Milton Green, L. Fellman, John Imm, John T. Mills, James Harris and John H. Crum, who were tried, elected, empannelled and sworn according to law. And the Jury having heard the plea of guilty and the charge of the Court returned the following verdict to wit: "We the Jury assess the fine against the Defendant at Ten Dollars. John H. Crum,

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Foreman." Whereupon, It is ordered that the State of Texas do have and recover off and from the Defendant William J. Martin said sum of Ten Dollars and all cost of this prosecution, and that a Capias issue to enforce the collection of said fine and cost.

222 1273 The State of Texas } Plaintiff
v
D. N. Coat } Defendant

And now on this day came the State by the District Attorney and the Defendant appeared by his Attorney James C. Freeman Esq, and announced themselves Ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County, to wit: L. B. Moore, J. L. Spence, J. T. Brown, D. R. D. Cheezum, Isaac Eppright, B. F. Brunnemer, C. L. Nitschke, J. S. Payne, A. Bahn, L. Brown, J. W. Thompson and B. G. Goodrich who were tried, elected, empannelled and sworn according to law. And the Jury having heard the plea of guilty and the charge of the Court returned the following verdict to wit: "We, the Jury, assess the fine against the Defendant at Ten Dollars. Jno. L. Spence, Foreman." Whereupon, It is ordered by the Court that the State of Texas do have and recover off and from the Defendant, D. N. Coat, said sum of Ten Dollars and all cost of this prosecution, and that the Defendant remain in the custody of the Sheriff until said fine and cost are paid.

1274 The State of Texas } Plaintiff
v
Alfred Robinson } Defendant

And now on this day came the State by the District Attorney and the Defendant appeared in person and also by attorney and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County, to wit: L. B. Moore, J. L. Spence, J. T. Brown, D. R. D. Cheezum, I. Eppright, B. F. Brunnemer, C. L. Nitschke, J. S. Payne, A. Bahn, L. Brown, J. W. Thompson and B. G. Goodrich who were tried, elected, empannelled and sworn according to law. And the Jury having heard the Defts. plea of guilty and the charge of the Court returned the following verdict to wit. "We the Jury, assess the fine against the Defendant at Ten Dollars. Jno. L. Spence, Foreman." Whereupon, It is ordered by the Court that the State of Texas do have and recover off and from the Defendant Alfred Robinson and sum of Ten Dollars and all cost of this prosecution, and that he remain in the custody of the Sheriff until said fine and cost are paid

1275 The State of Texas } Plaintiff
v
Charles Damard } Defendant } Continued for Term

1276 The State of Texas v. A. M. C. Hick Continued for Term

1278 The State of Texas } Plaintiff
v.
Sam. Judson } Defendant

On motion, It is ordered that an attachment issue in this case for the witness Ben Heiss who has been subpoened on behalf of the State, and that the case be continued

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228	1279	The State of Texas vs James Sardin	Plaintiff Defendant	Continued for Service
229	1280	The State of Texas vs Sardin & Stegall	Plaintiff Defendant	Continued for Jurie, and Capias issued to Harris Co. for Stegall and to Shack for Sardin
230	1281	The State of Texas vs Henry & Wells	Plaintiff Defendant	Continued for Jurie and Capias ordered to Jurie and Bexar Counties
231	1282	The State of Texas vs Henry & Wells	Plaintiff Defendant	Continued for Jurie and Capias ordered to Bexar and Jurie Counties
232	1283	The State of Texas vs Henry & Wells	Plaintiff Defendant	Continued for Jurie and Capias ordered to Bexar and Jurie Counties
233	1284	The State of Texas vs Nate Y Cavard	Plaintiff Defendant	It is ordered on motion that an attachment issue for the witness W. M. Ford and W. D. Covington who have been subpoened on behalf of the State in this cause and failed to attend and that each of said witness be fined Fifty Dollars each, and that Scire Facias issue to them returnable to the next Term of this Court, commanding them and each of them to appear, to show cause why this Judgment should not be made final and cause and on application of the State.
234	1285	The State of Texas vs Jacob Wilhains	Plaintiff Defendant	It is ordered on motion that an attachment issue in this case for the witness, W. M. Ford and W. D. Covington who have been subpoened on behalf of the State and have failed to attend
235	1286	The State of Texas vs A. M. & Heck	Plaintiff Defendant	Continued for Jurie
238	1289	The State of Texas vs	Thomas M. Evans	Continued for Jurie
239	1290	The State of Texas vs	Jesse Duffield	Continued for Jurie
240	1291	The State of Texas vs	Jesse Duffield	Continued for Jurie
262	1313	The State of Texas vs James R. Jackson	Plaintiff Defendant	And now on this day came and appeared in open Court the Def. James R. Jackson in person,

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and John H Cancock Joseph Lee and E. G. Jones as his securities, and acknowledged themselves jointly and severally justly to owe and be indebted unto The State of Texas in the penal sum of One Thousand Dollars to be levied upon their respective Goods and Chattels Lands and Tenements. But to be void if the said James L Jackson should remain in attendance on the District Court of Travis County now in session, and there remain from day to day and from Term to Term of said Court to answer the Indictment preferred against him by the Grand Jurors of Travis County ~~xxx in session~~ at the Fall Term of the District Court of Travis County, 1859, for the aggravated Assault and Battery upon the body of One Rufus M Lain, and that he do not depart the Court without leave.

266 1317

The State of Texas } Plaintiff
vs
Morris J. Davis } Defendant

} An motion of the District Atty. It is ordered that the Defendant Davis be required to enter into Recognizance in this case in the sum of Five Thousand Dollars to secure his appearance to answer to the Indictment in this cause. And the Defendant counsel excepts to the ruling of the Court Whereupon appeared in open Court the Defendant Morris J. Davis, as principal, and Edward D. Smith and Alexander H Barnes as his securities, and acknowledged themselves jointly and severally justly to owe and be indebted unto The State of Texas in the penal sum of Five Thousand Dollars, to be levied upon their respective Goods and Chattels, Lands and Tenements, But to be void if the said Davis shall appear at the present Term of the District Court of Travis County now in session and there remain from day to day and from Term to Term of said Court to answer to the Indictment preferred against him by the Grand Jurors of Travis County at the Fall Term of the District Court of said County 1859, for the Murder of One Henry W. Jodell, and that he do not depart the Court without leave. And thereupon appeared in Open Court William P. DeNormandie, John T. Alexander, William C. Phillips, Henry Vogt, D. C. D. Cheezum, Edward Fennin and A. Evans, and each acknowledged himself justly to owe and be indebted unto The State of Texas in the sum of Five Hundred Dollars, each to be levied upon their Goods and Chattels, Lands and Tenements, But to be void if the said witness shall appear at the present Term of the District Court of Travis County, now in session, and there remain from day to day and from Term to Term to testify on behalf of the State in the above entitled and numbered cause, and that they do not depart the Court without leave, each acknowledged himself in the sum of Five Hundred Dollars for his own appearance, ~~only~~ not

And thereupon Court adjourned until Tomorrow Thursday morning 9 past 8 o'clock

Wednesday Thursday, 22d Dec. 1859

Court convened at 9 past eight o'clock, A.M. pursuant to adjournment. George M Paschal, Judge First Judicial District presiding. Whereupon the following proceedings were had by said Court as follows, To wit:

Fall Term Wednesday 22d Oct. 1859

107. 1298 — The State of Texas vs. Robt F. Campbell — Plaintiff / Defendant — And now at this day came the State by the Distrct Attorney, and the Defendant appeared by his attorney, the Anderson, Esq, and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County, to wit: J. W. Thompson, James Sterling, A. Bakin, L. Brown, I. Cartright, William Bozeth, D. G. Goodrich, Wm F. Robinson, John Jones, Wilson Green, James Phillips, & James Farrar, who were tried, elected, empannelled and sworn according to law. And the said Jury having heard the plea of guilty, the testimony and the charge of the Court, retired for Deliberation and returned into Court the following Verdict, to wit: "We, the Jury, do find the Defendant at Ten Dollars. Jas. Farrar, Foreman." Whereupon it is Ordered that the State of Texas do have and recover of and from the Defendant Robert F. Campbell, said sum of Ten Dollars and all costs of this prosecution.

227. 1278 — The State of Texas vs. Sam. Jordan — Plaintiff / Defendant — And now on this day came the State by the Distrct Attorney, and the Defendant appeared by his Attorneys, The Andersons, L. G. Judd & Thomas Judd and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County, to wit: J. W. Thompson, James Sterling, A. Bakin, L. Brown, Isaac Cartright, Wm Bozeth, D. G. Goodrich, Wm F. Robinson, John Jones, Wilson Green, James Phillips & James Farrar, who were tried, elected, empannelled and sworn according to law, And the Jury having heard Defendant's plea of guilty and the charge of the Court returned the following Verdict, to wit: "We, the Jury, do find the fine against the Defendant at Ten Dollars. Jas. Farrar, Foreman." Whereupon, It is ordered by the Court that the State of Texas do have and recover of and from said Defendant, Samuel Jordan said sum of Ten Dollars and all cost of this prosecution.

263. 1314 — The State of Texas vs. Robert F. Campbell — Plaintiff / Defendant — And now on this day came the State by the District Attorney, and the Defendant appeared by his Attorney. the Anderson Esq, and announced themselves ready for trial. Whereupon came a Jury of twelve Good and Lawful men of Travis County, to wit: J. W. Thompson, James Sterling, A. Bakin, L. Brown, Isaac Cartright, Wm Bozeth, D. G. Goodrich, Wm F. Robinson, John Jones, Wilson Green, James Phillips, & James Farrar, who were tried, elected, empannelled and sworn according to law. And the Jury having heard Defendant's plea of guilty and the charge of the Court returned the following verdict, to wit: "We, the Jury, do find the fine against the Defendant at Ten Dollars. Jas. Farrar, Foreman." Whereupon it is ordered by the Court that the State of Texas recover of and from the Defendant Robert F. Campbell said sum of Ten Dollars and all cost of this prosecution.

Fall Term, Wednesday 22d December 1859

15. 627

The State of Texas } Plaintiff
vs
Charles L Haley } Defendant

And now on this day appeared in open Court the Defendant Charles L Haley as principal, and R. O. Lusk, Wm A. Burns and R. O. Cowherd as his securities, and acknowledged themselves jointly and severally justly to owe and be indebted unto The State of Texas in the penal sum of Five Thousand Dollars, to be levied upon their respective Goods and Chattels, Lands and Tenements, But to be void if the said Charles L Haley shall appear at the next Term of the District Court of Travis County, to be held at the Courthouse thereof in the City of Austin on the Ninth Monday after the First Monday in April, 1860 and from Term to Term thereafter, and from day to day of each Term, to answer the Indictment preferred against him the said Haley by the Grand Jurors of Travis County at the Spring Term of the District Court of said County, 1855, for Forgery, and that he do not depart the Court without leave.

74. 772

The State of Texas } Plaintiff
vs
John D. Cummins, et al. } Defendant

And now on this day came and appeared in open Court the Defendant Charles L. Haley, as principal, and R. O. Lusk, R. O. Cowherd and Wm M. Burns as his securities and acknowledged themselves jointly and severally, justly to owe and be indebted unto the State of Texas in the penal sum of Five Thousand Dollars, to be levied upon their respective Goods and Chattels, Lands and Tenements, But to be void if the said Charles L Haley shall appear at the next Term of the District Court of Travis County, to be held at the Courthouse thereof in the City of Austin on the 9th Monday after the First Monday in April 1860 and from Term to Term thereafter and from day to day of each Term, to answer the Indictment preferred against him the said Charles L Haley by the Grand Jurors of Travis County at the Spring Term of the District Court of said County, 1856, for, the Offence of arson in a degree not capital, Burning the Office of the Adjutant General of the State of Texas, and that he do not depart the Court without leave.

24. 772

The State of Texas } Plaintiff
vs
John D. Cummins, et al. } Defendant

And now on this day came and appeared in open Court the Defendant Charles John D. Cummins, as principal, and R. O. Cowherd as his securities, and acknowledged themselves jointly and severally justly to owe and be indebted unto The State of Texas in the sum of Three Thousand Dollars, to be levied upon their respective Goods and Chattels, Lands and Tenements, But to be void if the said John D. Cummins shall appear at the next Term of the District Court of Travis County, to be held at the Courthouse thereof in the City of Austin on the 9th Monday after the first Monday in April, 1860, and from Term to Term thereafter, and from day to day of each Term, to answer the Indictment preferred against him the said John D. Cummins by the Grand Jurors of Travis County at the Spring Term of the District Court of said County, 1856, for, the Offence of arson in a degree not capital, Burning the Office of the Adjutant General of the State of Texas,

Fall Term, Wednesday, 22d Dec. 1859

and that he do not depart the Court without leave.

25. 773 — The State of Texas vs John D. Cummins, et al. — Plaintiff / Defendant — And now on this day came and appeared in open Court the Deft. Charles L. Haley, as principal and Wm A. Timms as his securities, and acknowledged themselves jointly and severally, justly to owe and be indebted unto The State of Texas in the penal sum of Three Thousand Dollars, to be levied upon their respective Goods and Chattels, Lands and Tenements, But to be void if the said Charles L. Haley shall appear at the next Term of the District Court of Travis County to be held at the Courthouse thereof in the City of Austin on the ninth Monday after the First Monday in April, 1860, and from Term to Term thereafter, and from day to day of each Term, to answer the Indictment preferred against him, the said Haley by the Grand Jurors of Travis County, at the Spring Term of the District Court of said County 1856, for Arson, and that he do not depart the Court without leave.

127.

25 ✓ 773 — The State of Texas vs John D. Cummins, et al. — Plaintiff / Defendants — And now on this day came and appeared in open Court the Defendant John D. Cummins as principal, and R. O. Lynch, R. O. Cowherd and W. K. Elliott as his securities, and acknowledged themselves jointly and severally, justly to owe and be indebted unto The State of Texas in the penal sum of Three Thousand Dollars, to be levied upon their respective Goods and Chattels, Lands and Tenements, But to be void if the said John D. Cummins shall appear at the next Term of the District Court of Travis County, to be held at the Courthouse thereof in the City of Austin on the Ninth Monday after the first Monday in April, 1860, and from Term to Term thereafter, and from day to day of each Term, to answer the Indictment preferred against him the said Cummins, by the Grand Jurors of Travis County, at the Spring Term of the District Court of said County, 1856, for Arson, and that he do not depart the Court without leave.

✓ 26 ✓ 788 — The State of Texas vs J. M. W. Hall — Plaintiff / Defendant — On motion of the District Attorney It is ordered that this prosecution be dismissed and that the Defendant be discharged

126½ ✓ 1038 ✓ — The State of Texas vs D. C. Heffington — Plaintiff / Defendant — This case being called for trial, the Defendant D. C. Heffington failing to appear, and answer to the Indictment John D. Nash, being distinctly called in this case, he and his security, at the Door of the Courthouse of Travis County; and the Defendant, after a reasonable length of time, still failed to appear; And it appearing to the Court that the Defendant D. C. Heffington with the said John D. Nash as his

127 ✓

security, did execute the Bail Bond on file in this case substantially as follows: Dated 20th day of May gal Term to the 4th Day of Term in the sum of One Hundred Dollars, conditioned that the said Defendant D. C. Heffington make his personal appearance at the District Court of said County of Travis on the First Monday in December, A.D. 1859 to answer the Indictment preferred against the said Defendant Heffington by the Grand Jurors of Travis County at the Spring Term, A. D. 1858, for Permitting a Game with Cards to be played in his house for Retailing Spirituous Liquors occupied and kept by him in said County of Travis, and then remain from day to day and from Term to Term of said Court, and that he to answer said accusation, Which Bond is forfeited. And it is considered by the Court that the State of Texas do have and recover of the said D. C. Heffington the said sum of One Hundred Dollars, and of his said Security the sum of One Hundred Dollars and that this Judgment will be made final unless good cause be shown at the next Term of this Court why the said Defendant Heffington did not appear. And further Ordered that Citation do issue to the said security

127 1040

The State of Texas } Plaintiff
vs
Wm G Wallace et al } Defendant

This cause being called for trial, the Defendant Wm G. Wallace failing to appear and abide the Judgment of the Supreme Court in this cause, on appeal, he and his securities W. G. Rowan Dec and Wm M. Fowler being distinctly called at the Door of the Courthouse of Travis County, and the Defendant, after a reasonable length of time, still failed to appear, And it appearing to the Court that the Defendant William G. Wallace, with the said W. G. Rowan Dec and Wm M. Fowler as his securities, did enter into Recognizance in open Court on the 12th day of January, 1859, in the sum of One Hundred Dollars, payable unto The State of Texas, conditioned that the said Defendant William G. Wallace make his personal appearance at the District Court of said County of Travis at the Ninth Monday after the First Monday in April, 1859, and from Term to Term thereafter to abide the decision of the Supreme Court in the above entitled cause, from the Judgment in which case the Defendant had heretofore appealed, Which said Bond Recognizance is forfeited, And it is considered by the Court that the State of Texas do have and recover of the said William G. Wallace the said sum of One Hundred Dollars, and of his said securities the sum of One Hundred Dollars, and that this Judgment will be made final unless good cause be shown at the next Term of this Court why the said Defendant Wallace did not appear. And further ordered that citations do issue to the said securities

127 1040

The State of Texas } Plaintiff
vs
W. G. Wallace et al } Defendant

This cause being called for trial, the Defendant D. C. Heffington failing to appear and answer to the Indictment in this cause, he and his security John D. Nash being distinctly called at the Door of the Courthouse of Travis County, and the Defendant after a reasonable length of time, still failed to appear; and it appearing to the Court that the Defendant D. C. Heffington with the said John

Fall Term Wednesday 22d Dec 1859

D. Nash as his security, did execute the Bail Bond in the case substantially as follows. Dated 20th day of August, A.D. 1859 payable unto The State of Texas in the sum of One Hundred Dollars conditioned that the said Defendant D. C. Heffington make his personal appearance at the District Court of said County of Travis on the First Monday in December, A.D. 1859 to answer the Indictment preferred against the said Defendant Heffington by the Grand Jurors of Travis County at the Spring Term A.D. 1858, for Permitting a Game with Cards to be played in his house for Retailing Spirituous Liquors and occupied and kept by him in the said County of Travis, and there remain from day to day and from Term to Term of said Court, to answer said accusation, Which said Bond is forfeited And it is Considered by the Court that the State of Texas do have and recover of the said D. C. Heffington the said sum of One Hundred Dollars and of his said Security the sum of One Hundred Dollars and that this Judgment will be made final unless good cause be shown at the next Term of this Court why the said Defendant D. C. Heffington did not appear. And further Ordered that citation do issue to the said security.

128 1042 The State of Texas } Plaintiff
v
Wallace & Heffington } Defendants

This cause being called for trial, the Defendant, D. C. Heffington, failing to appear and answer to the Indictment in this case, he and his security John D. Nash being distinctly called at the Door of the Courthouse of Travis County; and the Defendant after a reasonable length of time, still failed to appear; and it appearing to the Court that the Defendant, D. C. Heffington with the said John D. Nash as his security, did execute the Bail Bond in file in this case substantially as follows: Dated 20th day of August, 1859, conditioned that the said Defendant D. C. Heffington make his personal appearance at the District Court of said County of Travis on the First Monday in December, 1859, to answer the Indictment preferred against the said Defendant D. C. Heffington by the Grand Jurors of Travis County at the Spring Term A.D. 1858, for Permitting a Gaming Bank called Monte to be exhibited in his house for the purpose of Gaming, said house being occupied and kept by him for the purpose of retailing Spirituous Liquors, and there remain from day to day and from Term to Term of said Court, and that he do not depart thence without leave of said Court. Which said Bond is forfeited. And it is considered by the Court that the State of Texas do have and recover of the said D. C. Heffington the said sum of One Hundred Dollars and of his said security the sum of One Hundred Dollars, and that this Judgment will be made final unless good Cause be shown at the next Term of this Court why the said Defendant D. C. Heffington did not appear. And further ordered that citation do issue to the said security

Fall Term Wednesday 22d December 1859.

129 v 1043

The State of Texas } Plaintiff
vs
Wallace & Heffington } Defendants

This cause being called the Defendant Wallace failed to appear and to abide the decision of the Supreme Court in this case, he and his securities H. J. Kennedee and Wm M. Fowler being distinctly called at the Door of the Courthouse of Travis County; and the Defendant after a reasonable length of time, still failed to appear; And it appearing to the Court that the Defendant Wm G Wallace with the said H. J. Kennedee and Wm M. Fowler as his securities did enter into Recognizance in open Court, on the 12th Day of January A.D. 1859 payable unto The State of Texas in the Sum of One Hundred Dollars, conditioned that the said Defendant Wm G Wallace, make his personal appearance at the District Court of said County of Travis on the First Monday after the First Monday in April, 1859, and there remain from day to day and from Term to Term of said Court, and to abide the Decision of the Supreme Court in the above cause, from the Judgment rendered in said Cause the said Wallace had appealed, Which said Recognizance is forfeited, And it is considered by the Court that the State of Texas do have and recover of the said Wm G Wallace the said sum of One Hundred Dollars and of his said securities the sum of One Hundred Dollars, and that this Judgment will be made final unless good cause be shown at the next Term of this Court why the said Defendant Wm G Wallace did not appear. And further ordered that Citation do issue to the said securities

129 v 1043

The State of Texas } Plaintiff
vs
Wallace & Heffington } Defendants

This cause being called for trial, the Defendant D. C. Heffington failing to appear and answer to the Indictment in this case, he and his security John D. Nash being distinctly called at the Door of the Courthouse of Travis County; and the Defendant after a reasonable length of time still failed to appear; And it appearing to the Court that the Defendant D. C. Heffington with the said John D Nash as his security, did execute the Bail Bond in file in this case, solidarily as follows: Dated the 20th day of August, A.D. 1859 payable unto The State of Texas in the Sum of One Hundred Dollars conditioned that the said Defendant D. C. Heffington make his personal appearance at the District Court of said County of Travis on the First Monday in December 1859 to answer the Indictment pursued against the said Defendant D. C. Heffington by the Grand Jurors of Travis County at the Spring Term, A.D. 1858, for Permitting a Game with Cards to be played in his House for the Retail of Spirituous Liquors in said County of Travis and there remain from day to day and from Term to Term of said Court, to answer said accusation, Which said Bond is forfeited, And it is considered by the Court that the State of Texas do have and recover of the said D. C. Heffington the said sum of One Hundred Dollars and of his said security the sum of One Hundred Dollars, and that this Judgment will be made final, unless good cause be shown at the next Term of this Court why the said Defendant D. C. Heffington did not appear and further ordered that Citation do issue to the said security.

Fall Term, Wednesday 22d December 1859

145. 1166 The State of Texas vs Wallace & Heffington } Plaintiff & Defendants } On motion of the District Attorney it is ordered by the Court that this cause be dismissed as to the Defs. Wallace, and that the Defts. Wallace be discharged

145. 1166 The State of Texas vs Wallace & Heffington } Plaintiff & Defendants } This cause being called for trial the Defendant D. C. Heffington failing to appear and answer to the Indictment in this case, he and his security John D. Nash being duly called at the Door of the Courthouse of Travis County, and the Defendant, after a reasonable length of time, still failed to appear, And it appearing to the Court that the Defendant D. C. Heffington, with the said John D. Nash as his security, did execute the Bail Bond on file in this case substantially as follows Dated 20th day of August 1859, payable unto The State of Texas in the sum of One Hundred Dollars conditioned that the said Defendant D. C. Heffington make his personal appearance at the District Court of said County of Travis on the First Monday in December, 1859 to answer the Indictment preferred against the said Defendant D. C. Heffington by the Grand Jurors of Travis County at the Spring Term A.D. 1859, for Permitting the Game of Pool to be played in his House in Travis County, said house being occupied and kept by said Heffington, and there remain from day to day and from Term to Term of said Court, and that he do not depart thence without leave of said Court, Which said Bond is forfeited. And it is considered by the Court that the State of Texas do have and recover of the said D. C. Heffington the said sum of One Hundred Dollars and of his said security the sum of One Hundred Dollars, and that this judgment will be made final unless good cause be shown at the next Term of this Court why the said Defendant D. C. Heffington did not appear. And further ordered that Citation do issue to the said security.

147. 1176 The State of Texas vs L. M. Gilliam } Plaintiff & Defendant } This cause being called for trial the Defendant failing to appear and answer to the Indictment in this cause, he and his securities, Jas. E. Love, A. Haton and C. Deen being duly called at the Door of the Courthouse of Travis County, and the Defendant, after a reasonable length of time, still failed to appear; and it appearing to the Court that the Defendant L. M. Gilliam, with the said Jas. E. Love, A. Haton and C. Deen as his securities, did execute the Bail Bond on file in this case substantially as follows: Dated 30th day of August, A.D. 1859 payable unto The State of Texas in the sum of Five Hundred Dollars conditioned that the said Defendant, L. M. Gilliam make his personal appearance once at the District Court of said County of Travis on the 9th Monday after the first Monday in October 1859 to answer the Indictment preferred against him the said Defendant L. M. Gilliam by the Grand Jurors of Travis County at the Spring Term, A. D. 1858, for Gaming

Fall Term, Friday 2nd Day, 23rd December 1859

and that he remain from day to day and from term to term of said Court and that he do not depart thence without leave of said Court. Which said Bond is forfeited. And it is considered by the Court that the State of Texas do have and recover of the said L. M. Gilliam the said sum of Five Hundred Dollars and of his said securities the sum of Five Hundred Dollars, and that this judgment will be made final unless good cause be shown at the next Term of this Court why the said Defendant L. M. Gilliam did not appear. And further ordered that Citations do issue to the said securities.

And thereupon Court adjourned until 24 Morn Morning at ½ past 8 o'clock

Friday 23rd December 1859

Court convened at ½ past eight o'clock, A. M. pursuant to adjournment. George W. Smyth, Judge First Judicial District presiding. Whereupon the following proceedings were had by said Court as follows, To Wit:

Reg. 1188

The State of Texas } Plaintiff
v
Joseph W. Immbles } Defendant

This cause being called the Defendant Immbles failing to appear and abide the decision of the Supreme Court, he and his securities J. M. Stevens and A. D. Blocker being distinctly called at the Door of the Court House of Travis County, and the Defendant after a reasonable length of time still failed to appear; And it appearing to the Court that the Defendant Joseph W. Immbles with the said J. M. Stevens and A. D. Blocker as his securities, did ~~enter into~~ execute the Recognizance in open Court in this case, substantially as follows, to wit: On the 7th day of January 1859, payable unto The State of Texas in the sum of Two Hundred Dollars conditioned that the said Defendant Joseph W. Immbles make his personal appearance at the District Court of said County of Travis on the Tenth Monday after the First Monday in April 1859, and from Term to Term thereafter to abide the decision of the Supreme Court in the above entitled cause from the judgment in which case the said Defendant had appealed, and that he do not depart the Court without leave. Which said Recognizance is forfeited. And it is considered by the Court that the State of Texas do have and recover of the said Joseph W. Immbles the said sum of Two Hundred Dollars and of his said securities the sum of Two Hundred Dollars, and that this judgment will be made final unless good cause be shown at the next Term of this Court why the said Defendant Joseph W. Immbles did not appear. And further ordered that Citations do issue to the said securities.

157 ↓1190

The State of Texas } Plaintiff.
v
Edward Matter, alias } Defendant
Dutch John

This cause being called the Defendant Matter failing to appear and abide the decision of the Supreme Court, he and his securities, Andrew J. Hamilton and Henry W. Judkins being distinctly called at the Door of the Courthouse of

Fall Term, Friday, 23rd December, 1859

Travis County, and the Defendant, after a reasonable length of time still failed to appear; And it appearing to the Court that the Defendant Samuel Master alias Dutch John with the said Andrew J. Hamilton and Henry M. Tablet as his securities, did enter into Recognizance in open Court substantially as follows: On the 13th day of January, 1859, payable unto The State of Texas in the sum of Two Hundred Dollars, conditioned that the said Defendant Samuel Master alias Dutch John make his personal appearance at the District Court of said County of Travis on the 4th Monday after the First Monday in April, 1859 and from Term to Term thereafter, to abide the Decision of the Supreme Court in the above entitled cause from the Judgment in said cause said Defendant had appealed, Which said Recognizance is forfeited. And it is considered by the Court that the State of Texas do have and recover of the said Samuel Master alias Dutch John the said sum of Two Hundred Dollars and of his said securities the sum of Two Hundred Dollars, and that this Judgment will be made final unless good cause be shown at the next Term of this Court why the said Defendant Samuel Master, alias Dutch John, did not appear. And further Ordered that Citations do issue to the said securities. and the heirs of Tablet being reported dead that Citation issue to Jane Tablet, his Legal Representative.

166. 1167

The State of Texas } Plaintiff
vs
D. C. Heffington } Defendant

This cause being called for trial, the Defendant D. C. Heffington failing to appear and answer to the Indictment in this case, he and his security John D. Nash, being duly called at the Door of the Courthouse of Travis County, and the Defendant after a reasonable length of time still failed to appear; And it appearing to the Court that the Defendant D. C. Heffington with the said John D. Nash as his security, did execute the Bail Bond on file in this case substantially as follows: Dated 20th day of August, 1859, payable unto The State of Texas in the sum of One Hundred Dollars, conditioned that the said Defendant D. C. Heffington make his personal appearance at the District Court of said County of Travis on the First Monday in December, 1859, to answer the Indictment preferred against the said Defendant D. C. Heffington, by the Grand Jurors of Travis County at the Spring Term, A.D. 1858, for Playing at a Game of Cards at a House for the Retail of Spirituous Liquors, in said County of Travis, and then remain from day to day and from Term to Term of said Court, to answer said accusation, Which said Bond is forfeited. And it is considered by the Court that the State of Texas do have and recover of the said D. C. Heffington the said sum of One Hundred Dollars, and of his said security the sum of One Hundred Dollars, and that this Judgment will be made final unless good cause be shown at the next Term of this Court why the said Defendant D. C. Heffington, did not appear. And further Ordered that Citation do issue to the said Security.

Fall Term, Friday, 23rd December A.D. 1859.

30. 1079

Asa Casey } Plaintiff
of
Joseph Pimbarth } Defendant

And now at this Term came the parties to this cause by their attorneys, and the Defendant submitted to the Court his motion heretofore filed in this case to change the Venue of said cause. And the same being duly considered, It is ordered that the Venue of said cause be changed to the County of Comal and that the clerk remit the papers in the case, together with a certified copy of all the proceedings had and of the Bill of Cost to the clerk of said Court on or before the first day of the next Term thereof

31. 1080

Asa Casey } Plaintiff
of
Joseph Dyches } Defendant

And now at this Term came the parties to this cause by their attorneys, and the Defendant submitted to the Court his motion heretofore filed in this cause to change the Venue of said cause. And the same being duly considered, It is ordered that the Venue of said cause be changed to the County of Comal and that the Clerk remit the papers in the case, together with a certified copy of all the proceedings and of the Bill of Cost to the clerk of said Court on or before the first day of the next Term thereof.

32. 1081

The State of Texas } Plaintiff
of
Elisha Allen } Defendant

And now at this Term came the parties to this cause by their attorneys, and the Defendant submitted to the Court his motion heretofore filed in this case to change the Venue of said cause. And the same being duly considered, It is ordered that the Venue of said cause be changed to the County of Comal and that the Clerk remit the papers in the cause, together with a certified copy of all the proceedings and of the Bill of Cost to the clerk of said Court on or before the first day of the next Term thereof.

33. 1082

Asa Casey } Plaintiff
of
Charles Campbell } Defendant

And now at this Term of the Court came the parties to this cause by their attorneys, and the Defendant submitted to the Court his motion heretofore filed in this case to change the Venue of said cause. And thereupon the same being duly considered, It is ordered that the Venue of said cause be changed to the County of Comal and that the Clerk remit the papers in the cause together with a certified copy of all the proceedings and of the Bill of Cost to the clerk of said Court on or before the first day of the next Term thereof.

49. 1845

Phineas Debardeleben } Plaintiff
of
John Scott, et. als. } Defendants

In this case appeared the Defendants and Intervenors, and the Plaintiff being called came not, It is therefore ordered, adjudged and decreed by the Court that this cause be and the same is hereby dismissed for the want of prosecution; that the plaintiff, Phineas Debardeleben take nothing by this his suit; and the Defendants John Scott, Morgan Scott, Jacob Highsoft, W. Barbott, W. Allen, John Jennings and C. L. Graves, and the Intervenors, L. D. Hill, Sarah Hill, David O. Owen, Jane M. Jennings, Harrison Jennings, Martin Jennings and J. N. Stewart go hence

Fall Term, Friday, 23rd December, 1859

without day. It is further ordered, adjudged and Decreed by the Court that the Defendants and Intervenors do have and recover off and from the Plaintiff Phineas Debordra all the cost of this suit, for which execution may issue, and case dismissed also as to the Intervenors and ordered that said Intervenors pay the cost of said Intervention in this suit.

50. 1846 — Phineas Debordra, Plaintiff; vs; A. D. Shear et.al, Defendants — In this case appeared the Defendants and Intervenors by their attorneys, and announced themselves ready for trial. And the Plaintiff being called came not but made default. It is therefore ordered, adjudged and decreed by the Court that this cause be and the same is hereby dismissed for the want of prosecution; that the Plaintiff Phineas Debordra take nothing by this his suit; that the Defendants Abner D. Shear, John Barton, John Malone, C. C. Malone, J. W. Tanner, A. J. Deal, James Hill, Charles C. Cavanaugh, and the Intervenor William C. Jennings go hence without day. It is further ordered, adjudged and Decreed by the Court that the Defendants and Intervenors do have and recover off and from the Plaintiff Phineas Debordra all the cost of this suit, for which execution may issue and case dismissed as to the Intervenors and ordered that they pay the cost of said Intervention

68. 560 — L. T. Price, Plaintiff; vs; W. Short, Defendant — And now at this Term came the parties for the Plaintiff and having suggested to the Court the death of the Defendant, stated that Wm. M. Short, of Fayette County is the Executor of said Michael Short, and on his bin It is ordered that Scire Facias issue to said Executor. Ordered, further, that the Plaintiff have leave to amend making Thomas Simpson a party Defendant, and that Citatia issue to Fayette County for said Simpson.

70. 1054 — A. Jordan, Plaintiff; vs; J. C. Hill, et.als, Defendants — The Defendants were allowed leave to amend in this cause on the 20th instant, and file their amendment on said Day, and the Order for such purpose is here inserted.

85. 1176 — John T. Miller, Plaintiff; vs; Thos. P. Chapman Timm, Pettingly & Walton, Defendant Garnishees — And now at this Day came the parties Plaintiff and Defendant by attorney and the Intervenor Chapman by attorney And because of the discharge of Chapman in Bankruptcy, heard and determined, It is the opinion of the Court that the effects in the hands of the Garnishees are not subject to the garnishment, and that the right of same passed to the Trustee in Bankruptcy, to be administered under the Statute. It is also adjudged that the Sale of the Land to Mavill did not pass to him the amount contracted by Timm to be paid for the Rent of the premises to Chapman. But

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because the Emmons are not parties, and this is a proceeding in Garnishment without evidence of Debt or fraud, It is ordered adjudged and decreed, that the plaintiff take nothing, and the suit be dismissed at his cost. And it is also ordered that the Intervention be dismissed at Chapmans cost; but said dismissals are to be without prejudice to the rights of the said plaintiff and of Chapman to institute proceedings for the apportionment of their rights to the assets in the hands of the Garnishee under his contract for rent, or to prejudice any right of Chapman as against Emmons or any other person not a party to this proceeding.

J. P. McArthur, etals. } Plaintiffs
vs
Elizabeth Henry etals. } Defendants

9x. 1708

On motion of plaintiffs counsel It is ordered that C. L. West, Esq. be appointed Guardian ad litem to represent the interests of the minor children of Elizabeth Henry, in this suit. And thereupon appeared the respective parties to this cause by their Attorneys, and on motion of said parties It is ordered by the Court that Robert Cruzbaur and James R. Pace be appointed Surveyors to survey the premises in dispute in this case, and that said parties furnish said Surveyors with the necessary data to enable them to proceed with said Survey, and that said Survey or make report of their proceedings up to the next Term of this Court; Said Surveyors are directed to give the parties, or their Attorneys five days notice of the time of making said survey, and that the cause be continued.

P. H. Bell } Plaintiff
vs
P. Rommel } Defendant

132. 1778

And now at this Term came the parties to this cause by their Attorneys and submitted this case to the Court, by agreement, and said parties agreed to waive a Jury. And the Court having duly considered the matters presented in the case, Doth adjudge that It is therefore ordered, adjudged and decreed that that the said P. Rommel, the party who brought this case to this Court by Certiorari, take nothing in this behalf; that the Plaintiff, P. H. Bell, do have and recover of and from the said P. Rommel and the securities on his Certiorari Bond, to wit: S. H. Samuel H. Morgan and Andrew C. Horne, Jr. the sum of Eighty-One & 37/100 Dollars, that being the amount of the Judgment rendered by A. J. Brown by J. Graves J. P. and Garnishee being indebted to the said Brown in a sufficient amount to satisfy the said Judgment and the cost and interest thereon from 5th Feby 1839 Rommel in the Abbeville State Court. And because the Judgment of this Court is for the same amount as that rendered by the Abbeville State Justice of the Peace J. J. Graves, on the 5th February, 1839, It is ordered that said P. H. Bell do recover of the said Rommel and the said securities the sum of Eight Dollars and Ten Cents, by way of Damages, and the sum of Fifteen Dollars, the amount of the cost in said Abbeville Court, together with all cost of this Court, for all which execution may issue

Flannery & Robards } Plaintiffs
vs
The Heirs of Grayson } Defendants

35. 1785

V

Be it Remembered that on the 13th instant this cause having come on for trial, the same being

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submitted on the pleading and proof to a Jury of twelve good & lawful men of Travis County, they rendered a verdict in favor of plaintiffs for the sum of Three Hundred and Seventy Seven & 75/100 Dollars. And it appearing to the Satisfaction of the Court from the pleadings and proof adduced and from agreement of the parties, that all the property which the Defendants have subject to execution in the State of Texas is a League and Labor of Land in Burnet County originally granted to Joseph L. Abbs Assignee of John H. Darby, and the undivided half of a League and Labor of Land in Llano County originally granted to Samuel Craft, there being minors Defendants in this suit represented alone by their guardians ad litem. And the Court being satisfied that if said property were subjected to forced sale, the whole of it might be sacrificed to satisfy said judgment and costs. And the plaintiffs herein having expressed a willingness to hold only one half of said Land subject to the payment of said judgment and costs, upon condition that the Court do order and decree a Sale of a specified portion of said land contained in one body And the plaintiffs having agreed upon these conditions to stay execution upon said Judgment for the Term of six months from the date thereof; And the Court being satisfied that it would be for the benefit of said minors, that a Sale of said Land should be had in only one County, all parties consenting thereto. It is therefore, ordered, adjudged and Decreed that if at the expiration of six months from the 13th instant said judgment and costs is not fully paid off and satisfied, the Clerk of this Court is hereby authorized and directed to issue an order of Sale to the Sheriff of Burnet County directing him to proceed and sell for cash, as under ordinary execution sales, the following described tract of land to wit: Three Fourths of the League and Labor of Land in Burnet County originally granted to Joseph L. Abbs, Assignee of John H. Darby, to be taken off of the upper or Northern portion of said tract by a line Commencing on the Colorado River and running parallel with the upper line to the back line of said League and Labor Survey, the whole of said tract being bounded as follows to wit. Beginning at the North East corner of Survey No. 3, made for James A. Haynie, Assignee, &c at a Stake from which a Live Oak 12 in. Dia. bears N. 9° W. 10 vrs marked H H, a Black Jack 10 in. Dia. bears N. 70° W. 10 vrs marked H H; thence S 1248 vrs to a Stone Corner for the S W. corner of this Survey Thence E. 2550 vrs to a Stone Corner for the S E corner of this Survey; thence N. 9145 vrs to a Stake on the Bank of Colorado River for the N. E. corner of this Survey, from which a Pecan 16 in. Dia. bears N. 67½ W. 10 vrs marked H H, a Do. 13 in. Dia. bears S. 12 vrs Thence up the River with the meanders as follows N. 50° W. 1456 vrs. N. 30° W. 1538 vrs. W. 436 vrs to the place of beginning, for the N. E. Corner of this Survey, or so much thereof as will be sufficient to satisfy said Judgment and costs, and execute to the purchaser thereof a Deed in fee conveying all the right, title and interest which the Heirs of John C. Grayson, Dec'd have in

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and to the same. But provided said three fourths of said League and Labor of Land shall not sell for a sufficient amount to satisfy said Judgment and costs, It is especially ordered, adjudged and decreed that the balance of the above described land to wit: the remaining fourth of said Parker tract, and the Samuel Craft tract in Llano County shall be and is hereby totally exempt from the operation of said Judgment.

And Court adjourned until to morrow Morning 1/2 past eight o'clock

Saturday, 24th December 1859

Court convened at 1/2 past eight o'clock, A.M. pursuant to adjournment. Geo. W. Smyth, Judge First Judicial District presiding. Whereupon the following proceedings were had by said Court as follows, To Wit:

139 1791

Parker Roberts } Plaintiff
vs
Ellen S. Roberts } Defendant

And now at this Term, to wit: on the 14th instant, came the plaintiff by attorney, and on the motion of said plaintiff to appoint an attorney to represent the Defendant in this case the Court appointed John A. Green, Esq. for such purpose, who accepted said trust. And thereupon on motion It is ordered that the Sheriff have leave to amend the Return of Service on the Citation and Brief Statement returned in this case. And the parties announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County, to wit: Isaac Eppright, Foreman, and eleven others, who were duly elected, empannelled and sworn according to Law. And the said jury having heard the Testimony introduced by the parties, the argument of the counsel and the charge of the Court, retired for deliberation and returned into Court the following verdict, to wit: "We, the Jury, find the facts contained in plaintiffs petition true. Isaac Eppright Foreman." And it appearing from the verdict of the Jury that the allegations of said plaintiffs petition are true; that the said allegations are sufficient to entitle the plaintiff to the relief sought. It is, therefore, ordered, adjudged and decreed by the Court, that the Bonds of Matrimony heretofore existing between the said Parker Roberts and Ellen Roberts be and the same are forever dissolved; that the said Parker S. Roberts be restored to all the rights and privileges of a single person. It is further ordered that, the cost of this suit be taxed against the plaintiff, the said plaintiff consenting thereto, for which execution may issue.

1808

D. C. Freeman, Jr } Plaintiff
vs
J. T. Thorne, et al } Defendants

And now at this Term, to wit: on the 14th instant, come the parties to the above entitled cause, and announced themselves ready for trial. And the exceptions of the Defendant to plaintiffs amended petition coming into the hands and being duly considered, are sustained by the Court. And the Defendants Bowles plea in abatement being also submitted, are overruled. And thereupon came a Jury of twelve good and lawful men of Travis County consisting of Isaac Eppright, Foreman, and eleven others, who being duly elected,

Fall Term, Saturday, 24th December 1859.

empannelled and sworn, after hearing the evidence and argument of counsel, retired under the charge of the Court to consider of their verdict. And in response to the issues submitted to them by the Court, return into Court the following facts as found by them from the evidence, to wit: 1st The value of the Buggy mentioned is Two Hundred Dollars and is the property of the plaintiff Freeman. 2d The amount of Sixty-Four 60/100 Dollars was due to Defendants J. F. Brown and W. A. Hamilton as bailees for Repairs on the Buggy. 3d Defendant Brown did not agree to take the plaintiff Freeman in lieu of M. H. Powers for the payment, and Freeman did not consent or to be bound. 4th The plaintiff Freeman is not bound by a Judgment in Garnishment rendered by Defendant J. P. for $55 against him as the Debtor of Brown rendered on account of the indebtedness due for the repairs done on the Buggy. 5th The Judgment in Garnishment before Defendant has not been paid off nor has any part of it been paid. 6th The plaintiff Freeman, at the time of the rendition by the Justice of the Peace, had no notice or knowledge of the partnership between Brown and Hamilton. 7th The contract to repair the Buggy was first made between J. F. Brown and M. H. Powers. 8th Hamilton had no notice or knowledge of the proceeding under the Garnishment and did not interpose in the Justices Court any claim to the Debt or bailment. Brown. It is, therefore, Ordered, adjudged and Decreed by the Court that the plaintiff D. C. Freeman, Jr. do have and recover of and from the Defendants J. F. Brown and W. A. Hamilton the Buggy sued for or the value thereof as found by the Jury, to wit: Two Hundred Dollars, from said Brown and Hamilton and their securities on the Sequestration Bond, to wit: Edward Christian, Marcus Porter and D. Walsh, subject to the conditions hereinafter stated. And it is further ordered, adjudged and Decreed by the Court that said Defendants, J. F. Brown and W. A. Hamilton do have and recover of and from the said M. H. Powers the sum of Sixty-Four and 60/100 Dollars, the amount found due by the Jury for the Repairs on the Buggy. It is further Ordered, adjudged and Decreed that the said Defendants Brown and Hamilton have a lien on the Buggy sued for to secure the payment of said sum of Sixty-Four and 60/100 Dollars due them as Mechanics from said Powers for repairing said Buggy, which said lien is hereby foreclosed. And should the said M. H. Powers pay the said sum of Sixty-Four 60/100 Dollars to said Brown and Hamilton within twenty Days after the Judgment of this Court, then execution shall be issued in favor of the pltff. Freeman against Defendants Brown and Hamilton for the said Buggy, and in Case the Buggy be not found, then execution shall issue against said Brown and Hamilton and their said securities on the Sequestration Bond for the value of said Buggy aforesaid. And in Case said sum of Sixty-Four Dollars and Sixty & Cents be not paid by said Powers as aforesaid then it is further ordered that an Order of Sale do issue to the Sheriff of Lewis County requiring him

to sell said Buggy & under execution, and the proceeds arising therefrom be applied to the said sum of Sixty-Four 64/100 Dollars adjudged to said Rowe and Hamilton and to the payment of all the cost adjudged against said Plaintiff D. C. Freeman, Jr. in this case. And it is further adjudged and decreed by the Court that in the event that said Buggy shall not sell for sufficient money to pay the said sum of $64 62c adjudged to the said Rowe and Hamilton, then that execution issue against M. H. Bowers for the amount remaining unpaid. And it is further ordered adjudged and decreed by the Court that the Plaintiff D. C. Freeman, Jr pay all the cost in this case except that which arose by making M. H. Bowers a party to said suit, and that M. H. Bowers pay all the other cost of the case for all of which execution may issue. And that the Defts. Rowe & Hamilton, under pain of being held in contempt, do deliver the Buggy to the Sheriff when the same may be required by him.

1851 — N. Townsend vs J. J. & J. C. Jamieson — Plaintiff / Defendants — On this case, on the 19th instant, upon application it was ordered that the Plaintiff W. H. Townsend have leave to amend, and the order is entered in the minutes of this Day.

W. R. Runnells, Gov. vs Houston, Texas, Central R. R. Co — Plaintiff / Defendants — and now at this Term came the parties by attorney, and on motion of said parties It is ordered by the Court that this cause be dismissed from the Docket, and that the Defendants herein pay all the cost incurred in this proceeding, for which execution may issue.

1744 — John F. Purvis Adm'r vs Robert H. Clement & John Redmond — Plaintiff / Defendant / Intervenor — At this Term the parties appeared by their Attorneys and announced themselves ready for trial, and agree to submit the issues both of law and fact to the Judge without the intervention of a Jury. And the Court having heard the pleadings, and testimony in the case, Because it seems to the Court that the Intervenor Redmond has not presented such a case, as to entitle him to any relief in the manner and form as the same herein appears, — Therefore It is Considered that the said Redmond take nothing by his suit as against the plaintiff. And it further appearing to the satisfaction of the Court that the Defendant Clement executed the note set forth in plaintiffs' petition, and that the same remains unpaid. Therefore, It is considered that the plaintiff have and recover of the Defendant the sum of Seven Hundred and Seventy-Five Dollars and all cost herein expended and that the proper process issue for the collection of the same

Fall Term, Saturday, 24th Dec. 1859

V 1 670

J. Dieterich } Plaintiff
vs
James O. Rice } Defendant

On this day the motion for new trial in this cause coming on to be heard, and the same being duly considered, It is ordered that the said motion of the Plaintiff be refused, to which ruling of the Court the said plaintiff excepts and gives notice, in open Court, of an appeal to the Supreme Court

V 1332

Francis Kelley } Plaintiff
vs
Geo. Hancock } Defendant

On motion of the Defendant duly plated in this cause, It is ordered that the plaintiff enter into bond and security for the cost of this suit on or before the next Term of this Court

1347

A B Spear } Plaintiff
vs
Geo. H. Lamm } Defendant

On this day the motion for a new trial filed by the plaintiff in this cause coming on to be heard, and the same being duly considered, It is ordered that the said motion be overruled, to which ruling said plaintiff excepts, and gives notice, in open Court, of an appeal to the Supreme Court

1728

P. B. Calhoun } Plaintiff
vs
Geo Hancock et al. } Defendant

On this day the motion for a new trial filed by the plaintiff in this cause coming on to be heard, and the same being duly considered, It is ordered that said motion be granted, and that said plaintiff pay all cost of this suit up to this date, for which execution may issue

1748

Wm Rust } Plaintiff
vs
H. Toomes } Defendant

And now on this day the motion filed by the Defendant for a new trial in this cause coming on to be heard, and the same being duly considered, It is therefore ordered that said motion be overruled, to which ruling of the Court said Defendant Counsel excepts, and gives notice, in open Court, of an appeal to the Supreme Court

1042

The State of Texas } Plaintiff
vs
Heffington & Wallace } Defendants

And now at this day came the Defendant Wallace by attorney and submitted to the Court his motion heretofore filed for a new trial, which said motion being duly considered It is ordered that the same

be overuled to which ruling said Defendant excepts and gives notice in open Court, of an appeal to the Supreme Court.

1808 D. C. Freeman, Jr. } Plaintiff
J. T. Penn et al. } Defendants
And now at this day came the parties, and the motion for a new trial filed in this case coming on to be heard and the same being duly considered, It is ordered that said motion be refused, to which ruling the Plaintiff excepts, and gives notice, in open Court, of an appeal to the Supreme Court

And thereupon It is ordered by the Court that a Special Venire issue Commanding the Sheriff to summon Twenty-four qualified persons to serve as Jurors at the present Term of the Court, to be in attendance on next Thursday morning at 9 o'clock, (the 29th Inst.) at which time said Venire is made returnable

1317 The State of Texas } Plaintiff
vs
Morris D. Davis } Defendant
And now on this day came the State by the District Attorney, A. P. McGinnis; and the Defendant, Morris D. Davis, appeared in person and also by attorney and announced themselves ready for trial. And thereupon came a Jury of twelve good and lawful men of Travis County, to wit: John H. Walker, B. C. Stanley, Thomas Vann, J. D. Tucks, J. B. Wilson, W. B. McGehee, James Sterling W. J. Robinson, A. Bahn, C. H. Millett, T. J. Campbell and A. H. Cook, who were tried, elected, empannelled and sworn according to law. And the Jury having heard the plea of not guilty, (the said Defendant having been duly arraigned and plead not guilty) the testimony introduced by the parties, and the argument of the counsel, and the charge of the Court, retired for deliberation, and returned into Court the following Verdict, to wit: "We, the Jury, find the Defendant (the said Defendant being present at the reading) guilty of Manslaughter and affix his punishment - confinement in the Penitentiary for the term of three years. We find him not guilty of Murder in the 1st or 2d Degree. John H. Walker, Foreman." Whereupon It is ordered by the Court that said Defendant Davis be committed to jail to await his sentence. judgment and
and Court adjourned till Monday morning at 1/2 past nine o'clock
Court convened on Monday morning at 1/2 past nine o'clock. Geo. W. Smith, Judge 10th Dist. Court presiding. Whereupon the following jurors in said cause, drawn by said Court on previous day,

1232 The State of Texas } Plaintiffs
vs
J. M. H. Hall et al } Defendants
On motion of the District Attorney It is ordered by the Court that the further hearing of the case taken and made final in this cause against the Defendant Hall and his securities be and the same is hereby set aside and vacated; and the the cause be dismissed, and that said Hall and his securities, John Hearn

Fall Term, Saturday Dec. 24. 1859

and J. W. Robertson pay all cost of this ~~suit~~ ~~&c~~ ~~&c~~ suit &c for which execution may issue

1255 The State of Texas / vs / J. M. W. Hall et als } Plaintiff / Defendants } On motion of the District Attorney It is ordered by the Court that the forfeiture heretofore taken in this cause be and the same is set aside and vacated; that the cause be dismissed, and that said Hall and his securities John Horan and ~~John~~ J. W. Robertson, pay all cost of this ~~suit~~ ~~&c~~ ~~&c~~ suit &c for which execution may issue.

1256 The State of Texas / vs / J. M. W. Hall et als } Plaintiff / Defendants } On motion of the District Atty It is ordered by the Court that the forfeiture heretofore taken in this cause be and the same is set aside and vacated; that the cause be dismissed, and that said Hall and his securities John Horan and J. W. Robertson pay all cost of this suit, for which execution may issue.

1123 Wm R Baker / vs / D. J. Nichols } Plaintiff / Defendant } It is ordered by the Court that this cause be continued to await the Report of the Auditor and Court adj

670 F Duterich / vs / James O Rice } Plaintiff / Defendant } And now at this day came the parties to this cause by their Attorneys; and by consent and by agreement of said parties It is ordered by the Court that the Judgment rendered in this cause on page 350 of the minutes of this Term, to wit: on the 6th Dec. 1859, be amended so as to include the sum of Twelve Dollars and Ninety-Six cents, amount due on the open account sued on Whereupon It is ordered, adjudged and decreed by the Court that the said F Duterich do have and recover of and from said Deft. James O. Rice, as of date Dec. 6. 1859, the sum of Fifty-Six 56/100 Dollars, as per agreement filed for which execution may issue

1497 The State of Texas / vs / Charles L. Haley, et als } Plaintiff / Defendants } And now on this day come on to be heard the motion to set aside the final judgment rendered at this Term of the Court in this cause, and to permit said Defendants to file their answers and show cause why the Judgment final should not be rendered upon

the ni si Judgment rendered in this cause at the Fall Term 1857 Whereupon, after hearing the proofs and allegations in said cause in reference to said motion, It is ordered, adjudged and decreed by this Court that the Judgment final rendered on this Cause at this Term of the Court be set aside, and that the Defendants be permitted to file their answers and to show cause why said Judgment ni si should not be made final when the said Defendants paying all the costs incurred in this cause upto this date, which is done.

1498 The State of Texas vs Charles L. Haley, et als. } Plaintiff / Defendants } And now on this day came on to be heard the motion to set aside the final Judgment rendered at this Term of this Court in this cause, and to permit said Defendants to file their answers and show cause why the Judgment final should not be rendered upon the ni si Judgment in this cause at the Fall Term, 1857 Whereupon after hearing the proofs and allegations in said cause in reference to said motion, It is ordered, adjudged and decreed by this Court that the Judgment final rendered in this cause at this Term of the Court be set aside, and that the Defendants be permitted to file their answers and to show cause why said Judgment ni si should not be made final, upon the said Defendants paying all the costs incurred in this cause upto this date, which is done

1499 The State of Texas vs John D. Cummins, et als. } Plaintiff / Defendants } And now on this day came on to be heard the motion to set aside the final Judgment rendered at this Term of the Court in this cause, and to permit said Defendants to file their answers and show cause why the Judgment final should not be rendered upon the ni si Judgment in this cause at the Fall Term, 1857. Whereupon after hearing the proofs and allegations in said cause in reference to said motion, It is ordered, adjudged and decreed by this Court that the Judgment final rendered in this cause at this Term of the Court be set aside, and that the Defendants be permitted to file their answers and to show cause why said Judgment ni si should not be made final upon the said Defendant paying all the costs incurred in this cause upto this date, which is done.

Fall Term, Monday, 26 Dec. 1859.

1500 The State of Texas / vs / Jno D Cummins, et.als. } Plaintiff / Defendants } And now on this day came on to be heard the motion to set aside the final Judgment rendered at this Term of this Court in this cause and to permit said Defendants to file their answers and show cause why the Judgment final should not be rendered upon the rule Judgment in this cause at the Fall Term, 1857. Whereupon after hearing the proofs & allegations in said cause in reference to said motion, It is ordered, adjudged and decreed by this Court that the Judgment final rendered in this cause at this Term of the Court be set aside, and that the Defendants be permitted to file their answers and to show cause why said Judgment rule should not be made final, upon the said Defendants paying all the costs incurred in this cause up to this date, which is done.

1684 Adolph Smith / vs / Susana Miguet, et.als. } Plaintiff / Defendants } And now on this day came the Defendant in this cause by atty and submit to the Court their motion to withdraw their title papers filed in this cause. And thereupon it is ordered that said Defendants have leave to withdraw their title papers filed by them in this cause upon leaving certified copies on file in the case, and paying for such copies at the legal rates.

1317 The State of Texas / vs / Morris L. Davis, et.al. } Plaintiff / Defendants } And now on this day came into Court the District Attorney who prosecutes for the State, & the Defendant Morris L. Davis appeared in person and also by Attorney; and said Defendant, Davis, by his counsel, submitted to the Court a motion for a new trial in this cause. And said motion being argued by counsel, and the same being duly considered, It is ordered by the Court that said motion be overruled, to which ruling of the Court the Defendant excepts, and gives notice, in open Court, of an appeal to the Supreme Court. And thereupon said Defendant Davis, by counsel, proffered to give bail, in any amount the Court might require, to abide the decision of the Supreme Court, on appeal. And the Court held that the Defendant could not give bail. Whereupon It is ordered that the Defendant be committed to jail to await Judgment.

Fall Term, Thursday, 24th December 1859

And Court adjourned till To-morrow morning at 1/2 past 8 o'clock

Thursday 27th Dec. 1859

Court convened at 1/2 past 8 o'clock, A.M. pursuant to adjournment. George W Smyth, Judge First Judicial District presiding whereupon the following proceedings were had by said Court, as follows, to wit:

1317 The State of Texas vs Morris S. Davis, et al. } Plaintiff / Defendants } And now on this day the Defendant Morris S. Davis being brought present before the Court in person, and is asked by the Court whether he has anything to say why Judgment should not thereon and sentence pronounced against him, and having shown no grounds to arrest the Judgment & Sentence, except that he has taken an appeal to the Supreme Court Therefore, It is considered and adjudged by the Court, that he the said Morris S. Davis is guilty of Manslaughter of Henry M. Sublett, but is not guilty of the Murder of said Sublett in the first or second degree. And further adjudged that he be punished by confinement in the Penitentiary of the State of Texas three years as found in the Verdict of the Jury. But the Sentence is suspended until the decision of the Supreme Court shall be received. And the Defendant Morris S. Davis is committed to the Jail of Davis County to be safely kept until the decision of the Supreme Court can be made.

And thereupon It is ordered that Court stand adjourned until next Thursday morning at 9 o'clock

Geo W. Smith
Judge 1st Jud. Dist. Presiding

Thursday, 29th Dec 1859

Court convened at Nine O'clock A.M. pursuant to adjournment. A.W. Terrell, Judge Second Judicial District presiding. Whereupon the following proceedings were had by said Court, as follows, to wit.

1626 A.C. Horne and Elizabeth Horne vs D.W. Dignan and Harriet Dignan } Plaintiffs / Defendants } Come on at this day Come the said A.C. Horne Sr. and his

Fall Term, Thursday, 29th December, 1859.

wife, Elizabeth Horne, by their Attorneys, and D W Dignon and his wife, Harriet Dignon, by their Attorneys, and announced themselves ready for trial in the above entitled cause. And thereupon the parties agreed to waive a Jury and submit all the matters in controversy to the Court. And by agreement and consent of the parties the Court having considered of the same, and it appearing to the Court that the said Plaintiffs, A.O Horne, Sr. and his wife Elizabeth Horne are legally entitled to one half of the Real Estate in Controversy, and it also appearing that the said Defendant Harriet Dignon, with whom the said D. W. Dignon is joined, is legally entitled to one half share as her separate property of the Real Estate in Controversy, to wits: Lot Number Five and Number Six, in Block Number Forty-Two in the City of Austin in said County. It is, therefore, ordered, adjudged and Decreed by the Court, that the right, title and interest of the Estate of the said James A. Horne, Dec'd of which the said Plffs. and Defts. are the legal heirs and distributees, to one half of the above described Lots Nos 5 & 6 in Block No 42 be hereby vested in the said Andrew O. Horne, Sr. and his wife, Elizabeth Horne. And it is further ordered and adjudged that one half of the said above described Lots Nos 5 & 6 in Block No 42 be vested and is hereby vested as her separate property, in the said Harriet Dignon.

And it is further ordered, adjudged and Decreed that Abram Haunchs, Thomas H. Jones and Joseph Harrell be appointed Commissioners by this Court, who, in accordance with law, will proceed to make a just and equitable partition of said above named property, and report as soon as practicable to this Court. It is further Ordered, adjudged and Decreed that the other matters set up in the pleadings of plaintiffs and Defendants, that they take nothing by the same. And it is further ordered that the said Defendants do have and recover of and from the Plffs. all the costs of this suit in this behalf expended. And it is further ordered that this cause be continued, and remain on the Docket to await the Report of the Commissioners herein named and the action of the Court thereon.

635 — The State of Texas vs William Jones — Plaintiff / Defendant — And now at this day comes the District Attorney, A. P. St. John Esq. and, in his motion, it is ordered from the Docket, that the Def't Wm Jones, be hence without day, discharged from custody

Fall Term, Thursday, 29th December, 1859.

909	The State of Texas vs W. C. Phillips	Plaintiff / Defendant	This Case Continued generally
905	The State of Texas vs John Marshall	Plaintiff / Defendant	This cause Continued generally
907	The State of Texas vs. John Marshall.		This cause Continued Generally
908	The State of Texas vs. John Marshall.		This cause Continued Generally
910	The State of Texa vs. Geo. M. Paschal.		This cause Continued Generally
930	The State of Texas vs. Horan & Robinson.		This cause Continued Generally.
931	The State of Texas vs Horan & Robinson		This cause Continued Generally
932	The State of Texas vs. Horan & Robinson		This Cause Continued Generally
933	The State of Texas vs. Horan & Robinson		This Cause Continued Generally
934	The State of Texas vs. Horan & Robinson.		This Cause Continued Generally
936	The State of Texas vs. John Horan		This Cause Continued Generally
937	The State of Texas vs. John Horan		This Cause Continued Generally
938	The State of Texas vs. John Horan		This Cause Continued Generally
939	The State of Texas vs. John Horan		This Cause Continued Generally
940	The State of Texas vs. John Horan		This Cause Continued Generally
941	The State of Texas vs John Horan		This Cause Continued Generally
942	The State of Texas vs. John Horan		This Cause Continued Generally
943	The State of Texas vs. Heffington & Wallace.		This Cause Continued Generally
944	The State of Texas vs. Heffington & Wallace.		This Cause Continued Generally
945	The State of Texas vs. Heffington & Wallace.		This Cause Continued Generally
946	The State of Texas vs Heffington & Wallace.		This Cause Continued Generally
947	The State of Texas vs. Heffington & Wallace.		This Cause Continued Generally
948	The State of Texas vs. Heffington & Wallace.		This Cause Continued Generally
949	The State of Texas vs Heffington & Wallace.		This Cause Continued Generally
950	The State of Texas vs Heffington & Wallace		This Cause Continued Generally
951	The State of Texas vs Heffington & Wallace		This Cause Continued Generally
952	The State of Texas vs Heffington & Wallace		This Cause Continued Generally
953	The State of Texas vs Heffington & Wallace		This Cause Continued Generally
954	The State of Texas vs Heffington & Wallace		This Cause Continued Generally
956	The State of Texas vs Carr & Finnin		This Cause Continued Generally
957	The State of Texas vs Finnin & Carr		This Cause Continued Generally
958	The State of Texas vs Finnin & Carr		This Cause Continued Generally
959	The State of Texas vs Finnin & Carr		This Cause Continued Generally
960	The State of Texas vs. Finnin & Carr		This Cause Continued Generally
962	The State of Texas vs. Finnin & Carr		This Cause Continued Generally
963	The State of Texas vs. Finnin & Carr		This Cause Continued Generally
964	The State of Texas vs. Carr & Finnin		This Cause Continued Generally
965	The State of Texas vs. Carr & Finnin		This Cause Continued Generally
966	The State of Texas vs. Carr & Finnin		This Cause Continued Generally

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967 The State of Texas v. Carol Timin. Continued Generally
980 The State of Texas v. I. M. Forehand Continued for Term
981 The State of Texas v. J. M. Forehand Continued for Term
984 The State of Texas v. M. J. Jay. Dismissed, on motion of Dist. Atty, and Defft. discharged

1131 The State of Texas vs. W. R. Pong } Pltff / Deft } On motion of the Dist. Atty. It is ordered that the Fine taken by the Pltff. of Panola Co. in this cause be quashed, and that Writs Capias issue to said Co. for the Def.

1136 The State of Texas vs. Marcus Kirby } Pltff / Deft. } On motion, It is ordered that the Order entered in this cause at a former day of the present Term, forfeiting the Bond of the Defendant, be set aside, and that said Bond be quashed; and that a Capias issue for the Defendant to Travis Co

1202 The State v. J. C. Zachlay. Prosecution dismissed and Defendant discharged
1203 The State v. J. C. Zachlay. Prosecution Dismissed and Defendant Discharged
1204 The State of Texas v. J. C. Zachlay. Prosecution Dismissed and Defendant Discharged
1205 The State v. J. C. Zachlay. Prosecution dismissed and Defendant Discharged
1206 The State v. J. C. Zachlay. Prosecution Dismissed and Defendant Discharged
1207 The State v. J. C. Zachlay. Prosecution Dismissed and Defendant Discharged
1208 The State v. J. C. Zachlay. Prosecution Dismissed and Defendant Discharged

1209 The State of Texas vs. John K. Copey } Plaintiff / Defendant } And now at this day came the State by the District Attorney; and thereupon the witness on behalf of the State, in this cause, to wit: D. R. D. Chezum and Margaret A. Chezum being duly called at the Door of the Courthouse of Travis County came not. And it appearing to the Court that said witnesses, D. R. D. Chezum and Margaret A. Chezum, on the 15th day of Dec. 1859, did execute a Bond, payable to the State of Texas in the sum of Fifty Dollars with John S. Spence and John H. Conner as their securities conditioned that the said D. R. D. Chezum and Margaret A. Chezum make their personal appearance at the District Court of Travis County on the Ninth Monday after the first Monday in October, 1859, and there remain from day to day until discharged, then and there to give evidence in behalf of the plaintiff in a certain cause pending in said Court wherein the State of Texas is Plaintiff and John K. Copey is Defendant, which said Bond is forfeited and It is considered by the Court that the State of Texas do have and recover of and from said D. R. D. Chezum and Margaret Chezum said sum of Fifty Dollars, and of the said securities the said sum of Fifty Dollars, and that this Judgment will be made final at the next Term of this Court, unless good cause be shown why said witnesses did not appear. Ordered further, that citations issue to said witnesses and their said securities.

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↓1209 The State of Texas / vs / Jahiel K. Rofey } Plaintiff / Defendant } And now at this day came the State by the District Attorney and the Defendant appeared by his attorney and also in person and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawfulmen of Travis County, to wit: James B. Thaxton, Foreman and eleven others, who were tried, elected, empannelled and sworn according to law. And the Jury thereupon returned the following verdict, to wit: "We, the Jury, find the Defendant not guilty. James B. Thaxton, Foreman." Whereupon it is ordered by the Court that the Cause be dismissed from the Docket, and that the Defendant go hence without day, fully acquitted and Discharged.

↓1214 The State of Texas / vs / C. Spalding } Plaintiff / Defendant } On this day this cause being peremptorily called for trial, came the District Attorney, and makes a Statement that the Testimony of Fred. Coulter, who has been subpoened as a witness in behalf of the State, is material for the prosecution of this cause, and the said witness having failed to answer when the cause is called for trial. It is ordered by the Court, that said witness be fined Twenty Dollars and that an Attachment issue for said witness him returnable to the next term.

↓1237 The State of Texas / vs / Joe Thomas } Plaintiff / Defendant } And now on this day came into Court Thomas Bowles and acknowledged himself justly to owe and be indebted unto the State of Texas in the Sum of One Hundred Dollars to be levied upon his Goods and Chattels, Lands and Tenements, But to be void upon condition that the said Thomas Bowles personally appear at the next Term of the District Court of Travis County to be held at the Courthouse thereof in the City of Austin, on the 4th Monday after the first Monday in April, 1860, and there remain from day to day and term to term thereafter to testify on behalf of the Pltff. in the above entitled cause of the State of Texas v. Joe Thomas, who is charged with Keeping a House of Public Prostitution

↓1275 The State of Texas / vs / Charles Barnard } Plaintiff / Defendant } And now on this day came the State by the District Attorney and the Defendant appeared by his Attorney C. G. Mott, Esq and announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County, to wit: James H. Shaw, Foreman, and eleven others, who were tried, elected, empannelled and sworn according to law. And the Jury having heard the Defendants plea of guilty and the charge of the Court, returned the following Verdict, to wit: "We, the Jury, find the Defendant

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guiety and apes the Fine Ten Dollars. James H Shaw Foreman. Whereupon, It is ordered, adjudged and Decreed by the Court that the State of Texas do have and recover of and from said Defendant, Charles Barnard, said sum of Ten Dollars and all cost of this prosecution.

1299 The State of Texas } Plaintiff
vs.
A. H. Barnes, Defendant } And now on this day came the State by the District Attorney and the Defendant appeared in person and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County, To wit: S. W. Goodrich, Foreman and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea of Guiety and the charge of the Court, and returned the following Verdict to wit: "We, the Jury find the Defendant guiety & apes the Fine at Ten Dollars. S. W. Goodrich, Foreman." Whereupon, It is ordered, adjudged and decreed by the Court that the State of Texas do have and recover of and from the Defendant, A. H. Barnes, said sum of Ten Dollars and all cost of this Prosecution, and that he remain in the custody of the Sheriff until said Fine and cost are paid.

1300 The State of Texas } Plaintiff
vs.
A H Barnes } Defendant } And now on this day came the State by the District Attorney and the Defendant appeared in person, and announced themselves ready for trial, and thereupon came a Jury of twelve good and lawful men of Travis County, to wit: S. W. Goodrich, Foreman, and eleven others, who being duly tried, elected, empannelled and sworn, heard the plea of guiety and the charge of the Court and returned the following Verdict, to wit: "We, the Jury ap. f. the Fine at Ten Dollars. S. W. Goodrich, Foreman." Whereupon, It is ordered adjudged and Decreed by the Court that the State of Texas do have and recover of and from the Defendant, A. H. Barnes said sum of Ten Dollars and all cost of this prosecution, and that said Defendant remain in the custody of the Sheriff until said Fine and Cost are paid.

1301 The State of Texas } Plaintiff
vs.
A. H. Barnes } Defendant } And now on this day came the State by the District Attorney and the Defendant appeared in person and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County, to wit: S. W. Goodrich, Foreman and seven others, who were tried,

Fall Term, Thursday, 29 December, 1859

duly empannelled and sworn according to law. And the Jury having heard the Defendants plea of guilty and the charge of the Court returned the following Verdict, to wit: "We the Jury find the Defendant Ten Dollars. S. W. Goodrich, Foreman." Whereupon, It is ordered by the Court that the State of Texas do have and recover of and from said Defendant A.H. Barnes, said sum of Ten Dollars and all cost of this prosecution, and that he remain in the custody of the Sheriff until said fine and cost are paid.

1302 The State of Texas v. A.H. Barnes. Prosecution Dismissed and Deft. Discharged
1303 The State of Texas v. A.H. Barnes Prosecution dismissed and the Deft. Discharged
1304 The State of Texas v. A.H. Barnes Prosecution Dismissed and the Deft. Discharged
1305 The State of Texas v. A.H. Barnes Prosecution dismissed & the Deft. Discharged
1306 The State of Texas v. A.H. Barnes Prosecution dismissed & the Deft. Discharged
1307 The State of Texas v. A.H. Barnes Prosecution dismissed and the Deft. Discharged
1308 The State of Texas v. A.H. Barnes Prosecution dismissed and the Deft. Discharged

1309 The State of Texas vs A.H. Barnes et.als } Plaintiff / Defendants } And now on this day came the State by the District Attorney and the Defendant A.H. Barnes appears in person and announced themselves ready for trial. And thereupon came a Jury of twelve good and lawful men of this County, to wit: S. W. Goodrich, Foreman, and eleven others, who being tried, elected, empannelled and sworn according to law, heard said Defendants plea of guilty and the charge of the Court, and returned the following Verdict, to wit: "We, the Jury, assess the fine against the Defendant Barnes at Ten Dollars. S. W. Goodrich, Foreman." Whereupon, It is ordered by the Court that the State of Texas recover of and from said Defendant A. H. Barnes said sum of Ten Dollars and all cost of this prosecution and that he remain in the custody of the Sheriff until said fine and cost are paid.

1310 The State of Texas vs A.H. Barnes, et.als } Plaintiff / Defendants } On motion of the District Atty. It is ordered that this prosecution be dismissed as to the Defendant A.H. Barnes, and that said Defendant go hence discharged

1311 The State of Texas vs A.H. Barnes et.als } Plaintiff / Defendants } On motion of the District Atty it is ordered that this prosecution be dismissed as to the Defendant A. H. Barnes & that said Defendant go hence without day discharged.

Fall Term, Friday, 30th December, 1859.

1312 The State of Texas vs A. H. Barnes et al. } Plaintiff / Defendants } And now comes A. D. McGinnis Esq. and in his motion it is ordered by the Court that this prosecution be dismissed as to the Defendant A. H. Barnes, and that said Defendant go hence without day, fully discharged

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

Friday, 30th Dec. 1859.

Court convened at 9 o'clock A.M. pursuant to adjournment. A. W. Terrell, Judge second Judicial District, presiding. Whereupon the following proceedings were had by said Court, as follows, To wit:

1769 The State of Texas vs Dan Hines et al. } Plaintiff / Defendants } And now at this day came the District Attorney, and the Defts appeared by attorney; and on motion of the District Attorney, and by consent and agreement, of the parties, It is ordered by the Court that the Forfeiture heretofore taken in this case, and the Judgment final rendered thereon be set aside, vacated, and held for naught, upon condition that said Defendants pay all the cost of this case, which is done

1313 The State of Texas vs James R. Jackson } Plaintiff / Defendant } And now at this Term to wit: on the 29th inst came the State by the District Attorney and the Deft appeared in person and also by attorney and announced themselves ready for trial. Whereupon came a Jury of 12 good and lawful men of Travis County, to wit: A. D. McGill, Foreman, and eleven others, who being tried, elected, empannelled and. sworn according to law, heard the plea of not guilty, the testimony the argument of counsel and the charge of the Court and returned the following Verdict, to wit: "We, the Jury, find the Defendant not guilty. A. D. McGill, Foreman." Whereupon, It is ordered by the Court that the said Defendant James R. Jackson go hence without day, fully acquitted and discharged.

1261 The State of Texas vs O'Neal & Duffield } Plaintiff / Defendants } And now on this day appeared the State by the District Attorney and the Defendant Terry O'Neal appeared in person and also by attorney and announced themselves ready for trial And thereupon came a Jury of twelve good and lawful men of Travis County to wit: E. M. McAnelly, Foreman, and Eleven others, who were tried,

elected, empannelled and Sworn according to law. And said Jury having heard the Defendant O'Neal's plea of not guilty, the testimony introduced by the parties, the argument of the counsel and the charge of the Court, retired for Deliberation, and returned into Court the following Verdict, to wit: "We, the Jury, find the Defendant guilty and assess the Fine of Fifteen Dollars. December 30th 1859. C. W. McNelly, Foreman" Whereupon, It is ordered, adjudged and Decreed by the Court, that the State of Texas do have and recover of and from the Defendant Jerry O'Neal, said sum of Fifteen Dollars and all cost of this prosecution, and that he remain in the custody of the Sheriff until said Fine and Cost are paid. Ordered, further that the Cause be continued for service on the Defts. Bail Bills.

And thereupon Court adjourned until to-Morrow Morning at 9 o'clock

Saturday 31st Dec. 1859

Court convened at 9 o'clock, A. M. pursuant to adjournment. A. W. Terrell, Judge Second Judicial District presiding. Whereupon the following proceedings were had by said Court as follows, to wit:

1262 The State of Texas vs Jerry O'Neal } Plaintiff / Defendant } And now on this day came the State by the District Attorney, and the Defendant O'Neal appeared by Thomas C. Frost Esq. his Attorney and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County, To wit: James H. Shaw, Foreman, and eleven others, who were tried, elected, empannelled and sworn according to law. And the said Jury having heard Defendant's plea of not guilty, the testimony, the argument of Counsel and the charge of the Court retired for Deliberation, and returned into Court the following Verdict, to wit: "We, the Jury, find the Defendant guilty and assess the Fine " Twenty Dollars. James H. Shaw, Foreman" Whereupon, It is ordered by the Court that the State of Texas do have and recover of and from said Defendant Jerry O'Neal, said sum of Twenty Dollars and all cost of this prosecution, and that a Capias issue to enforce the Collection of said Fine and cost

1263 The State of Texas vs Wm D. Corington } Plaintiff / Defendant } And now on this day appeared the State by the District Attorney and the Defendant appeared by his Attorney Thomas C. Frost & Wm M. Walton and the said parties announced themselves ready for trial.

Fall Term, Saturday, 31 Dec. 1859.

Whereupon came a Jury of twelve good and lawful men of Travis County, to wit: C. M. McAnelly, Foreman, and eleven others, who were tried, elected, empannelled and sworn according to law. And the Jury having heard the Defendants plea of guilty and the charge of the Court, returned the following Verdict, to wit: "We the Jury assess the Fine of Ten Dollars C. M. McAnelly, Foreman." Whereupon, It is ordered, adjudged and Decreed by the Court that the State of Texas do have and recover of and from the Defendant, William B. Loving the said Sum of Ten Dollars, and all cost of this prosecution, and that a Capias issue to enforce the collection of said fine and cost.

1316

The State of Texas } Plaintiff.
vs
James Hickey } Defendant

In this cause, on the 29th instant the Defendant appeared in open Court, and stated his inability to employ Counsel, and that he desired the Services of S. G. Reed, Esq to represent him in his Defence. Whereupon the Court appointed the said Reed to appear as Counsel for the said Defendant. And at this day appeared the said Defendant Hickey in person, and also by his Attorney, S. G. Reed Esq., and also came the State by the District Attorney, A. P. McGinnis, Esq and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County, to wit; C. M. McAnelly, John M Smith, J. T. Ichoaley, Matthew Brown James. M. Mays, I. M. Wright, C. B. Hill, L. L. Sykes, R. P. Wright, J. L. Nichols, F. C. Adams and C. P. Houston, who were tried, elected, empannelled and sworn according to law. And said Jury having heard the Defendant enter his plea of not guilty; the testimony introduced by the parties, the argument of the Counsel and the charge of the Court, retired for Deliberation, and returned into Court the following Verdict, to wit: "We, the Jury, find the Defendant Guilty and affix the punishment at imprisonment in the State Penitentiary for the Term of two years. Dec. 31st 1859. C. M. McAnally, Foreman." Whereupon It is ordered by the Court that said Defendant be committed to Jail to await his Judgment and Sentence

998

The State of Texas } Plaintiff
vs
J. M. Barrett } Defendant
The. Anderson, Esq

And now at this Day came the State by the District Attorney and the Defendant appeared by his Attorney and announced themselves ready for trial. And thereupon came a Jury of twelve good and lawful men of Travis

Fall Term, Monday, 2nd January 1860.

County, to wit: James H. Shaw, Foreman, and eleven others who were duly elected, empannelled and sworn according to law. And the Jury having heard the plea of guilty and the charge of the Court retired for deliberation, and returned the following Verdict, to wit: We the Jury, find the Defendant Guilty and assess the fine Eighty One Dollars and 25 Cents /$81.25/ James H. Shaw For Whereupon, It is ordered, adjudged and Decreed by the Court that the State of Texas do have and recover of and from said Defendant J. M. Pennell said sum of Eighty-One Dollars and Twenty-Five Cents and all cost of this prosecution, and that a Capias issue to enforce the collection of said Fine and Cost.

1268 The State of Texas vs R. H. County. Continued and alias Capias awarded
1269 The State of Texas vs R. H. County Continued and alias Capias awarded
1277 The State of Texas vs John S. Ford Continued for Jurie and alias Capias awarded

And thereupon Court adjourned until Monday Morning at 9 o'clock

Monday, 2d Jany 1860.

Court convened at 9 o'clock, A. M. pursuant to adjournment. A. W. Terrell, Second District Judge presiding. Whereupon the following proceedings were had by said Court:

1262 The State of Texas vs Terry O'Neal } Plaintiff / Defendant } On motion of the District Attorney, It is ordered by the Court, that the Order heretofore entered at a former day of this Term, in this cause, fining the witness, Ben. Hines, be vacated, set aside, and held for naught, and that said fine be remitted

1263 The State of Texas vs Wm B. Covington } Plaintiff / Defendant } On motion of the District Attorney, It is ordered by the Court, that the Order heretofore entered at a former day of this Term, in this cause, fining the witness, Ben. Hines, be vacated, set aside and held for naught, and that said fine be remitted.

1264 The State of Texas vs Wm B. Covington } Plaintiff / Defendant } On motion of the District Attorney It is ordered by the Court that the Order heretofore entered at a former day of this Term, in this cause, fining the witness, Ben. Hines, be vacated, set aside and held for naught, and that said fine be remitted.

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

Fall Term, Tuesday, Dxxxxxx January 3d 1860

Tuesday 3rd December 1860

Court convened at 9 o'clock A.M. pursuant to adjournment. A.M. Jewell, Second District Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

1292 The State of Texas } Plaintiff
vs
Jack Robertson } Defendant

This cause being called for trial, the Defendant Jack Robertson failing to appear and answer to the Indictment in this cause, he and his securities, J.M. Robertson and Joseph Lee being duly called at the Door of the Courthouse of Travis County; and the Defendant, after a reasonable length of time still failed to appear; And it appearing to the Court that the Defendant Jack Robertson with the said J.M. Robertson and Joseph Lee as his Securities, did execute the Bail Bond on file in this case substantially as follows: Dated 20th day of June, 1859, payable unto The State of Texas in the sum of Five Hundred Dollars, conditioned that the said Defendant Jack Robertson make his personal appearance at the District Court of said County of Travis on the 4th Monday after the First Monday in October 1859, there to answer to the charge of Committing an Assault with Intent to Kill and Murder one Bear, in said County of Travis, Which said Bond is forfeited. And it is considered by the Court that the State of Texas do have and recover of the said Jack Robertson the said sum of Five Hundred Dollars, and of his said Securities the sum of Five Hundred Dollars and that this Judgment will be made final unless good cause be shown at the next Term of this Court why the said Defendant Jack Robertson, did not appear. And further Ordered that Citations do issue to the said Securities

1293 The State of Texas } Plaintiff
vs
John T. Shanks } Defendant

And now at this Term, came the State by the District Atty and the Defendant appearing in person and said Defendant stating to the Court that he is too poor to employ counsel, the Court appointed Messrs Hancock & West and C.L. Robards, Attorneys to represent the Defendant in this case, who accepted said trust. And thereupon the said Defendant submitted to the Court his application and oath praying for a Continuance of this Cause to the next Term, which being argued by counsel, and being duly considered is overruled, to which said ruling the Counsel for the Defendant except. Whereupon the parties having announced ready

Fall Term, Tuesday, January 3d 1860

for trial, came a Jury of twelve good and lawful men of Travis County, to wit: A. Wilcox, E P. Hill, I. F. Schooley, L L Eggles, I B Reed, I B. Thaxton, I. M Mansfield, A. Green, I. B. Barron, E. H. Fox, I A Mathews and Wm Eastard, who were tried, elected, empannelled and Sworn according to law. And the Defendant, having Plead not Guilty to the charges contained in the Indictment, the parties introduced the Testimony in the hearing of the Jury, And the Argument of the Counsel being heard by the Jury as also the charge of the Court, said Jury retired for Deliberation, under charge of the Bailiff. And thereupon said Jury returned into Court the following verdict, to wit: "We the Jury, find the Defendant guilty and assess his punishment at imprisonment in the State Penitentiary the period of three years L L Eggles Foreman" and it is ordered that said deft. be committed to await his judgment and sentence

1296 The State of Texas } Plaintiff
vs
R. F. Bromley, et als } Defendants

It is ordered by the Court that this cause be continued, on the Statement of the District Attorney as to the Defendant A. B. McGill. And thereupon came the Defendant Hancock by his Attorney Amos Morrill, Esq, and the District Attorney and announced Ready for trial. Whereupon Came a Jury of twelve good and lawful men of Travis County to wit: E. W. McAnelly, Foreman, and eleven others, who being tried, elected, empannelled and Sworn according to law, heard the plea of not guilty, the Testimony and the charge of the Court and retired for deliberation. Whereupon said Jury returned into Court the following Verdict, to wit: "We, the Jury, find the Defendant guilty and affix the Fine of Twenty Dollars. E. W. McAnelly, Foreman." Whereupon It is ordered, adjudged and decreed by the Court that the State of Texas do have and recover of and from the Defendant, George Hancock, said sum of Twenty Dollars and all cost of this prosecution, and that a Capias issue to enforce the collection of said fine and cost.

And thereupon Court adjourned until To Morrow at 9 o'clock A. M.

Wednesday, 4th January 1860.

Court convened at 9 o'clock, A. M. pursuant to adjournment A. W. Terrell, Judge Second Judicial District presiding. Whereupon the following proceedings were had by said Court, as follows, To Wit:

1287 The State of Texas } Plaintiff
vs
Wm D Scott } Defendant

And now on this day came the District Attorney who prosecutes for the State and the Defendant appeared in person and also by attorney and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County, to wit: J. B. Thaxton,

Fall Term, Wednesday, Jany 4, 1860.

J. B. Barron, S. D. Reed, J. N. Shaw, O. Wilcox, H. Green, L. Fellman, C. Siddons, C. A. Fox, James Sims, W. L. Hill and A. H. Barnes, who were tried elected, empannelled and sworn according to law. And the Jury having heard the Plea of not guilty, the Testimony and the argument of Counsel and the Charge of the Court, retired for deliberation, and returned into Court the following Verdict, to wit: "We, the Jury, find the Defendant Guilty and assess the Fine at Fifty Dollars. ($50) Austin, Jany 3/60 10 o'clock M. Ward, L. Hill." Whereupon, It is ordered, adjudged and decreed by the Court that the State of Texas do have and recover of and from the Defendant, Wm D. Scott, said sum of Fifty Dollars and all cost of this prosecution, and that said Defendant remain in the custody of the Sheriff until said fine and cost are paid.

1296 The State of Texas } Plaintiff
vs
A. B. McGill, et als } Defendants

And now comes the District Attorney and the Defendant A. B. McGill in person. And on motion, It is ordered that this prosecution be dismissed as to the Defendant McGill, and that said Defendant go hence without day, fully discharged

1297 The State of Texas } Plaintiff
vs
A. B. McGill, et als } Defendants

And now at this day came the State by the District Attorney and the Defendant A. B. McGill, in person and announced themselves ready for trial. And thereupon, came a Jury of twelve good and lawful men of Travis County, to wit: J. D. Thaxton, and eleven others, who were tried elected empannelled and sworn according to law. And the Jury having heard the Defendant's plea of guilty and the charge of the Court, returned the following Verdict, to wit: "We, the Jury, assess the Fine against the Defendant McGill at Ten Dollars. J. D. Thaxton, Foreman." Whereupon, It is ordered by the Court that the State of Texas do have and recover of and from said Defendant A. B. McGill said sum of Ten Dollars and all cost of this prosecution, and that said Defendant remain in the custody of the Sheriff until said fine and cost are paid.

1320 The State of Texas } Plaintiff
vs
Philip Gaden } Defendant

At this day appeared the District Attorney and the Defendant in person, and by consent and on motion of said parties this Cause is Continued

Fall Term, Wednesday, Janry 4, 1860

1034 The State of Texas vs Adolph Testard & Adrian Testard } Plaintiff / Defendants } And now on this day came the State by the District Attorney and the Defendants appeared by their Attorney, C. L. Roberts, Esq, and announced themselves Ready for trial. Whereupon Came a Jury of twelve good and lawful men of Travis County, to wit: James H. Shaw Foreman and eleven others, who were tried, elected, empannelled and Sworn according to Law. And the Jury having heard the plea of guilty and the Charge of the Court, retired for deliberation, and returned into Court the following Verdict, to wit: "We, the Jury, find the Defendants guilty and assess the Fine at Thirty-Three Dollars each. James H. Shaw, Foreman." Whereupon It is ordered by the Court that the State of Texas do have and recover of and from the Defendant Adolph Testard the sum of Thirty-Three Dollars, and of the Defendant Adrian Testard the sum of Thirty-Three Dollars, and that the State of Texas recover of said Defendants all the cost of this prosecution, and that Capias issue to enforce the collection of said Fines and Cost.

1035 The State of Texas vs Adolph Testard & Adrian Testard } Plaintiff / Defendants } On motion of the District Attorney It is ordered by the Court that this cause be dismissed from the Docket, and that said Defendants Go hence discharged.

1036 The State of Texas vs Adolph Testard & Adrian Testard } Plaintiff / Defendants } On motion of the District Attorney It is Ordered by the Court that this cause be dismissed from the Docket and that said Defendants go hence discharged.

And now on this day came S. G. Snud. Jr. and presented to the Court his written application, praying to be admitted to the practice as an Attorney and Counsellor at Law in the Several District and Inferior Courts of the State of Texas which said application is accompanied by the Certificate of the County Clerk of Travis County, containing the action of the County Court of said County required by Law. And thereupon, It is ordered by the Court that Amos Morrill, C. S. West, Wm. M. Walton and H. S. Oldham, Attorneys practicing in this Court, be appointed a Committee to examine the said applicant touching his qualifications and attainments; that said examination be had in Open Court on next Saturday afternoon, and that said Committee report their action to the Court as soon thereafter as practicable.

Fall Term, Wednesday, January 4th 1860.

1297 The State of Texas vs George Hancock } Plaintiff / Defendant } And now on this day came the State by the Dist Atty Gen Gammage and the Defendant appeared by his Attorney, E. S. West, Esq. and said parties announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County to wit: Ham. Green, Foreman and eleven others, who were tried, elected, empannelled and sworn according to law. And said Jury having heard the Defendants plea of Not Guilty, the Testimony introduced by the parties, the argument of the Counsel and the charge of the Court retired for Deliberation and returned into Court the following Verdict, to wit: "We the Jury, find the Defendant Geo Hancock guilty and assess the Fine at Twenty Dollars. Ham. Green, Foreman." Whereupon, It is ordered adjudged and Decreed by the Court that the State of Texas do have and recover of and from the said Defendant George Hancock, said Sum of Twenty Dollars and all cost of this prosecution, and that a Capias issue to enforce the Collection of said fine and Cost.

1287 The State of Texas vs Wm D. Scott } Plaintiff / Defendant } And now on this day appeared the State by the Distrct Attorney and the Defendant by attorney, and said Defendant submitted to the Court his motion for a new trial in this Case And the said motion being duly considered by the Court, It is adjudged that the Same be overruled. And thereupon said Defendant, gives notice, in Open Court, of an appeal to the Supreme Court.

1287 The State of Texas vs Wm D. Scott } And now on this day appeared in open Court, the Defendant William D. Scott, as principal, and appeared, also, Amos Morrill and Abner H. Cook, as the Securities of the said Scott, and said Scott, Morrill and Cook acknowledged themselves jointly and Severally justly to owe and be indebted unto The State of Texas in the penal sum of One Hundred and Fifty Dollars to be levied upon their respective Goods and Chattels, Lands and Tenements But to be void, nevertheless, if the said William D. Scott shall appear before the Honorable District Court of Travis County, on the 4th Monday after the 1st Monday in April, 1860, and from Term to Term thereafter, to abide the Judgment of the Supreme Court in the above entitled cause, from the Judgment in which case the Defendant hath appealed.

Fall Term, Wednesday, January 4th 1860.

On motion, It is ordered by the Court that the name of George R Scott be enrolled on the list of Attorneys and Counsellors at Law practicing at the Bar

1298 The State of Texas / Margil Flores } Plaintiff / Defendant } It is ordered that this cause be continued for Term

1309 The State of Texas / W. L. Chalmers, Amos Morrill, M. T. Davis & James Cole } Plaintiff / Defendants } And now on this day appeared the State by the District Attorney; and the Defendant Chalmers appeared by Thos. C. Lund and C. S. West, his Attorneys, and the Defendant Morrill and said defendants James Cole appeared in person; and announced themselves ready for trial Thereupon came a Jury of twelve good and lawful men of Travis County, to wit: C. W. McAnelly, Foreman, and eleven others who were tried, elected, empannelled and Sworn according to law. And said Defendants having Plead guilty, the Jury returned under the charge of the Court, to consider of their verdict. And thereupon said Jury returned into Court the following Verdict, to wit: "We, the Jury, assess the Fine of Ten Dollars in the case of The State against Jas. Cole. C. W. McAnelly, Foreman." "We, the Jury, assess the Fine of Ten Dollars in the case of The State against Amos Morrill. C. W. McAnelly, Foreman." "We, the Jury, assess the Fine of Ten Dollars in the case of The State against W. L. Chalmers. C. W. McAnelly, Foreman." Whereupon It is ordered, adjudged and Decreed by the Court that the State of Texas do have and recover of and from each of the Defendants W. L. Chalmers, Amos Morrill and James Cole, the sum of Ten Dollars and all cost of this prosecution. It is further ordered that Capias issue to enforce the collection of the Fine and Cost as to the Defendant, W. L. Chalmers - and that the Defendants, James Cole & Amos Morrill remain in the custody of the Sheriff until the said Fines and cost against them are paid. Ordered, further, that the cause be continued as to the Defendant Davis

1310 The State of Texas / W. L. Chalmers, James Cole and Amos Morrill, et al. } Plaintiff / Defendants } And now at this day came the State by the District Attorney; also came James Cole in person, and W. L. Chalmers appeared by C. S. West, atty. and Amos Morrill appeared by W. P. De Normandie, atty. and came also in person. And said parties announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County, to wit: John M.

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Smith, Foreman, and eleven others, who were tried, elected, empannelled and Sworn according to law. And the Jury having heard the plea of guilty by each of said Defendants, retired under the charge of the Court. Whereupon said Jury returned the following Verdict, to wit: "We, the Jury, assess the fine against defendants Ames Merrill, William Lee Chalmers and James Cole at ten Dollars each. John M. Smith, Foreman." Whereupon, It is ordered, adjudged and decreed by the Court that The State of Texas do have and recover of and from each of the Defendants, Ames Merrill, W. L. Chalmers and James Cole the sum of Ten Dollars and all cost of this prosecution. Ordered, further that Capias issue to enforce collection of the Fine and Cost against the Defendant Chalmers and that the Defendants, Merrill and Cole remain in the custody of the Sheriff until the Fines and Cost as to them are paid. Ordered, further, that the cause be continued as to the Defendant Davis

1311 — The State of Texas vs A. H. Barnes, et.als. } Pltff / Defts } And now on this day came the District attorney; and on his motion It is ordered by the Court that this cause be dismissed from the Docket, and that the Defendants in the Indictment in this case go hence without day fully discharged

1312 — The State of Texas vs A. H. Barnes et.als. } Pltff / Defts } And now on this day came the District attorney; and on his motion, It is ordered by the Court that this cause be dismissed from the Docket and that the Defendants in the Indictment in this case go hence without day fully discharged

1318 — The State of Texas vs Mavis S. Davis } Plaintiff / Defendant } It is ordered, on motion of the District attorney that this cause be continued.

1319 — The State of Texas vs Wash. Hammett } Plaintiff / Defendant } On this day came the District attorney and the Defendant appeared by his attorney Thomas E. Reed, Esq. And said Defendant came and submitted to the Court his exceptions to the Indictment, which said exceptions being argued by counsel and being duly considered by the Court, are sustained. Whereupon, It is ordered, adjudged and decreed

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by the Court that the said exceptions be sustained; that the Indictment be quashed, that the prosecution be dismissed from the Docket, and that said Defendant go hence discharged.

1321 The State of Texas vs B. W. Deen } Deft } Deft } On motion of the District Attorney it is ordered by the Court that this prosecution be dismissed from the Docket and that the Defendant Deen go hence discharged

1322 The State of Texas vs James Lensing } Deft } Deft } On this day came the State by the District attorney and the Defendant in person and also by Attorney and announced themselves ready for trial. And thereupon came a Jury of twelve good and lawful men of Travis County, to wit: John M. Smith, Foreman, and eleven others, who being tried, elected, empannelled and sworn according to law, heard the plea of not guilty, the testimony and the charge of the Court. And thereupon said Jury having retired, returned into Court the following Verdict, to wit: "We the Jury, find the Defendant not guilty. John M. Smith, Foreman." Whereupon, It is ordered by the Court that said defendant go hence without day, fully acquitted and discharged.

And thereupon It is ordered that the Combined Docket be set for further trial on Friday morning next the 6th instant.

And Court adjourned till To Morrow Morning 9 o'clock

Thursday, 5th January 1860

Court Convened at 9 o'clock, A. M. pursuant to adjournment. A. W. Terrell, Judge Presiding. Whereupon the following proceedings were had by said Court to wit:

819 R E Hamilton vs Daniel McKenzie } Plaintiff / Defendant } Ordered that this cause be cont. at the suggestion of Deft's counsel because of the absence of Pltff's counsel

850 A W Burditt vs Wm Burley } Plaintiff / Defendant } Continued

1288 Thomas Blair vs S H Harris } Plaintiff / Defendant } Continued jointly

Fall Term, Thursday, 8th January 1863

1303	Nath, Thurman & Co vs Mitchell & Gibson	Plaintiffs Defendants	Continued Generally
1539	R Williamson, et al. vs Stephen W. Blount, et al.	Plaintiffs Defendants	Continued Generally
1663	Phil Woodruff surv vs Tyre Buckley, et al.	Plaintiff Defendant	Ordered, on motion, that this Cause be continued for Term as to the Defendant Buckley
1721	J. C. Dawson vs J. A. Hack	Plaintiff Defendant	Continued Generally
1820	Wm G Lane & Co vs L D Carrington & Co	Plaintiffs Defendants	Ordered, on motion, that the Plffs and Defts in this cause have leave to amend their pleadings
1734	Thomas Freeman & Co vs Huffington & Wallace	Plffs Defts	And now on this day came the Plaintiffs by attorney; and the Defendant Wallace appeared by attorney. Whereupon the parties announced themselves ready for trial. And the Defendants demurrer to Plaintiffs petition coming on to be heard, and the same being argued by counsel is overruled by the Court. Whereupon came a Jury of twelve good and lawful men of Travis County, to wit: C. H. McAnally Freeman and eleven others, who were tried, elected, empannelled and sworn according to law. And the Jury having heard the testimony introduced by the parties, the argument of counsel and the charge of the Court, retired for deliberation and returned into Court the following Verdict to wit: "We, the Jury find for the plaintiff the sum of One Hundred and Fifty-Nine Dollars. Jany 8th 1863. C. H. McAnally, Foreman." Whereupon It is ordered, adjudged and decreed by the Court that the State of Texas do plaintiffs. Thomas Freeman, Walter Freeman and Robert Freeman, under their firm name of Thomas Freeman & Co do have and recover of and from the Defendants, D. C. Huffington and William G. Wallace said sum of One Hundred and Fifty-Nine Dollars together with all cost in this behalf expended, for which execution may issue

Fall Term, Friday - 6th January 1860.

1452 Thomas Eborn } Plaintiff
vs } The Cause Continued Generally
H.R. Cannon's Admr } Defendant

1421 L.D. Carrington Co } Plaintiffs
vs } The Cause Continued Generally
Sherman Case } Defendant
R. Platt } Garnishee

1521 The State of Texas } Plaintiff
vs } On this day came the District
A.B. Rulewa, et als } Defendants Attorney in behalf of the State and on his motion, It is ordered that the Cause be dismissed as to the Defendant Jesse L Waltin, who has not been served. And the other Defendants appeared by their attorney and announced themselves Ready for trial. And thereupon Came a Jury of twelve good and lawful men of Travis County, to wit: A.D McGill, Foreman, and eleven others, who were tried, elected, empannelled and sworn according to law. And the Jury having heard the pleadings read, the Testimony introduced by the parties and the charge of the Court, retired for Deliberation, and returned into Court the following Verdict, to wit: "We, the Jury, find for the plaintiff in the Sum of Two Hundred, Sixty-Nine 53/100 Dollars principal, and One Hundred and Eight 97/100 Dollars Interest. A.D. McGill, Foreman." Whereupon, It is ordered, adjudged and decreed by the Court that the State of Texas do have and recover of and from the Defendants, A.B. Rulewa, ~~Robertson~~, John M Cosby, S.G. Newell and Jack A. Pridgett the sum of Two Hundred, Sixty-Nine & 53/100 Dollars, principal, and One Hundred, Eight and 97/100 Dollars Interest, together with all cost of this suit, for which execution may issue.

And thereupon Court adjourned till To-Morrow morning, at 9 o'clock

Friday, 6th January, 1860.

Court convened at 9 o'clock, A.M. pursuant to adjournment. A.M. Jewell, Judge Second Judicial District presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

Fall Term, Friday, 6th January, 1860

1756	D. W. Dawson vs D. H. Hutchins	Plaintiff Defendant	Continued by consent.
1790	Wade Henry, et al. vs Mary P. Glopcock, et al.	Plaintiffs Defendants	And now at this day come the plaintiffs by attorney, and suggesting to the Court that W. L. Robards, who was appointed to represent the minor Defendants in this case, is not in attendance upon the Court at the present Term, It is ordered, that A. J. Shelby, Esq, be appointed to represent the said minor Defendants, who accepts said appointment, in open Court.
1836	Wilson Green vs W. P. De Normandie, et al.	Plaintiffs Defendants	It is ordered, on motion, that the plaintiff have leave to file an amended Petition.
1857	Geo. L. Walton vs Christian & Johnson	Plaintiff Defendants	It is ordered, on motion, that the plff in this suit have leave to amend his petition
1732	Geo. H. Gray, Ch. Jus. vs John Heron, et als.	Plff Defts	It being shown to the Court that the papers in this cause have been lost by the attorney for the Defendants, It is ordered that the said Defendants and the plaintiff have leave to file their pleadings in the case.
1755	Geo. H. Gray, Ch. Jus. vs Geo. E. Robinson et als	Plff Defts	Continued Generally
1761	A. G. Kimball vs The Heirs of Weldon	Plaintiff Defendant	Continued
1762	The City of Austin vs Geo. W. Paschal	Plff Defts.	Continued generally
1764	L. D. Canning & Co. vs H. H. Nichols	Plff Defts	Continued Generally

Fall Term, Saturday, 7th January, 1860

1774 Wm H Heckle } Pltff
vs } Cont Generally
John H Conner } Deft

1869 Sampson & Hennicks } Plaintiffs
vs } And now on this day came the
Irving, Root, et al. } Defendants } Plaintiffs by their attorneys,
and the Defendant Root ap-
peared by attorney: And said defendant submitted to the Court
his exceptions to the petition of the Plaintiffs, because said as to
the sufficiency of the allegations of residence, which said exceptions
are sustained. And thereupon, the Plaintiffs, on motion, are al-
lowed to file an amended petition. And because the Defendants
Geo. W. White, Wm M. Walker & W. D. Oldham have failed to answer
the petition of the Plaintiffs, and made default, It is ordered that
the Pltffs recover as to these said Defendants as prayed for in their
petition. And thereupon came a Jury of twelve good and lawful
men of Travis County, to wit: A.B. McGill, Foreman, and eleven
others, who were sworn, tried, and empannelled according to
law. And the Jury having heard the testimony and the charge
of the Court, returned the following Verdict, to wit: "We, the Jury,
find for the Plaintiff in the sum of Five Hundred Dollars
principal, and forty-five 50/100 Dollars interest. A.B. McGill,
Foreman." Whereupon, It is ordered, adjudged and decreed
by the Court that the Plaintiffs, George W. Sampson and
Abram Hennicks, under their firm name of Sampson & Hennicks,
do have and recover of and from the Defendants, Irving Root,
Williamson S. Oldham, George W. White, and William M
Walker, said sum of Five Hundred Dollars principal, and
the sum of Forty-five 50/100 Dollars interest, as found due
by the Jury, together with ten per centum per annum
interest on the said sum of Five Hundred and forty-five
50/100 Dollars until paid, and all cost of suit, for which
execution may issue.

Said Court adjourned till To-Morrow Morning at
9 o'clock

Saturday, 7th January, 1860

Court convened at 9 o'clock A. M. pursuant to adjourn-
ment. A.W. Terrell, Judge 22nd Judicial District
presiding. Whereupon the following proceedings were had by
said Court, as follows, To Wit:

Fall Term, Saturday, January 7th 1860

1761 — Albert G. Kimball } Plaintiff
vs
The Heirs of Seth Shelton & C. A. Randolph } Defendants

And now at this day came the Plaintiff and the Defendants by their attorneys; and on Motion, and by agreement of said Parties, It is Ordered by the Court that their Continuance entered in this Cause at a former day of the present Term be set aside, that the cause be dismissed from the Docket; that the Defendants go hence without day, and that said Plaintiff Albert G. Kimball, and the Security on his Cost bond, to wit: J. M. Chandler, pay all Cost of this suit, for which execution may issue.

1772 — Walton & Barnes } Plaintiffs
vs
Rhs & Wm Griffin } Defendants

This Cause Continued Generally

1792 — Jams Cole } Plaintiff
vs
John Van Winckle } Defendant

This Cause Continued Generally

1887 — L. Fellman } Plaintiff
vs
C. R. Johns } Defendant

Cause Continued by consent.

1788 — Phelps & Johnston } Plaintiffs
vs
A. A. Moore } Defendant

Judgment

And now on this day came the Plaintiffs by their Attorneys, the Defendant having made default, and a Jury of twelve good and lawful men of Travis County, to wit, C. W. McAnally and eleven others who being duly elected, empanneled and sworn according to Law and after hearing the evidence and the Charge of the Court retired to consider of their Verdict, returned into Court the following verdict, to wit. "We the Jury find for the Plffs. the sum of Three hundred and Ten dollars due on the account and we further find that the Mortgage marked Ex (A) was given to secure the payment of two hundred and fifty Dollars of said amount and the Mortgage marked Ex (B) was given by the Defendant to secure the payment of the further sum of fifty dollars due on said account.

"C. W. McAnelly
Foreman"

Whereupon it is ordered, adjudged and decreed

by the Court here, that the Plaintiffs John Phelps and Wesley Johnston, under the firm, name and style of Phelps & Johnston, do have and recover of and from the Defendant Nathaniel Moore the sum of Three Hundred and 8/100 dollars so found by the Jury, and all the costs in this behalf expended, for which execution may issue-

And it appearing to the Court that two hundred and fifty dollars of said sum is secured by mortgage on the undivided interest which the said Defendant Nathaniel Moore holds along with his sister, Mrs. W. P. Miles in the portion of a certain league of land situated in Hays County, and known as League No granted to Defendants father Thomas W. Moore, said interest being about four hundred and fifteen acres of said league, Defendant title to the same being derived through his mother, as the wife of said Thomas W. Moore as her community property.

It is therefore ordered, adjudged and decreed by the Court here that the Plaintiffs herein have a special lien on the said described land for the sum of Two hundred and fifty dollars and costs of this suit and it is further ordered, adjudged and decreed by the Court here, that an order of sale issue to the Sheriff of Hays County, directing him to sell said land to the highest and best bidder for cash, and pay over to the Plaintiffs herein the sum of two hundred and fifty dollars, and all the costs herein expended, and the costs of said sale, and the balance if there be any, be paid over to Defendant herein.

And it further appearing to the Court here, that fifty dollars of said three hundred and 8/100 dollars so found by the verdict of the Jury is secured by mortgage on one hundred and twenty acres of land, the same being one hundred and twenty acres out of a tract of land sold to said defendant by John M. Costly and wife by deed dated August 31st A.D. 1855, said tract lying on Deckers branch in Travis County, and is part of the Buckman League on the East side of the Colorado River and said one hundred and twenty acres, begins at the North East corner of the three hundred and twenty acre tract owned by Defendant as aforesaid, thence with the back line of said tract from the river a sufficient distance so that a line running at right angles across said tract and back around the end of said tract

to the beginning, will make one hundred and twenty acres.

It is therefore ordered adjudged and decreed by the Court here, that the Plaintiffs herein, have a special lien on said one hundred and twenty acres of land above described to the extent of fifty dollars of their said debt herein, and costs. And it is further ordered, adjudged and decreed by the Court, that an order issue to the Sheriff of Travis County commanding him to sell said one hundred and twenty acres of land at public sale to the highest and best bidder for cash and to pay over to Plaintiffs herein, the sum of fifty dollars secured by their lien as above decreed, and all costs herein expended and the balance thereof pay over to Defendant or for his benefit.

And it is further ordered, adjudged and decreed by the Court, that if the sale of the two tracts of land above described should be insufficient to pay off the full amount of this judgment then execution may issue against Defendant herein for the balance due.

1261 — The State of Texas vs Terry O'Neal } Plaintiff / Defendant } And now on this day appeared the District Attorney, A. O. McGinnis, Esq. on behalf of the State; and the defendant appeared by attorney; And thereupon said Defendant's counsel submitted to the Court his motion filed at a former day of the Term, praying for a new trial, and said motion being duly considered, It is ordered & adjudged that the same be overruled. Whereupon said Defendant gives notice, in open Court, of an appeal to the Supreme Court

1262 — The State of Texas vs Terry O'Neal } Plaintiff / Defendant } And now on this day appeared the District Attorney, A. O. McGinnis Esq. on behalf of the State. And the defendant appeared by his Attorney. And thereupon said Defendant's counsel submitted to the Court his motion heretofore filed, praying for a new trial, which said motion being duly considered by the Court, is overruled. Whereupon It is ordered & adjudged that said Defendant gives notice, in open Court, of an appeal to the Supreme Court.

Fall Term, Saturday, January 7th 1860

1293 — The State of Texas / vs / John T. Shanks } Plaintiff / Defendant } And now on this day came A.D. McGinnis, Esq. on behalf of the State, and the Defendant appeared by his attorneys. And said Defendants' counsel submitted to the Court, the motion for a new trial heretofore filed in this cause. And said motion being argued by counsel, and the same being duly considered by the Court, It is ordered that said motion be overruled. And said defendant, thereupon, gives notice, in open Court, of an appeal to the Supreme Court.

1293 — The State of Texas / vs / John T. Shanks } Plaintiff / Defendant } And now at this day came A.D. McGinnis, Esq. on behalf of the State. And the Defendant appeared by his attorneys. And thereupon said Defendants' counsel submitted to the Court, the motion in arrest of Judgment heretofore filed in this cause, which said motion being argued by counsel and being duly considered, It is ordered by the Court, that the same be overruled.

1734 — Thos Freeman & Co / vs / Heffington & Wallace } Plaintiffs / Defendants } And now at this day appear the parties to this cause, to wit: Thos Freeman & Co. and the defendant Wallace, by their respective attorneys. And said Wallace submitted to the Court his motion for a new trial in this case. And the said motion being duly considered by the Court, It is ordered that the same be overruled. And thereupon said Defendant gives notice, in open Court, of an appeal to the Supreme Court.

403 — James Park / vs / W. D. Oldham et. al. } Plaintiff / Defendants } And this day came the Plaintiff by his attorney, and submitted to the Court his motion filed in this case, for a change of the Venue of said cause to the nearest adjoining County, on account of the Second Judicial District, because of the disqualification of the presiding Judge to try said Cause. Whereupon, It is ordered that said motion be granted; that the Venue of said cause be changed to the County of Williamson. And that the clerk of this Court transmit to the clerk of the District Court of Williamson County, all the Original papers in this cause, together with a certified copy of all the entries and of the Bill of Cost, on or before the first day of the next Term of said Court, to be held at Georgetown.

Fall Term, Monday, 9th January, 1860

And now on this day appeared in open Court, S. G. Reed, Jr., who heretofore filed his application to be admitted to the practice as an Attorney and Counsellor at Law. And two of the Committee heretofore appointed not being in attendance, It is ordered that Messrs. E. B. Turner and George M. Flannery be appointed instead of the absentees. Which said Committee having examined said applicant, in open Court, made the following Report:

" Ex Parte S. G. Reed, Jr. In Dist. Ct. Fall Term, 1859. We
" undersigned, a Committee appointed to examine S. G. Reed,
" Jr. touching his qualifications to practice Law in the District
" Courts of this State, beg leave to report that they have dis-
" charged that duty & find the applicant well qualified
" & recommend that a License do issue to him. Respectfully
" submitted. E. B. Turner, George Flannery, C. L. West, Committee.
" January 7th, 1860.

And the Court being satisfied from the Report of said Committee that the said applicant is well qualified It is therefore ordered that said S. G. Reed Jr. be admitted to the practice as an Attorney and Counsellor at Law in the several District and inferior Courts of the State of Texas, and that the Clerk issue to said Reed a License accordingly.

And Court adjourned until 9 o'clock Monday Morning

Monday, 9th January, 1860

Court convened at 9 o'clock, A.M. pursuant to adjournment. A. W. Terrell, Judge Second Judicial District presiding. Whereupon the following proceedings were had by said Court, as follows, to wit.

1326

P. W. Humphreys &
Geo. W. White
vs
Sherman Case &
Thomas Freeman

Plaintiffs
Judgment.
Defendants

And now on this day this cause coming on to be heard; And the said parties, Plaintiffs and the Defendant Freeman by attorneys announced themselves ready for trial. And the said Sherman Case having failed to appear after due service of process and his default and Judgment thereon having been duly entered at a former Term of this Court, taking as confessed the charges and allegations of the said Plaintiffs. Whereupon came a Jury of twelve good and lawful men of Travis County, Visit. C. W. McAnelly, Foreman, and eleven others, who were duly tried, elected empanelled and sworn to try the issues between the said parties, who after hearing the proofs and allegations of the parties, argument

Full Term, Monday, 9th January. 1860.

of counsel and the charge of the Court, retired to consider of their verdict, and thereafter returned into Court the following verdict, to wit: "We, the Jury, find for the Plaintiffs, G. W. White and P. W. Humphreys, and assess the value of the property at Four Hundred and Ninety-Four Dollars and Ten Cents - & there is due Humphreys in the case of Perry Humphreys v. Sherman Case, on the Judgment in said cause the sum of $307.44 principal & interest & there is due Geo. W. White on the Judgment in his favor against Case & Monroe $382.49 principal and interest. G. W. McAnelly, Foreman." Whereupon It is ordered, adjudged and decreed by the Court, that the said Plaintiffs, Perry W. Humphreys and George W. White, do have and recover of and from the said Defendants Sherman Case and Thomas Freeman the just and full sum of Four Hundred and Ninety-Four & 10/100 Dollars for their damages in this suit, together with all costs of this suit. to be taxed, for which execution may issue. And it is further ordered, adjudged and decreed by the Court that the said damages herein recovered of $494.10 may be fully paid and discharged by the said defendants or either of them upon their delivering over the property hereby made subject to the payment of the said plaintiffs' Judgments to the Sheriff of Travis County, for the purpose of levy and sale; and the reception of the said property by the Sheriff and levy thereon by him by virtue of any execution to be issued upon this Judgment, within ten days after the issuance of such execution, & demand made therefor, shall be a full satisfaction of the said sum of $494.10. And it is further ordered, adjudged and decreed that in case the said property, to wit: One Coleman's mill Patent - 1 Pan - 2 large Gudgeons and Pooles - one 20 Gallon Still, with worms complete - one 80 Gallon Still, with worm and complete, shall be Delivered up under the provisions of this decree, then and in that case the Sheriff of the County of Travis, shall proceed to advertise and sell the same, by virtue of said levy, as in other cases, and the proceeds to be paid over to the said plaintiffs or their attorneys for a pro rata division among them according to their respective debts and demands as above stated against the said Sherman Case, and which shall be entered as verdict upon their said Judgments pro tanto respectively.

Court adjourned till To-Morrow morning 9 o'clock

Tuesday, Jan. 10 1860 Court convened at 9 o'clock A.M. pursuant to adjournment. A. C. Jewell presiding. Whereupon the following proceedings were had as follows, to wit:

Fall Term, Tuesday, January 10th 1860.

1869

Sampson & Henricks } Plffs. } And now on this day, it is
vs. } ordered by the Court, on motion
Irving Root et al } deffts. } of the Plaintiffs, that the
judgment in this case, entered at a former day 7th January
1860, be so amended as to read as follows—.

"And now on this day come the Plaintiffs by their attorneys, and the defendant Irving Root also appeared by his attorneys, and the said defendant Irving Root submitted to the court his exceptions to the plaintiffs petition as to the sufficiency of the allegations as to residence—which exceptions are sustained by the Court. And thereupon the plaintiffs on their motion are allowed to file an amended petition; and because the defendants Williamson S. Oldham, George W. White and William M. Walton, have failed to answer the petition of the plaintiffs, but wholly made default—and plaintiffs demand, bring a liquidated demand, ~~as follows~~—It is ordered by the Court that the plaintiffs, do have and recover of them, (said defendants, in default,) according to the prayer of the petition—. And thereupon came a jury of twelve good and lawful men, viz- A B McGill Foreman, and eleven others, all of Travis County, who were sworn, tried and empannelled according to law— And the jury, having heard the testimony in the case, and charge of the Court—returned into Court their verdict as follows- "We the jury find for the plaintiffs in the sum of five "hundred dollars principal, and forty five 80/100 dollars "interest— A B McGill Foreman—. Whereupon it is ordered adjudged, and decreed by the Court, that the plaintiffs, George W. Sampson and Abram Henricks, under their firm name of Sampson & Henricks do have and recover of & from the defendants, Irving Root, Williamson S. Oldham, George W. White and Wm M Walton, said sum of five hundred dollars principal, and forty five 80/100 dollars, interest as found one by the jury—together with ten per centum per annum, interest on said sum of five hundred & forty five & 80/100 dollars, until paid and also, all cost in this behalf expended, for which execution may issue—. And it appearing to the Court, that Williamson S. Oldham and George W. White, are securities to the said Irving Root and not principal debtors— and that the said Wm M Walton is endorser, and not a principal debtor, therefore it is ordered by the Court, that the Sheriff of Travis do levy the execution in this case, when issued, on the property of the said principal debtor Irving Root Situate in Travis County, before, said execution shall

be levied on the property of said securities, & endorser- provided so much of the property of the said Irving Root can be found, as will in the opinion of the Sheriff, be sufficient to make the amount of the execution - otherwise the levy to be made on so much property of the said Irving Root as may be found, if any, and upon so much of the property of the said securities, and endorser, or of either of them, as may be necessary to make the amount of the execution —.

1795 Elizabeth A. Beck } Plaintiff
vs. } And now on this day the above
Truman B. Beck } Defendant } entitled cause coming onto be heard. And it appearing to the Court that the defendant Truman B. Beck has been duly and legally cited to appear and answer the petition of the plaintiff by publication in the State Gazette, a weekly newspaper published in the City of Austin in the County of Travis. And the said defendant having failed to appear either in person or by counsel to answer said petition, George M. Flannery, Esq. an attorney of this Court, was appointed by the Court to represent said defendant, Truman B. Beck. And thereupon the plaintiff, by her attorneys, and the defd. by George M. Flannery, his attorney appointed by the Court, as aforesaid, announced themselves ready for trial. Whereupon came a Jury, to wit: A. B. McGill, and eleven others, twelve good and lawful men of Travis county, who after hearing the pleadings read, the evidence and argument of counsel retired under charge of the Court, to consider of their verdict, and returned into Court the following verdict, to wit: "We, the Jury, find for the plaintiff - First, that " they were legally married. 2d. That he has abandoned her " for the space of three years without sufficient cause. 3d. " That the plaintiff has sustained the allegations set forth in " her petition. A. B. McGill, Foreman." And it appearing to the Court, from the verdict of the Jury, that plaintiff and defendant were legally married, and that defendant had left the plaintiff three years before the institution of this suit, with the intention of abandoning her without sufficient cause, under the circumstances and in the manner alledged by plaintiff in her pleadings, It is, therefore, ordered, adjudged and decreed by the Court, that the suit of the said plaintiff against defendant for divorce be sustained, and that the Bonds of Matrimony heretofore existing between the plaintiff, Elizabeth A. Beck, and the defendant,

Fall Term, Wednesday, 11th January, 1860

Truman B. Peck, be and the same are hereby forever annulled and dissolved, and that the said Elizabeth A. Peck be restored to all the rights and privileges of a single woman. It is further ordered that the plaintiff and defendant each pay one half of the cost of this suit, for which execution may issue.

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

Wednesday, 11th Jany. 1860

Court met at 9 o'clock A.M. A.W. Terrell, Judge 2d. Judicial Dist. Presiding. Whereupon the following proceedings were had by said Court, as follows, To wit:

1201 The State of Texas vs John C. Bicklay } Plaintiff / Defendant } And now at this Term came the State by the Dist. Attorney; and the defendant Bicklay appeared in person, and also by attorney, and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County, to wit: Aaron Burleson, Foreman, and eleven others, who were tried, elected, empaneled and sworn according to law. And the Jury having heard defendants plea of not guilty, the testimony introduced by the parties, and the charge of the Court, retired for deliberation; and thereupon said Jury returned into Court the following verdict, to wit; "We, the Jury, find the defendant not guilty. Aaron Burleson, Foreman." Wherefore, It is ordered by the Court, that said Defendant, John C. Bicklay go hence without day, fully acquitted and discharged.

1190 Wade Henry, et.als. vs Mary D. Blapsack, et.als. } Plaintiffs / Defendants } Be it Remembered that on this day the above entitled cause came on for trial. And the parties having announced themselves ready for trial, the matters and things in issue in said cause were submitted to a Jury of good and lawful men of Travis County, to wit. James H. Matthews and eleven others, who after hearing the testimony, argument of counsel and charge of the Court, retired to consider of their verdict, and thereupon said Jury returned into Court the following verdict, to wit: "We, the Jury, find for the plaintiffs generally. James H. Matthews Foreman." Wherefore, It is ordered, adjudged and decreed by the Court, that the execution and delivery of a warranty deed

Fall Term, Wednesday, 11th January, 1860.

for a valuable consideration, to wit: Fourteen Hundred Dollars by Thomas Glascock, in his lifetime, and Mary P Glascock, his wife, to A. G. Reed and Alfred Smith, on or about the 10th day of November, A.D. 1854, to an undivided moiety or half of the following described tract or parcel of land, to wit: a tract situate on the Head waters of Brushy creek in Williamson county, in The State of Texas, being a part of the Head Right League of Richard Doty. Beginning at the Original Southeast corner Thence North 19° West 3500 varas to the Northeast corner of the Original Survey. Thence South 71° West 3712 varas to the North West corner of the same. Thence South 60° West 1097 varas to the North West corner of A. Hazlett's Survey. Thence South 60° East with said Hazlett's North line 3470 varas to the Southeast corner of the same. Thence North 71° East 2092 varas to the place of beginning, containing twenty-one Hundred and Seventy-Four Acres of land, is hereby established. And it is further ordered, adjudged and decreed by the Court, that all right, title and interest of Mary P. Glascock, Wm. D. Patton, Mary Patton, Francis Glascock, and Texas Glascock, defendants, in and to the whole of the above and foregoing tract or parcel of land, be divested out of them and vested in the said Wade Henry, Hiram Doty and Alfred Smith, plaintiffs herein, and that said named Defendants be forever enjoined from setting up or claiming any title or interest in and to the said tract or parcel of land. And further ordered, that the defendants recover of the plaintiffs all cost of suit, for which execution may issue.

1813	Charles Klein vs. Wm. P. Rutledge	Plaintiff / Defendant	Continued by consent of parties.	
1804	C. M. Swenson vs. Charles Payne	Plaintiff / Defendant	Continued by the Defendant.	
1576	S. M. Swenson vs. Nat. Payne & Robinson, Glascock & Millican	Plaintiff / Defendants	Continued Generally.	

Dale Term, Wednesday, 11th January 1860.

1810

John H. Robinson, Plaintiff
vs
John C. Daval, et.al. Defendants

On motion of the Pff. by his attorney, It is ordered that this cause be dismissed from the docket, and the parties discharged, the cost having been paid.

1814

G. H & J. F. Burdett, admrs, Plaintiffs
vs
Isaac Hammett, Wm. B. Burdett & H. N. Burdett, Defendants

And now on this day came the plaintiffs to this cause by their xxxxxxxx attorneys and move the Court to render Judgment by default against the defendants in this case. And because the said Defendants have been legally served with the proces and have failed to answer the petition of the plaintiffs; and the cause of action being liquidated, It is, therefore, ordered, adjudged and decreed by the Court, that the plaintiffs Giles H. Burdett and Jefe F. Burdett, Administrators of the Estate of H. N. Burdett, deceased, do have and recover off and from the defendants, Isaac Hammett, W. B. Burdett and H. N. Burdett, the sum of Eight Hundred and Fifty-Five and 13/100 Dollars, principal debt and interest due on the note sued on to this date, together with all cost of this suit, for which execution may issue.

1815

G. H. & J. F. Burdett, admrs, Plaintiffs
vs
W. B. Burdett, H. N. Burdett and A. M. Davidson, Defendants

And now on this day came the plaintiffs to this cause by their attorneys, and move the Court to render Judgment by default against the defendants in this case. And because the said defendants have been legally served with proces and have failed to answer the petition of the plaintiffs. And the cause of action being liquidated, It is, therefore, ordered, adjudged and decreed by the Court, that the plaintiffs Giles H. Burdett and Jefe F. Burdett, Administrators of the Estate of H. N. Burdett, deceased, do have and recover off and from the defendants, W. B. Burdett, H. N. Burdett and A. M. Davidson, the sum of One Thousand, Forty-Three and 26/100 Dollars, principal debt and interest due on the note sued on to this date, together with all cost of this suit, for which execution may issue.

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1818 — John T. Miller vs W. A. Taylor — Plaintiff / Defendant — Continued on the affidavit of the defendant

1819 — F. A. Thompson, et.als. vs Alex. Caines, et.als. — Plaintiffs / Defendants — Continued Generally

1820 — L. Wm. D. Carrington & Co. vs L. D. Carrington & Co — Plaintiffs / Defendants — This cause continued as upon the affidavit of the Defendants.

1829 — Charles Krohn vs John H. Conner — Plaintiff / Defendant — And now on this day came the parties to this cause by their attorneys, and announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Davis County, to wit: I. B. Baron, Foreman, and eleven others, who were tried, elected, empannelled and sworn according to law. And the Jury having heard the testimony and the charge of the Court, returned the following verdict, to wit: "We the Jury, find for the plaintiff in the sum of $1148 87/100 I. B. Baron, Foreman." Whereupon, It is ordered, adjudged and decreed by the Court, that the plaintiff, Charles Krohn, do have and recover off and from the defendant, John H. Conner, said sum of One Hundred, Forty-Eight and 87/100 Dollars, together with ten per centum per annum interest thereon until paid, and all cost of this suit, for all which execution may issue.

1834 — J. W. & R. G. McMurtray vs R. A. A. Carleton — Plaintiffs / Defendant — And now at this day came the parties to this cause by their attorneys, and announced themselves ready for trial, and waiving a Jury, submit the cause to the Court. Because the defendant is indebted to the plaintiffs, as shown by the note of hand mentioned at the trial, And thereupon It is ordered, adjudged and decreed by the Court, that the plaintiffs, John W. McMurtray and Rebecca G. McMurtray, do have and recover off and from the defendant, R. A. A. Carleton, the sum of Three Hundred and Seventy Dollars, principal debt and interest due on the note sued on in this case, up to this date, together with all cost of this suit, for which execution may issue.

Fall Term, Wednesday, 11th January, 1860.

1836 — Wilson Green, Plaintiff; v. W. P. DeNormandie, et.als, Defendants. This cause coms. as upon affidavit of the Defendants.

1839 — M. W. Townsend, Plaintiff; v. Linda D. Nichols, Defendant. And now at this day came the plff by his attorneys, and on motion of said plaintiff. It is ordered by the Court that this cause be dismissed from the Docket, and that said plff. M. W. Townsend, pay all the cost of this suit, for which execution may issue.

1841 — Geo. Hance & Co., Plaintiff; v. Martin Moore, Defendant. And now at this day comes John D. Costa, Esq. an attorney of this Court, and suggests the death of the defendant Martin Moore, and said Costa enters the appearance of Elizabeth Moore, the surviving wife of said defendant in this case. Whereupon, It is ordered that said cause proceed in the name of the said Elizabeth Moore as defendant, and that this cause be continued.

1846 — Stephen A. Royce, Plaintiff; v. P. H. Royce, Defendant. And now on this day came the plff. by his attorneys, and on motion of said plaintiff. It is ordered by the Court that this cause be dismissed from the docket, and that the plff Stephen A. Royce, pay the cost of this suit, for which execution may issue.

1847 — Ed. Tillman, Plaintiff; v. A. Bahn, Defendant. And now at this day came the parties to this cause by their attorneys - and by agreement, and on motion of said parties, It is ordered that this cause be dismissed from the docket; that the plaintiff, Ed. Tillman pay the cost incurred by him in this suit; and that the defendant, A. Bahn, pay the cost incurred by him, for all which execution may issue.

1850 — Joseph Bahn, Plaintiff; v. Ed. Tillman, Defendant. It is ordered that this cause be continued, on the affidavit of the Defendant.

Fall Term, Wednesday, 11th January, 1860.

1855. Wm A. Van Alstyne vs John M. Thomas et al. — Plaintiff / Defendants — And now at this day came the plaintiff by his attorney; and on motion of said counsel, It is ordered by the Court that the Judgment by default entered in this case at a former day of the present term, be set aside and vacated, and that the cause be continued generally.

1857 Geo. L. Walton vs Christian & Johnson — Plaintiff / Defendant — On motion, It is ordered that the plaintiff have leave to amend his petition.

1861 Ellen F. Darral vs Wade and Palm — Plaintiff / Defendants — And now on this day come the parties by their attorneys, and the facts were submitted to the Court without the necessity of a special plea of offset and replication. And the plaintiff consents to a credit of forty-six dollars and seventy-eight cents according to a pencil memorandum filed, to date on the day of the maturity of said note, whereby it bears a balance of Two Hundred and Two 22/100 Dollars principal, upon which there has accrued interest to the amount of Five 55/100 Dollars, making two Hundred and Seven 77/100 Dollars balance. And it is further admitted ~~ordered~~ that the defendant C. G. Palm signed the note as Wades security. Therefore, It is considered by the Court that the said plaintiff recover of the defendant, M. A. Wade, as principal, and C. G. Palm, as security the said sum of Two Hundred and Seven Dollars and Seventy Seven Cent, the balance due upon said notes; and as they bear a conventional interest of ten per centum per annum, said Judgment shall also bear interest at the rate of ten per centum per annum until paid. It is further ordered that the plaintiff recover of said defendants all cost of this suit, for which execution may issue

1900 J. M. W. Hall vs J. W. Robertson — Plaintiff / Defendant — It is ordered, on motion that this defendant have leave to amend his answer.

1910 John C. Evans vs R. H. Simmons — Plaintiff / Defendant — And now at this day comes the plaintiff by his attorneys, and claims a

Fall Term, Wednesday, 11th Jany 1860

Judgment final by default. And because the Defft has accepted service of the plaintiff's petition, and waived the issuance and service of process, and has failed to answer the allegations of the said petition - and because plaintiff's cause of action is based upon a liquidated demand, It is, therefore ordered, adjudged and decreed by the Court, that the plaintiff, John C. Ervin, do have and recover off and from the defendant, R. H. Simmons, the sum of One Hundred, Fifty-Three and 24/100 dollars, principal debt and interest due on the notes sued on to this date, together with twelve per centum per annum interest thereon until paid, and all cost of this suit, for all which execution may issue.

1901

A. B. McGill, Plaintiff
v.
W. P. DeNormandie, Defendant

And now on this day came the parties to the above entitled cause, the plaintiff appearing by attorney, and the defendant appearing in person, and announced themselves ready for trial, and said parties agree to waive a Jury and submit the cause to the Court. And thereupon said parties consent and agree in open Court that the following Judgment and decree may be entered by the Court, which is accordingly done: and it appearing to the Court here that plaintiff's debt is evidenced by a promissory note in writing, now unto the Court shown and exhibited, being the same sued on in this cause, It is, therefore, ordered, adjudged and decreed by the Court, here, that the plaintiff, Asaford B McGill, do have and recover off and from the defendant, William P. De Normandie, the sum of Three Thousand One Hundred and Thirteen and 9/100 Dollars, so found to be due on said note, and all his costs in this behalf expended, for which execution may issue - and it for that appearing to the Court here, that said note and debt is secured by mortgage executed by said DeNormandie to Thomas C. Collins on the 14th day of September, 1857, on Eleven Hundred and Eighty Acres of Land, situate and lying in the County of Blanco, in the State of Texas, and which said Eleven Hundred and Eighty Acres of Land is subdivided into three tracts of two hundred and Twenty acres, three hundred and twenty acres, and six hundred and forty acres, respectively, and the first named tract of two Hundred and Twenty Acres, being described by metes and bounds, as follows, to wit: "Being a part of

A true copy of this Judgment as of record in my office. Given under my hand and seal of said Court, this the 15th day of Feby A.D. 1860.
Wm. H. Mullins
Clk.

V

A. B. McGill
vs.
W. P. DeNormandie
$153.24

Fall Term, Wednesday, 11th January, 1860.

Thomas Mancha survey, No 402, for Nineteen Hundred and Twenty (1920) acres, patented to Collins and Lowsher, assignees of Thomas Mancha, by patent dated 10th day of February, 1854 beginning at a point in the East line of the said Thomas Mancha survey 1900 varas South from the North east corner of said survey. Thence West 1900 varas to a stake in the dividing line between said survey and the O. B. Powell survey. Thence South for quantity; and the said tract of three hundred and twenty acres being described by metes and bounds, as follows, to wit: Beginning at the North East corner of a Survey in the name of O. B. Powell; Thence West 1846 varas; Thence North 1300 varas, Thence East 1066 varas. Thence North 300 varas. Thence East 420 varas. Thence South to the place of beginning, being a part of the Thomas Mancha survey aforesaid. And the said tract of Six Hundred and Forty acres, being described by metes and bounds as follows, to wit: Beginning at the East, North-East corner of said Thomas Mancha survey, and running West 1900 varas; thence South for quantity - the three said tracts making eleven Hundred and Eighty acres of land It is, therefore, ordered, adjudged and decreed by the Court, here, that the lien secured by said mortgage on said land be foreclosed, and that an order of sale issue to the Sheriff of Blanco County, commanding him to sell said land herein described to satisfy this Judgment for plaintiff's debt and cost herein; and that said Sheriff be commanded to sell first; the said tract of Two Hundred and Twenty acres of land, to the highest and best bidder for cash, and apply the proceeds of said sale to the payment of this Judgment and costs; and if the proceeds arising from said sale be not sufficient to satisfy this Judgment, then that said Sheriff sell the said tract of three hundred and twenty acres to the highest and best bidder for cash, and apply the proceeds thereof to the payment of this Judgment and costs. And if the proceeds arising from the sale of both said tracts be insufficient to satisfy this Judgment and costs, then said Sheriff shall sell to the highest and best bidder for cash the said tract of six hundred and forty acres of land, and apply the proceeds arising from said sale to the payment of this Judgment and costs; and if any balance should remain after paying off this Judgment and costs, then said balance shall be paid over to defendant herein. And it is further ordered, adjudged and decreed that said Sheriff make to the purchaser or

Fall Term, Thursday, 12th January, 1860

purchasers of said lands, deeds of conveyance to said lands, conveying to him or them all defendants' title therein and it is further ordered, that if the proceeds of the sale of said lands be insufficient to pay off and fully discharge this Judgment, with cost, then execution may issue against said defendant, William P. De Normandie for the balance that may be due

And Court adjourned till To-Morrow Morning 9 o'clock.

Thursday, 13th January, 1860

Court convened until this Morning at 9 o'clock. A. W. Terrell, Judge and Ronald Sheriff presiding. Whereupon the following proceedings were had by said Court, as follows to wit:

1734 — G. H. Gray, Ch. Jus. of John Horan, et al. vs. Plaintiff / Defendants — And now on this day appeared the parties plaintiff and defendants by their attorneys, and it appearing to the Court that the defendants, John Horan, I. H. C. Hampton and R. H. Clements, have been duly served with process of citation in this cause more than ten days before the first day of this term of this Court, and they having failed to appear and answer herein, and the plaintiff having moved the Court for judgment by default against them, and it appearing to the Court that the defendants are not in the military service of the State, and that they are not entitled to the benefits of the act of the Legislature for the relief of soldiers, sailors, &c., and the Court having heard the evidence and argument of counsel, is of opinion that the plaintiff is entitled to judgment against the defendants, and it is therefore considered, ordered, adjudged and decreed by the Court that the plaintiff, George H. Gray, Chief Justice of Rains County, for the use of said County, do have and recover of and from the defendants, John Horan, I. H. C. Hampton and R. H. Clements, the sum of One Thousand Dollars, as found by the jury, together with all cost of this suit, for all which execution may issue.

1857 — Geo. L. Wharton vs. Christian & Johnson — Plaintiff / Defendants — Continued by the defendants on sworn affidavit

Fall Term, Thursday, 12th January, 1860

1859 — The State of Texas vs D. Case, et.als. — Plaintiff / Defendants — And now on this day appeared the State by the District Attorney; and the defendants appeared also by attorney; and the defendants submitted their motion to set aside the Forfeiture in this cause, which said motion being heard and the proofs in support thereof, It is ordered, that said motion be granted; that said forfeiture be set aside; and that the defendants Sherman Case, and Quincy Case, pay all cost of this proceeding, for which execution may issue And the District Attorney gives notice of Pass appeal to the Supreme Court

1860 — The State of Texas vs Sherman Case, et.als. — Plaintiff / Defendants — And now on this day appeared the State by the District attorney and the defendants appeared also by attorney. And said defendants submitted their motion to set aside the Forfeiture in this cause, which said motion and the proofs in support thereof being heard, It is ordered that said motion be granted; that the forfeiture in this cause be set aside, and that the defendants, Sherman Case and Quincy Case, pay all cost of this proceeding, for which execution may issue. And the District Attorney, gives notice, in open Court, of pass appeal to the Supreme Court.

1862 — Elizabeth Ann Rice vs D. Gilleland, et.als. — Plaintiff / Defendants — This cause continued under the rule for security for cost.

1864 — A. M. Hanslin vs Andrew Hanslin — Plaintiff / Defendant — Plaintiffs counsel being absent this cause cont'd on application of W. M. Wallin, attorney.

1865 — Wooster, Gorin & Co vs W. H. Rowan — Plaintiffs / Defendant — Cont'd for service

1874 — B. Rowan vs Robinson & Vogt — Plaintiff / Defendants — Continued for service.

1875 — John T. Mills vs Deats & Oldham — Plaintiff / Defendants — And now on this day came the Plaintiff by attorney and claims a Judgment

Fall Term, Thursday, 12th January, 1865,

final by default. And it appearing to the Court, that the defendants in this suit have been legally cited by personal service, and have wholly failed to answer the petition of the plaintiff; and it further appearing that plaintiffs' cause of action is based upon a liquidated demand, It is, therefore, ordered, adjudged and decreed by the Court, that the plaintiff, John D. Miller, do have and recover off and from the defendants, George I Neal and Williamson C. Oldham the sum of One Hundred and Sixty-Seven 70/100 Dollars, principal debt and interest due on the note sued on to this date, together with ten per centum per annum interest thereon till paid, and all cost of this suit, for which execution may issue.

1876 — N. S. Haden, Plaintiff v. E. M. Crosthwait, Defendant — Continued Generally

1893 — Hiram Grooms, Plaintiff v. P. Priestley, Defendant, Bryce Lyman, Garnishee — It is ordered that this cause be continued to make new parties

1892 — R. Butcher, et. al., Plaintiffs v. C. H. Randach, Defendant — Continued Generally

1900 — J. M. W. Hall, Plaintiff v. J. W. Robuck, Defendant — and now on this day came the plaintiff and the defendant by attorney, and said parties agree to waive a Jury and submit this cause to the Court. And the defendant being entitled to an offset of $15.25 as shown by his amended answer, the plaintiff is entitled to recover the amount of the note sued on, less the amount of the credit stated. Whereupon, It is ordered, adjudged and decreed by the Court, that the plaintiff J. M. W. Hall do have and recover off and from the defendant, J. W. Robuck, the sum of Two Hundred, Two 28/100 Dollars principal debt and interest, due after deducting the said credit of $15.25 as aforesaid, together with all cost of this suit, for which execution may issue.

Fall Term, Thursday, 12th January, 1860

1918 — W. O. Oldham, Trans. of Jo. Walker, et.al. — Plaintiff / Defendants — Continued for service.

1866 — D. J. Lee vs D. J. Nichols — Plaintiff / Defendant — And now on this day came the parties to this cause, by their attorneys, and announced themselves ready for trial. And said parties agree to waive a Jury, and submit the case to the Court. And because the defendant is indebted to the Plaintiff as evidenced by the note of hand sued on, produced at the trial, It is, therefore, ordered adjudged and decreed by the Court, that the Plaintiff, D. J. Lee, do have and recover off and from the defendant, D. J. Nichols, the sum of Six Hundred and Forty 60/100 Dollars, principal debt and interest due on the note sued on to this date, together with ten per centum per annum interest thereon till paid, and all cost of this suit, for which execution may issue. And by consent and agreement, It is ordered that execution be stayed until April 1st 1860.

1316 — The State of Texas vs James Hickey — Plaintiff / Defendant — And now at this day came the State by the District Attorney and the defendant by his attorneys. and said defendant counsel submitted their motion heretofore filed in this case for a new trial. and said motion being argued by counsel, and duly considered, It is, therefore, ordered, that said motion be sustained; & that the said defendant, James Hickey, be granted a new trial, and

1851 — N. Townsend vs J. C. & D. D. Pannehill — Plaintiff / Defendants — In this cause appeared the parties plaintiff and defendants by their attorneys: And upon motion of plaintiff, by his attorney, for survey of the land claimed by plaintiff in his deed as described in his petition and amended petition, after hearing the pleadings read and the argument of counsel, It is ordered and decreed by the Court that the Surveyor of Travis County survey and plot the League or tract of land described in plaintiff's petition, and survey and plot two thousand acres off of the lower side of said tract commencing at the

lower corner of said league, on the Colorado River, and run up said River such a distance as will by running a line parallel with the lower line to the back line of said League, make the aforesaid Two Thousand acres of said land, and to survey and plot said Two Thousand acres on the lower side of said league, according to the calls in the deed executed by the defendant Jesse Tannehill to the plaintiff, dated 25th day of April, 1855; and if it appears that it conflicts with any other grant, to plot the conflict of the same. also, to look and see if there is any well marked division line in said League- if so, plot the same. The Surveyor is hereby authorized and instructed not to mark any of the lines that he may run, until he is further ordered by this Court; that said Surveyor make the aforesaid Surveys and plots, and return the same to this Court in lauter.

1857

Martha A. Mitchell — Plaintiff
v.
A. B. McGill — Defendant
Lake Bott — Garnishee

On this day this cause coming on to be heard, the plaintiff having controverted the correctness of the answer of the Garnishee heretofore filed in this cause, in the manner prescribed by the statute in such cases made and provided, the plaintiff by attorney appeared and announced ready for trial. And the Garnishee being solemnly called at the Court house door, and failing to appear by himself or counsel- thereupon the Court directed the issue to be made and tried by a Jury, whether the answer of the said Garnishee be correct or not. Whereupon came a Jury of twelve good and lawful men of Travis County, to wit: J. B Barron, and eleven others, who being empannelled and sworn well and truly to try the issue aforesaid, who having heard the answer of the said Garnishee read and the evidence of the plaintiff controverting the correctness of said answer, and being instructed by the Court, retired to consider of their verdict, and returned into Court the following verdict, to wit: "We, the Jury, find for the plaintiff generally. " We also find that the defendant Bott had in his possession, at " the time of the service of the writ Garnishment, 174 bushels " Wheat, belonging to McGill. We also find that said Wheat " was worth $217 50/100. J. B. Barron, Foreman." And it appearing to the Court that the said plaintiff recovered a Judgment

Full Term, Friday, 13th January 1860.

against the defendant A. D McGill, on the 14th day of January 1858, for the sum of Twenty-Six Hundred and Twelve and 17/100 Dollars, with interest at the rate of twelve per cent. per annum, besides cost; and it further appearing to the Court that there has been paid upon the principal and interest of said Judgment the sum of Sixteen Hundred and Fifty-Four and 94/100 Dollars in all, leaving a balance due on said Judgment, at this time, of Eleven Hundred and Eighty-Six and 97/100 Dollars, besides the cost. Wherefore, It is ordered, adjudged and Decreed by the Court, that the plaintiff, Martha A. Mitchell, do have and recover from the Garnishee, Luke Bott, the said One Hundred and Seventy-Four Bushels of Wheat, and that the Sheriff of Travis County is hereby required to proceed to demand the same from the said Garnishee, to be dealt with as the law directs upon the delivery thereof. But if the said Garnishee fail or refuse to deliver the said wheat upon the demand of the said Sheriff. It is ordered, adjudged and decreed that the plaintiff, Martha A. Mitchell, do have and recover from the said Garnishee, Luke Bott, the sum of Two Hundred and Seventeen and 5/100 Dollars the value of said wheat, and ~~of the~~ proceeding to be paid out of the said sum of $217 5/100 Dollars or the proceeds the ~~recovery of~~ which execution may issue, as in other cases, upon the return of the Sheriff signifying the failure or refusal of said Garnishee to deliver the said wheat.

And Court adjourned till To-Morrow morning 9 o'clock

Friday, 13th January, 1860.

Court convened at 9 o'clock A.M. pursuant to adjournment. A. W. Terrell Judge 2d Judicial District presiding. Whereupon the following proceedings were had by said Court, as follows To Wit:

999	The State of Texas vs Wm Bennett	Plaintiff / Defendant	On motion of the District Attorney, It is ordered that this prosecution be dismissed, and that the Deft. be discharged
1156	The State of Texas vs Wm Lowers	Plaintiff / Defendant	On motion of the Dist Atty, It is ordered by the Court, that the parties have leave to substitute the Indictment in this case, which has been lost, which said substituted Indictment is filed in this cause, as of date 5th Jany 1860.

Fall Term, Friday, 13th January, 1860

1264 — The State of Texas vs Wm B. Covington

The State of Texas, Plaintiff; Wm B. Covington, Defendant. This cause being called for trial, the defendant William B Covington, failing to appear and answer to the Indictment in this cause, he and his securities, George McKenzie and M. H. Bowen, being distinctly called at the door of the Courthouse of Travis County; and the defendant, after a reasonable length of time, still failed to appear; and it appearing to the Court that the defendant William B Covington, with the said George McKenzie and M. H. Bowen, as his securities, did execute the Bail Bond on file in this cause substantially as follows: Dated 14th day of December 1859, payable unto The State of Texas in the sum of One Hundred Dollars, conditioned that the said defendant Wm B. Covington, make his personal appearance at the District Court of said County of Travis then in session, to answer the Indictment preferred against the said Defendant, Wm B. Covington, by the Grand Jurors of Travis County at the Fall Term, A. D. 1859, for playing cards in a room attached to a house for the purpose of retailing Spirituous liquors commonly used for gaming, and then remain from day to day and from Term to Term of said Court, and that he do not depart thence without leave of said Court, Which said Bond is forfeited. And it is considered by the Court that The State of Texas do have and recover of the said Wm B. Covington the said sum of One Hundred Dollars, and of his said securities the sum of One Hundred Dollars, and that this Judgment will be made final unless good cause be shown at the next Term of this Court, why the said defendant, Wm B. Covington, did not appear And further ordered that citations do issue to the said securities

1284 — The State of Texas vs Kate Howard

The State of Texas, Plaintiff; Kate Howard, Defendant. And now at this term appeared in open Court James Sims Thomas Rowles and T. V. Copeland, and each of them acknowledged himself justly to owe and be indebted unto The State of Texas in the sum of One Hundred Dollars, to be levied upon his goods and Chattels, Lands and Tenements. But to be void if the said James Sims, Thomas Rowles, and T V. Copeland shall, each, appear before the District Court of Travis County, to be held at the Courthouse thereof in the City of Austin on the 9th Monday after the First Monday in April, 1860, and from Term to Term thereafter, to testify on behalf of the plaintiff in the above entitled cause of The State of Texas v. Kate Howard, No 1284, and that said witnesses do not depart the Court without leave.

Fall Term, Friday, 13th January, 1860

1285 The State of Texas / vs / Sarah Williams } Plaintiff / Defendant } And now at this Term came the State by the District attorney, and the defendant appeared by her attorneys. And said defts. counsel submitted to the Court her exceptions to the Indictment in this case, which said exceptions being argued by counsel and being duly considered by the Court, are overruled.

1285 The State of Texas / vs / Sarah Williams } Plaintiff / Defendant } On the statement of the District attorney, that the testimony of the witnesses Wm M. Hord and Wm B. Errington is material; that they have been subpoened, and have failed to appear, as witnesses on behalf of the State in this case, It is, therefore, ordered, that each of said witnesses be fined Fifty Dollars and that Scire Facias issue to each of them to appear at the next term of this Court, and show cause, if any they can, why this Judgment should not be made final

1285 The State of Texas / vs / Sarah Williams / Thomas Rowles } Plaintiff / Defendant } And now on this day appeared in open Court the witness, Thomas Rowles, and acknowledged himself justly to owe and be indebted unto The State of Texas in the sum of One Hundred Dollars, to be levied upon his Goods and Chattels, Lands and Tenements, But to be void if the said Thomas Rowles, shall appear at the next Term of the District Court of Travis County, to be held at the Courthouse thereof in the City of Austin, on the 4th Monday after the first Monday in April, 1860, and from Term to Term thereafter, to testify on behalf of the peff in the above entitled cause of The State of Texas vs Sarah Williams, and that he do not depart the Court without leave

1294 The State of Texas / vs / John T. Shanks } Plaintiff / Defendants } And now at this Term appeared in open Court R. M. Elgin, Stephen Crosby, Francis M. White and Flavius Everett, and each of said persons acknowledged himself bound to pay to the State of Texas the sum of Five Hundred Dollars, each, to be levied upon their Goods and Chattels, Lands and Tenements, But to be void if the said R. M. Elgin, Stephen Crosby, Francis M. White and Flavius Everett shall appear at the next term of the District Court of Travis County, to be held at the courthouse

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thereof in the City of Austin, on the 9th Monday after the first Monday in April, 1860, and from Term to Term thereafter, to testify on behalf of the Plaintiff in the above entitled cause of The State of Texas v. John T. Shanks, No. 1294, and that they do not depart the Court without leave.

1294

The State of Texas v. John T. Shanks } Plaintiff / Defendant } And now at this Term appeared in open Court J. H. Herndon, and acknowledged himself bound to pay to the State of Texas the sum of Five Hundred Dollars, to be levied upon his Goods and Chattels, Lands and Tenements, But to be void if the said Herndon shall appear before the District Court of Travis County, to be held at the Courthouse thereof in the City of Austin, on the 9th Monday after the first Monday in April, 1860, and from Term to Term thereafter, to testify on behalf of the Defendant in the above entitled cause, No. 1294 of The State of Texas v. John T. Shanks, and that he do not depart the Court without leave.

1295

The State of Texas v. John T. Shanks } Plaintiff / Defendants } And now at this Term appeared in open Court R. M. Elgin, Stephen Crosby, Francis M. White, Edward Clark and Flavius Everett, and each of said persons acknowledged himself bound to pay to the State of Texas the sum of Five Hundred Dollars. But to be void if the said Elgin, Crosby, White, Clark and Everett shall appear at the next term of the District Court of Travis County, to be held at the Courthouse thereof in the City of Austin, on the ninth Monday after the first Monday in April, 1860, and from term to Term thereafter, to testify on behalf of the plaintiff in the above entitled cause, No. 1295, of The State of Texas v. John T. Shanks, and that they, the said witnesses, do not depart the Court without leave.

And Court adjourned until To-Morrow morning 9 o'clock

Saturday, 14th January, 1860

Court convened at 9 o'clock A.M. pursuant to adjournment A. W. Terrell, Judge Second Judicial District presiding. Whereupon the following proceedings were had by said Court, as follows To wit:

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And thereupon It is ordered by the Court that the Clerk issue a Special Venire for sixteen Jurors, to be in attendance at the Court-house on Monday morning next at 9 o'clock, the 16th instant,

And Court adjourned till Monday morning at 9 o'clock

Monday, 16th January, 1860

Court convened at 9 o'clock, A. M. pursuant to adjournment. A. W. Terrell 2d. District Judge presiding. Whereupon the following proceedings were had by said Court, as follows, To wit:

1872 John Woolen vs John Taney — Plaintiff / Defendant — And now at this term came the parties, plaintiff and defendant, to this cause, by their respective attorneys, and announced themselves ready for trial. And thereupon came a Jury of twelve good and lawful men of Travis County, To wit: I. B. Barron, Foreman and eleven others, who were tried, elected, empannelled and sworn as the law prescribes. And the Jury having heard the pleadings read, the testimony introduced by the parties, the argument of the counsel, and the charge of the Court, retired for deliberation. Whereupon said Jury returned the following verdict, To wit: "We, the Jury, find for the defendant. I. B. Barron, Foreman." Whereupon, It is ordered & adjudged by the Court, that the plaintiff take nothing by his action in this case; that the defendant go hence, and recover off and from said plaintiff, John Woolen, and the security to wit: Mathew Brown, on his cost bond, all the cost of this suit, for which execution may issue.

968	The State of Texas	vs	Carr & Fenwin	Continued Generally
969	The State of Texas	vs	Carr & Fenwin	Continued Generally
970	The State of Texas	vs	Carr & Fenwin	Continued Generally
971	The State of Texas	vs	Carr & Fenwin	Continued Generally
972	The State of Texas	vs	Carr & Fenwin	Continued Generally
973	The State of Texas	vs	Carr & Fenwin	Continued Generally
974	The State of Texas	vs	Carr & Fenwin	Continued Generally
975	The State of Texas	vs	Carr & Fenwin	Continued Generally
976	The State of Texas	vs	Carr & Fenwin	Continued Generally
977	The State of Texas	vs	Carr & Fenwin	Continued Generally
978	The State of Texas	vs	Carr & Fenwin	Continued Generally
979	The State of Texas	vs	Carr & Fenwin	Continued Generally

Full Term, Tuesday, 17th January, 1860

1017	The State of Texas	vs	Geo & John Robinson	Continued Generally
1018	The State of Texas	vs	Geo & John Robinson	Continued Generally
1019	The State of Texas	vs	Geo & John Robinson	Continued Generally
1020	The State of Texas	vs	Geo & John Robinson	Continued Generally
1021	The State of Texas	vs	Geo & John Robinson	Continued Generally
1022	The State of Texas	vs	Geo & John Robinson	Continued Generally
1023	The State of Texas	vs	Geo & John Robinson	Continued Generally
1024	The State of Texas	vs	Geo & John Robinson	Continued Generally
1025	The State of Texas	vs	Geo & John Robinson	Continued Generally
1026	The State of Texas	vs	Geo & John Robinson	Continued Generally
1027	The State of Texas	vs	Geo & John Robinson	Continued Generally
1141	The State of Texas	vs	Geo & John Robinson	Continued Generally
1142	The State of Texas	vs	Geo & John Robinson	Continued Generally

1078 Geo. Hancock vs F. S. & Jane Roy — Plaintiff — Defendants

And now on this day appeared the parties to this cause by their respective attorneys; and said parties filed their agreement in this cause, stating that the Judgment entered in this case at the last Term of this Court may be corrected so as to render Judgment against said defendants for the cost of this suit. Whereupon It is ordered by the Court that the Judgment rendered in this cause at the last Term dismissing the cause at the cost of the plaintiff, be vacated and set aside; that said cause be dismissed at the cost of the defendants, and that said F. S. Roy and Jane Roy pay all cost of this suit, for which execution may issue

And Court adjourned till To-Morrow Morning 9 o'clock M.

Tuesday, 17th January, 1860.

Court convened at 9 o'clock A.M. pursuant to adjournment. All. Jew. Judge Second Judicial District presiding Whereupon the following proceedings were had by said Court, as follows, To wit:

1903 James B. Shaw vs W. G. Ramtree, S. M. Swenson & Thos. H. Dotal — Plaintiff — Defendants

This cause being called for trial, And it appearing to the Court that the defendants, S. M. Swenson and Thomas H. Dotal have acknowledged service of the petition in writing, and over their signatures and have waived the issuance of process thereon, and that they have failed to appear and make answer or any defence thereto, It is ordered by the Court that Judgment by default be entered against them: And it further appearing to the Court that the Defendant W.G. Ramtree, has been duly served, and has filed an answer which he now, by

Fall Term, Tuesday, 17th January, 1860.

leave of the Court withdraw, It is ordered by the Court that Judgment by nil dicit be entered against him. And the Plaintiff, James B. Shaw, by his attorney, having produced, read in evidence, and filed the promissory note with the Indorsements thereon in the petition described; And the Defendant Rountree having waived a Jury, It is further considered by the Court that the plaintiff have and recover against the defendants the sum in said note specified, with interest thereon, less the credits endorsed thereon, said sum being One Thousand, Forty-Seven 31/100 Dollars together with all the costs of this suit. It is further considered by the Court, that whereas, said note was given for the purchase of a tract of land hereinafter described, and that it has a lien thereon, and that on the Tenth day of December, A.D. 1859, Felix E. Smith purchased for the sum of Five Hundred and Thirty-Eight Dollars ($538) which is credited upon said note, ninety-six acres of said tract, which is more particularly described in the deed from said Ontal to said Smith which is of record in Book N pages 582-3 in the County Clerk's Office of Travis County, it is decreed that said ninety-six acres be exempt from such lien. It is further decreed that said lien be enforced as to the residue of said tract, which including said ninety-six acres which are exempt, is known and described as follows:

" Field Notes of Three Hundred and Seventy Nine and a half acres
" of Land, part of Santiago del Valle's Ten League Grant. Situated in
" Travis County, Texas, on the North Bank of Onion Creek, about 7 1/2
" miles S. 20° W. from Austin City, East of the Road from Austin City to
" San Antonio by Imble's Ferry. Surveyed at the true variation of
" 9° 31' East. Beginning in the middle of a small branch, near to and
" East of said Road, in the N. W. Line of said Del Valle's Ten League
" grant, being the corner of a tract of land sold to Piper, a small Hack
" berry mkd X as a bearing tree. Thence N. 28° 35' E. 34 chains (four pole
" chains) and 65 lnks to a small stone mound in a drain in said N. W.
" line of the DelValle Grant, from which a L.O. 15 ins. dia. mkd X bears
" S. 61° 15' E. 4.19 chs. Thence S. 88° 21' E. 14.87 chs to the S. W. corner
" of a 303 acre Survey made for Montgomery, a stone mound from
" which a P.O. 18 ins. dia. mkd X bears S. 33° W. 30 lks & a P.O. 12 ins.
" dia. mkd X bears N. 56° E 10 lks. Thence S. 3° 39' W. 22.34 chs. to
" a corner of said Montgomery on the north bank of a branch, a
" stone mound from which a L.O. 8 ins dia. mkd X brs S. 78° E. 10
" lks an Elm 8 ins. dia. mkd X brs N. 81° W. 24 1/2 lks. Thence S.
" 51° E. 9.00 chs crop said branch, 13.50 chains, crop a bend of said
" branch. 68.17 chs to corner, on the bank of Onion Creek, from which an
" Elm. 8 ins. dia. mkd X brs N. 50° E. 11 lks And Elm 16 ins. dia. mkd X

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"bes. N. 4° E. 25 vs. which is also a corner of said Montgomery survey
"Thence up said Arion cr. with its meanders to the mouth of the branch
"commenced on, and up said branch with its meanders to the begin-
"ning. The bearings to witness corner lines are given at a variation of
"10° 30' E. as given in the Montgomery & other surveys. The lines are
"general the true variation being with the compass anno. January, 1855,
"7° 31' E."

It is further decreed, that Defendants have a stay of execution for precisely six months from and after the Tenth day of December, A. D. 1859, and that on the expiration of said stay that Plaintiff may have execution directing the sale of the tract of land upon which the lien is decreed to be enforced, and if it produce not enough then the same to be levied upon any other property of defendant subject to execution, sufficient to pay the amount herein before adjudged to Plaintiff, together with all the costs of this suit. And it is ordered that the parties go hence without day

and Court adjourned till To-morrow morning 9 o'clock

Wednesday, 18th January, 1860

Court convened at 9 o'clock, A. M. pursuant to adjournment. A. W. Terrell, Judge Second Judicial District presiding. Whereupon the following proceedings were had by said Court, as follows To wit:

1276

The State of Texas	} Plaintiff	} And now at this day ap-
vs		} peared the State by the
A. W. O Hicks	} Defendant	} District attorney, and the

defendant appeared by his attorney, Amos Morrill, Esq. and by consent the continuance entered in this cause at a previous day of this term was set aside, & the parties announced ready for trial. Whereupon came a Jury of 12 good and lawful men of Travis county, to wit W. W. Townsend, Foreman and eleven others, who were tried, elected, empannelled and sworn according to law. And the Jury having heard the plea of guilty and the charge of the Court, returned the following verdict, to wit: "We, the Jury, find the Defendant guilty, and assess the fine at ten dollars. W. W. Townsend, Foreman." Whereupon, It is ordered and adjudged by the Court, that the State of Texas do have and recover of and from the defendant, A. W. O Hicks, the said amount of Ten Dollars and all cost of this prosecution.

Fall Term, Wednesday, 18th January, 1860

1286 The State of Texas vs A. W. O. Hicks } Plaintiff / Defendant } And now on this day came the State by the District Attorney; and the defendant appeared by Amos Morrill, Esq. his attorney. And by agreement, and consent of said parties, It is ordered that the continuance entered in this cause at a former day of this term, be set aside and vacated. And thereupon the parties having announced ready for trial, came a Jury of twelve good and lawful men of Travis County, to wit: A. B McGill, Foreman, and eleven others, who were tried, elected, empannelled and sworn according to law. And the Jury having heard the charge of the Court, returned the following verdict, to wit: "We, the Jury, assess the fine against the defendant at ten dollars. A. B. McGill, Foreman." Whereupon, It is ordered and adjudged by the Court, that the State of Texas do have and recover off and from the defendant, A. W. O. Hicks, the sums of Ten Dollars and all cost of this prosecution.

1873 John Edwards vs John Tanery } Plaintiff / Defendant } And now on this day appeared the parties to this cause by their respective attorneys, and announced themselves ready for trial. And thereupon came a Jury of twelve good and lawful men of Travis county, to wit: M. W. Townsend, Foreman, and eleven others, who were tried, elected, empannelled and sworn according to law. And the Jury having heard the pleadings read, the testimony introduced by the parties, and the charge of the Court, as also the argument of the counsel, retired for deliberation. And thereupon said Jury returned into Court the following verdict, to wit: "We, the Jury, find for the plaintiff in this cause, and assess the damages at two hundred and fifty dollars. M. W. Townsend, Foreman." Whereupon, It is ordered, adjudged and decreed by the Court that the plaintiff, John Edwards do have and recover off and from the defendant, John Tanery, the said sum of Two Hundred and Fifty Dollars, damages, found one by the Jury aforesaid, together with all cost of this suit, for all which execution may issue.

1899 A. L. Hamilton vs L. L. Nichols } Plaintiff / Defendant } Continued by consent of parties

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

Fall Term, Thursday, 19th January, 1860.

Thursday, January 19th 1860

Court convened at 9 o'clock A.M. pursuant to adjournment. A.W. Terrell, Judge Second Judicial District presiding. Whereupon the following proceedings were had by said Court, as follows, To Wit:

1881

Mary L. Givens, Plaintiff
vs
Elizabeth Givens, Defendant

And now at this day came the parties to the above entitled cause by their respective attorneys, and announced themselves ready for trial - and having waived a Jury, agreed to submit the matter in controversy to the Court. And the Court having heard the pleadings, the evidence and arguments of counsel. And it appearing to the Court that the matters and things in the plaintiff's petition contained, show a right in said plaintiff to the slaves therein named, It is ordered, adjudged and decreed by the Court that the title to the said slaves Frank, Octavia and Dan be, and the same is hereby vested in the said Pff. Mary Louisa Givens as the sole heir of the said N. C. Givens, deceased. And it is further ordered, that the possession of said slaves Octavia & Dan be taken from the said Elizabeth Givens, and vested in the said Mary L. Givens, and it is further ordered, that all proper and writs necessary to place the said Mary L. Givens in possession of said slaves Octavia and Dan, be issued by the Clerk of this Court and be executed by the Sheriff, in accordance with law. It is further ordered that said Mary L. Givens do have and recover of and from the deft. all the costs of this suit, for which execution may issue.

1907

Johnson & Harrell, Plaintiffs
vs
John H. Conner, Defendant

And now on this day appeared the plaintiffs to this cause by their attorneys; and the defendant appeared also by his attorneys. And thereupon said Deft withdraws his answer heretofore filed at a former day of the Term, and says nothing in bar of plaintiffs demand. And the plaintiffs thereupon asks for Judgment final by default. And because the said defendant has been cited by personal service, and says nothing in defence, by way of answer, or otherwise; and plaintiffs cause of action being based upon a note of hand, which is produced and exhibited to the Court, being the same sued on. It is, therefore, ordered, adjudged and decreed by the Court, that the plaintiffs, R.M. Johnson and Isaiah Harrell, under their firm name of Johnson & Harrell, do have and recover off and from the defendant, John H. Conner the sum of Two Hundred and Twenty-two & 15/100 Dollars, principal debt and interest due on the note sued on to this date, together with ten per centum per

Fall Term, Thursday, 19th January, 1860

annum interest on said sum until paid, and all cost of this suit, for which execution may issue.

1895 — B. F. Rodgers vs E. F. Gray. — Plaintiff / Defendant — And now at this day came the plaintiff by his attorney, and on motion of said plaintiff It is ordered by the Court that this cause be dismissed from the docket, and the parties allowed to go hence, the cost having been paid.

1906 — John Marshall vs J. H. Hutchins, admr. & J. W. Hampton — Plaintiff / Defendants — This cause being called for trial and the plff. not appearing to prosecute the same, on motion of Thos. C. Hues It is ordered that the cause be dismd.

1911. — John I. Ineed vs Daniel Hunt — Plaintiff / Defendant — On this day this cause being regularly reached on the Docket, came the plff by attorney, and moved the Court to render Judgment for the amount of the award of the arbitrators in this cause. And thereupon, it appearing to the Court, that the parties to this cause filed their agreement to arbitrate the matter in controversy in the clerks office, in the 1st Dec. 1859, and that said parties executed their bond in compliance with law to abide the award of the arbitrators, that Felix E. Smith and E. H. H. Mitchell were chosen arbitrators, by the parties, who were sworn as the Statute prescribes - and said arbitrators having examined into the matters in dispute and returned into Court the following award, to wit:

"The State of Texas } We, the undersigned, having been chosen and duly
" County of Travis } qualified as Arbitrators, to arbitrate a matter in
" controversy between I. I. Ineed Plaintiff and Daniel Hunt, Defendant,
" about the Killing of a mule belonging to the plaintiff I. I. Ineed by one
" John Kaking, met at the time and place appointed by the Orstnd clerk
" of Travis county, for said Arbitration - The plaintiff and Defendant
" appearing in person, we proceeded to hear the evidence adduced by the
" respective parties, and after due deliberation we give our award in
" favor of the plaintiff, I. I. Ineed and against the said Daniel
" Hunt, Defd. for the sum of One Hundred and Forty Dollars and all cost
" incurred in this behalf." "Felix E. Smith E. H. H. Mitchell, Arbitrators."

It is, therefore, ordered, adjudged and decreed by the Court, that the plaintiff said award be made the Judgment of the Court; that the plaintiff John I. Ineed, do have and recover off and from the defendant, Daniel Hunt the sum of One Hundred and Forty Dollars so awarded, and all cost of the proceeding, to be legally taxed by the Clerk, for which execution may issue.

Friday, 20th January, 1860.

1912	Wm Wright, et al.	Plaintiffs	Continued Generally. -	
	vs.			
	Saunders Fisher	Defendants		
352	N. Townsend	Plaintiff	Continued Generally	
	vs.			
	Geo. W. Scott	Defendant		
1382	John Moodie	Plaintiff	Continued Generally.	
	vs.			
	D. G. Reed	Defendant		
988	The State of Texas	Plaintiff	And now at this day came the District attorney, and on his motion It is ordered by the Court that the Fine entered in this cause at a former Term against Ed. Finnin, as a defaulting witness, be set aside and vacated, and that said Finnin pay the cost attending the Scire Facias for which execution may issue
	vs.			
	The Anderson	Defendant		

And Court adjourned till To Morrow morning 9 o'clock

Friday, 20th Janry, 1860.

Court convened at 9 o'clock A. M. pursuant to adjournment A. W. Terrell, Judge Second Judicial District, presiding. Whereupon the following proceedings were had by said Court, as follows, To Wit:

1906	John Marshall	Plaintiff	It is ordered that appearing that the order of continuance entered in this cause at a former day of the present Term, was made by the presiding Judge through mistake, It is ordered that the said continuance be set aside, because of the disqualification of the presiding Judge to try the cause. And thereupon comes the defendant by attorney, and moves the Court to change the Venue of said cause to the nearest adjoining county not of the 2d Judicial District, because of such disqualification. And thereupon It is ordered that said motion be granted; that the venue of said cause be changed to the County of Williamson, and that the Clerk of this Court transmit to the Clerk of the District Court of Williamson county, on or before the next Term thereof, all the Original papers in this cause together with a certified copy of all the entries, and the Bill of cost
	vs.			
	D. W Hampton's admr	Defendant		

Fall Term, Monday, 23d Jany 1860.

1882 — S. Cummins, admr / vs / C. R. Johns, Compt — Plaintiff / Defendant — It is ordered, on motion, that the plaintiff have leave to amend his petition.

1772 — Barnes & Walton / vs / Wm Griffin, et al. — Plaintiffs / Defendants — On motion of the plaintiffs in this cause, It is ordered by the Court, that the said plaintiffs have leave to substitute the notice to take the deposition of Joseph Bledsoe, in this cause, as also in accordance with their motion heretofore filed.

1326 — Humphreys & White / vs / Case & Freeman — Plaintiffs / Defendants — And now on this day came the defendant Freeman by his attorney, and submitted to the Court his motion for a new trial in this cause, which said motion being duly considered by the Court, It is ordered that the same be overruled.

1754 — Geo. H. Gray, Chf Ins. / vs / Ino. H. Gray, et. als. — Plaintiff / Defendants — And now on this day came the defendants by attorney, and submitted to the Court the motion for a new trial in this cause, which said motion being duly considered by the Court, It is ordered that the same be overruled. And thereupon the defendants, by attorney, give notice, in open Court, of an appeal to the Supreme Court.

And Court adjourned till Monday morning 9 o'clock

Monday, 23d Jany 1860

Court convened at 9 o'clock, A. M. pursuant to adjournment, A. W. Powell, Judge Second Judicial District presiding. Whereupon the following proceedings were had by said Court, as follows. To wit:

1772 — A. H. Barnes & Geo. L. Walton / vs / Thomas Griffin & Wm. D. Griffin — Plaintiffs / Defendants — And now on this day came the plaintiffs to this cause, and William D. Griffin, one of the defendants in said cause, by their respective attorneys, and announced themselves ready for trial. And thereupon said defendant, William D. Griffin submitted to the Court his demurrer to the petition of said plaintiffs, which demurrer was, upon consideration, overruled by the Court. But Thomas Griffin, the other defendant, came

Fall Term, Monday, 23d January, 1860

not, and wholly failed to appear and plead answer or demur to, the petition of the said plaintiffs, and made default thereto; and it appearing to the satisfaction of the Court that said defendant Thomas Griffin has been duly and legally cited to appear and answer to the petition of the said plaintiffs, by the publication of citation and a brief statement of the allegations and averments contained in the petition of the said plaintiffs, in the "State Gazette" a weekly newspaper published in the City of "Austin, in Travis County & State of Texas, in the manner and for the time prescribed by law: Whereupon came a Jury of twelve good and lawful men of Travis County, to-wit M. W. Townsend and eleven others who being duly elected tried empannelled and sworn, and who after having heard the evidence adduced by the said plaintiffs, and by the said defendant William J. Griffin, (a correct & certified statement of which evidence is on file with the papers in this cause) & the argument of Counsel retired under the charge of the Court to consider of their verdict & returned into their verdict as follows, viz:- "We the Jury find for the plaintiffs M. W. Townsend fore." And it appearing to the Court by the finding of the jury, that George L. Walton one of said plaintiffs, recovered a judgment in this Court on the 14th day of December A.D. 1858, against the said defendant Thomas Griffin for the sum of twelve hundred and ninety three dollars, and the cost in that behalf expended; and that A. H. Borne, the other of said plaintiffs, recovered a judgment in this Court on the 14th day of January A.D. 1859, against the said defendant Thomas Griffin for the sum of three hundred and three dollars, and seventy five cents, and the cost in that behalf expended- and that both of said judgments were rendered upon demands existing in favor of said plaintiffs, before the 24th day of December A.D. 1857, the date of the transfer by the defendant Thomas Griffin to the defendant William J. Griffin of the account or claim in favor of the defendant Thomas Griffin, and against the

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estate of A B Stanton deceased — Said account or Claim being originally for $1991.$^{60}/_{100}$ — being credited with $131.$^{76}/_{100}$ — upon which account was allowed by Joseph Bledsoe, The administrator of the estate of A B Stanton deceased, The Sum of, $1859.$^{84}/_{100}$ on the 19th day of November 1857, which said allowance by said administrator was approved by John Bleasta, Chief Justice of Travis County, on the 23rd day of November 1857; which Claim or account, as allowed and approved, as aforesaid has endorsed thereon a transfer from Thomas Griffin to Wm Griffin of said account, dated the 24th day of December A.D. 1857 —: And it further appearing To the Court, by the finding of the Jury, That said transfer of said claim or account, was made by the said defendant Thomas Griffin, To the defendant William J. Griffin, for the purpose of hindering, delaying and defrauding, the creditors of the said Thomas Griffin in the collection of their just and lawful debts and demands, and that such purpose and intention on the part of the defendant Thomas Griffin was known To the said defendant William J. Griffin, at the time of the transfer of said claim or account, —. —

It is therefore ordered adjudged and decreed by the Court that the plaintiffs George L Walton & A H Borner, have all the relief sought by them and prayed for by them in their petition —: it is further ordered adjudged and decreed by the Court that the transfer from Thomas Griffin to William J. Griffin To said account or claim and also all right title interest and claim set up and asserted by the said William J Griffin to said account or claim under and by virtue of said transfer dated the 24th December 1857, be, and the same, is hereby set aside cancelled annulled and held for naught as against the said plaintiffs, George L Walton & A H Borner, as creditors of the said Thomas Griffin as aforesaid: And it is further ordered adjudged and decreed by the Court that the said plaintiffs George L. Walton and A H Borner, be and they are hereby subrogated to all the rights privileges & benefits in and to said claim or account and to the monies due thereon which the said defendant Thomas Griffin had and held in and to said account or claim up to the time and before the time of the transfer thereof by the said Thomas Griffin to the said William J. Griffin, or To

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So much thereof, as shall be sufficient to pay and
Satisfy, Thier said judgments, against said defendant
Thomas Griffin — And it is further ordered, adjudged
and decreed by the Court, that the administrator of
the estate of A B Stanton deceased, be, and he is
hereby authorized, and required to pay over to the
said plaintiffs, George L. Walton and A H Barnes
in due course of administration on Thier said
judgments, respectively, whatever monies, may be
due, on said account, or claim in favor of said
Thomas Griffin, and against the estate of A B Stanton
deceased, or so much of said monies, as shall be
sufficient, to Satisfy, said judgments, in favor of
said plaintiffs as aforesaid —: and in case, the
amount due on said account, or claim, shall not
be sufficient to satisfy and pay off, said judgments,
in favor of said George L Walton & A H Barnes
the plaintiffs, against said Thomas Griffin Then
and in that event, the monies due, on said claim
or account, from said estate, shall be paid out
by said administrator, pro rata between said
plaintiffs, on Thier judgments aforesaid respectively —
And it further appearing to the Court, that Joseph
Bledsoe, the administrator of the estate of A B.
Stanton deceased, has been duly served with a
writ of injunction in this cause, restraining him
from paying over to any person, the monies due on
said account or claim against said estate until
the further order of this Court: it is therefore
further, ordered, adjudged and decreed by the Court,
that said writ of injunction be thus far perpetuated
That is to say,: that said Joseph Bledsoe as such
administrator of said estate, be, and he is hereby
forever, enjoined, and restrained from paying over
to the said defendants, Thomas Griffin and William
J Griffin, or to either of them or to any other
person, for or on Thier account, any part or portion
of the monies, due on said account or claim, against
said estate, until after, the said judgments, of
the plaintiff, George L. Walton & A H. Barnes, shall
have been, first fully paid and satisfied, out of
said claim or account —: And in case the monies
due on said claim or account, shall not be sufficient
to satisfy and pay off. said judgments, then, and in that

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case, said Joseph Bledsoe, administrator as aforesaid, be, and he is hereby forever enjoined and restrained from paying over to the said defendants, Thomas Griffin and William J. Griffin or either of them or to any other person for them or either of them any part or portion due on said account or claim —. It is further ordered adjudged and decreed by the Court that said writ of injunction to the said Joseph Bledsoe, administrator of the estate of A B Hanton deceased be so far dissolved as to authorize the said Joseph Bledsoe, administrator as aforesaid, to pay over to the said plaintiffs George L Walton and A H Bones, the monies due on said claim or account from said estate in obedience to & in pursuance of this decree —. It is further ordered, adjudged and decreed by the Court that the plaintiffs, George L Walton & A H Bones, recover of and from the defendants, Thomas Griffin & William J Griffin all the cost in this behalf expended for which execution may issue —. It is further ordered by the Court that this decree be certified to the Probate Court of Irwin county, where it appears to the Court that succession on said estate of A B Hanton has been opened — To be observed by the administrator of said estate —.

1733

E. A. Hopkins, et. al. vs Amos Morrill — Plaintiffs / Defendant — And now at this Term came the defendant by his atty and also in person, and submitted to the Court his motion heretofore filed for a change of the venue of this cause to the nearest adjoining county out of the 2d Judicial District, because of the disqualification of the presiding Judge. And thereupon, It is ordered, that because of the existence of such disqualification in the mind of the presiding Judge, that the venue of this cause be changed to the County of Williamson, and that the clerk of this Court transmit to the Clerk of the District Court of Williamson county on or before the next Term of the District Court of said county, all the Original papers in this cause, together with a certified copy of the entries in the cause and of the Bill of Cost

1852

Enoch Train vs F. P. Sawyer, et als. petition. — Plaintiff / Defendants — It is ordered by the Court that the plaintiff have leave to file an amended

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1698 Sterling Nesbett vs Joseph Moreland — Plaintiff, Defendant

And now at this day come the parties to this cause, in open Court, by their attorneys, and leave was given to the said Nesbett to amend his pleading. And thereupon the demurrer of the said Joseph Moreland to the petition for a new trial of the said S. Nesbett, coming on to be heard, the same being considered by the Court, It is ordered that the same be overruled and the demurrer of the said S. Nesbett to the answer of the said Joseph Moreland, coming on to be heard and being considered by the Court, It is ordered by the Court that the same be overruled. And it is further ordered by the Court that the Judgment heretofore rendered, in said cause, at the present term, be set aside and a new trial ordered in the same. And thereupon the parties announced themselves ready for trial and having waived a Jury, submitted the matters of law and fact to the Court. And the Court thereupon having heard the pleadings, the evidence and the argument of counsel, and having considered of the same, and it appearing to the Court that the cause of action of the said Moreland is not sustained by the law and the evidence, and that the defences of the said Nesbett are good in law, and true in fact, It is ordered, adjudged and decreed by the Court, that the said Joseph Moreland take nothing by his said suit, and that the said Sterling Nesbett go hence without day, and have and recover of and from the said Joseph Moreland all the cost of suit in this behalf expended, for which execution may issue. And thereupon the said Joseph Moreland, in open Court, by his attorney, gives notice of appeal to our Supreme Court

1882 J. Cummings, Adm'r vs C. R. Johns, Compt — Plaintiff, Defendant

And now at this day came the parties to this cause by their respective attys and announced themselves ready for trial. And the Defendant thereupon submitted to the Court his demurrer to the petition of the plaintiff, which said demurrer being argued by counsel and the points arising therein being well understood by the Court, It is considered, and it is hereby ordered, that the said demurrer be sustained; that the Defendant go hence; that the cause be dismissed from the Docket, and that the estate of the said Thos. J. Smith, pay the cost of this suit, for which purpose the clerk may certify the same to the Probate Court of Travis county as a just and established

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claim against the estate of the said Thomas D. Smith, Dec'd. And thereupon, the plaintiff gives notice, in open Court, of an appeal to the Supreme Court.

1905 Byrne & Wichelm, Plaintiffs, vs. D. M. Brenson, Defendant. And now at this Term came the parties to this cause by their respective attorneys, and announced themselves ready for trial. And thereupon came a Jury of twelve good and lawful men of Travis county, to wit: John Brenard, Foreman, and eleven others who were tried, elected, empannelled and sworn according to law. And the Jury having heard the pleadings read, the testimony introduced by the parties and the charge of the Court, as also the argument of counsel, retired for deliberation: and returned into Court the following verdict, to wit: "We, the Jury, find for the plaintiffs, and assess the amount at one Hundred and Eighty-Two 25/100 Dollars. John Brenard, Foreman." And thereupon, It is ordered, adjudged and decreed by the Court, that the plaintiffs, Miles Byrne and Christian Wichelm, under their firm name of Byrne & Wichelm, do have and recover of and from the defendant, D. M. Brenson, the sum of One Hundred, Eighty-Two and 25/100 Dollars, found due by the Jury aforesaid, together with all cost of this suit, for which execution may issue.

1420 The State of Texas, Plaintiff, vs. James Doyle, et al., Defendants. Before M. D. Norton, Judge 12th Judicial District. This day came the parties by their attorneys, viz: the State by the Attorney-General, and the defendants by Ames Morrill and John D. Costa, Esq. and announced themselves ready for trial. Whereupon the cause upon demurrer being submitted to the Court, and argued by the respective attorneys. Because it seems to the Court that the Bond mentioned, and made the foundation of this action, was not in compliance with the statute. It is, therefore, considered that the demurrer be sustained, and the plaintiff failing to amend herein. It is considered that the defendants go hence without day, and that the State of Texas take nothing by this suit.

M. D. Norton

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Sheriff's Report of Jury Service at the Fall Term, A. D. 1859, of the District Court of Travis County; the Names of Jurors, number of days each man served, and the amount each man is entitled to, To wit:

		Grand Jury		
1	Abram Hendricks	8	Days	$12-
2	Edward Christian	8	"	$12-
3	I. E. Mounickle	8	"	$12
4	Wm C Rager	8	"	$12
5	Eli Kirk	8	"	$12-
6	W D Patton	8	"	12-
7	W B Smith	8	"	12
8	W. W. Wood	8	"	12
9	J. C. Hampton	8	"	12
10	J. J. Manor	8	"	12
11	C. H Darler	8	"	12
12	A O Horne	8	"	12
13	John Horan	8	"	12
14	John Bremond	8	"	12
15	O. P. Brush	8	"	12
		120	"	$180-
		Petit	Jury	
1	A Bahn	10	Days	$15-
2	Isaac Enright	13	"	19.50
3	B H Deen	8	"	12.-
4	James Herring	11	"	16.50
5	John Jones	15	"	22.50
6	J. O. C. Beck	13	"	19.50
7	F. Jordan	13	"	19.50
8	L. Brown	15	"	22.50
9	J. W. Bonner	7	"	10.50
10	James Phillips	14	"	21.00
11	James Harris	13	"	19.50
12	Wm Bozeth	15	"	22.50
13	B. F. Brenneman	14	"	21.-
14	I. T. Miller	14	"	21.-
15	Wm G Wallace	4	"	6.-
16	J. P. Brown	14	"	21-
17	G Postick	13	"	19.50
18	J. N. Coyier	14	"	21.-
19	J. A. Enochs	7	"	10.50
20	J. W Thompson	14	"	21.-
21	W. F. Robinson	10	"	15-
22	John S. Spence	13	"	19.50
23	B. G. Goodrich	13	"	19.50

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24	Owen Adkins	13	days	$19.50
25	Wilson Green	13	"	19.50
26	Joseph Warren	5	"	7.50
27	Jas S. Payne	4	"	6.00
28	B.O Stanley	3	"	4.50
29	W.H. Brown	5	"	7.50
30	H.W. Nichols	5	"	7.50
31	Chas Payne	2	"	3.00
32	S. Pierce	2	"	3.00
33	S.R.D. Cheezum	6	"	9.00
34	C.L. Nichols	7	"	10.50
35	H. Green	14	"	21.00
36	Isaac Hammett	1	"	1.50
37	L.B. Moore	5	"	7.50
38	William Gibson	1	"	1.50
39	John R. Billingsley	1	"	1.50
40	D.F. Waddle	12	"	18.00
41	Matthew Brown	14	"	21.00
42	Jas L. Nichols	13	"	19.50
43	A.B. McGill	16	"	24.00
44	Jas M. Mayo	3	"	4.50
45	Jas B. Barron	14	"	21.00
46	Jas B. Thaxton	14	"	21.00
47	I.T. Schooley	4	"	6.00
48	J.M. Wright	9	"	13.50
49	Jas H. Shaw	15	"	22.50
50	L.L. Dykes	14	"	21.00
51	Wm Power	15	"	22.50
52	O. Wilcox	14	"	21.00
53	John M. Smith	14	"	21.00
54	J.R. Jones	1	"	1.50
55	Ed Saunders	4	"	6.00
56	L.P. Hinsha	5	"	7.50
57	J.W. Goodrich	11	"	16.50
58	J.D. Reed	12	"	18.00
59	E.P. Hill	15	"	22.50
60	I. Vanclene	2	"	3.50
61	J.F. Henry	2	"	3.50
62	C.W. McAnelly	11	"	16.50
63	R.P. Wright	15	"	22.50
64	I.P. Cobe	1	"	1.50
65	A.E. Adams	5	"	7.50
66	James Sims	6	"	9.00
67	J.M. Mansfield	12	"	18.00

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68	D.K. Rossey	3	days	4.50
69	Wade Henry	7	"	10.50
70	J.H. Mathews	9	"	13.50
71	C.H. Fox	10	"	15-
72	L. Pellmun	4	"	6.00
73	John Robb	4	"	6.00
74	A. H. Barnes	9	"	13.50
75	W.L. Hall	1	"	1.50
76	Jas. Rogers	2	"	3.00
77	J.M. Tebaut	6	"	9.-
78	Ed H. Rogers	6	"	9.-
79	C.W. Dyson	3	"	4.50
80	W.G. Rowntree	6	"	9.-
81	Ed. Pillmun	6	"	9.-
82	M.W. Townsend	6	"	9.-
83	John B. Herbert	3	"	4.50
84	S. Lavenbury	6	"	9.-
85	Christian Wichelm	6	"	9.-
86	D.W. Dyson	6	"	9.-
87	P.W. Dot	6	"	9.-
88	Fred. Kennedy	8	"	12.-
89	Jenkins Davis	6	"	9.-
90	E.P. Pearsall	6	"	9.-
91	William Armstrong	6	"	9.-
92	Charles Rankin	6	"	9.-
93	William Robinson	6	"	9.-
94	Sam. Smith	6	"	9.-
95	J.M. Pulley	8	"	12.-
96	Alf. Robertson	5	"	7.50
97	Geo. W. Simpson	5	"	7.50
98	Thos. C. Shepherd	5	"	7.50
99	J.C. Hampton	4	"	6.00
100	J.N. Burke	4	"	6.00
		941	Days	$1411.50

The above is approved Jany 23d 1860 A.W. Terrell, Judge 2d Dist.

1868

Asa Hoxey } Plaintiff
&
Matilda Allen } Defendant

This cause having been called and the motion and amended petition motion of the Defendant to strike the same from the Docket and remand the papers to the District Court of Williamson County, from whence it was removed, having been argued by the counsel of the respective parties and submitted to the Court on a hearing day of this

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Term, It is considered by the Court that whereas, the Judge thereof is cognizant of the fact that he is disqualified to try the same by reason of his having been of counsel, touching the land involved therein previously to his elevation to the bench, And it is further considered by him that whereas, said cause was removed to this Court under a mistake, it being erroneously supposed that the Judge thereof was not disqualified to try the same, and that the venue thereof ought to be changed with reference to the county in which said cause was properly commenced, and not with reference to this county to which through mistake it was improperly removed, It is, ordered, that said motion and amended motion be sustained, and that this cause be stricken from the docket of this Court, and that the papers therein accompanied by a certified copy of this order, be remanded to the District Court of Wilkinson county, at the cost of the plaintiff

1520 — The State of Texas, Plaintiff; Adam Robertson, et al, Defendants — On this day came the defendants by their attorneys and submitted to the Court the motion for a new trial in this cause, which said motion being heard and duly considered by the Court, It is ordered that the same be overruled; that a new trial be granted in this cause, and that the cause be continued.

1872 — John Woolen, Plaintiff; John Toney, Defendant — And now on this day came the plaintiff and defendant by their attorneys; and the plaintiff submitted to the Court the motion for a new trial in this cause, which being duly considered by the Court, It is ordered that the same be overruled. And thereupon the plaintiff gives notice, in open Court, of an appeal to the Supreme Court

1873 — John Edwards, Plaintiff; John Toney, Defendant — And now on this day came the parties to this cause by their attorneys; and the defendant submitted to the Court the motion for a new trial in this cause, which said motion being heard and duly considered by the Court, It is ordered that the same be overruled. Whereupon said defendant gives notice, in open Court, of an appeal to the Supreme Court

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1905 Byrne & Whelan Plaintiffs
v
C. M. Brunson Defendant

On this day came the defendant, and submitted to the Court his motion for a new trial in this cause, which said motion being duly considered by the Court, It is ordered that the same be overruled. And the defendant gives notice, in open Court, of an appeal to the Supreme Court.

1853 A. C. Bonnin, agent of A. C. Smith Plaintiff
v
E. R. Peck, W. P. DeMorandie
E. H. Peck & E. Fen Eyck, et.als. Defendants

On this day this cause coming on to be heard, the parties appeared by their attorneys; and thereupon the plaintiff dismissed his suit as to the defendants Joel A. Pendell and Sherman Case, who have not been served with process; and the other parties appearing by attorney, and announced themselves ready for trial, and waiving a jury submitted the cause to the Court. And thereupon the defendants' demurrer to plaintiff's petition being heard and considered by the Court, It is ordered, adjudged and decreed by the Court that the demurrer be and the same is overruled. Thereupon the cause being submitted by the parties to the Court upon an agreed Statement of Facts signed by the parties by their attorneys, and filed among the papers in the cause. Upon hearing the pleadings and the evidence, and considering the same, It is ordered, adjudged and decreed by the Court, that the plaintiff A. C. Bonnin, agent of A. C. Smith, do have and recover of the defendants, E. R. Peck, W. P. de Normandie, E. H. Peck and Edward Fen Eyck, the sum of Six Thousand, Six Hundred and Fifty 89/100 Dollars, to bear interest from this date at the rate of ten per cent. per annum, together with all cost in and about this suit expended, for which execution may issue. It is further ordered, adjudged and decreed by the Court that the title to the following tracts of land, which have been received by the said Plaintiff under the contract with the said Defendants, to wit: Twelve Hundred and Eighty Acres in the name of James E. Thompson; Fourteen Hundred and Seventy-Six Acres in the name of Robert N. Gray; Fourteen Hundred and Seventy-six acres in the name of John Walker; Twelve Hundred and Eighty acres in the name of Roman Salmis, and Fourteen Hundred and Seventy-Six acres in the name of Jefferson Pendell assignee of Barbo, making in all Six Thousand Nine Hundred and Eighty-Eight acres, be and the same is hereby confirmed absolutely in the said Plaintiff free and discharged from any claim or interest, legal or equitable, of the said Peck and De Normandie

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under and by virtue of their said contract with the said A.S. Smith, Agegnee of plaintiff. And thereupon the Defendants give notice, in open Court, of an appeal to the Supreme Court.

1552 John Hendrickson } Plaintiff } And now comes the plaintiff.
v. } and moves the Court to change
Quilla J. Nichal } Defendant } the Venue of this cause to the
nearest adjoining County not of the Second Judicial District, because
of the disqualification of the presiding Judge ~~Allen~~ because of
the existence of such disqualification, It is ordered by the Court,
that the Venue of said cause be changed to the County of Williamson, and that the Clerk of this Court transmit to the
Clerk of the District Court of Williamson county, on or before the
next Term of the District Court of said county, all the Original
papers in this cause, together with the entries and Bill of cost.

The State of Texas } In the District Court of Travis county. The undersigned
County of Travis } make return below, the Statement of Causes disposed of at the Fall Term of the District Court of said County,
1859, in which a Jury Fee is due and Receivable, To Wit:

170	Kidd	1	vs	Hamilton & Kidd	1	$ 3.-
670	Dietrich		vs	Rice	2	3.-
1075	Hoxey		vs	Eldridge	3	3.-
1076	Hoxey		vs	Smith	4	3.-
1347	Spear		vs	Lamon	5	3.-
1424	Cook		vs	Nichols	6	3.-
1436	McCall		vs	Lyman	7	3.-
1578	Collins & Co		vs	Brown	8	3.-
1626	Horne		vs	Orgain	9	3.-
1662	Harper		vs	Case	10	3.-
1664	Swan		vs	Baldwin	11	3.-
1686	Robertson		vs	Thompson	12	3.-
1734	Freeman & Co		vs	Hoffington & Wallace	13	3.-
1744	Davis		vs	Clements	14	3.-
1748	Rust		vs	Grooms	15	3.-
1754	Gray, Clk. Co.		vs	Swan, et.al.	16	3.-
1772	Walton, et.al		vs	Griffin, et.al.	17	3.-
1778	Bell		vs	Rommel	18	3.-
1779	Rowe		vs	Howeth	19	3.-
1785	Flannery, et.al.		vs	Grayson, et.al.	20	3.-
1788	Rhiehs & Johnston		vs	Moore	21	3.-
1790	Henry et.al		vs	Hancock, et.al.	22	3.-
1791	Roberts		vs	Roberts	23	3.-
1794	Smith		vs	Walton	24	3.-

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1795.	Beck	v.	Beck	25		$3-
1808	Freeman	v.	Hamilton, et al	26		3-
1814	Burditte	v.	Hammett, et al	27		3-
1815	Burditte	v.	Burditt, et al.	28		3-
1823	McGee, Knauf & Co.	v.	Hurst & Fellman	29		3-
1829	Krohn	v.	Conner	30		3-
1834	McMurtry, et al.	v.	Carlton	31		3-
1861	Natal	v.	Palm et al	32		3-
1863	Ragsdale	v.	Davenport	33		3-
1866	Lee	v.	Nichols	34		3-
1869	Sampson & Hennicke	v.	Root, et al.	35		3-
1872	Wooten	v.	Taney	36		3-
1873	Edwards	v.	Taney	37		3-
1875	Miller	v.	Deats et al	38		3-
1877	Raven	v.	Fisk	39		3-
1878	Windsor	v.	Robey	40		3-
1879	Little	v.	Mabin et al	41		3-
1881	Givens	v.	Givens	42		3-
1883	Dietrich	v.	Kyle	43		3-
1888	Helme	v.	Hurst, et al.	44		3-
1889	Newton	v.	Johns	45		3-
1893	Stiles	v.	Timmin et al	46		3-
1894	Hancock	v.	Sussman et al	47		3-
1895	Hancock	v.	Simmons, et al	48		3-
1896	Rector	v.	Anderson	49		3-
1897	Raymond	v.	Payne	50		3-
1898	Pelt, Sims & Co	v.	Haas	57		3-
1900	Hall	v.	Robertson	52		3-
1901	McGill	v.	De Romandie	53		3-
1903	Shaw	v.	Natal, et al.	54		3-
1904	Higgins	v.	Millican, et al	55		3-
1905	Byrne, et al.	v.	Newton	56		3-
1907	Johnson & Harrell	v.	Conner	57		3-
1910	Evans	v.	Simmins	58		3-
1911	Ames	v.	Hunt	59		3-
1853	Brannin, ofpl	v.	Peck, et al	60		3-
						$180-

The Jury Fees have not been paid in the following cases. No 1878. Collinsworth v. Brown $3: 1883. Dietrich v Kyle $3 — 6-

$174.

Deduct 2½ p.c. Costs — 4.35

Total Jury fund — $169.65

The Jury since summons to 941 days @ $1.50 per day make $1411.50

Jury Fund $169.65 — 941 days @ 18¢ per day make $169.38 25

Frank Brown, Clk. D.C.T.C

Fall Term, Monday, 23d January, 1860.

And now on this day comes T. D. Morley, Esq. and presents to the Court his written application praying to be admitted to the practice as an Attorney and Counsellor at Law in the several District and Inferior Courts of the State of Texas. And the said Morley having presented to the Court sufficient evidence going to show that the said Morley has heretofore been a practicing attorney in the Supreme Court and Inferior Courts of the State of Tennessee; & that he is a man of good moral character, It is therefore ordered by the Court that the said T. D. Morley be and he is hereby admitted to the practice as an attorney and Counsellor at Law in the several District and Inferior Courts of the State of Texas, and that the Clerk issue to the said Morely a licence properly issued.

1293

The State of Texas vs John T. Shanks — Plaintiff vs Defendant

And now at this Term, to wit: on the 3d day of January, 1860. came the State of Texas by the District Attorney, A. D. McGinnis, and the Defendant John T. Shanks, in person, and announced themselves ready for trial. And the Defendant pleaded not guilty. And thereupon came a Jury of twelve good and lawful men of Travis county, to wit: O. Wilson, E. P. Hill, J. T. Ochorley, L. L. Bykes, S. B. Reed, S. B. Thaxton, J. M. Mansfield, H. Green, S. B. Barron, B. H. Fox, J. H. Matthews and Wm. Casland, who being duly and legally empannelled and sworn, in accordance with law, and having heard the pleas, the evidence, the argument of counsel, and the charge of the Court, retired to consider of their verdict, And thereupon said Jury returned into Court the following verdict, to wit: "We, the Jury, find the Defendant guilty, and asses his punishment at imprisonment in the State Penitentiary the period of three years. L. L. Bykes Foreman." Whereupon, It is considered by the Court, that the said Defendant John T. Shanks be sentenced to the State Penitentiary for the space and Term of three Years, in accordance with said verdict. And the said Defendant having given notice of appeal to our Supreme Court, It is ordered, that this sentence be suspended until the decision of said appeal by our Supreme Court; and that pending said appeal, the said Defendant is hereby committed to the Jail of Travis county, there to remain until the final determination of this appeal

1293

The State of Texas vs John T. Shanks — Plaintiff vs Defendant

And now at this day come the parties - and the motion of the defendant to have the amount of his Bail fixed, coming into be heard, It is ordered, by the Court, that the same be overuled. And thereupon, the Defendant excepts to the said ruling.

Fall Term, Monday, 23d January, 1860.

1317

The State of Texas } Plaintiff
vs.
Morris S. Davis } Defendant

And now on this day the defendant Morris S. Davis being brought into Court, in person, announced to the Court that he withdrew his notice of appeal to the Supreme Court and abandoned his said appeal. And it appearing from the minutes of the present Term of this Court that the said Davis had, at a former day of the Term, upon the verdict of a Jury, been adjudged guilty of Manslaughter of Henry W. Imblett, but not guilty of the murder of said Imblett, in the 1st or 2d degree, and that he be punished by confinement in the Penitentiary of the State of Texas three years as found by the verdict of said Jury. And the said Morris S. Davis having been, in accordance with said verdict and Judgment, sentenced to confinement in the State Penitentiary of the State of Texas for the period of three years, It is, therefore, ordered that so much of the former Judgment in this cause as supersedes his sentence until the decision of the Supreme Court, be annulled, set aside and held for naught. And it is further adjudged that the said Morris S. Davis be, in accordance with the sentence, pronounced upon him, forthwith taken by the Sheriff of Travis County, to the Penitentiary of the State of Texas, and delivered to the Keeper or Superintendant of the said Penitentiary to be by him safely confined to hard labor in the Penitentiary for the period of three years, in accordance with law.

Ex Parte

The State of Texas } Plaintiff
vs.
Peter Henn } Defendant

Habeas Corpus.

And now at this Term came the State, by the District Attorney, and came the Defendant, in person, and announced also by his attorney, George W. Paschal, and the defendant having, at a former day of the Term, been brought into open Court, it was agreed by the Defts. counsel, and the District Attorney that the written evidence taken down by the committing Magistrate be received as evidence upon the hearing of the defendants application; and, after a hearing and examination of the evidence, It is ordered by the Court, that the Defendant be admitted to bail, upon executing bond, in accordance with law, in the sum of One Thousand Dollars, to appear at the next Term of the District Court of Travis County, to answer any Indictment that may be preferred against by the Grand Jury of said County, for making an assault, with Intent to Kill and murder, one Regina Wechsler.

Fall Term, Monday, 23d January, 1860.

Report of J.M. Blackwell, Sheff. Travis Co. January 18. 1860.

746	The State	of	Texas	vs	J. M. W. Hall	Fine	$10.00
764	"	"	"	"	"	"	10.00
1014	"	"	"	"	Alfred Robinson	"	10.00
997	"	"	"	"	Tom Rowles	"	10.00
1139	"	"	"	"	Pete Robinson	"	10.00
1239	"	"	"	"	O. H. Marney	"	25.00
1240	"	"	"	"	"	"	25.00
1241	"	"	"	"	"	"	25.00
1242	"	"	"	"	"	"	25.00
1244	"	"	"	"	Frank Colton	"	25.00
1245	"	"	"	"	"	"	25.00
1246	"	"	"	"	"	"	25.00
1247	"	"	"	"	"	"	25.00
1250	"	"	"	"	Tom Rowles	"	10.00
1251	"	"	"	"	"	"	10.00
1252	"	"	"	"	"	"	10.00
1272	"	"	"	"	J. W. Gerard	"	10.00
122	"	"	"	"	Tom Ochiltree	"	10.00
1265	"	"	"	"	"	"	10.00
1266	"	"	"	"	"	"	10.00
1296	"	"	"	"	R. T. Brownrigg	"	10.00
1239	"	"	"	"	Willis Freeman	"	25.00
1240	"	"	"	"	"	"	25.00
1241	"	"	"	"	"	"	25.00
1273	"	"	"	"	Pet. Cook	"	10.00
1274	"	"	"	"	Alfred Robinson	"	10.00
1275	"	"	"	"	Wm. J. Morton	"	10.00
1271	"	"	"	"	"	"	10.00
1278	"	"	"	"	Sam. Jourdan	"	10.00
1295	"	"	"	"	C. Barnard	"	10.00
1299	"	"	"	"	A. H. Barnes	"	10.00
1300	"	"	"	"	"	"	10.00
1301	"	"	"	"	"	"	10.00
1309	"	"	"	"	"	"	10.00
1042	"	"	"	"	Wm. G. Wallace	"	20.00
1261	"	"	"	"	Terry O'Neal	"	15.00
1262	"	"	"	"	"	"	20.00
1263	"	"	"	"	Wm. B. Covington	"	10.00
998	"	"	"	"	Rich Burnett	"	$1.25
1296	"	"	"	"	Geo. Haineock	"	20.00
1297	"	"	"	"	A. B. McGill	"	10.00
1297	"	"	"	"	Geo. Haineock	"	20.00
1309	"	"	"	"	Chalmers Morrill & Cole	"	30.00

Fall Term, Monday, 23d January, 1860.

1310 The State of Texas v. Salmon, Merrill Cole Fine $30.-
Fine v. John Horan (contempt) 10-
1150 The State of Texas v. James Willis 20.-
$791.25
Deduct 5 p.c. Due Dist. atty & 5. p.c. due Sheff. 79.12
Bal. $712.13

The State of Texas } D. M. Rockwell, Sheriff of Travis County,
County of Travis } being duly sworn, says, on oath, that the foregoing is a true Statement or Report, of all Money collected by him, under execution, or other process, in criminal actions, since the last Term of the District Court of Travis County

D M. Rockwell, Sheriff, T.C.

Sworn to and subscribed before me, in Open Court 23d Jany 1860
Frank Lyons, Clerk, D.C.T.C.

The within and foregoing account has this day been presented to me for approval; and it appearing to the Court that the same discloses a collection of all money, under process in penal causes (so far as I can now ascertain) for which the Sheriff should be held liable since the last term - the same is approved - Jany 24th 1860. A. W. Terrell, Judge 2d Dis.

And thereupon, It is ordered by the Court that L. Fellman, S. Lasenburg and Dentin Davis be fined the sum of Five Dollars each for contempt; and each of the said parties being present in Court, and having Knowledge of this order, It is ordered that execution issue to collect the amount of said fines of the said parties respectively.

1858 The State of Texas } Plaintiff } It is ordered by the Court
v } on motion, that the forfeiture
Thos Rowles et als } Defendants } in this cause be set aside,
and that the defendant, Thomas Rowles, J. Walker & C. A. Hopkins pay the cost of this proceeding, for which execution may issue

The within & foregoing Minutes of the Court having been read in open Court are approved & it is ordered that Court do now stand adjourned until the next & regular term.

A W Terrell
Judge 2nd Dis

The State of Texas } On this day, the 29th. day of
County of Travis } March A.D. 1860, the following
named persons were drawn to serve
as Jurors at the Spring Term of the District Court of
Travis County A.D. 1860. by Frank Brown, Clerk of
District Court of said County, and James D. McLaurin, County Clerk, Travis County, in the presence
of O. Flusser, Esqr. Justice of the Peace, of Travis
County, in accordance with Article 1049 of
Oldham & White's Digest, to certify which, the officers
append their names below:

Siden H. Harris[1] L. A. Burdett[2] Wm Oliphant,[3] Geo
T. Bowers,[4] Charles McGehee[5] H. Johns Duncan[6] D
McLaurin, John Harrell,[7] J. M. Thomas,[8] W. M Laughlin[9]
Wm R. Baker,[10] Fed.[11] Stapp,[12] G. L. Nimes,[13] J. C. Wise,[14] Wm
McCutcheon,[15] Elisha Francis,[16] James O'Bonay,[17] E S
Matthews,[18] John Hamilton,[19] Geo. W. Davis,[20] A. E. Brown,[21]
Benjamin Lentz,[22] Sam Smith,[23] and J. J.[24] Pitts.

O. Flusser, J. P. T. C.

Frank Brown, Clk D. C. T. C.
By D. H. Cullen, Dept. Clk.
J. M. McLaurin
Clerk Travis Cobount

Spring Term, Monday, 4th June, 1860.

The State of Texas } Be it remembered That, on this, the fourth day of
County of Travis } June, Anno Domini, Eighteen hundred and Sixty, the
same being the ninth Monday after the first Monday in April, 1860, &
the time fixed by law for the meeting of the Spring term of the District
Court of Travis county, for said year, the said District Court of Travis county
convened at the Courthouse thereof, in the City of Austin, at ten o'clock A.M.
pursuant to law.- the Hon. A. W. Terrell, Judge of the 2nd Judicial District
presiding. Whereupon, the following proceedings were had by said Court, as
follows to wit:

The Venire facias for the Grand Jury having been heretofore issued, regularly executed, and returned into Court, according to law, the Court ordered the Sheriff to call the names of those persons appearing in said Venire, and a sufficient number not appearing, It is further ordered that the Clerk issue a Special Venire for six persons to complete the panel of Grand Jurymen; which said Special Venire having been issued and returned into Court duly executed, the Court proceeded to organize the Grand Jury from the list of names appearing upon said Regular and Special Venire. And thereupon, the following named persons were duly sworn and examined touching their qualifications - and, were thereupon also sworn, as Grand Jury men for the present term of this Court, as follows, to wit: Geo. Hancock; Gaston H. Banks; Louis Brust; James Munn; Jonathan Rogers; Mimus C. Bendit; S. B. Somers; N. R. Land; Thomas E. Rowe; E. M. Hurst; E. S. Matthews; William Oliphant; John J. McClintin; Rosa King; William McCutchan and Geo. T. Rowers: And thereupon, the Court having appointed Geo. Hancock Foreman of said Grand Jury, the said Grand Jury were duly and legally charged as to the duties devolving upon them, and were ordered to retire upon a discharge of the same, under custody of Geo. Holman and John T. Price, who were duly sworn as Bailiffs to attend upon said Jury

And thereupon It is ordered by the Court, that ~~W. C. Harriss~~ and S. M. Swenson be fined Fifty Dollars, ~~---~~, for failing to respond to their names (Ord. June) when called, they having been duly summoned, to serve as Grand Jurymen.

And thereupon, It is further ordered by the Court, that the Criminal Docket be set for hearing and trial on the third Monday of the term, the same being the 18th Day of June, A.D. 1860.

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

Tuesday, June 5. 1860

Court convened at 9 o'clock, A. M. pursuant to adjournment, and thereupon Hon. A. W. Terrell, Judge 2d. Judicial District presiding
And thereupon It is ordered by the Court, that Court stand adjourned till to-morrow morning 9 o'clock

Wednesday 6th June, 1860.

Court convened at 9 o'clock A. M. pursuant to adjournment. A. W.

Spring Term, Thursday, 7th June, 1860

Terrell, Judge Second Judicial District, presiding. Whereupon the following proceedings were had by said Court, as follows, to wit: And thereupon Court adjourned till to-morrow morning 9 o'clock.

Thursday, 7th June, 1860.

Court convened at 9 o'clock, A.M. pursuant to adjournment A. W. Terrell, Judge Second Judicial Dist. presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

And now on this day came and personally appeared in open Court, the Grand Jury of Travis county, heretofore duly and legally selected, tried, empannelled and sworn, for and during the present term of the District Court of Travis County, and through their foreman, George Hancock, presented to the Court the following Bills of Indictment, as follows, to wit:

1323	The State of Texas v. Jas. O. Illingworth & Jno. B. Covington	Plaintiff Defendants	Betting at a certain gaming bank called "Faro"
1324	The State of Texas v. Thomas P. Chilton, Alfred Robinson & Ben Hines	Plaintiff Defendants	Betting at a certain gaming bank called "Faro"
1325	The State of Texas v. William B. Covington	Plaintiff Defendant	Betting at a certain gaming bank called "Faro"
1326	The State of Texas v. Sam Newell, James Jackson & The Anderson	Plaintiff Defendants	Betting at a certain gaming Bank called "Faro"
1327	The State of Texas v. Terry O'Neil, R. F. Brownrigg & Charles Barnard	Plaintiff Defendants	Betting at a certain gaming bank called "Faro"
1328	The State of Texas v. A. F. Rainy, Terry O'Neil & R. F. Brownrigg	Plaintiff Defendants	Betting at a certain gaming bank called "Faro"

Spring Term, Thursday, 7th. June 1860.

1329	The State of Texas v R. T. Brownrigg, Charles Barnard & Antonio Manchaca	Plaintiff Defendants	Betting at a certain gaming bank called "Faro"
1330	The State of Texas v A. T. Rainey, R. T. Brownrigg & Terry O'Neil	Plaintiff Defendants	Betting at a certain gaming bank called "Faro"
1331	The State of Texas v R. T. Brownrigg, Charles Barnard, & Antonio Manchaca	Plaintiff Defendants	Betting at a certain gaming bank called "Faro"
1332	The State of Texas v Thomas P. Ochiltree, R. T. Brownrigg & Ben Hines	Plaintiff Defendants	Betting at a certain gaming bank called "Faro"
1333	The State of Texas v Thos. P. Ochiltree, Robert A. Cumby & Ben Hines	Plaintiff Defendants	Betting at a certain gaming bank called "Faro"
1334	The State of Texas v R. O. Woolfolk	Plaintiff Defendants	Playing at a game with cards known as Seven up, &c.
1335	The State of Texas v Terry O'Neil & P. Milligan	Plaintiff Defendants	Exhibiting for the purpose of gaming, a Faro bank.
1336	The State of Texas v Jas. W. Henderson	Plaintiff Defendants	Betting at a certain gaming bank called "Faro"
1337	The State of Texas v Ben Hines, Alfred Robinson & Thad Rice	Plaintiff Defendants	Betting at a certain gaming bank called "Faro"
1338	The State of Texas v Jas. W. Henderson O. H. Mavvy & Ben Hines	Plaintiff Defendants	Betting at a certain gaming bank called "Faro"

Spring Term, Thursday 7th June 1860.

1339	The State of Texas v O. H. Marony & Frank Cotton,	Plaintiff Defendants	Exhibiting Faro
1340	The State of Texas v O. H. Marony & Frank Cotton	Plaintiff Defendants	Exhibiting Faro
1341	The State of Texas v O. H. Marony & Frank Cotton	Plaintiff Defendants	Exhibiting Faro.
1342	The State of Texas v O. H. Marony & Frank Cotton	Plaintiff Defendants	Exhibiting Faro.
1343	The State of Texas v O. H. Marony & Frank Cotton	Plaintiff Defendants	Exhibiting Faro.
1344	The State of Texas v O. H. Marony & Frank Cotton	Plaintiff Defendants	Exhibiting Faro.
1345	The State of Texas v Jas Armstrong, Robert F. Campbell & John O'Connor	Plaintiff Defendants	Playing cards in a room attached to a house for retailing spirituous liquors &c.
1346	The State of Texas v Jno. Armstrong, Robt. F. Campbell & John O'Connor	Plaintiff Defendants	Playing cards in a room attached to a house for retailing spirituous liquors &c
1347	The State of Texas v Jas. H. Henderson, Irvin Root & O. H. Marony	Plaintiff Defendants	Betting at a certain gaming bank called "Faro"
1348	The State of Texas v Irvin Root, Thad Root & Robert Lambert	Plaintiff Defendants	Betting at a certain gaming bank called "Faro"

Spring Term, Thursday 7th. June 1860.

1349 The State of Texas } Plaintiff
v
Jefe Graham, }
M. T. Caperton, }
Joseph E. Caperton, } Defendants } Murder
William Caperton, }
Reuben Caperton }
Cullen W. Edwards }

1350 The State of Texas } Plaintiff
v } Theft.
Peter Heenn } Defendant

And Thereupon, said Grand Jury suggesting to the Court that there was Still further business to claim their attention, They were ordered to retire upon a discharge of the same.

And Thereupon Court adjourned till 9 o'clock, To morrow Morning.

Friday, 8th June, 1860.

Court convened at 9 o'clock, A. M. pursuant to adjournment. Hon A. W. Terrell, Judge 2d Judicial District presiding. Whereupon the following proceedings were had by said Court, as follows, to wit: And Thereupon Court adjourned until 9 o'clock, To morrow Morning.

Saturday, 9th June, 1860.

Court convened at 9 o'clock, A. M. pursuant to adjournment. A. W. Terrell, Judge 2nd Judicial District presiding. Whereupon the following proceedings were had by said Court, as follows, to wit: And Thereupon Court adjourned till 9 o'clock To Monday morning.

Monday, June 11th A. D. 1860.

Court convened at 9 o'clock A. M. pursuant to adjournment. Hon A. W. Terrell, Judge 2nd Judicial District presiding. Whereupon the following proceedings were had by said Court, as follows, To Wit:

1867. Crop & Darter } Plaintiffs } And now on this day appeared the plaintiffs to this cause by their attorneys, and
v } claimed a Judgment, final by default. and
Geo. E. Robinson } Defendant } because the said defendant has been legally cited, by personal service, and has made default, by failing to answer the petition of said plaintiffs within the time prescribed by law, and plaintiffs' cause of action being based upon a liquidated demand, as evidenced by the note of hand, produced in Court, being the same sued on, It is, Therefore, ordered, adjudged and decreed by the Court, that the said plaintiffs, E. D. Crop and E. H. Darter, under their firm name of Crop & Darter, do have and recover of and from the defendant, George E. Robinson the sum of Two Hundred Thirty-Eight 50/100 Dollars, principal debt and interest due on the note sued on to this date together with all cost in this behalf laid out and expended, for all which execution may issue

Spring Term, Monday, June 11th 1860

1908. W. D. Oldham, for use, &c. Plaintiff
vs
Joseph Waeker, et als. Defendants

And now on this day came the plaintiff, by Attorney, and move the Court, that default be entered against the defendants in this cause, because of the failure of said defendants to answer the writ. And it appearing that the said defendants have been duly cited, by personal service and have wholly failed to answer the petition of the plaintiff within the time prescribed by law, and wholly made default, It is therefore ordered by the Court, that the plaintiff, W. D. Oldham, for the use of R. M. Johnson and Joseph Harrell under their firm name of Johnson & Harrell, do have and recover of and from the defendants, Joseph Waeker, Irving Root, and Samuel W. Allen, according to the relief sought in their said petition, and that a writ of inquiry be awarded in the case. And thereupon on motion, and by consent, It is ordered by the Court, that the entry of default and recovery as to the defendant Irving Root, be set aside, vacated, and held for naught, and that the cause be continued

1925. The State of Texas Plaintiffs
vs
George M. Johnson
Alfred Evans and
Alexander Glenn Defendants

And now on this day came the District Attorney, A. D. McGinnis, who prosecutes for the State, in this behalf, and move the Court to render final Judgment by default against these defendants. And thereupon it appearing to the Court, that on the 22th day of November, A. D. 1859 the said Alfred Evans as principal and the said George M. Johnson and Alexander Glenn as his securities, executed their joint and several bond payable unto The State of Texas in the sum of Five Hundred Dollars, conditioned that the said Alfred Evans make his appearance at the District Court of Travis County, to be held at the Courthouse thereof in Austin on the the 4th Monday after the first Monday in October 1859, which they failed to do, as appears from the ni si Judgment rendered against said parties by the District Court of Travis County, on the 15th December 1859; and said securities having been duly cited by personal service, to appear and show Cause why said ni si Judgment should not be made final, which they have failed to do, have wholly made default, It is therefore ordered, adjudged and decreed by the Court, that the said ni si Judgment be and the same is hereby made final, and that the State of Texas do have and recover of and from the said Alfred Evans the sum of Five Hundred Dollars, and of the said George M. Johnson and Alexander Glenn the sum of Five Hundred Dollars, by them with all cost of this proceeding. For which execution may issue

1935. The State of Texas Deft.
vs
I. M. Steiner, Gar.
Black & I. W. Trumbles Defts.

And now on this day came the District Attorney, in behalf of the State, and the securities of the defts. Trumbles, by Geo. M. Flenniken their attorney and thereupon, on motion, and by consent of said parties, It is ordered by the Court, that the forfeit

Spring Term, Monday, June 11th A. D. 1860.

entered against three defendants, in this cause, at the last preceding term of this Court he, and the same is hereby set aside, vacated, and held for naught; and that said defendants pay all the cost of this proceeding, for which execution may issue.

1947 The State of Texas vs Fred. Carleton in Cause No. 1214 of the State of Texas vs. C. Spalding, Plaintiff / Defendant

It appearing to the Court that the within Fred Carleton, was fined Twenty Dollars on the 29th December, 1859, and for failing to attend and testify in said cause, in behalf of the State; and said Carleton having been personally served by writ of Scire facias to appear at this term of the Court, and show cause, why said fine should not be enforced, which he has wholly failed to do, It is, therefore, ordered by the Court that said fine and recovery of Judgment be made final, and that the State of Texas do have and recover of and from the said Fred Carleton, the said sum of Twenty Dollars and all cost of this proceeding, for which execution may issue.

1950 John P. Jones vs William McCutcheon

Plaintiff / Defendant

And now on this day this cause being regularly reached, comes the Plaintiff by his Attorneys, and moves the Court, that Judgment be entered, in this cause, in accordance with the award on file. And thereupon, it appearing to the Court, that the parties to this suit having heretofore filed their agreement in writing, in the terms of the law, to arbitrate the matters in dispute between them, and having selected John B. Banks and James P. McKinney as Arbitrators; and the said Arbitrators having met and heard the evidence introduced by the parties, as also the argument of the counsel, and after being duly qualified; and said Arbitrators having failed to agree, and having selected B. F. Carter, as their umpire, who was duly qualified and who heard the testimony and argument; and said Arbitrators, and umpire having thereupon retired and considered of the cause, and returned the following award, as follows, To wit:

" We, the undersigned, arbitrators, and umpire, in the within named case " award as follows: We adjudge that the defendant William McCutcheon " shall pay to the plaintiff, John P. Jones, the sum of Five Hundred Dollars " ($500.00) as damages. May 18, 1860. B. F. Carter, Umpire."

"Jas P. McKinney" "Arbitrators."
"J. B. Banks"

It is, therefore, ordered, adjudged and decreed by the Court, that the said award be made the Judgment of this Court, in said cause, in all things, and in all respects, and that the plaintiff, John P. Jones, do have and recover of and from the defendant, William McCutcheon, the said sum of Five Hundred Dollars, and all cost in said cause laid out and expended, for all which execution may issue.

Spring Term, Monday, June 11th A. D. 1860

1953

Samuel M. Frost vs Lyster Lockwood

Plaintiff / Defendant

And now on this day came the plaintiff, by his attorneys, and claim a final Judgment by default against the defendant. And because said defendant has been cited by personal service, and has wholly failed to answer within the time prescribed by law; And said Plff. cause of action being based upon a note of hand produced in open Court, It is, therefore, considered, adjudged, adjudged and decreed by the Court, that the plaintiff Samuel M. Frost, do have and recover of and from the Defendant, Lyster Lockwood, the sum of Four Hundred, Sixty-Eight, Dollars ($468) principal debt and interest due on the note sued on in this case, to the date of the rendition of this Judgment, together with ten per centum per annum interest on said sum until paid, and all cost of this suit, for all of which execution may issue.

1954

A. W. Leadom, for use vs Lafayette D. Hill

Plaintiff / Defendant

And now at this day came the plaintiff, by attorney, and moves the Court to render Judgment, in this cause in accordance with the agreement in file. And because said defendant has consented and agreed that the plaintiff may take Judgment for the amount of the principal and interest due on the note described in the petition, It is, therefore, ordered adjudged and decreed, by the Court, that the plaintiff, A. W. Leadom, do have and recover of and from the defendant, L. D. Hill, for the use of the children of Mrs Mary A. Leadom, dec'd the sum of Two Hundred and Sixty-Three Dollars, principal debt and interest due to this date, together with Ten per Centum per annum interest thereon until paid and all cost of this suit, for all of which execution may issue.

1694

Josiah Brantley vs Hart and J. Miller

Plaintiff / Defendants

And now on this day comes the Deft John T. Miller, by his attorneys, and moves the Court to grant the relief sought by him in his petition filed in this cause. And because it appears that the deft. Miller is security, and a bona fide creditor, for the deft. Hart, and has paid the Judgment heretofore, at a former term rendered in this cause, in full to the said plaintiff. And It is, therefore, ordered that the said John T. Miller be subrogated to the rights of the said Josiah Brantley in this cause; that the Judgment aforesaid, rendered on the 10th Dec. 1858, in this cause be revived; that the said John T. Miller recover of and from the defendant J. L. Hart, the sum of One Hundred, Sixty-two & 50/100 Dollars, as of date the 10 Dec. 1858, with interest from said date, at the rate of ten per centum per annum until paid, together with the sum of Eleven & 50/100 Dollars cost paid by said Miller, together with all the cost of this proceeding and that execution issue for all of said sums.

Spring Term, Monday, 11th June, 1860.

1960

Samuel H. Wheeler
vs
Wm P. Newman's Heirs

And now at this day comes the Peff. by attorney and moves the Court to appoint a Guardian ad litem to represent and defend the rights and interests of the said unknown heirs of Wm P. Newman, deceased, in this cause, And thereupon the Court appointed George W. White, Esq. an attorney of this Court, & in accordance with said motion, who accepts said appointment.

1963

David Anderson
vs
Edward Nevels

Plaintiff
Defendant

It is ordered by the Court that this cause be continued to the next Term, because the Defendant has been cited by publication.

1969

Phelps & Johnston
vs
R. Barr, et. al.

Plaintiffs
Defendants

And now at this day come the Peffs by their attorney and claim a Judgment final by default and because the defendant Barr has been cited by personal service, and the defts Mc Lannin has accepted service of the Peffs petition, and waived the issuance and service of process, and said defendants having failed to answer within the time prescribed by law, It is, therefore, considered, ordered, adjudged and decreed by the Court, that the Peffs. John Phelps and Wesley Johnston, under them firm name of Phelps & Johnston, do have and recover of the defendants, Robert Barr and James P. Mc Lannin, the sum of One Hundred, Twenty-six and 80/100 Dollars, principal debt and interest due on the note sued on to date, together with ten percentum per annum interest thereon till paid, together with all cost in this behalf expended, for which execution may issue.

1972

S. D. Carothers
vs
W. G. Wallace et. als.

Plaintiff
Defendants

And now, on this day came the Peff. by atty and claims a final Judgment by default. And because the defendants Wm. M. Fowler, D. L. Cox and H. S. Mayfield have accepted service of plaintiffs petition and waived the issuance and service of process; and the defendants W. G. Wallace & John H. Conner having been cited by personal service; and said defendants having failed to answer within the time prescribed by law, It is, Therefore ordered, adjudged and decreed by the Court, that the Peff. S. D. Carothers, do have and recover of and from the defendants, W. G. Wallace, John H. Conner, Wm M. Fowler, H. S. Mayfield and D. L. Cox the sum of One Hundred, Sixty-two and 65/100 Dollars principal debt and interest due on the note sued on to this date, together with all cost in this behalf laid out and expended, for all which execution may issue.

Spring Term, Monday, 11th. June, 1860

1979 Catherine Shere ⌇ Plaintiff ⌇ And now at this day comes the pltff
⌇ ⌇ by her attorney, and claims a final
John L. Braas ⌇ Defendant ⌇ judgment by default. And because
the defendant has been cited by personal service, and has failed to answer
within the time prescribed by law, and plaintiff's cause of action being
based upon two notes of hand, produced in Court, the same sued upon
in this cause, It is, therefore, ordered, adjudged and decreed by the
Court, that the plaintiff, Catherine Shere, do have and recover of and
from the defendant, John L. Braas, the sum of Three Hundred Twenty-
Six and 22/100 Dollars ($326.22/) principal debt and interest due
on the notes sued on to date, together with Ten per centum per annum
interest on the sum of Two Hundred and Seventy-Five Dollars ($275.) and 8
per centum per annum interest on the sum of Fifty-One & 22/100
Dollars of said total sum, until paid, together with all the cost
of this suit, for all of which execution may issue.

1983 M. A. Bayles ⌇ Plaintiff ⌇ And now at this day came the
⌇ ⌇ plaintiff by attorney, and claims
Wm M. Howle ⌇ Defendant ⌇ a judgment final by default. And
because the defendant has been cited by personal servia, and has
failed to answer within the time prescribed by law, and because said
defendant by plaintiff's cause of action is based upon a note of
hand, produced in open Court, being the same sued upon, It is,
therefore, ordered, adjudged and decreed by the Court, that the
plaintiff, M. A. Bayles, do have and recover of and from the
defendant, Wm M. Howle, the sum of Two Hundred, Thirty-
Nine and 25/100 Dollars, principal debt and interest due
on the note sued on to this date, together with all the cost in this
suit, for which execution may issue.

1988 Ellen Duval ⌇ Plaintiff ⌇ And now on this day comes the pltff
⌇ ⌇ by attorney, and dismisses this cause
T. W. Nolen, Jr. al. ⌇ Defendants ⌇ as to the defendant de Normandie
only. Whereupon, It is ordered by the Court that the said De Nor-
mandie go hence without day, and recover of and from the [illegible]
said plaintiff, Ellen Duval the cost incurred by the said defendant in
this cause, for which execution may issue. And because the Deft. Nolen
has been cited by personal service, and has failed to answer within
the time prescribed by law, It is, therefore, ordered, adjudged and
decreed by the Court, that the pltff. Ellen Duval do have and recover
of and from the deft. Thos. W. Nolen the sum of One Hundred, Seventy-
Five and 47/100 Dollars, principal debt and interest due on the
note sued on to date, together with Ten per centum per annum interest
thereon till paid, and the cost incurred as to said Nolen, for which execution may issue

Spring Term, Monday, 11th June, 1860.

1991

F. Dietrich } Plaintiff
vs
J. G. Reed } Defendant

And now comes the ~~pff~~ attorney for the plaintiff, and suggests to the Court the death of the said pff. Whereupon, it is ordered that this cause be continued, and that the legal representatives of said Dubrich be made parties pff when known

1998.

S. D. Carothers } Plaintiff
vs
W. M. Fowler } Defendant

And now on this day came the plaintiff by attorney, and claims a final Judgment by default. And because the defendant has accepted service of pff's petition and waived the issuance and service of precept — and having failed to answer within the time prescribed by law and pff. Cause of action being based upon a liquidated demand. It is, therefore, ordered adjudged and decreed by the Court, that the plaintiff, S. D. Carothers, do have and recover of and from the defendant, W. M. Fowler, the sum of Two Hundred Twenty-Two and 25/100 Dollars, principal debt and interest thereon the note medan to date together with all cost in this behalf expended, for which execution may issue.

1999.

Alfred Smith } Plaintiff
vs
W. M. Fowler } Defendant

And now on this day came the plaintiff by attorney, and claims a final Judgment by default. And because the defendant has accepted service of plaintiff's petition and waived the issuance and service of precept and having failed to answer within the time prescribed by law. And Plaintiff's Cause of action being liquidated, It is, therefore, ordered, adjudged and decreed by the Court, that the Plaintiff, Alfred Smith, do have and recover of and from the defendant, W. M. Fowler the sum of Nine Hundred Sixty-Three and 24/100 Dollars, principal debt and interest thereon the note medan to date together with Ten per Cent thereon per annum interest thereon until paid, and all cost in this behalf expended, for which execution may issue.

2000

S. D. Carothers } Plaintiff
vs
Mayfield & Fowler } Defendants

And now on this day came the pff by attorney & claims a final Judgment by default. And because the defts. have waived process and accepted service of this suit, and have failed to answer within the time prescribed by law. It is therefore ordered adjudged and decreed by the Court that the pff S. D. Carothers, do have and recover of and from the defendants F. J. Mayfield and Wm. M. Fowler the sum of Two Hundred, Forty-seven 50/100 Dollars, principal and interest due on the note sued on to this date,

Spring Term, Monday, 11th June, 1866.

together with Ten per anthum per annum in terest thereon till paid, together with the cost of the suit, for which execution may issue.

2011 — L. L. Sykes, Plaintiff; v. J. H. Rogers, et. als. Defendants; James H. Rogers, who has not been served. — Ordered that this cause be Continued and that alias procs issue for the defendant

2004 — D. L. Crop & Co. Plaintiffs; v. R. H. Simmons, et. al. Defendants; The defendant H. Newby, whereupon who has not been served. — And now on this day came the plaintiffs by their attorneys and disclaim this suit as to and thereupon it is ordered by the Court that the said pffs. D. L. Crop, E. H. Darter and L. Hatton pay The cost of making the said Newby a party, for which execution may issue. And becoming the defendant Simmons has accepted service of pffs. petition and waived the issuance and service of procs, and has made default by failing to answer within the time prescribed by law, It is, therefore, ordered, adjudged and decreed by the Court that the pffs. D. L. Crop, E. H. Darter, and L. Hatton, under their firm name of D. L. Crop & Co. do have and recover of and from the Defendant R. H. Simmons the sum of two Hundred and Eighty Dollars, principal debt and interest due on the note sued on to date, together with Ten percentum per annum interest thereon till paid and all cost of this suit, for which execution may issue.

2008 — M. W. Townsend, Plaintiff; v. A. H. Cook, Defendant — And now at this day came the plaintiff by attorney and on the motion of said plaintiff, It is ordered by the Court that said cause be dismissed from the docket, and that the said M. W. Townsend pay the cost of this suit, for which execution may issue.

2011 — J. H. Sturdy & Co. Plaintiffs; v. R. P. Drake, Defendant — In this case appeared the plaintiffs and defendant, and the defendant by his attorney withdrew his plea and answer, and says nothing further in bar of the plaintiffs demand, and agrees that the Court may render Judgment for the amount of plaintiffs demand, interest and cost of suit. It is, therefore, ordered adjudged and decreed by the Court, that the plaintiffs, J. H. Sturdy, J. W. Nichols, John Shepardson and Preston Bennett,

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under the firm name and style of D. H. Strudy & Co. do have and recover of and from the defendant R. P. Trabue the sum of One Hundred and Thirty-One and 34/100 Dollars, for their principal debt, and interest up to this date, with interest from this date until paid, with all costs of this suit, for which execution may issue.

1870 — Philip Rommel, Plaintiff; Geo. E. Robinson, Defendant. And now at this day came the plaintiff by his attorneys and claims a judgment final by default. And because said defendant has been already personally served, and has wholly failed to answer within the time prescribed by law; and plaintiff's cause of action being based on promissory note filed, and produced in Court, being the same mentioned, It is therefore ordered adjudged and decreed by the Court, that the plaintiff, Philip Rommel, do have and recover of and from the Defendant, George E. Robinson, the sum of Four Hundred, thirty-five and 98/100 Dollars, principal debt and interest due on the notes sued on to date, together with all cost in this behalf expended, for which execution may issue.

1917 — Geo. H. Gray, Chf. Inr. vs. John B. Perry, et als. Plaintiff; Defendants. And now at this day came the plaintiff in this cause, by attorney; and because the defendants herein have been legally cited by personal service, and have failed to answer within the time prescribed by law, and wholly made default. It is, therefore, ordered, adjudged and decreed by the Court, that the plaintiff, George H. Gray, Chief Justice of Grant county, do have and recover, for the use of said county, of and from the defendants herein, to wit: John B. Perry, B. A. Richard and Amos Morrill, according to the prayer of this said petition; and it is further ordered that a writ of inquiry be awarded in said cause.

1918 — Ed. P. Norwood, Plaintiff; Wm. Armstrong, Defendant. And now at this day come the plaintiff by attorney and claims a final judgment by default. And because the defendant has been cited by personal service, and has failed to answer within the time prescribed by law. And plff's cause of action being based upon two notes of hand, it is, therefore, ordered adjudged and decreed by the Court, that the plff. Edward P. Norwood, do have and recover of and from the defendant, William Armstrong, the sum of Three Hundred, Six & 81/100 Dollars, principal debt and interest due on the notes sued on to date, together with ten per centum per annum interest thereon until paid, and all cost of this suit, for all which execution may issue.

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1985 Geo. Chapman & Co. } Plaintiffs } And now on this day came
v. } the plaintiffs by their attorneys
Miller, Fielton & Co. } Defendants } and claim a judgment final
by default. And because the defendants herein have been duly
cited by personal seirue, and have wholly failed to answer
within the time prescribed by law, and plaintiffs' cause of action
being based upon a liquidated demand. It is, therefore, ordered,
adjudged and decreed by the Court that the plaintiffs,
Geo. Chapman, James Pike, Robert S. Lyon and Charles H.
Noyes, under their firm name of Geo. Chapman & Co. do have and
recover of and from the Defendants, George W. Miller, Thomas H.
Fielton and Robert C. Miller, under their firm name of
Miller, Fielton & Co. the sum of Four Hundred, Nineteen &
78/100 Dollars, principal debt and interest down the note
sued on to date, together with all cost of this suit, for which
execution may issue.

1176 The State of Texas } Plaintiff } And now on this day came
v. } and appeared in open Court,
L. W. Gilham } Defendant } the defendant, L. W. Gilham,
as principal, and C. Deen and Joseph Rowe as the securities of the
said Gilham; and thereupon said L. W. Gilham, as principal,
and said C. Deen and Joseph Rowe as securities, acknowledged
themselves jointly and severally justly to owe and be indebted
to the State of Texas in the penal sum of One Thousand Dollars
to be levied upon their respective Goods and Chattels, Lands and
Tenements, But to be void if the said L. W. Gilham shall pun-
ctually be and appear before the Honorable District Court of Travis
County, to be held at the Courthouse thereof in the City of Austin,
on the ninth Monday after the first Monday in October, A.D.
1860, then and there to and from day to day thereof, and from
term to term, and from day to day of each term, thereafter, to
answer the Indictment preferred against him the said Gilham,
by the Grand Jury of Travis county, at the Spring Term of the
District Court of said county, A.D. 1858, for "feloniously, fraud-
ulently, wilfully, and designedly obtaining from one Newell W.
Burditt, two horses a buggy, and one hundred Dollars in gold, by the
false pretence that he, the said Lemuel W. Gilham, was then
and there the owner of a certain tract of land, to wit: a part of
the tract of land granted to Augustus Phelps, a grant of land
Gamier, situated in Travis county," and that he, the said Lemuel W. Gil-
liam, do not depart the Court without leave.

Adjd Spring Term, Wednesday, 13th. June, 1860.

And thereupon Court adjourned until tomorrow morning, at 9 o'clock.

Tuesday 12th. June 1860.

Court convened at 9 o'clock, A. M. pursuant to adjournment. A. W. Terrell Judge 3rd Dis'trict presiding. and thereupon Court adjourned till To morrow morning 9 o'clock.

Wednesday 13th. June 1860

Court convened at 9 o'clock, A. M. pursuant to adjournment. A. W. Terrell Judge Second Judicial Dis'trict presiding. Whereupon the following proceedings were had by said Court, as follows, To wit:

And now on this day, appeared in open Court the Pedro Valdez, as principal, and Antonio Manchaca, Antonio Martinez and Cato Martinez as securities, and acknowledged themselves jointly and severally justly to owe and be indebted unto the State of Texas in the penal sum of Five Hundred dollars. To be levied upon their respective Goods and Chattels, lands and tenements, But To be void if the said Pedro Valdez shall be and personally appear before the Honorable District Court of Travis county, now in session, at the Courthouse thereof in Austin, and from term to term thereafter, to answer any Indictment that may be preferred against the said Pedro Valdez by the Grand Jury of Travis County, at the present term of the District Court of said County, (and that he do not depart the Court without leave) for making an affray with intent to Kill and murder, upon the body of one Zaflopa Liñan

12162

R. W. Roman, Plaintiff
J. De Hermandis, and
J. McKinney, Defendants

And now in this day came the Sheriff of Travis County J. M. Blackwell, and moves the Court for permission to amend his return on the execution issued in this cause on the 29th December, 1858. And thereupon, upon a consideration of the said motion, It is ordered that the said motion be allowed, that the Sheriff, J. M. Blackwell, have leave to amend his return on the said execution, in accordance with the facts of the case

Spring Term, Tuesday, 19th June, 1860.

And Thereupon Court adjourned till To morrow morning 9 o'clock

Thursday, 14th June 1860

Court convened at 9 o'clock A.M. pursuant to adjournment
And Thereupon Court adjourned until To morrow morning 9 o'clock

Friday 15th June, 1860

Court convened at 9 o'clock, A. M. pursuant to adjournment.
And Thereupon Court adjourned until To morrow morning 9 o'clock

Saturday, 16th June, 1860.

Court convened at 9 o'clock, A.M. pursuant to adjournment.
and Thereupon Court adjourned until Monday morning o'clock

Monday, 18th June, 1860

Court convened at 9 o'clock A. M. pursuant to adjournment.
And Thereupon Court adjourned until To morrow morning 9 o'clock

Tuesday, 19th June 1860

Court convened at 9 o'clock, A. M. pursuant to adjournment.
A. M. Powell, Judge 2nd Judicial District presiding Whereupon
the following proceedings were had by said Court, as follows, to wit:

1871

D. A. Prage } Plaintiff } And now on This day came
vs } the Plaintiff by Attorney and
J. P. Rist } Defendant } moves to the Court the death
of the defendant. And Thereupon on motion of said pffs.
Attorney, It is ordered that the cause be continued and
that proclamation be to the legal representatives of said Defend-
ant, or the Known.

1865

Swaken, Gookin & Co } Plaintiffs } And now on Friday
vs } came the Plaintiffs
Wm H. Rayson } Defendant } by Attorney and declare
a final judgment by default, and because the said defendant
has been cited by personal service, and has failed to answer
within the time prescribed by law; and plaintiffs cause of
action being based upon a note of hand. It is therefore
ordered adjudged and decreed by the Court that the
plaintiffs, Frederick Swaken, Samuel H. Gookin, James Swan
and Isaac D. Blodgett under their firm name of Swaken,
Gookin & Co. do have and recover and from the defendant,
William H. Rayson, the sum of Two Hundred, Twelve and 50/100
Dollars, principal debt and interest due on the note sued on to
this date, together with ten per centum per annum interest
thereon until paid, and all costs in this behalf expended
for all which execution may issue

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1344 — James R. Neal & J. M. Stevens — Plaintiff & Defendant — And now on this day came the plff to this cause and on motion of said plaintiff It is ordered by the Court that he have leave to file an amended petition making new parties

1403 — James Park & W. S. Oldham — Plaintiff & Defendant — On motion of the plaintiffs attorney, It is ordered that their cause be parties have per mutum to docket this cause on the docket of this Court, in accordance with the agreement on file

1339 — The State of Texas vs O. H. Maroney et al — Plaintiff & Defendants — And now on this day came A. D. McGinnis Dist Atty and on his motion It is ordered by the Court that this cause be dismissed as to the defendant O. H. Maroney, and that said Maroney go hence without day fully discharged.

1340 — The State of Texas vs O. H. Maroney et al — Plaintiff & Defendants — And now on this day came the Dist Attorney and the defendant O. H. Maroney in person, and announced themselves ready for trial. And thereupon came a jury of twelve good and lawful men of Travis county, to wit: E. A. Hopkins, Foreman, and eleven others who were tried elected empannelled and sworn according to law. And said Jury having heard the Indictment, the defendants plea of guilty and the charge of the Court, rendered the following verdict, to wit: "We, the Jury, assess the fine against the defendant Maroney at Twenty-Five Dollars. E. A. Hopkins, Foreman." Whereupon It is ordered adjudged and decreed by the Court, that the State of Texas do have and recover of and from the defendant O. H. Maroney the sum of Twenty-Five Dollars and all costs of this prosecution, and that said defendant remain in the custody of the Sheriff until said fine and cost are paid.

1341 — The State of Texas vs O. H. Maroney, et al — Plaintiff & Defendants — And now at this day came the Dist Attorney and the defendant O. H. Maroney in person, and announced themselves ready for trial. And thereupon came a jury of twelve good and lawful men of Travis county, to wit: E. A. Hopkins, Foreman and eleven others, who were tried, elected, empannelled and sworn according to law. And the said Jury having heard the Indictment, the defendants plea of

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guilty and the charge of the Court returned the following verdict to wit: "We, The Jury, fix the fine against the defendant Marney at Twenty Five Dollars. E. A. Hopkins Foreman." Whereupon, It is ordered, adjudged and decreed by the Court, that the State of Texas do have and recover of and from the defendant O. H. Marney, the sum of Twenty Five Dollars and all cost of this prosecution, for which execution may issue and that said defendant remain in the custody of the Sheriff until said fine and cost are paid.

1342 — The State of Texas vs O. H. Marney et al — Plaintiff / Defendants — And now on this day came the District Attorney and the defendant Marney in person and announced themselves ready for trial. And thereupon came a Jury of twelve good and lawful men of Travis county, to wit: E. A. Hopkins, Foreman, and eleven others, who were tried, elected, empannelled and sworn according to law, and said Jury having heard the Indictment, the defendants plea of guilty, and the charge of the Court returned the following verdict, to wit: "We, the Jury, fix the fine against the defendant Marney at Twenty-Five Dollars. E. A. Hopkins Foreman." Whereupon, It is ordered, adjudged and decreed by the Court, that the State of Texas do have and recover of and from the defendant O. H. Marney, the sum of Twenty-Five Dollars and all cost of this prosecution and that said defendant remain in the custody of the Sheriff until said fine and cost are paid.

1343 — The State of Texas vs O. H. Marney et al — Plaintiff / Defendants — And now on this day comes A. D. McGinnis District Attorney, and on his motion It is ordered by the Court that this cause be dismissed from the docket, as to the defendant O. H. Marney and that said defendant go hence without day fully discharged

1344 — The State of Texas vs O. H. Marney — Plaintiff / Defendant — And now on this day comes A. D. McGinnis, District Attorney, and on his motion, It is ordered by the Court that this cause be dismissed from the docket, as to the defendant O. H. Marney, and that said defendant go hence without day, fully discharged

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1347 The State of Texas vs O. H. Mawney, Etal — Plaintiff vs Defendants — and now on this day came the District Attorney, A. D. McGinnis, and the defendant O. H. Mawney in person, and announced themselves ready for trial. And thereupon came a Jury of twelve good and lawful men of this County, To wit: C. A. Hopkins, Foreman, and eleven others, who were tried, elected, empannelled and sworn according to Law. And said Jury having heard the Indictment, the defendants plea of guilty and the charge of the Court, returned the following Verdict, To wit: "We the Jury, upon the issue against the defendant Mawney do find in favor of C. A. Hopkins, Foreman." Whereupon, it is ordered, adjudged and decreed by the Court, that the State of Texas recover of and from the defendant O. H. Mawney said sum of Ten Dollars, and all cost of this prosecution, and that said defendant remain in the custody of the Sheriff until said fine and cost are paid

And now on this day came and appeared in open Court the Grand Jury of this County, sworn and charged for and during the present term of this Court, and thereupon Foreman, Geo. Hancock, presented to the Court the following Bills of Indictment, as follows, To wit:

1351 The State of Texas vs Peter Kenn — Plaintiff vs Defendant — An assault with intent to kill and murder.

1352 The State of Texas vs Ike Graham, M. T. Caperton, Joseph E. Caperton, William Caperton, Reuben Caperton & Cullen W. Edwards — Plaintiff vs Defendants — Murder

1353 The State of Texas vs — Shiply, whose Christian name is unknown — Plaintiff vs Defendant — Exhibiting monte bank.

1354 The State of Texas vs — Shiply, whose christian name is unknown — Plaintiff vs Defendant — Exhibiting monte bank.

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1355	The State of Texas	Plaintiff	Exhibiting Monte bank.
	v.		
	Shiply, whose christian name is unknown	Defendant	
1356	The State of Texas	Plaintiff	Exhibiting Monte bank.
	v.		
	Shiply, whose christian name is unknown	Defendant	
1357	The State of Texas	Plaintiff	Exhibiting Faro bank.
	v.		
	Perry O'Neal	Defendant	
1358	The State of Texas	Plaintiff	Exhibiting Faro bank.
	v.		
	Perry O'Neal	Defendant	
1359	The State of Texas	Plaintiff	Playing at a game with cards in a gaming house.
	v.		
	Perry O'Neal	Defendant	
1360	The State of Texas	Plaintiff	Betting at Monte.
	v.		
	Isaac S. W. Cook	Defendant	
1361	The State of Texas	Plaintiff	Betting at Monte.
	v.		
	Isaac S. W. Cook	Defendant	
1362	The State of Texas	Plaintiff	Betting at Monte.
	v.		
	Frank Cotton, R. J. Browning & S. S. W. Cook	Defendants	
1363	The State of Texas	Plaintiff	Exhibiting Monte Bank.
	v.		
	Charles Reid	Defendant	
1364	The State of Texas	Plaintiff	Playing at a game with cards in a gaming house.
	v.		
	Samuel Norvell	Defendant	
1365	The State of Texas	Plaintiff	Betting at Monte.
	v.		
	Ben Hines, Wm. Mathews & Frank Cotton	Defendants	
1366	The State of Texas	Plaintiff	Exhibiting Monte bank.
	v.		
	Charles Reid	Defendant	

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1367	The State of Texas v Charles Reid	Plaintiff Defendant	Exhibiting Monte bank
1368	The State of Texas v William, alias Buck Bennett Bill Mathews	Plaintiff Defendants	Exhibiting Monte bank.
1369	The State of Texas v William, alias Buck Bennett and Bill Mathews	Plaintiff Defendants	Exhibiting Monte bank.
1370	The State of Texas v — Morris, whose christian name is unknown	Plaintiff Defendant	Buying from slave.
1371	The State of Texas v Joseph Harrison	Plaintiff Defendant	Theft.
1372	The State of Texas v Ben Himes. Wm Mathews & Frank Cotton	Plaintiff Defendants	Betting at Monte.
1373	The State of Texas v Thadeus Buck	Plaintiff Defendant	Theft of a Cow.
1374	The State of Texas v Alden Tharp	Plaintiff Defendant	Burning Prairie &c.
1375	The State of Texas v John B. Perry	Plaintiff Defendant	An aggravated assault and battery.
1376	The State of Texas v A. J. Rainy	Plaintiff Defendant	Playing cards &c.
1377	The State of Texas v Wm. B. Covington	Plaintiff Defendant	Playing cards &c.
1378	The State of Texas v Yancy Cain	Plaintiff Defendant	Betting up a horse coming within the meaning of an estray
1379	The State of Texas v Frank Cotton & Robt. H. Cumby	Plaintiff Defendants	Playing cards &c.

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1380	The State of Texas	Plaintiff	Affray with intent to Kill and Murder.
	Pedro Balades	Defendant	
1381	The State of Texas	Plaintiff	Negligently permitting one Wm C. Leggitt, accused of a felony less than capital, to escape.
	Thos J. Randolph	Defendant	
1382	The State of Texas	Plaintiff	Murder.
	Andrew Chamberlain	Defendant	

And Thereupon said Grand Jury reporting to the Court that there was no further business before them requiring their attention, they were discharged by the Court from further deliberation, and ordered to be dispersed

And Thereupon Court adjourned till To-morrow morning 9 o'clock

Wednesday, 20th June, 1860.

Court convened at 9 o'clock, A. M. pursuant to adjournment A. W. Terrell, 2d District Judge presiding. And Thereupon Court adjourned until To-morrow morning at 9 o'clock

Thursday, 21st June, 1860

Court convened at 9 o'clock, A. M. pursuant to adjournment. A. W. Terrell, 2d District Judge presiding. And Thereupon Court adjourned till To-morrow morning 9 o'clock

Friday, 22d June, 1860

Court convened at 9 o'clock, A. M. pursuant to adjournment A. W. Terrell, 2d District Judge presiding. and Thereupon Court adjourned till To-morrow morning 9 o'clock

Saturday, 23 June. 1860

Court convened at 9 o'clock, A. M. pursuant to adjournment. A. W. Terrell, 2d District Judge presiding. and Thereupon Court adjourned till Monday morning 9 o'clock

Monday, 25th June, 1860

Court convened at 9 o'clock, A. M. pursuant to adjournment A. W. Terrell, 2d District Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

1970	Nichols & Eachard	Plaintiffs	And now on this day came the parties by attorneys, and claim a Judgment final by default. And because the defendant has been cited by personal citation and has wholly failed to answer within the time prescribed by law - and the plaintiffs cause of action being based upon a note of hand, It is therefore, ordered, adjudged and decreed by the Court that the plaintiffs, I. N. Nichols and Adolph Eachard, under their firm name of Nichols & Eachard do have and
	vs.			
	A. M. Davidson	Defendant		

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recover of and from the defendant A. M. Davidson, the sum of Two Hundred, Forty-Two and 30/100 Dollars, principal debt and interest due on the note sued on to this date, together with ten per centum per annum interest thereon till paid, together with all the cost of this suit, for which execution may issue

838. John B. Costa, Chf. Jus. } Plaintiffs
or
Thomas Alcock, et al. } Defendants

And now at this day comes the plaintiffs by attorney and submits to the Court his motion heretofore filed for a change of the venue of this cause to the nearest adjoining county of the Second Judicial District, because of the disqualification of the presiding Judge; and said plaintiffs thereupon suggests to the Court the death of the defendant Francis Dietrich and prays for process to the legal representatives of said Dietrich when known. And thereupon it is ordered that the venue of said cause be changed to the County of Williamson, and that the Clerk transmit to the clerk of the District Court of said county, on or before the first day of the next term of the court of said County, all the Original papers in said cause, together with a certified Copy of all the entries and of the Bill of Cost. It is further ordered that process issue to make the legal representatives of said Dietrich parties defendant hereto, when known

881 A. P. Hill } Plaintiff
or
Hamilton & Chandler } Defendants

And now on this day come the defendants, and submit their motion heretofore filed praying for a change of the venue in this cause to the nearest adjoining county out of the Second Judicial District, because of the disqualification of the presiding Judge of this Court. And because of such disqualification it is ordered by the Court that the venue of said cause be changed to the County of Williamson, and that the clerk transmit to the District Court of said County on or before the first day of the next Term thereof all the Original papers in said cause together with a certified copy of all the entries and of the bill of cost.

1365 in V. John Brummond } Plaintiff
or
W. S. Oldham } Defendant

Motion against I. M. Blackwell, Chff. and his securities, A. H. Cook and Amos Merrill, in said cause, for failure to return execution. In this case now comes the plaintiff, and dismisses his motion so far as concerns the ground of failing to make a levy, and thereupon announces himself ready for trial. And it appearing to the Court that the defendants had all been only notified to appear and answer this motion. And it appearing that the said plaintiff, John Brummond, on the 29th December 1857, recovered in the District Court of Travis County, a Judgment against William S. Oldham, together with ten per cent. interest thereon till paid, and the further sum of

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hundred 35/100 Dollars, costs of suit, which said cause was removed by writ of error to the Supreme Court of Texas, and on the first day of November, 1858, was affirmed with Ten percent. damages against the said Oldham and his surety on his writ of error bond, & it appearing from the said that on the 25th day of February, 1860, there was issued upon the said Judgment so affirmed, an execution against the said Oldham and issued by the Clerk of the District Court of Travis County, which execution was lawfully directed to the said J. M. Blackwell, Sheriff of Travis county, and which came into his hands the same day it was issued, and which said execution was returnable to the said District Court of Travis County on the fourth day of June, 1860. And it further appearing from the proof submitted that the said Sheriff Blackwell had failed to make return of the said execution, It is, therefore, ordered and adjudged by the Court, the defendants being in open Court and consenting thereto, that the said motion of the plaintiff be allowed and that he do have and recover of the said Defendants, J. M. Blackwell Sheriff, Amos Morrill and A. H. Cook, his sureties, the sum of Three Hundred and Thirty and 98/100 Dollars ($330.98) the unpaid balance of the said Judgment of Remond against Oldham, together with ten per cent. interest thereon till paid, and also the sum of twenty & 35/100 Dollars, the cost of the said suit and the costs of this proceeding, for all of which execution may issue

1925 — The State of Texas et al. vs. Alfred Evans et al. — Plaintiffs / Defendants — And now on this day came the defts. by attorney and move the Court to set aside the Judgment final rendered in this cause at a former day of the present term and that the defts. be permitted to answer to the Scire facias. And thereupon, It is ordered that the said motion be granted, that the cause be reinstated, that the Judgment final be set aside and vacated, and that the defendants herein be permitted to answer to the Judgment as presented at the last preceding term

1960 — Samuel F. Wheeler vs. Wm. P. Newman et al. — Plaintiff / Defendants — And now on this day comes the pltff. by attorney and submits his motion heretofore filed praying for leave to substitute the citation and brief statement issued in this cause on the 5th April, 1860. And said motion being supported by the affidavit of the Sheriff that said writ has been lost, It is ordered that the motion be allowed, that said writ be substituted by filing a correct copy of the Original issued as aforesaid, Ford

1869 inst. — John Remond vs. A. B. McGill, et al. — Plaintiff / Defendants — Motion against Shff. J. M. Blackwell and his securities A. H. Cook and Amos Morrill for failure to return Execution. — In this case now comes the Plaintiff, by his

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Bremond, by attorney, and announces himself ready for trial in the above case. And it appearing to the Court that the defendants had been duly notified to appear and answer the same thereupon the said plaintiff dismissed his motion against the said Sheriff upon the grounds alleged in the said motion, except for failure to return the execution, and it appearing to the Court that there had been duly issued an execution by the Clerk of the District Court of Travis County, on the 3rd day of February, 1860 in favor of the said John Bremond against Ashford B.M. Gill and John H. Connor upon a judgment rendered in the said District Court of said County of Travis, on the 28th November 1860, for the sum of Two Hundred and forty-three 25/100 Dollars bearing interest at the rate of ten percent per annum, together with the sum of twenty-eight & 95/100 Dollars, cost of suit, which said execution was lawfully directed to the said Blackwell, as Sheriff and which came into his hands the same day of issuance. And it further appearing to the Court that the said execution was returnable on the 4th day of June, 1860 to the District Court of Travis county, and that the said Sheriff had failed to make return thereof as required by law. The Court considered and adjudged by the Court, the defendants being in open Court, and consenting thereto, that the said motion be allowed, and that the plaintiff, John Bremond, do have and recover of the said Josiah M. Blackwell and his sureties on his official bond as Sheriff, to wit A.N. Cook and Amos Morrill, the sum of Two Hundred and Twenty Nine & 82/100 Dollars, the unpaid balance of the principal and interest upon the said Judgment of Bremond against McGill & Connor, with ten per cent interest thereon until paid, and the further sum of Twenty-eight & 95/100 Dollars cost of the suit aforesaid, and the costs of this proceeding, for which execution may issue.

1521 Issued

Swante M. Swenson and John M. Fisher, Plaintiffs
v.
W. D. Miller, et Al., Defendants

} Motion against the Sheriff J.M. Blackwell, and his securities A.N. Cook and Amos Morrill for failure to pay over money collected on execution in said cause.

In this cause now come the plaintiffs and dismiss their motion for all the causes alleged except that for failing to pay over money collected on the execution - and thereupon they announced themselves ready for trial. And it appearing to the Court that the defendants in the motion had all been duly notified to appear and answer this motion - and it further appearing that on the 11th day of June 1858 the said plaintiffs recovered Judgment in the District Court of Travis county against W.D. Miller, Wm B. Burdett, George W. Sampson and Abram Kennedy, for the sum of Three Thousand One Hundred and Seventeen and 33/100 Dollars, besides the sum of Twenty Nine & 65/100 Dollars cost of suit, which said cause was removed by the said Wm. B. Burdett, one of the defendants, to the Supreme Court of Texas and on the 22nd October, 1859 was affirmed with ten per cent. damages against them and his sureties on his writ of error bond, Jefferson F. Burdett and A.M. Davidson

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And it further appearing that at the first day of February, 1860 an execution was issued by the clerk of the District Court of Travis County upon the Judgment so affirmed against all the parties defendant and their sureties, for the said Judgment, interest, cost and damages on which said execution was lawfully directed to the said Blackwell as Sheriff of Travis County, and on the same day of issuance came into his hands. And it appearing that the said Blackwell, at the 4th day of June, 1860 by virtue of said execution, collected from the said defendants the unpaid balance of the said Judgment, interest, damages and cost, amounting to the sum of One Thousand, Five Hundred and Thirty & 49/100 Dollars together with the cost as aforesaid, since then. And it further appearing that the plaintiffs had lawfully made demand upon the said Blackwell as Sheriff as aforesaid, and that he had failed to pay the same so collected, or any part thereof. It is therefore ordered and adjudged by the Court, that the motion of the said plaintiffs be allowed, the defendants being in open Court, and consenting thereto, and that the said Plaintiffs in said motion do have and recover of the said J. M. Blackwell and the said A. H. Oak and the said Anna Morrill, the said sum of Fifteen Hundred and Thirty & 49/100 Dollars, besides the cost of the Original suit as aforesaid, and the cost of this motion, for all which execution may issue.

1365
123 d

John Pimmel Pff
vs
W. S. Oldham Deft

Motion in said cause against J. M. Blackwell, Sheriff, and his securities, William Simpson and Anna Morrill, for failure to pay over Money.

In this cause now comes the plaintiff and demands Judgment upon his motion. And it appearing to the Court that the defendants herein had been duly notified to appear and answer this motion; and it appearing to the Court that on the 27th day of December, 1859, the said John Pimmel recovered Judgment in the District Court of Travis County against William S. Oldham for the sum of Four Hundred and Twenty Five & 66/100 Dollars, together with ten per cent interest thereon till paid, and cost of suit, which said cause was removed by writ of error to the Supreme Court of Texas, by the said Oldham and in the 3rd day of November, 1858, was affirmed with ten per cent. damages against the said Oldham and his surety on his writ of error bond, J. G. Reed. And it appearing further, that on the 20th day of January, 1859 There was issued by the Clerk of the District Court of Travis County upon the said Judgment so affirmed an execution against the said Oldham and Reed which said execution was lawfully directed to the said Blackwell, as Sheriff of Travis County and which came into his hands the same day of issuance. And it further appearing to the Court, that the said Blackwell as Sheriff as aforesaid, on the 6th day of June, 1859, by virtue of the said execution collected from the said Oldham and Reed the sum of Two Hundred and Thirty-

Spring Term Monday, 25th June 1860

two and 20/100 Dollars (2232.20) And it further appearing that the said Sheriff had failed to pay the said sum of money so collected upon the demand of the plaintiff, and the parties now appearing in open Court, and the plaintiff consenting to waive the full damages allowed by law - and the defendants consenting that the said plaintiff may have Judgment for the collection aforesaid, together with interest by way of damages, at the rate of ten percent. per annum from the said sixth day of June 1859, It is therefore ordered, adjudged and decreed that the said plaintiff's motion be allowed, and that he have and recover of the said D. M. Blackwell and his sureties William Simpson and Amos Worrell the sum of two Hundred and Fifty-five 70/100 Dollars, together with ten per cent. interest thereon till paid, and the cost of this proceeding, for all which execution may issue.

1377 — D C Osborne, Pltff, vs G. Kirchberg et al, Defts — And now on this day came D. M. Blackwell, Sheriff of Travis County and moves his motion duly filed and submitted, It is ordered by the Court that the said Sheriff be allowed to amend his return on the last execution issued in the above cause according to the facts of the case.

1917 — Geo. W. Gray, Chf. Jus. vs John D. Perry et al. — Plaintiff; Defendants — And now come the Defendants and submit their motion to set aside the Judgment by default entered in this cause at a former day of this present term of this Court. And the said motion being overruled to by the Chief Justice, It is ordered that the same be allowed; that the said entry of default be set aside, and that the said defendants have leave to answer in this suit.

Order — The State of Texas vs Alfred A. Slane — Plaintiff; Defendant — And now on this day came the Defendant, by attorney, and also the securities of the said defendant, to wit: Geo. T. Boardman and S. W. Goodrich, and now the Court discharge and release from their said security ship because of the grounds set forth in said motion. And thereupon it is ordered that the said defendant Slane Alfred go hence discharged, and that the said securities be released from their said bond, and go hence without day.

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

Tues day, 26th June 1860.

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

Spring Term Monday 2d July 1860

Wednesday 27th June 1860

Court convened at 9 o'clock A.M. pursuant to adjournment.
And Thereupon Court adjourned till to Morrow Morning 9 o'clock

Thursday 28th June 1860

Court convened at 9 o'clock A.M pursuant to adjournment.
And Thereupon Court adjourned till Monday morning next at 9 o'clock

Monday 2d July 1860

Court convened at 9 o'clock A.M. pursuant to adjournment
Hon. R.F. Tunell Judge 3d Judicial District presiding. and Thereupon said Tunell having recused himself as to the following named cause, The Hon. R. J. Tonnes Special Judge presided, Viz:

V

950

John Miles, et al.	Plaintiffs	Before Hon. R. J. Tonnes,
John J. Grumbles, et al.	Defendants	Special Judge presiding in said cause.

The parties this day appeared by their respective attorneys, having filed an agreement in said cause, that the Hon. R. J. Tonnes should determine said cause. Thereupon the said plaintiffs submitted to the Court their motion to dismiss said cause from the docket at their cost, and the defendants making no objection to said motion, but consenting thereto, It is, therefore, ordered, adjudged and decreed by the Court, that the said cause be dismissed from the docket, that the defendants in this suit go hence without day, and have and recover of and from the said pffs. John Miles, Elizabeth Miles, Jefferson Hardy and Edy Hardy, and their securities for cost, R. L. Haralson, Geo. M. Flowers and W. L. Roberts, all the cost of this suit, for which execution may issue.

R. J. Tonnes Special Judge

1203

A. C. Raymond & Lucinda Raymond	Plaintiffs	District Court, Spring Term, A.D. 1860.
vs		This cause coming on to be heard before the
A. A. Coats	Defendant	Hon R. J. Tonnes, as Special Judge

as per agreement of the parties on file and a Jury having been waived by said agreement and the parties having announced themselves ready for trial. Thereupon the plaintiffs demurrer to the amended answer and plea in reconvention of the defendant Coats being heard and considered by the Court. It is ordered by the Court that the same be overruled. And Thereupon the defendants demurrer being heard and considered, the same is overruled by the Court. And the evidence and arguments of counsel being heard and duly considered by the Court, together with the Auditors Reports filed in this cause, It is Considered by the Court that the Plaintiffs exceptions to the said Auditors Report numbered from one to seven inclusive be. Because the said Auditor failed to charge the Defendant Coats with the value of lands conveyed by E. J. Haynie to A. A. Coats, on the 30th day of October A.D. 1855 - 2nd Because the said Auditor did not charge the said Coats with

Spring Term, Monday, 2d July 1866.

One Thousand Dollars part of the Boyce and Eggs note to S. G. Haynie, which sum was collected by Haynie and paid upon and the Judgment against said Haynie as principal and Coak Hopkins and Nichols as his sureties - 3rd Because the said Auditor, in his second Report, reduced the amount of the charge against Coak from six hundred and forty dollars as made in his first report, to three hundred and twenty dollars for three hundred and twenty acres of land conveyed to A.W. Pinell by Haynie as a fee for preparing an Injunction & execution. 4th Because the said Auditor failed to charge Coak with the amount of accounts against A. Hamilton for $206.77 and James Cole for $7.50 - 5th Because the said Auditor failed to add the amount of the claim against D. J. Nichols, in the amounts of the sheets with which said Report made the said Coak chargeable. 6th Because the said Auditor failed to charge the said Coak with $10.000 the value of Lots Nos. 1, 2, 3, 4, 5 & 6 in Block No. 135, in the City of Dallas and improvements thereon - 7th Because the said Auditor failed to charge the said Coak with the accounts transfered by Haynie to Coak and Raymond or not sustained by the testimony. And that the said Defendant Coak ought not to be charged with the said matters, It is therefore ordered & adjudged by the Court that the same be overruled. And it appearing to the Court that the exceptions of the defendant Coak to so much of the said Auditors Report as charges him with three hundred and twenty acres of land in Bastrop County, conveyed by S. G. Haynie To A.W Pinell, is supported by the testimony, and that the said Defendant ought not to be charged therewith; It is considered and adjudged by the Court that said exception to said Report be and the same is sustained. And it further appearing to the Court that the defendants exceptions to so much of said Auditors Report as charges the said Coak with the value of One hundred and forty-Nine Acres of land situated on Onion Creek in Travis County, and fixing the value of said land at six Hundred Dollars, is supported by the testimony, and that the said defendant ought not to be charged therewith, It is ordered and adjudged by the Court, that the defendants said exception be sustained. And it also appearing to the Court from the testimony that the said Defendant ought not to be charged for or on account of the claim against D.J. Nichols, and mentioned in said Auditors Report as chargeable to the defendant Coak, It is ordered and adjudged by the Court, that the defendants exception to so much of said report, be and the same is hereby sustained. And it further appearing to the Court from the evidence, that the defendant Coak is properly chargeable with Three hundred Dollars as the value of the tract of land conveyed by the said S. G. Haynie to the said Coak, containing One Hundred and Forty-Four acres, and situated on Cypress Creek in Hays County, It is therefore ordered and adjudged by the Court that the defendants said exception to so much of said Auditors Report as charges the said defendant therewith, be and the same is overruled.

And the account between the said Raymond and Coak being restated by the Court upon said Auditors Report with reference to the rulings herein as to said exceptions, which statement is filed among the papers in this cause, and made

Spring Term, Monday, 2nd July, 1860

a part of the record and it appearing from such statement that the said plaintiff, H. C. Raymond, is indebted to the said defendant Cook, by way of contribution and otherwise, as shown by said account, in the sum of Four Thousand and Thirty Dollars. It is, therefore, ordered, adjudged and decreed by the Court, that the said defendant Cook do have and recover of the said plaintiff, H. C. Raymond, the said sum of Four Thousand and Thirty Dollars.

And it appearing to the Court that the said S. G. Raymond heretofore conveyed to the said defendant Cook, a tract of land situated on Onion Creek in Travis County, containing One Hundred and Forty-Nine acres, and described as follows: Being a part of a league of land granted to S. P. Slaughter, and beginning at the S. E. corner of a league of land granted to Mackey, for the S. W. corner of this survey, from which an Elm brears N. 62° E. 1 vara, and another brears N. 23° W. 1 vara. Thence East Seven hundred varas, a stone mound, for the South East corner of this survey, from which a Live Oak bears N. 25° E. 5 varas, a Live Oak brears N. 64° W 34 varas. Thence North Nine Hundred and Forty varas a stone from which a Live Oak bears N. 33° E. 41 varas. Thence west fifty varas a stone from which a Live Oak bears East 13 varas. Thence North Seventy varas, cross Onion Creek, nine hundred and Ten varas, a stone mound for the N. E. corner of this survey, from which a Pecan bears S. 53° W. 9 varas, a Post Oak bears N. 17 E. 8 varas. Thence West Four hundred and fifty varas to a stone mound for the North west corner of this survey, from which a Live Oak bears No. 61° W. 25 varas. Thence South One Thousand three Hundred and Fifty varas, with the East boundary line of Wacker Wilms Headright League to the place of beginning, as part in demnity to the said Cook and H. C. Raymond against their liability as his sureties, and the said Cook having prayed that the said land be sold, and the proceeds be applied to the joint benefit of himself and the said Raymond, It is therefore, ordered adjudged and decreed by the Court that an Order of Sale be issued by the Clerk of this Court, directing and commanding the Sheriff of said County to sell said above described tract of Land in the manner prescribed by the statute for making Sheriffs sales; and to pay over the amount of the proceeds of said sale to the defendant Cook, one-half of which amount shall be entered as a credit upon the Judgment herein rendered against the said Raymond and in favor of the said Cook.

And it further appearing to the Court, from the testimony, that the negroes Phil and Sylva levied upon on the 10th day of January A.D. 1857, by virtue of the execution of T. W. Howe, were subject to the execution of the said Howe, and that the Conveyance by the said H. C. Raymond to Lucinda Raymond, his wife, on the 16th Day of November A.D. 1854, was fraudulent and void as to creditors, and particularly as to the said T. W. Howe and the said defendant Cook having paid off and discharged the entire amount of the Judgments in favor of the said Howe against Raymond, Cook &

Spring Term Monday 2nd July 186 0

Raymond, It is therefore ordered adjudged and decreed by the Court that the said defendant be and he is hereby subrogated to all the rights securities and liens which the said Jones had under and by virtue of the said Judgments and the executions issued thereon, as against the said Raymond and especially that he be subrogated to all the rights of the said Jones under and by virtue of the claim bond filed by the said plaintiff Lucinda Raymond, for the trial of the right of property in the said slaves Phil and Sylva thereupon, It is further ordered adjudged and decreed by the Court that if the one half of the proceeds of the tract of land hereinafore ordered to be sold, shall be insufficient to satisfy the Judgment in favor of the said Cook against the said Raymond, the Sheriff of Travis County is hereby ordered to demand of the said N. C. Raymond and Lucinda Raymond, and they are hereby ordered to deliver to the said Sheriff of Travis County, the said slaves Phil and Sylva, levied on as aforesaid, and described in said claim bond, within ten days from the date of demand and that said negro Slaves Phil and Sylva be sold by the said Sheriff of Travis County under an order of sale to him directed by the Clerk of this Court for that purpose, which order of Sale, the said Clerk is hereby directed to issue, at the time and place for making legal sales, and that the proceeds of said sale be applied pro tanto to the satisfaction of the Judgment here rendered in favor of the said Cook against the said Raymond. And it further appearing to the Court that the said negro slave Phil is of the value of Six Hundred and Fifty Dollars, and the said negro slave Sylva, is of the value of Six hundred Dollars, It is ordered adjudged and decreed by the Court that in default of the delivery of said slaves, or either of them by the said Lucinda Raymond within the time herein before prescribed, to the Sheriff of said county as herein before ordered, the said defendant Cook shall have execution upon said claim bond against the said plaintiffs and R. M. Johnson, Josiah Pirtle and John Horan, sureties of the said Lucinda on her claim bond for the amount of the value as herein appraised, of said slaves or slave not delivered, with the interest thereon from the date of this decree, and the Clerk of said Court is ordered to issue execution accordingly. Of the amount for which said slaves Phil and Sylva shall be sold, or the value thereof when collected as herein provided, together with the one-half of the proceeds of the sale of said tract of land, shall be insufficient to discharge and satisfy the Judgment herein rendered, then the said Cook shall have execution against the said Raymond for the residue.

It is further ordered that Benjamin F. Carter, Esq. be allowed the sum of Two Hundred and Fifty Dollars for his services as Auditor in this case, one-half which sum shall be paid by the plaintiffs N. C. and Lucinda Raymond, and the other half by the defendant Cook.

It is further ordered, adjudged and decreed by the Court, that the defendant Cook do have and recover of and from the said N. C. Raymond and

Spring Term, Monday, 23d July 1860

Lucinda Raymond and Josiah Frek, Jas A Raymond, John Horan and R B Cathorn, their securities upon their Injunction bond, all his cost in and about this suit expended, to include one half of the allowance made to the auditor for his services, for which execution may issue, for the use of the officers of Court. It is further ordered that execution may issue in the name of the plaintiffs against the defendant book, for One Hundred and Twenty-Five Dollars, the amount of One half the allowance made to the Auditor for his services.

It is further ordered that the Clerk be allowed fifteen cents for each hundred words, for recording this decree, to be taxed in the bill of cost.

R. J. Townes, Special Judge

1203

N. C. Raymond, et al. } Plaintiffs.
vs
A. H. Cook } Defendant

And now on this day appeared the parties to this cause, by attorney, And thereupon the said plaintiffs submitted to the Court their motion for a new trial in said cause, which said motion being duly heard and argued by Counsel, and the same being considered by the Court, It is ordered and decreed, that said motion be overruled. Whereupon the said plaintiffs give notice, in open Court, of an appeal to the Supreme Court

R. J. Townes Special Judge

And Thereupon Court adjourned till next Thursday morning at 9 o'clock

Thursday 5th July 1860

Court convened at 9 o'clock A M pursuant to adjournment. A. W. Terrell, 2d District Judge presiding. And Thereupon Court adjourned till Monday morning at 9 o'clock.

Monday 9th July 1860

Court convened at 9 o'clock, A. M. pursuant to adjournment. A. W. Terrell, 2d District Judge presiding. and Thereupon Court adjourned till next Monday morning, 16th July

Monday 16th July 1860

Court convened at 9 o'clock, A. M. pursuant to adjournment. And thereupon Court adjourned until Monday next 23d July

Monday, 23d July 1860

Court convened at 9 o'clock A M pursuant to adjournment. A. W. Terrell, 2d District Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit. And Thereupon, It is ordered that J. M. Blackwell, Sheriff of Travis County, be fined Fifty Dollars for contempt of Court in failing to be in attendance on the Court at the hour of convening the same this morning, and that execution issue to collect the same, for the use of the county.

Spring Term, Thursday, July 26th, 1860

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

Friday, July 27th, 1860.

Court convened at 9 o'clock A. M. pursuant to adjournment. A. W. Terrell, 2d Dist. Judge presiding. And thereupon Court adjourned till to-morrow morning 9 o'clock

Wednesday, 25th July, 1860.

Court convened at 9 o'clock A. M. pursuant to adjournment. A. W. Terrell 2d Dist. Judge presiding. And thereupon Court adjourned till to-morrow morning, 9 o'clock

Thursday, July 26th, 1860.

Court convened at 9 o'clock, A. M. pursuant to adjournment. A. W. Terrell, 2d Dist. Judge presiding. Whereupon the following proceedings were had by said Court, as follows, To Wit:

Fine Blackwell p 50.

And Thereupon, It is ordered, It appearing to the Court that J. W. Blackwell has been duly subpoened as a witness in behalf of the Plff in Cause No. 1351, of the State of Texas vs. Peter Kemp, and because, from the statement of the District Attorney it appears that the testimony of said witness is material, It is ordered, on motion of the District Attorney that said Blackwell be fined Fifty Dollars for contempt in failing to attend as a witness in said cause, and that Sci. Facia issue to him returnable to the next Term of this Court, commanding him to appear and show cause if any he can, why said fine should not be enforced and made final.

And Thereupon, It is ordered, That Charles L. Rabard, Esq. an Attorney of this Court, be appointed District Attorney pro tem. to act in the absence of the District Attorney, and said Rabard Thereupon accepts said trust.

1351.

The State of Texas	Plaintiff	And now on this day appeared
vs		Charles L. Rabard, Esq. Dis-
Peter Kemp.	Defendant	trict Attorney, pro tem. who rep-

resents the State. And also came the Defendant, Peter Kemp, in person and also by his Attorney, L. G. Reed, Jr. who was heretofore appointed by the Court to represent said Defendant in this Cause. And Thereupon said parties announced themselves ready for trial. And Thereupon, from the special venire facias issued in this cause on the 24th instant, the following named Jurors were called in regular order who were duly elected by the parties, to-wit: A. N. Cope - E. G. Benning - W. F. Mullen - O. W. Norton - W. T. Norton - A. O. Howe - J. O. Bray - J. H. Crockett - C. F. Robinson - T. Smith - John Swan - [illegible] Perkins, said, empaneled and sworn, as prescribed by law, and the Defendant having entered the plea of not guilty, The Jury heard the Indictment read, as also the testimony introduced by the parties, the argument of the Counsel, and the charge of the Court; and

Spring Term, Friday, July 27th. 1860

Court met pursuant to adjournment. A. W. Terrell 2d District Judge presiding. Whereupon the following proceedings were had by said Court, as follows to wit:

1351

The State of Texas } Plaintiff
vs } It is ordered by the Court
Peter Kleun } Defendant } that this cause be continued generally.

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

Friday, 27th July, 1860.

Court convened at 9 o'clock A. M. pursuant to adjournment. A. W. Terrell 2d District Judge presiding. Whereupon the following proceedings were had by said Court, as follows to wit:

1370

D. C. Osborn } Plaintiff } Motion against the
vs } Sheriff and Sureties
D. M. Blackwell } for failing to pay over
Amos Morrill } money collected under
Abner H. Cook } Defendants } Execution.

And now on this day comes the plaintiff by his atty and leave of the Court first being obtained, he amends his motion herein, and announces himself ready for trial. Then comes in to be heard said motion. And it appearing to the Court that each of said Defendants has been duly notified to appear and answer in this behalf, which they have failed to do. And thereupon, it appearing to the Court that on the 17th day of August, A.D. 1859, the said Defendants, D. M. Blackwell, as principal, and Amos Morrill and Abner H. Cook as sureties, executed and delivered unto H. R. Runnells, Governor of the State of Texas their certain bond for the sum of Twenty Thousand Dollars, conditioned that whereas, the said Isaac M. Blackwell was duly elected at a regular election held in the said County of Travis on the first day of August A.D. 1859, Sheriff of Travis County, for the term of two years, if the said Isaac M. Blackwell shall well and truly account for and pay over to the persons authorized by law to receive the same, all fines, forfeitures and penalties that he may collect for the use of the State, or any county within the State, and shall well and truly execute and due return make of all process and precepts to him lawfully directed, and pay

Spring Term Friday, July 27th, 1860

recall sums of money collected by him by virtue of any such
writ a precept to the persons to whom the same are due or
their lawful attorneys, and well and faithfully perform all
such duties as may be required of him, and that on the day of the
execution of said bond, the same was approved as required by law,
and the said Blackwell took and subscribed his oath of office
and entered upon his duties as Sheriff of Travis county.
And it further appearing that on the 12th day of January, 1858,
the said plaintiff recovered Judgment in the District Court of Travis
County against Geo. L. Waelon, Wm. W. Waelon and H.W. Mabett for
the sum of Three Hundred, Seventy-two & 50/100 Dollars with interest
at the rate of eight percent. per annum on said sum from the day of
the rendition of said Judgment together with all cost of suit, which
said causes was upon writ of error removed to the Supreme Court
of the State of Texas, by Wm W. Waelon one of said Defendants. And
said Supreme Court, at the 2d Monday of October A. D. 1859, dismissed
said writ of error, and decreed that the said Plaintiff in Error and
his sureties, S. G. Reed and P. de Cadena, pay the cost expended in
said Supreme Court, and certified said proceedings to this Court for its
observance
And it further appearing that on the first day of February, A.D. 1860,
an execution issued from this Court on said Judgment, in accordance
with law, and the mandate of said Supreme Court, directed to the
Sheriff of Travis County, Commanding him that of the Goods and Chattels,
Lands, Tenements and Estate of the said George L. Waelon, W.W. Mabett,
S. G. Reed and P. de Cadena, he cause to be made the aforesaid
sum of Three Hundred Seventy Two and 50/100 Dollars, principal
debt and interest, together with interest at the rate of eight per cent.
per annum on said sum from the day of the rendition of said Judgment
together with all cost &c which said execution was made returnable
on or before the first day of the present term of this Court, to wit: June 4th 1860.
And it further appearing that on the first day of February, A.D. 1860,
the said execution came to the hands of D.M. Blackwell, as Sheriff
of Travis County, and by said Blackwell as Sheriff aforesaid
was duly returned with his return endorsed thereon, showing that
the same was fully satisfied, except the cost.
And it also appearing that the said Blackwell, as said
Sheriff, on the 4th day of June, A.D. 1860, by virtue of said exe-
cution, collected the sum of Three Hundred and Thirty-seven and
50/100 Dollars, and that the said plaintiff on said 4th day
of June 1860, and at divers other times thereafter, lawfully made
demand upon the said Blackwell, as Sheriff aforesaid, for said sum of
money, so collected as aforesaid, and that he, the said Blackwell
has failed and refused to pay the same or any part thereof,

Aug. T 1860. Rec'd $ Bond 1 Bond
Rec'd Hundred & Thirty Cases & 50/100
Dollars on 1st & 2d Count of Declaration
Blackwell, et al. No 1377. John T. Allen
Atty for Pltff

Spring Term, Friday, 27th July, 1860.

to the said plaintiff, he being the person entitled to receive the same, It is, therefore, considered by the Court, that the said bond is broken, and that the motion of plaintiff be and is hereby allowed

And it is ordered, adjudged and decreed by the Court, that the said Plaintiff, D. C. Osborne have and recover of and from the said defendants, Isaiah M. Blackwell, Amos Mizell and Adams H. Cook, the said sum of Three Hundred and Thirty-Seven & 50/100 Dollars, with ten per centum per month on said sum from the 18th day of June, 1860, until paid together with interest on said sum at the rate of eight per cent. per annum from the said 18th day of June, 1860, until paid, and all cost in and about this motion expended, for which execution may issue.

1377

D. C. Osborne — Plaintiff
v.
I. Kuchling, et. al. — Defendants

Motion against James R. Jackson, for failing to comply with bid at Sheriffs Sale.

And now at this day came the plaintiff by attorney, and also came James R. Jackson, the defendant in the motion, and announced themselves ready for trial. And the parties having read the motion and answer in the hearing of the Court, and having introduced the evidence, and the merits of the motion being duly argued by the counsel, and the matters of law arising on said motion and answer, being duly considered by the Court, and being well and sufficiently advised, It is ordered and decreed, that said motion be refused; that said James R. Jackson go hence without day, and have and recover of and from the plaintiff, D. C. Osborne, and the security on his cost bond, to wit: John T. Allen, all the cost of this proceeding, for which execution may issue.

1352

The State of Texas — Plaintiff
v.
M. F. Caperton, et. al. — Defendants

Motion with order of the matter of M. F. Caperton for change of Venue

And now on this day comes Charles L. Richardson, Esq. appointed by the Court, as District Attorney pro tem, who appears on behalf of the State, and also came Micha F. Caperton by attorney and also in person; And thereupon said M. F. Caperton, by his counsel, submits to the Court his motion herein before filed in said cause, praying for a change of the Venue of said cause, & the in accordance with the statute. And because said applicant has made oath that so great a prejudice exists against him in the County of Lavaca, that he cannot obtain a fair and impartial trial; that

Spring Term, Friday, 27th July, 1860

the minds of a large portion of the population and of the legal Jurors of said County has been prejudiced against him by the instigation of influential persons in said county; that there is a combination existing against him instigated by influential persons; and said motion being supported by the affidavit of John B. Hodgkiss and W. D. Ezell, residents of said county, who swear that a very great prejudice exists in said county against the said M. T. Caputon, and that so great is the prejudice existing in said county against said M. T. Caputon that he cannot obtain a fair and impartial trial in the County of Travis, in said cause. And the said application being deemed sufficient, and a full compliance with the requirements of the statute, It is therefore ordered and decreed by the Court, that the Venue of said cause be changed to the County of Williamson, the county seat of which said county, (Georgetown) being the nearest county seat to the city of Austin, and that the clerk of this Court transmit to the clerk of the District Court of Williamson County, in accordance with law, all of the original papers in this cause, together with a certified copy of all the entries therein

1352 V

The State of Texas vs M. T. Caputon, et.al. } Plaintiff / Defendants } And now on this day came Charles L. Richards, Esq. District Attorney pro tem, on behalf of the State, and also came the Defendant, M. T. Caputon, in person. And thereupon said M. T. Caputon being duly arraigned in accordance with law, enters the plea of not guilty to the charges contained in the Indictment in this cause; said plea being entered prevous to the granting of the order for the change of the Venue.

1352 V

The State of Texas vs M. T. Caputon, et.al. } Plaintiff / Defendants } And now on this day appeared in open Court the defendant, Milton T. Caputon, who brings with him Leonidas D. Canning Esq and Frederick W. Chandler as his securities. And thereupon said Milton T. Caputon, as principal, and said Leonidas D. Canning Esq and said Frederick W. Chandler, as securities, acknowledged themselves jointly and severally justly to owe and be indebted unto The State of Texas in the penal sum of Five Thousand Dollars, to be levied upon their respective Goods and Chattels, Lands and Tenements, But to be void, nevertheless, if the said Milton T. Caputon shall make his personal appearance at the District Court of the County of Williamson, to be held at the Courthouse thereof in Georgetown, on the second Monday after the 4th ---- Monday in September, A. D. 1860, then and there to answer to the Indictment preferred against him, the said Milton T. Caputon, by the

Spring Term, Friday 29th July, 1860

Grand Jury of Travis county, at the Spring Term of the District Court of said County, 1860, for the murder of John Fahey, and that he, the said Milton T. Caperton, do not depart the Court without leave, the said cause

↓ 1352 V

The State of Texas vs. M. T. Caperton, et al. } Plaintiff / Defendants } And now on this day came Charles L. Robards Esq. District attorney pro tem. on behalf of the State; and the Defendant, Reuben S. Caperton, also appeared in person and Thereupon, said Reuben S. Caperton, being duly arraigned, according to law enters the plea of not guilty as to the charges contained in the Indictment in this cause.

↓ 1352 V

The State of Texas vs. M. T. Caperton, et al. } Plaintiff / Defendants } In the matter of the motion of Reuben S. Caperton for change of Venue.

And now on this day comes Charles L. Robards Esq. Dis't Atty. pro tem. who appears for the State; and also came the Deft. Reuben S. Caperton in person, as well as by attorney. And thereupon said Reuben S Caperton, by his counsel, submits to the Court his motion heretofore filed, in said cause, praying for a change of the venue of said cause, in accordance with the statute. And because said applicant has made oath that so great a prejudice exists against him in the County of Travis, that he cannot obtain a fair and impartial trial; that the minds of a large portion of the population, and of the legal voters of said county has been prejudiced against him by the instigation of influential persons in said county, that there is a combination existing against him by influential persons. And said motion being supported by the affidavit of John R. Hospett and H. D. Ezell residents of Travis county, who swear that a very great prejudice exists in said county against the said Reuben S. Caperton - and that so great is the prejudice existing in said County against the said Reuben S. Caperton, that he cannot obtain a fair and impartial trial in said county, in said cause. And the said application being deemed sufficient, and a full compliance with the requirements of the statute. It is, therefore, ordered, adjudged and decreed by the Court that the venue of said cause be changed to the County of Williamson, the county seat of which said county (Georgetown) being the nearest county not to the City of Austin - and that the Clerk of this Court transmit to the District Court of Williamson County, in accordance with law,

Spring Term, Saturday, 28th July, 1860

all of the Orignal papers in said cause, together with a certified copy of all the entries in the case

1281

O. D. Peck } Plaintiff } And now on this Day come the
} } Defendants and Plaintiff in
P. Payne, et al. } Defendants } this cause, and move the Court
to change the Venue to the nearest adjoining county out of the
2d Judicial District, because of the disqualification of the
presiding Judge of the 2d District to try said cause and the said
motion being deemed sufficient, and because of such dis-
qualification, It is ordered that the Venue of said cause be
changed to the County of Williamson, and that the Clerk
of this Court transmit to the District Court of Williamson
County, according to law, all the Original papers in this
Cause, together with a certified copy of all the entries and
of the bill of cost.
And Thereupon Court adjourned till to-morrow morning
at 9 o'clock

Saturday, 28th July, 1860.

Court convened at 9 o'clock, A. M. pursuant to adjourn-
ment. A. W. Terrell, 2d District Judge presiding. Where-
upon The following proceedings were had by said Court, as
follows To wit:

1294

The State of Texas } Plaintiff } And now at this Day came
} } Charles L. Robards Esq Dis-
John F. Shanks } Defendant } trict Attorney pro tem. on
behalf of the State and the Defendant John F. Shanks ap-
peared in person, as well as by Attorney. Whereupon said Defendant
being called upon to plead to the Indictment, enters the plea of
not guilty. And Thereupon said Defendant, by Attorney, submits
to the Court his motion for a change of the venue of said cause
in accordance with the Statute. And because said defendant states
in his application, that there now exists in the County of Travis, against
him, so great a prejudice that he cannot obtain a fair and impartial trial
in said County of Travis; and said application being supported by the affi-
davits of W. D. Scott, J. C. Hampton and W. M. Trimble, who swear, that
there exists in the County of Travis a prejudice so great against the said
Shanks, that he cannot obtain a fair and impartial trial in Travis county,
And the same being deemed sufficient, It is ordered by the Court that the
said motion be granted; that the Venue of said cause be changed to
the County of Williamson; and that the Clerk of this Court transmit to the
District Court of Williamson county, in accordance with law, all of the
original papers in said cause, together with a certified copy of all
the entries in the case.

Spring Term, Saturday, 28th July 1860.

1295

The State of Texas } Plaintiff
vs }
John T. Shanks } Defendant

And now at this day comes Charles L. Robards, Esq. on behalf of the State, and also came the Defendant, John T. Shanks, in person, as well as by Attorney: And thereupon said Defendant being called upon to plead to the Indictment in this cause, pleads not guilty. And thereupon the said defendant submits to the Court his motion heretofore filed in said cause praying for a change of the venue to the County, where and whereas is nearest to the City of Austin. And because said defendant has made oath that there exists in the County of Travis so great a prejudice against him that he cannot obtain a fair and impartial trial in said county; and said application being supported by the affidavit of John C. Hampton, Wm M. Crumbler and W. Scott, who swear that they exist in the said County of Travis a great prejudice against the said defendant Shanks that he cannot obtain a fair and impartial trial in said County. And the said application being deemed sufficient, It is ordered that the venue of said cause be changed to the County of Williamson, and that the Clerk of this Court transmit to the Clerk of the District Court of Williamson County, in accordance with law, all the Original papers in said cause together with a certified copy of all the entries therein

And thereupon It is ordered by the Court that Edd. Mayfield Esq. be appointed Sheriff of Travis county, to hold the office until a Regular election is held, and a Sheriff be elected and qualified, because of the vacancy of the office of Sheriff and Coroner in Travis county: and said Mayfield accepts said trust

1350

The State of Texas } Plaintiff
vs }
Peter Kenn } Defendant

On this day it appearing to the Court, that two days have elapsed since the return of the verdict of the Jury in this cause, and it further appearing that said Defendant has not filed a motion for new trial, or in arrest of the Judgment in this cause, It is therefore ordered adjudged and decreed by the Court, And the said defendant, Peter Kenn, being brought present in Court, and being asked if whether he has any thing to say why Judgment should not be rendered and why sentence should not be pronounced against him. And said Peter Kenn having shown no ground why Judgment should not be rendered and sentence pronounced against him, Therefore, It is considered and adjudged by the Court, that he the said Peter Kenn is guilty of Grand Larceny: And it is further adjudged that the said Kenn be punished by confinement

Spring Term, Saturday, 28th July, 1866

in the Penitentiary of the State of Texas for five years as found in the Verdict of the Jury. And it is further adjudged that the said Peter Kenn be in accordance with the sentence pronounced against him, forthwith taken by Thomas J. Rundolph, Constable of Travis County, (there being no Sheriff or Coroner) to the Penitentiary of the State of Texas, and delivered to the Keeper or Superintendent of the said Penitentiary to be by him safely confined & labor in the Penitentiary for the period of five years in accordance with Law.

1371

The State of Texas } Plaintiff
vs } Ordered that the Bail in
Joseph Harrison } Defendant } this cause be fixed at
One Thousand Dollars

1373

The State of Texas } Plaintiff
vs } Ordered that the Bail in
Thaddeus Rock } Defendant } this cause be fixed at
One Thousand Dollars

1381

The State of Texas } Plaintiff
vs } On motion of the District
Pedro Balderas } Defendant } Attorney it is ordered by the
Court that writs of attachment
issue in this cause to Bexar County, in behalf of the State, for the
witnesses Leopoldo Linan and Francisco Linan and that the
bail of the defendant be fixed at $500.

1958

Thomas W. Ward } Plaintiff
The State of Texas } On this day appeared the
vs } parties to this cause by
Thomas W. Ward } Defendant } their Attorneys: and as-
sumed thereupon the Defendants counsel submitted to the court
his motion heretofore filed to quash the attachment issued in said
Cause. And the said motion being argued by counsel, and
being duly considered by the Court, It is ordered that the said
motion be and the same is hereby overruled.

1958

Susan L. Ward } Plaintiff
vs } And now on this day came
Thomas W. Ward } Defendant } the parties in the above
entitled cause by their attorneys
and the Defendant having submitted his motion to the Court to dis-
solve the Injunction heretofore issued, and set aside the order pending
for the maintenance and support of the petitioner, by the Defendant
After hearing the evidence submitted and the argument of the
Counsel, It is ordered, adjudged and decreed, that the order con-
cerning the custody of the youngest children of the parties upon the
petitioner, be rescinded, and that the said Injunction, in so far as it
restrains the Defendant from interfering with the petitioner in the

management and control of their children, be dissolved, it appearing to the Court that the children referred to in said Injunction are and were at the date of the issuing of said injunction, beyond the jurisdiction of this Court, It is further ordered that the said Injunction be dissolved in so far as it restrains the Defendant in the management or disposition of any property owned by him in this State, except the community property of the said parties, and the following property, which is embraced in the Schedule attached to Defendants answer viz:

" Schedule of property disposed by Defendant, in which the Defendant has title, which was acquired during the marriage of the plaintiff with Defendant.

" (1) 2303 acres of land in Medina County, granted to Robt. M Williamson
" This property is separate property, it having been bought with a carriage sold to said Williamson, which said carriage was the separate
" property of Deft

" (2) 54 acres, Head Right Robt Flemming Medina Co
" (3) 40 acres No 45, in Division B Town tract adjoining the City of Austin
" (4) 40 acres No 46 in Division B Do Do
" (5) 32 acres No 23 " " B Do Do
" (6) 22 " No. 47 " " C Do Do
" (7) Lots 1, 2, 3 & 4, 5, 6 & 11, in Block 81 & improvements. Also improvements on
" Lots 7, 8 & 9, in Block 81, in the City of Austin. The greater portion of the
" improvements were made with the separate means of Defendant arising
" from the sale of negroes belonging to him." Thos. Wm Ward."

It is further ordered that the Injunction heretofore issued in this cause be continued until the further order of this Court, in full force, except in so far as it is affected by the foregoing portion of this order. It is further ordered that the Defendant pay to petitioner, or her order, the sum of fifty dollars per month, for her maintenance and support, until the further order of this Court, the first payment to be made by him on the 28th day of August, A.D. 1860, and the remaining payments to be made monthly thereafter and that he pay to the Plaintiff, or her order, for which, the sum of fifty dollars for her maintenance and support for the month ending the 28th day of July, A.D. 1860.

George W. Gray, Chief Justice of Travis County, Plaintiff — Motion against the Sheriff and his securities for failing to pay over money collected for the use of Travis County

J. W. Blackwell, Amos Morrill & William Simpson, Defendants

And now comes the said plaintiff and demands Judgment on the motion and the answers of the Defendants being submitted, upon argument by the Counsel for the motion - And it appearing to the Court that the said Defendants had been duly notified to appear and answer this motion, and they

Spring Term, Saturday, 28th day, 1860

being represented by counsel, to wit: Messrs. Hancock & West, who offered an appearance for the said defendants in open court
And it appearing to the satisfaction of the Court, that on the
20th day of October, A.D. 1857, a certain runaway negro was
lodged in the Jail of Travis County, and after having been
advertised for the time required by Law - and no owner ap-
pearing to claim said runaway negro, the Defendant, J.M.
Blackwell, as Sheriff of Travis County, did, on the first
Tuesday in June, 1858, sell said runaway negro at the
place required by Law for Sheriffs sales to be made, in
Travis county, for cash, and that the said Sheriff, after de-
ducting all of his fees, reported the sum of five hundred
and seven dollars and sixty-five cents in his hands due and
owing to Travis county, and to be paid over to said county,
it further appearing to the Court, that on the 5th day of
March 1860, a written demand was made on said Sheriff
by the Treasurer of Travis County - And the said Sheriff having
failed to pay over the same, It is, therefore, ordered, adjudged
and decreed by the Court, that George W. Gray, Chief Justice
of Travis county, do have and recover of and from J.M.
Blackwell, Sheriff of said county, and Ann Morrill
and William Simpson, sureties on his bond, the said
sum of Five Hundred and Seven Dollars and Sixty-five
cents, with interest thereon, at the rate of eight per centum
per annum from the 5th day of March, A.D. 1860, until
paid, together with all the cost in this behalf expended,
for all which execution may issue

Report of Jury Service, Spring Term A.D. 1860.

Grand Jurors.	Names	Days	Amount.
1	George Hancock	8	$ 12 —
2	G. H. Banks	8	12 —
3	Louis Hart	8	12 —
4	James McCann	8	12 —
5	Jonathan Rogers	8	12 —
6	M. C. Rundell	8	12 —
7	G. B. Somers	8	12 —
8	H. R. Land	8	12 —
9	Thos. E. Rowe	8	12 —
10	E. M. Harvel	8	12 —
11	E. S. Matthews	8	12 —
12	Wm. Oliphant	8	12 —
13	John J. McCuistion	8	12 —
14	Horace Johns	8	12 —
15	Wm. McClintock	8	12 —

Spring Term, Saturday, 28th July, 1860.

		Names	Days	Amount
	16	George F. Bowers	8	$12.00
Petit Jury		E. P. H.	128	$192.00
	1	E. P. Hill	1	$ 1.50
	2	Alexander Eanes	1	1.50
	3	J. C. Collins	1	1.50
	4	C. A. Hopkins	2	3.00
	5	M. A. Hopkins	1	1.50
	6	A. N. Barnes	1	1.50
	7	John H. Conner	1	1.50
	8	Stephen Davis	1	1.50
	9	E. F. Cathorn	1	1.50
	10	Samuel C. Taylor	1	1.50
	11	Wm Fannechill	1	1.50
	12	Wm Lower	1	1.50
	13	M. C. Hamilton	1	1.50
	14	J. C. Coe	1	1.50
	15	Duncan D. McLaurin	1	1.50
	16	James A. Berry	1	1.50
	17	A. E. Brown	1	1.50
	18	John J. Pitts	1	1.50
	19	Sam Smith	1	1.50
	20	A H Cook	1	1.50
	21	C. C. Browning	1	1.50
	22	M. Walton	1	1.50
	23	P. W. Newlin	1	1.50
	24	W. T. Watson	1	1.50
	25	A O Horne	1	4.50
	26	D O Dorsey	1	1.50
	27	D H Walker	1	1.50
	28	Wm F Robinson	1	1.50
	29	Fenwick Smith	1	1.50
	30	John Dean	1	1.50
		Total	159 days	Total $238.50

The State of Texas } In the absence of a Regular Sheriff, by reason of
Travis County } his resignation, the Clerk certifies the foregoing to be a true Statement of the Names of Jurors who have served at the Spring Term of the Travis Dis. Crt. Court, 1860 the number of days each Juror served, and the pay to which each is entitled

Frank Brown Clk. D.C.T.C.

approved July 28th 1860.

A. W. Terrell
Judge 20th Dis.

Spring Term Monday July 30, 1860.

The State of Texas } To the District Court of Travis County
County of Travis } The undersigned, clerk of said Court, hereby renders his Report of the List of Causes tried at this Spring Term, 1860, in which Jury fees are due and Receivable, as follows, To wit:

No.	Style of Cause	Amt
1865	Sweeter, Jackin & Co	v. W. H. Brown	$ 3.—
1867	Crop & Darter	v. Geo E Robinson	3.—
1870	Philip Rommel	v. Geo E Robinson	3.—
1918	Ed. P. Norwood	v. Wm Armstrong	3.—
1950	John P. Jones	v. Wm McCutchan	3.—
1933	Samuel M. Hunt	v. L. Lockwood	3.—
1954	A. W Ludom Jones	v. L D Hill	3.—
1969	Sheeps & Johnston	v. R. Barr, et al	3.—
1970	Nichols & Earhard	v. A M Davidson	3.—
1972	L. D. Carothers	v. W. G. Walker et al.	3.—
1979	Catherine Shire	v. John L. Evans	3.—
1983	M. A Taylor	v. Wm. M. Fowler	3.—
1985	Geo. Chapman & Co	v. Geo. W. Miller & Co	3.—
1988	Ellen Durrel	v. J. W. Nolen et al	3.—
1998	L. D. Carothers	v. W. M. Fowler	3.—
1999	Alfred Smith	v. W. M. Fowler	3.—
2000	L. D. Carothers	v. F. P. Mayfield et al	3.—
2004	D R Cook & Co	v. R. H. Simmons et al	3.—
1703	N. C Raymond et al	v. A H Cook	3.—
2011	J. H. Shirley & Co	v. R. P. Crabe	3.—
			$ 60.
	Deduct 2½ p. C. Com.		1.50
			$ 58.50

Total Jury Service 159 days @ $1.50 $238.50
Pro Rata 37 cents a day, making $58.83

Frank Brown, Clk. D.C.T.C

Approved July 28th 1860.

A. W. Terrell, Judge 2d Dis.

And Thereupon Court adjourned Till Monday morning at 9 o'clock.

Monday, July 30th. 1860.

Court convened at 9 o'clock, A.M. pursuant to adjournment. Whereupon The following proceedings were had by said Court, as follows. To wit.

Spring Term, Monday, July 30th 1860

1794 — The State of Texas vs John F. Shanks — Plaintiff / Defendant

1795 — The State of Texas vs John F. Shanks — Plaintiff / Defendant

The venue of these two causes having been changed to the County of Williamson, It is ordered that the Sheriff of Travis County take the body of the said John F. Shanks from the County Jail of Travis County on the Saturday before the Second Monday in September 1860, and deliver him to the Sheriff of Williamson County, to be by him safely kept. And it appearing from an inspection of the records of this Court, that the said John F. Shanks was at the Fall Term thereof, A.D. 1860, convicted and found guilty by the verdict of the Jury, of the offence of Forgery; that upon said Verdict the final Judgment of this Court was rendered in which he was adjudged guilty of said offence, that Thereupon the said Shanks appealed from said Judgment to the Supreme Court, which appeal remains undetermined. And it now appearing that the said Shanks remains, in obedience to the Law in such cases, committed to jail, until the final determination of said cause on appeal in the Supreme Court. It is, therefore, ordered, that the Clerk of this Court transmit to the Sheriff of Williamson County a warrant of Commitment to be delivered to said Sheriff when he receives the body of the said John F. Shanks, commanding the said Sheriff of Williamson County to keep safely the said John F. Shanks in the County Jail of his County and, under no circumstances to release him from Custody, except under the direction of this Court, or the order of the Judge thereof in Chambers

2074 — C. Kendrick vs D. Frahne — Plaintiff / Defendant

And now on this day came on to be heard the motion filed by the Plaintiff in the above entitled cause, that a certain award made by C. H. Randolph, Wm. Simpson and John R. McCall, in a certain matter of controversy between said C. Kendrick and D. Frahne, be made a Judgment of the Court according to the terms of said award. Whereupon the Court, by inspection of said award filed in the cause, and according to the tenor and effect thereof, and in accordance with the agreement signed by the above parties, Plaintiff and Defendant, and by agreement and consent of A. G. Reed attorney for the plaintiff, to said Award being opened by deducting the sum of $ 32 therefrom, and it appearing that error had been made to that amount in favor of said C. Kendrick, when adjudged and decreed that the said C. Kendrick have and recover of the said D. Frahne the sum of Nine Hundred and Eighty-Two Dollars, with interest at the rate of ten per cent. from rendition of said award, together with all costs in

Spring Term, Monday, July 30th, 1860.

said suit expended, from time of said agreement to arbitrate was filed. And whereas, it appearing to the Court, that said C. Kendrick, according to the terms of said agreement to arbitrate, had stipulated that he would not sue out execution upon any award that might be made in his favor, upon Judgment which might be rendered in his favor, until the Bishops, Deacons and Elders of the Church to which he belonged had given their consent; and the Court not having cognizance of the Church to which the said C. Kendrick belongs, nor did the Court have cognizance of the names of the parties whose consent was to authorize the issuance of execution, nor had the Court cognizance of the consent of said parties, which was required by terms of said agreement to arbitrate. Therefore, It is ordered by the Court that the said cause stand continued as to issuance of execution until next term of the Court, for the proper proof to be made of the Church to which C. Kendrick belongs; the names of the Bishops, Elders and Deacons of his said Church.

And Thereupon Court adjourned until To morrow morning at 9 o'clock

Tuesday, July 31st 1860

Court convened at 9 o'clock, A. M. pursuant to adjournment. A. M. Jewell, Judge 2d Judicial District presiding. Whereupon the following proceedings were had by said Court as follows, To wit:

2015 — John Tabor, Plaintiff; vs. F. M. White, Comr of the General Land Office, Defendant. And now at this day came the plaintiff and defendant, respectively named in said suit, by their attorneys, and announced themselves ready for trial - and the Demurrer of the Defendant filed herein, coming on to be heard, and after argument of counsel heard, It appears to the Court that the grounds of the demurrer are sufficient in law, It is ordered and adjudged by the Court that the said Demurrer be sustained, and that the plaintiffs petition be dismissed, and the Defendant go hence without day and have and recover of and from the plaintiff all the cost of this suit, for which execution may issue. And thereupon, the plaintiff, in open Court, gave notice of appeal to our Supreme Court. And it is further ordered that the Original plat herewith filed be incorporated in the transcript on appeal to the Supreme Court.

1725 — R. N. Matthews, Plaintiff; vs. F. M. White, Comr, Defendant. And now on this day came the parties to this cause by their respective attorneys, and an-

Spring Term, Tuesday Ber July 1860

nounced themselves ready for trial. And thereupon the cause being submitted to the Court by the parties, and the points arising upon the bill and answer being presented and argued by the counsel, as also the facts, and the Court, after considering the same doth order, adjudge and decree that the relief sought by the plaintiff in his petition be granted, that the clerk of this Court issue a writ of Peremptory Mandamus, directed to Francis M. White, Commissioner of the General Land Office, enjoining and requiring the said Commissioner to issue to the said Petitioner, Robert H. Matthews, a patent for the land surveyed by virtue of a Head Right Certificate, No. 160. issued by the County Court of Red River County, on the 10th July 1840, to Hugh B. Young, by virtue of Conditional Certificate No. 216. issued on the 4th April, 1838, by the Board of Land Commissioners of Red River County - said Certificate being in the name of Hugh B. Young, calling for 640 acres of land located on the 4th August 1838, and surveyed on the 14th Sept. 1838.
And it is further ordered that the plaintiff, R. H. Matthews, and the securities on his cost bond, to wit: J. P. Watling and Thomas John Pridgen, pay the cost of this suit, for which execution may issue.

1852 J

The State of Texas & Plaintiff
&
Reuben S. Caperton & Defendant

The venue of this cause having been changed to the County of Williamson, It is ordered by the Court that the Sheriff of Harris county, hereafter to be elected and qualified, shall, and he is hereby ordered and directed on or before the 18th day of August, 1860, to take the body of the said Reuben S. Caperton, under sufficient guard, and convey them & deliver the same to the Sheriff of Williamson County, to be by him safely Kept. And it appearing from an inspection of the record here, that the Judge of this Court, sitting as a Committing Court, after hearing the evidence in said cause, has refused to allow said defendant to give bail, in any sum, and the said defendant having made application to one of the Judges of the Supreme Court for a writ of Habeas Corpus, which was granted and the said Judge, upon an investigation and hearing of the case, having refused to allow the said defendant to give bail, It is ordered, that the Clerk of this Court issue a writ of Commitment, directed to the Sheriff of Williamson County, requiring the said Sheriff to take the body of the said Reuben S. Caperton, and safely confine him in jail, until he is discharged by due course of law.

× The motion now forgoing Minutes of the present Term having been read & approved it is ordered that Court do

term Stand adjourned until the next regular
Term of this Court.

A W Terrell
Judge of the 2nd Judicial District.

The State of Texas } On this day, the 20th October, 1860, the following
County of Travis } named persons were drawn to serve as Jurors at the
Fall Term 1860. of the Penn District Court, by Frank Brown, clerk Travis
District Court, and J. T. McLaurin, clerk Co. Court Travis County, in the presence
of G. R. Freeman J. P. Travis County, in accordance with Article 1089, C. & C. Dig.
to certify which the said officers hereunto sign their names below.

1. Jacob Brown
2. Philip N. Jack
3. James Harrington
4. A. B. Burleson
5. R. D. Carr.
6. W. D. Penn
7. John W. Penn
8. Leander Brown
9. William Schnantz
10. A. J. Lueck.
11. B. Hammett
12. G. W. Sampson
13. John T. Pruett.
14. John W. Sten
15. Samuel G. Norell.
16. D. D. Baucum
17. Thos. H. Gurney.
18. S. D. Lockett
19. D. D. Bonner
20. John Holman
21. Jonathan Rogers.
22. James D. McGarey
23. Hiles A. Swilthard Ed. Christian.
24. Alfred Smith

G. R. Freeman J. P. T. C. Frank A Brown C.C.K. T.C.T.C.

J T McLaurin C.C.K. T.C.

Fall Term, Monday December 3d 1860.

The State of Texas } Be it Remembered, That on this the third
County of Travis } day of December A.D. 1860, the Same being
the Ninth Monday after the first Monday in October, A.D. 1860,
and the time appointed by law for the Commencement of the
District Court of Travis County for the Fall Term the Honorable
District Court convened at the Courthouse thereof in the City of Austin,
hereinafter to wit; the Hon. A. W. Terrell Judge of the Second Judicial
District of the State of Texas presiding and present.

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

The Venire Facias for the Grand Jury, to serve at this present
Term of the said Court, (having been heretofore drawn according to
law) having been duly issued, executed, and returned into Court by
the Sheriff, the Court ordered the Sheriff to call the names of
those persons appearing upon said Venire. Whereupon the following
named persons answered to their names, as follows, to wit:
James P. McKinney; Giles H. Burditt; Benjamin Choate
James M. Turley; Frederick Jordan; Dennis Walsh; Thomas
H. Bacon; John H. Pope; William Bailey; Joseph Barnhart;
William D. Smith; Swante M. Swanson; William M. Har-
deman; Weyman D. Wells and George Kenner and Hugh Waldon
and Martin W. Townsend.

And thereupon the said Grand Jurymen being duly examined, under
oath, touching their qualifications as Grand Jurors, and being found
qualified Grand Jurymen according to the requirements of the law;
they were sworn in, by the Court as Grand Jurors, for the present
Fall Term of the District Court of Travis County.

And thereupon the Court appointed James P. McKinney
Foreman of said Grand Jury

And thereupon the Court having charged the said Grand
Jury as to the duties devolving upon them, they were ordered to
retire upon a discharge of the same.

And thereupon the Court appointed Elbert Weir as Bailiff
to attend the Grand Jury aforesaid, who was duly sworn and inducted
as such

And thereupon It is ordered by the Court that the Criminal
Docket be set for hearing and trial, on Monday of the third
week of the Term, the same being the 17th day of December,
1860.

Fall Term, Monday, December 3rd, 1860.

818½ — Henry Rof vs John A. Heen — Plaintiff / Defendant — And now on this day appeared the defendant in person, and moved the Court to dismiss this cause from the docket at his cost, the subject matter in Controversy being settled. And thereupon It is ordered, and adjudged by the Court that the said Cause be dismissed from the docket; that the parties go hence without day, and that the plaintiff recover of and from the defendant John A. Heen, all the Cost of this suit, for which execution may issue.

819 — R. E. Hamilton vs Daniel McKenzie — Plaintiff / Defendant — And now on this day appeared the plaintiff to this Cause by his Attorney, and moved the Court to dismiss this Cause at his cost. Whereupon It is adjudged by the Court that said motion be granted; that said Cause be dismissed from the docket; that the parties go hence and that the plaintiff, R. E. Hamilton, and the Securities on his injunction Bond, to wit: Bangan Payne, C. L. Matthews and Radcliff Platt, pay all cost of this suit, for which execution may issue.

1679 — John W. Lawrence vs Alex. McKenzie, et al. — Plaintiff / Defendants — And now on this day came the parties to this Cause by their attorneys and moved the Court to dismiss this Cause from the docket, at the cost of the plaintiff. Whereupon It is adjudged by the Court that said Cause be dismissed from the docket, that the parties go hence, and that the plaintiff John W Lawrence, pay all Cost of this suit for which execution may issue.

1899 — A. J. Hamilton vs D. J. Nichols — Plaintiff / Defendant — And now on this day came the Plaintiff to this cause by his attorney, and on his motion It is Ordered by the Court that this cause be dismissed from the docket, that the parties go hence, and that the plaintiff A. J. Hamilton, pay the Cost of this suit, for which execution may issue.

890 — B. W. Chandler vs G. H. Knoblock et al. — Plaintiff / Defendant — Before Geo. M. Flournoy, Esq Special Judge. And now on this day came the parties to this cause by their attorneys and agree that this cause may be dismissed at the Cost of the Plff. And thereupon It is ordered by the Court that this Cause be dismissed from the docket, that the parties go hence, and that the defendants recover of the plaintiff, B. W. Chandler pay the cost of the suit, for which execution may issue.

George Flournoy
Special Judge

Fall Term, Monday, December 3rd, 1860

560 — L. F. Price, Plaintiff; M. Short, Defendant — Continued Generally

643 — George W. White, Plaintiff; Banyan Payne et al, Sherman Case, Defendants — And now on this day came the parties to this cause by their respective attorneys, and said parties agree, and move the Court, that said cause be dismissed at the cost of the plaintiff. And thereupon, It is ordered by the Court that said cause be dismissed from the docket, that the parties go hence, and that the plaintiff George W. White, and his security for Ost, James R. Jackson, pay the cost of the suit, for which execution may issue.

850 — A. W. Arendell, Plaintiff; Wm. A. Darling et al, Defendant — Continued

986 — Thomas F. Chapman, Plaintiff; Simm Chs. & Duncan, Defendants — Continued Generally

1382 — John Mordecai, Plaintiff; S. S. Snead et al, Defendant — On motion, It is ordered by the Court that the plaintiff have leave to file an amended petition

1920 — Geo. W. Gray, Chf. Jas. Reff, Plaintiff; W. B. Covington, et als, Defts. — On motion, It is ordered by the Court that the Defts. Plaintiff have leave to file an amended answer.

2005 — John F. Miller, Plaintiff; Owen O'Brien et al, Defendant — On motion, It is ordered that the defendant have leave to file an amended answer.

1369 — D. C. Osborne, Plaintiff; G. L. Walton, et al, Defendants — On motion, It is ordered that the Pff have leave to file an amended petition in this cause

1376 — D. C. Osborne, Plaintiff; Geo. W. Gray, et al, Defendants — On motion, It is ordered that the plaintiff have leave to file an amended petition in this case.

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

Fall Term, Tuesday, December 18th, 1860.

Tuesday, 4th December, A.D. 1860.

Court convened at 9 o'clock, A.M. pursuant to adjournment. A.W. Terrell, Judge 22nd Judicial District presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

Arthur G. Worrell	Plaintiff	It is ordered by the Court that
vs		this cause be continued under
E. M. Pease, Jr.	Defendant	the rule for security for cost.

1162

Thomas A. Blair	Plaintiff	Ordered, that this cause be continued
vs		on suggestion of Defendants counsel,
Silas A. Hanes	Defendant	because of absence of plaintiffs counsel.

1288

Nash, Sherman & Co	Plaintiffs	Ordered, that this cause be continued
vs		on suggestion of pltffs counsel, defts
Mitchell & Gibson	Defendants	attorneys being absent

1303.

John Moodie	Plaintiff	And now on this day came the
vs		parties to this cause by their attys
S. G. Snead	Defendant	and announced themselves ready

1382

for trial. And the parties waiving a jury, agree to submit the cause to the Court. And the defendants demurrer being submitted, was overruled by the Court. And thereupon, it appearing that the pltffs demand is based upon a note of hand, submitted in evidence, being the same sued on. It is ordered, adjudged and decreed by the Court that the plaintiff, John Moodie, do have and recover of and from the defendant, S. G. Snead, the sum of Two Hundred Sixty-One & 4/100 Dollars, principal debt and interest due on the note sued on to date, together with Ten per centum per annum interest thereon till paid, and all cost of this suit for which execution may issue.

J. R. Pace, et al	Plaintiffs	Continued by Consent
vs		
C. R. Johns, et al.	Defendants	

1459

J. R. Pace, et al.	Plaintiffs	Continued by consent.
vs		
C. R. Johns, et al.	Defendants	

1460

J. S. Thompson	Plaintiff	Continued Jennedly.
vs		
J. Dykes, et al.	Defendants	

1528

Fall Term Wednesday 5th December 1860.

2018

Amos Morell & Plaintiff & And now on this day appeared the
& & plaintiff in this case in person, and
R. N. Lane, et al. & Defendants & also came the defendant Lane, by atty.
and by agreement and on motion of said parties, It is ordered by the Court,
that Mr. N. Wilke be appointed Surveyor to run out the boundaries of the
land claimed by plaintiff, viz. the deed to Thomas, and more especially the
Northern boundary, and report to this Court, setting forth the natural and
artificial marks, and that previous to running the lines, the said
Wilke shall call upon the parties for their deeds, and give them one
day's notice of the time he will make the survey, and that said Surveyor
make return of his proceedings under this order to the present term of this Court.

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

Wednesday, 5th December 1860

Court convened at 9 o'clock A.M. pursuant to adjournment. A.W.
Terrell, Judge Second Judicial District presiding. Whereupon the following
proceedings were had by said Court, as follows, to wit:

354

Nathaniel Townsend & Plaintiff & And now on this day came
& & the parties to this suit and
George W. Scott & Defendant & announced themselves
ready for trial, and thereupon waived a jury and submitted the
matters in controversy to the Court: and the Court having inspected the
pleadings and heard the evidence, It is ordered, adjudged and decreed by
the Court that the defendant, George W. Scott is now indebted to the
plaintiff, Nathaniel Townsend, in the sum of Three Hundred, Ten and 75/100
Dollars on the Judgment rendered in this Court on the 5th day of May, 1854,
in favor of the plaintiff against the Defendant, It is therefore ordered
adjudged and decreed by the Court, that said Judgment be and the
same is hereby revived for the sum of Three Hundred, Ten and
75/100 Dollars, with ten per centum per annum interest thereon from
this date until paid, and all cost of this suit, for which execution may issue

1663

Phebe Woodruff wife & Plaintiff & It is ordered by the Court, (on
& & & motion of E. A. West, Esq.
Tyre McKley, et al. & Defendants & attorney for pltff.) that this cause
be dismissed from the docket, the cost having been paid.

1669

W. Grooms et al. & Plaintiffs & Continued for term on the Docket
& & &
B. R. Carter, et al. & Defendants &

Fall Term, Wednesday, 5th December 1860

1570 — D. C. & G. R. Freeman, for use, Plaintiff; vs. John M. McCalla, Defendant — And now on this day this cause coming on to be heard, came the parties by their attorneys, and announced themselves ready for trial. Thereupon the defendant submitted his motion to strike from the files plaintiffs amended petition filed in this cause on the 4th day of this instant, which motion being heard and considered by the Court, It is ordered by the Court that the same be overruled. And thereupon the defendants demurrer to said amended petition being heard and considered by the Court, It is ordered that the same be overruled. Thereupon came a Jury of good and lawful men, to wit: Geo W. Sampson, Foreman, and eleven others, who being elected, empannelled and sworn well and truly to try the issues joined between the parties, and who having heard the evidence, argument of counsel and the charge of the Court, retired to consider of their verdict, and returned into Court the following verdict, to wit: "We, the Jury, find for the plaintiff the sum of Three Hundred & Thirty-five 15/100 Dollars ($335.15) Geo. W. Sampson, Foreman." It is, therefore, ordered, adjudged and decreed by the Court, that the plaintiffs, D. C. & G. R. Freeman, for the use of D. C. Freeman, have and recover of and from the Defendant, John M. McCalla, the sum of Three Hundred and Thirty-five 15/100 Dollars as assessed by the Jury aforesaid, together with all costs in and about this suit expended, for which execution may issue.

1493 — T. J. Copeland & Co. vs. John King — Plaintiff; Defendant — It is ordered on motion, that the plaintiff have leave to file an amended petition.

2046 — Johnson Patterson vs. Geo. W. Glascock — Plaintiff; Defendant — Ordered, on motion, that the pltff have leave to file an amended petition.

1576 — J. M. Swanson vs. Charles Payne, Glascock & Williams, Garnishees — Plaintiff; Defendant; Garnishees — And now on this day came the plaintiff and the Garnishees Glascock & McLemore, by their attorneys and announced themselves ready for trial. And on motion, It is ordered that the said Glascock have leave to amend his answer in this case. And thereupon, It is further ordered, that the said plaintiff have leave to amend his plea controverting the answer of the Garnishees. And the exceptions of the garnishees to the said plaintiffs plea controverting the correctness of the said answers being submitted, are overruled by the Court. And thereupon, the issue being made up, with the burden of proof on the plaintiff, and leave given to garnishees to answer, if he desires to do so, came a Jury of twelve good and lawful men of Travis County, to wit: Geo. W. Sampson, Foreman, and eleven

Fall Term, Thursday December 6th, 1860.

others, who were duly tried, elected, empannelled and sworn according to law. And the said Jury having heard the evidence introduced by the parties, the argument of counsel, and the charge of the Court, retired for deliberation. And thereupon the Jury returned into Court the following verdict, to wit: "We the Jury find for the Defendants. Geo. W. Sampson, Foreman." Whereupon, It is ordered by the Court that the said pltff. D. M. Brenson take nothing by his said proceeding against the said garnishees, that the said cause be dismissed from the docket, that the said Garnishees go hence, and recover of and from the said Sampson, for the use of the Officers of Court, all cost of the said proceeding in Garnishment, for which execution may issue.

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

Thursday, December 6th, 1860.

Court convened at 9 o'clock A. M. pursuant to adjournment A. W. Terrell, 2d District Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

1620	E. O. Carrington & Co	Plaintiffs	This cause continued on the suggestion of the plaintiffs Counsel
	v.		
	Sherman Cease	Defendant	
	D. Platt	Garnishee	
1626	A. O. Horne et al	Plaintiffs	And now on this day came the parties to this cause by their attorneys; and on motion of said parties, It is ordered by the Court that the said cause be dismissed from the docket; that the parties go hence without day and that the said plaintiffs, A. O. Horne and Elizabeth Horne pay all the cost of this suit, for which execution may issue.
	v.		
	D. M. Brenson et al	Defendants	
1709	Phelps & Johnston	Plaintiffs	And now at this day came the plaintiffs, and on their motion, It is ordered that the cause be continued as on their affidavit.
	v.		
	John Buckley	Defendant	
	Hancock & Watts		
	Hamilton & Tidwell	Garnishees	
1752	Thomas Eborn	Plaintiff	Continued by upon the affidavit of the Defendant
	v.		
	Wm. R. Cannada (Corn)	Defendant	

Fall Term, Thursday, December 6th, 1860

1864

Anna M. Houston } Plaintiff } The Defendant in this cause
v. } having been summoned by
Andrew Houston } Defendant } publication, It is ordered that
William M. Walton, Esq., an Attorney of this Court, be appointed
to represent the defendant in said cause

1539

R. Williamson, et.al. } Plaintiffs } And now on this day
v. } appeared the plaintiffs
Stephen D. Blount, et.al. } Defendants } in this cause by their
attorneys. And thereupon, It appearing to the Court that none of
the defendants herein have answered, (except Mrs Wallace,) It
is ordered, on motion of said plaintiffs counsel, that the said
plaintiffs do have and recover of and from the said defendants
who have not answered, according to the prayer of their said
petition, and that a writ of inquiry be awarded.

1583

Nancy Bray, et.al. } Plaintiffs } And now on this day came the
v. } parties to this cause by their
A.M. Cox } Defendant } respective attorneys. And thereupon
on motion, It is ordered by the Court on motion, that the defendant have
leave to amend his answer. And the parties thereupon announced them-
selves ready for trial; and the exceptions of the plaintiffs coming on to
be heard, and being only considered by the Court, It is ordered that
the same be overruled. And thereupon came a Jury of twelve good
and lawful men of Travis County, to wit: Alfred Smith, Foreman, and
eleven others, who were tried, elected, empannelled and sworn
according to law. And the Jury having heard the testimony introduced
by the parties, the argument of the Counsel, and the charge of the
Court retired for deliberation; and thereupon said Jury returned into
Court the following verdict, to wit: "We, the Jury, find for the plain-
tiffs. Alfred Smith, Foreman." Whereupon, It is ordered, adjudged and
decreed by the Court that the plaintiffs, heirs, to wit: Nancy Bray,
Newton H. Bray, Amanthus Buckner, Amelia Hastings, Adeha Brown
Thomas Brown, Samuel B. Shipp and James W. Shipp, heirs at law
of John L. Bray, deceased, do have and recover of and from the said
defendant, Andrew M. Cox, and all others claiming under him, the
land sued for in this case, described as follows, to wit: situated in
Travis County, being one-third of a league of land, situated on the west
side of the Colorado River, on Spring Creek, beginning at the North-
west corner of Survey No. 71, made for Pessenden & Denman, at a stone
and mound, from which a Live Oak 6 inches in diameter, bears South 24°
East 52 varas, and a Ditto 5 inches in diameter, bears North 40° East 30
varas; thence with the line of said Survey No. 71 3070 varas, South 60° East to a

Abs. No. 74 - Survey

Fall Term Friday December 7th, 1860.

stake from which a Live Oak 5 inches in diameter bears North 50° West 18 varas, and a ditto 16 inches in diameter bears South 75° East 50 varas. Thence North 30° East three hundred and Sixty Nine varas to the north-west corner of a survey of 320 acres of land for A. S. Wallace to a stone mound. Thence North 60° West 1092 varas to the South west corner of a 320 acre survey No. 85, at a stone mound. Thence North 30° East 2359 varas to the north west corner of said Survey No. 85 a stone mound. Thence South 60° East 269 varas to the South west corner of a survey No. 1, made for S. P. Cook, a stone mound. Thence North 30° East 237 varas to a cedar 6 inches in diameter, from which a cedar 8 inches in diameter bears West 3 varas, and a ditto 7 inches in diameter bears South 50° West 5 varas. Thence North 60° West 2250 varas intersecting the East boundary line of Survey No. 4 for Chamberlain, at a stake from which a Spanish oak 5 inches in diameter bears South 52° East 7 varas, & a cedar 14 inches in diameter bears South 23° West 8 varas; Thence South 30° West 588 varas to the South east corner of said Survey No. 4, a stake & mound. Thence with the South boundary line of said Survey 950 varas to the South west corner of the same a stake & mound. Thence South 30° West 2377 varas to the place of beginning.

And it is further ordered, adjudged and decreed by the Court, that the Plaintiff herein named, do have and recover of and from the defendant, Andrew M. Cox all the cost of this suit, for which execution may issue; and It is further ordered, adjudged and decreed by the Court that the Clerk of this Court issue a writ of Possession, directed to the Sheriff of Travis county, commanding the said Sheriff to oust the said Cox and all others claiming under him, from the said land herein described, and place the Plaintiffs, or their agents or attorneys, in possession thereof

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

Friday, 7th December, 1860.

Court convened at 9 o'clock A. M. pursuant to adjournment. A. W. Terrell 2d District Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

V. 1707.

Wm H. Perry vs Reed & Holman — Plaintiff vs Defendants — And now on this day came the Plff. by Attorney and claims a Judgment final by default this because the said defendants have been duly cited, and have failed to answer within the time required by law; and Plff. cause of action

Hall Term, Friday, 7th December, 1860

being a liquidated demand, It is therefore ordered, adjudged and decreed by the Court, that the Plff. William H. Perry, do have and recover of and from the defendants, John S. Ford and James S. Holman, the sum of One Hundred, Twenty-Eight and 40/100 Dollars, principal debt and interest due on the obligation sued on to this date, together with all cost in this behalf incurred, for which execution may issue.

1967 C. F. Millett vs. Oldham & Steiner } Plaintiff / Defendants } And now on this day came the plaintiff by attorney and claims a final Judgment by default. And because the said defendants have been duly cited by personal service, and have failed to answer within the time prescribed by law; and plaintiffs cause of action being based on a note of hand, It is therefore, ordered, adjudged and decreed by the Court, that the plaintiff, C. F. Millett do have and recover of and from the defendants, Williamson S. Oldham and Josphus M Steiner, the sum of Three Hundred, Seventy Nine and 75/100 Dollars, principal debt and interest due on the note sued on to date, together with ten per centum per annum interest thereon till paid, and all cost of this suit, for which execution may issue.

1971 M. J. Wells vs. Chahmon & DeCordova } Plaintiff / Defendants } It is ordered by the Court that the defendant, De Cordova, have to file an amended answer.

2010 Rhiops Johnston vs. W. S. Oldham } Plaintiffs / Defendant } And now on this day came the parties to this Cause - the Plffs. appearing by their attorneys and the Defendant coming in person; and thereupon the said parties agree and consent, that Judgment be entered for the amount due on the notes sued on in this case. Whereupon, It is ordered, adjudged and decreed by the Court, that the said Plaintiffs, John Rhiops and Wesley Johnston, under their firm name of Rhiops & Johnston, do have and recover of and from the defendant, Williamson S. Oldham, Judgment by Consent, for the sum of Seven Hundred, Fifty-five and 3.0/100 Dollars, principal debt and interest due on the notes sued on to this date, together with ten per centum per annum interest thereon until paid, and all cost of this suit, for which execution may issue.

2014 C. Kendrick vs. O. Drake } Plaintiff / Defendant } This Cause continued.

Fall Term, Friday, December 7th, 1860.

2016 L. D. Carrington & Co. for use } Plaintiffs
vs. } And now on this day came
I. C. Saunders } Defendant } the plaintiffs to this cause by their attorneys and claim judgment final by default. And because the said defendant has been duly cited by personal service and has wholly failed to answer within the time prescribed by law. And plaintiffs cause of action being based on a note of hand, It is, therefore, ordered, adjudged and decreed by the Court that the plaintiffs L. D. Carrington and David Clarke, under their firm name of L. D. Carrington & Co. do have and recover of and from the defendant, I. C. Saunders the sum of Six Hundred and Fifteen Dollars - - - principal debt and interest due on the note sued on to date, together with ten per centum per annum interest thereon until paid, and all cost of suit, for all which execution may issue.

2019 Reid & Tracy } Plaintiffs
vs. } And now on this day came the plaintiffs
R. W. McKee } Defendant } to this cause by their attorneys and claimed a judgment final by default. And because the said defendant has been duly cited by personal service and has wholly failed to answer within the time prescribed by law; And plffs cause of action being based on a note of hand, It is, therefore, ordered, adjudged and decreed by the Court, that the plffs Calvin L. Reid and James J. Tracy under their firm name of Reid & Tracy, do have and recover of and from the defendant, R. W. McKee, the sum of One Hundred and Nine 09/100 Dollars, principal debt and interest due on the note sued on to date, and all cost of this suit, for which execution may issue.

2021 C. Sullivan } Plaintiffs
vs. } On motion of the attorneys of the
H. Beck } Defendant } plaintiff, It is ordered that this cause be dismissed from the docket, that the defendant go hence and recover of the plaintiff C. Sullivan all cost of this suit, for which execution may issue.

2025 James Humphrey } Plaintiff
vs. } Continued to perfect service
D. C. & G. R. Freeman } Defendants

2026 James Humphrey } Plaintiff
vs. } Continued for service
D. C. Freeman } Defendant

Fall Term, Friday, December 7th, 1860.

2027

J. C. Higgins } Plaintiff
v.
Millican & Glascock } Defendants

And now on this day appeared the plaintiff by attorney and claims a Judgment final by default. And because the defendants have been duly accepted service of plaintiffs petition, and waived citation and have failed to answer within the time prescribed by law; and plaintiffs cause of action being a liquidated demand It is, therefore ordered, adjudged and decreed by the Court, that the plaintiff, J. C. Higgins, do have and recover of and from the defendants, O. H. Millican and George M. Glascock, the sum of Seven Hundred, Forty-Three and 85/100 Dollars, principal debt and interest due on the note sued on to date, together with ten per centum per annum interest thereon until paid, and all cost of this suit, for which execution may issue.

This judgment & cs satisfied in full as appears by the receipts of plffs Atty exhibited & made a part of the record this 2nd day of June A.D. 1862. Witness my hand & seal of office June 2nd 1862. W. B. Burgess C.C. by E. Burgess D.C.

Murray, Miller, et al. } Plaintiffs
v.
L. Bellman } Defendant

And now on this day came the plaintiffs to this cause by their attorneys, and claim a Judgment final by default. And because the said defendant has accepted service of plaintiffs petition, and waived citation and wholly failed to answer within the time prescribed by law, and plaintiffs' cause of action being based on a note of hand, It is, therefore, ordered, adjudged and decreed by the Court, that the plffs. C. B. Murray, Jas A. Miller, Robt Reed and J. W. McGrath, under their firm name of Miller, Murray & Co. do have and recover of and from the defendant L. Bellman the sum of One Thousand and Seventy-Eight and 36/100 Dollars principal debt and interest due on the notes sued on, to date, together with all cost in this behalf expended, for all which execution may issue.

2030

D. R. Paxton } Plaintiff
v.
A. J. Hamilton } Defendant

And now on this day comes the plff by attorney, and claims a Judgment final by default. And because the defendant has been duly cited by personal service, and has wholly failed to answer within the time prescribed by law and plaintiffs cause of action being based on a note of hand It is, therefore ordered, adjudged and decreed by the Court, that the plff D. R. Paxton, do have and recover of and from the defendant, A. J. Hamilton, the sum of One Hundred, Fifteen and 99/100 Dollars, principal debt and interest due on the note sued on to date, together with ten per centum per annum interest thereon till paid, and all cost of this suit, for which execution may issue

Hall Term, Friday, 7th December, 1860.

2032 — J. M. Swenson vs. Jno. M. Crockett, et.als. — Plaintiff / Defendants — On motion of Plaintiffs Counsel it is ordered by the Court that the Sheriff who served the citation in this cause be allowed to amend his return of service thereon.

2034 — Samuel K. Jennings vs. Wm. P. De Normandie — Plaintiff / Defendant — And now on this day came on this cause to be heard. Whereupon came the parties, Plaintiff by Chandler & Turner, attys, and the defendant William P. de Normandie, in his own proper person, and announced themselves ready for trial. Whereupon the said defendant withdrew his answer in this cause heretofore filed, and consented that Judgment be rendered as upon default - and it appearing to the Court that the suit is founded upon a promissory note produced in Court, that said Plffs cause of action is liquidated, It is, therefore, ordered, adjudged and decreed by the Court, that said plaintiff, Samuel K. Jennings, do have and recover of and from the said defendant, William P. De Normandie, the just and full sum of Twelve Hundred, Ninety-Nine and 40/100 Dollars, for his said debt, together with all cost of suit in this behalf expended, for all which execution may issue.

2037 — Francis A. Smith vs. N. C. Raymond — Plaintiff / Defendant — And now on this day came the plaintiff by his attorney and claims a Judgment for by default. And because the defendant has accepted service of Plffs. petition, and waived citation, and has failed to answer within the time prescribed by law, and plaintiffs cause of action being based upon a note of hand, It is, therefore, ordered, adjudged and decreed by the Court, that the plaintiff, Francis A. Smith, do have and recover of and from the defendant, N. C. Raymond, the sum of One Hundred, Eighty-Five and 50/100 Dollars, his actual debt and interest due on the note sued on to date, together with all cost of this suit, for which execution may issue.

2038 — James H. Lightfoot et al vs. Wm. C. Lightfoot — Plffs / Deft. — Continued to next Term

Fall Term, Friday, 7th December, 1860.

2040 V

Canall, Herrick & Mead } Plaintiffs } And now at this day came
vs } the plaintiffs to this cause
R. W. McKee } Defendant } by their attorneys, and
announced themselves ready for trial, and moved the Court to render
a Judgment final by default. And because the defendant has
accepted service of plaintiffs petition, and waiving citation and has wholly failed to
answer within the time prescribed by law, and plaintiffs
cause of action being based on a note of hand It is,
therefore, ordered adjudged and decreed by the Court, that
the plaintiffs, George Canall, W. H. Herrick and Benj. F. Mead,
under their firm name of Canall, Herrick & Mead, do have
and recover of and from the defendant, R. W. McKee, the sum
of Three Hundred, Thirty-Five and 42/100 Dollars, principal debt
and interest due on the note sued on to date, together with
all cost of this suit, for which execution may issue.

2041 V

Warren & Wilson } Plaintiffs } And now on this day came the
vs } plffs by their attorneys and
R. W. McKee } Defendant } claim a Judgment final by
default. And because the said defendant has accepted service
of plaintiffs petition, and waiving citation and failed to answer within the time pre-
scribed by law, and wholly made default. and plaintiffs
cause of action being based on a note of hand. It is, therefore,
ordered, adjudged and decreed by the Court, that the pffs.
Warren & Wilson do have and recover of and from the defendant,
R. W. McKee, the sum of Five Hundred, One and 38/100
Dollars, principal debt and interest due on the note sued on
to date, together with all cost of this suit, for which execution
may issue.

2042 V

Wm Saunders } Plaintiff } And now on this day came
vs } the pffs by attorney, and
R. E. Flamiken } Defendant } claims a Judgment final
by default. And because the defendant has been duly cited by
personal service, and has wholly failed to answer within the
time prescribed by law. And pffs cause of action being based
on a note of hand, It is, therefore, ordered, adjudged and
decreed by the Court, that the plaintiff, William Saunders, do
have and recover of and from the defendant, Robert E. Flamiken,
the sum of Two Hundred, Seventeen and 71/100 Dollars, principal
debt and interest due on the note sued on to date, together with
all cost of this suit, for all which execution may issue.

Fall Term, Friday, 7th December 1860.

2043 V

S. R. Kingsley vs Wm Armstrong — Plaintiff / Defendant

And now on this day appeared the plff. by Attorney, and claims a Judgment by default. And because it appears that defendant has been cited by personal service, and has wholly failed to answer within the time prescribed by law; and plaintiffs cause of action being based on a liquidated demand, It is, therefore, ordered, adjudged and decreed by the Court that the plff. S. R. Kingsley do have and recover of and from the defendant William Armstrong the sum of Three Hundred, Sixty-Four and 25/100 Dollars principal debt and interest due on the note sued on to date, together with ten per centum per annum interest thereon till paid, and all cost of this suit, for which execution may issue.

2048 V

S. M. Swenson vs A. J. Hamilton — Plaintiff / Defendant

And now on this day came the plff. by attorney. And it appearing to the Court that the defendant has been duly cited by personal service and has wholly failed to answer within the time prescribed by law; It is, therefore, ordered on motion, that the said plaintiff S. M. Swenson do have and recover of and from the defendant, A. J. Hamilton, the sum according to the prayer of his petition, and that a writ of inquiry be awarded.

2051 V

L. D. Carrington & Co vs Sarah A. Shaw — Plaintiffs / Defendant

And now on this day appeared the plffs. to this cause by their attorneys and claim a Judgment final by default. And because the said defendant has been cited by personal service and has wholly failed to answer within the time prescribed by law; and plaintiffs cause of action being based on a note of hand, It is, therefore, ordered, adjudged and decreed by the Court that the plaintiffs, L. D. Carrington and David Clarke, under their firm name of L. D. Carrington & Co. do have and recover of and from the defendant Sarah A. Shaw, the Sum of One Hundred, Sixty-Two and 95/100 Dollars principal debt and interest due on the note sued on to date, together with ten per centum per annum interest thereon till paid, and all cost of this suit, for which execution may issue.

2052 V

James R. Packen vs Thos R. McKinney — Plaintiff / Defendant

Continued on defendants affidavit

Fall Term, Friday, 7th December 1866

2064 V

N. S. Torrey vs Robinson & Vogt — Plaintiff vs Defendants

And now on this day came the Pff. by attorney and claims a Judgment by default. And it appearing that the defendant Vogt has been cited by personal service (and that the defendants, as hardings, have been both cited by personal service) and have wholly failed to answer within the time prescribed by law; and plaintiffs cause of action being based on a note of hand, It is therefore, ordered, adjudged and decreed by the Court, that the plaintiff, N. S. Torrey do have and recover of and from the defendants (George E. Robinson & Henry Vogt) the sum of One Hundred, Thirty-Six and 85/100 Dollars, principal debt and interest due on the note sued on to date, together with all cost in this behalf expended, for all which execution may issue.

2055. V

J. C. Kirby vs J. C. Bozarly, et al. — Plaintiff vs Defendants

Continued for Service

2065 V

Sneed & Walton vs N. C. Raymond, et al. — Plaintiffs vs Defendants

It is ordered, on motion, that the Defendants have leave to file an amended & answer.

2066 V

Sneed & Walton vs H. Grooms — Plaintiffs vs Defendant

Continued for Service.

2070 V

J. C. Evins vs J. M. Blackwell, Evins Morrill & A. H. Cook — Plaintiff vs Defendants

And now on this day came the Plaintiff, by attorney. And because the said Defendants have failed to answer within the time prescribed by law, and having been only cited by personal service, It is ordered by the Court that the said Plaintiff have and recover of and from the defendants herein according to the prayer of his said petition, and that a writ of inquiry be awarded.

2071 V

A. H. Simonin vs John L. Braas — Plff vs Deft

And now on this day came the pff. by atty. and claims a Judgment final by default. And because the defendant has been cited by personal service and has wholly failed to answer within the time prescribed by law, It is, therefore, ordered, adjudged and decreed by the Court, that the pff. A. H. Simonin, do have and recover of and from the defendant, John L. Braas, the sum of One Hundred, Thirteen and 47/100 Dollars, principal debt and interest due on the note sued on, to date, with 10 per centum per annum interest thereon until paid, and all cost of suit, for which execution may issue.

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2072

Young Griffin } Plaintiff
vs.
W. L. Chalmers } Defendant

And now on this day cometh plff. by attorney, and claims a judgment final by default. And it appearing that the said defendant has been duly cited by personal service and has wholly failed to answer within the time prescribed by law; and plff. cause of action being based on a liquidated demand, It is, therefore ordered, adjudged and decreed by the Court that the said plff. Young Griffin, do have and recover of and from the defendant, W. L. Chalmers, the sum of Seventy one ~~~ Dollars, principal debt and interest due on the notes sued on to date, together with interest thereon at the rate of 12 per centum per annum from date till paid; also, that the plff. recover of and from the said defendant the sum of One Hundred, Twenty-seven & 25/100 Dollars, principal debt and interest due on the other note sued on, to date, the same to draw 8 per cent. interest from date till paid - and that the plff. recover of the defendant all the cost of this suit - for all which execution may issue

2073

L. D. Carrington } Plaintiff
vs.
C. B. Smith, et al. } Defendants

And now on this day appeared the plff. by his attorneys; and on motion of said attorneys, It is ordered by the Court that the Clerk have leave to amend the citation issued and served, in this case on the Defendant Smith. And thereupon said plaintiff, by attorney, dismisses this suit as to the defendant Ford, who has not been served. And said plaintiff claims a final Judgment by default as to the other defendants herein. And because the defendants Hill and Smith have both been cited by personal service, and have wholly failed to answer plaintiffs petition within the time prescribed by law; and plaintiffs cause of action being based on a note of hand produced in evidence It is, therefore ordered, adjudged and decreed by the Court, that the plaintiff, L. D. Carrington, do have and recover of and from the said defendants, C. B. Smith and Wash. L. Hill, the sum of Four Hundred, One and 25/100 Dollars, principal debt and interest due on the note sued on up to this date, together with all cost of this suit, for which execution may issue

2082

Ellen Duval } Plaintiff
vs.
Drumm & Jones } Defendants

And now on this day comes the plaintiff by attorney, and claims a final Judgment by default. And because the said defendants have accepted service of plffs. petition and duly warned citation and have failed to answer within the time prescribed by law; and pffs.

Fall Term, Friday, 7th December 1860

cause of action being based upon a note of hand, the same as produced in evidence, It is, therefore, ordered, adjudged and decreed by the Court, that the plaintiff, Ellen Duval, have and recover of and from the defendants, S. W. Dimon, as principal and Thomas H. Jones, as security, the sum of One Hundred Forty Nine and 55/100 Dollars principal debt and interest due on the note sued on to date, together with ten per centum per annum interest thereon till paid, and all cost of this suit, for which execution may issue.

M. M. Townsend	Plaintiff	It is ordered by the Court that the
vs.		defendant in this case have leave
P. W. Girard	Defendant	to file an amended answer.

John Remond	Plaintiff	Continued for service
vs.		
W. D. Thompson	Defendant	

J. L. Nichols	Plaintiff	In this case appeared the parties
vs.		plaintiff and Defendants by
S. Lockwood, Etal.	Defendants	their Attorneys, and announced

themselves ready for trial. And thereupon Came a Jury of twelve good and lawful men of Travis County, to wit: G. W. Sampson, Foreman, and eleven others, who being duly tried, empannelled and sworn according to law, after hearing the evidence introduced by the plaintiff and defendants, argument of counsel and the charge of the Court, retired to Consider of their verdict, returned into Court the following verdict, to wit: "We, the Jury, find for the plaintiff Three Hundred and Fifty-One 55/100 Dollars ($351.55) against F. F. L'Echange and Catherine Lockwood, Defendants. G. W. Sampson, Foreman." It is, therefore, ordered, adjudged and decreed by the Court, that the plaintiff, J. L. Nichols, do have and recover of and from the defendants F. F. L'Echange and Catherine Lockwood, the sum of Three Hundred and Fifty One 55/100 Dollars, for his principal debt, & interest up to this date, with interest thereon from this date until paid, together with all the cost of this suit, for which execution may issue against said defendants, and against the separate property of the Defendant Catherine Lockwood.

And the plaintiff, in open Court hereby enters a remittitur of $1.33 of this judgment as against the defendant, Catherine Lockwood

Fall Term, Friday, 7th December, 1860

And now on this day came and appeared in open Court, the Grand Jury of Travis County, sworn and charged for and during the present term of this Court, and through their foreman James P. McKinney presented to the Court the following Bills of Indictment, to wit:

1383	The State of Texas	Plaintiff	Publishing as a coward one B J. Smith
	v.		
	J. M. Drake	Defendant	
1384	The State of Texas	Plaintiff	Selling liquors to slave without written consent of master, mistress overseer or employer.
	v.		
	L. Fellman	Defendant	
1385	The State of Texas	Plaintiff	Selling intoxicating liquors to a slave without the written consent of Master, Mistress, overseer or employer.
	v.		
	A. Montagne	Defendant	
1386	The State of Texas	Plaintiff	Adultery.
	v.		
	A. P. Montagne	Defendant	
1387	The State of Texas	Plaintiff	Adultery
	v.		
	a woman commonly called "Victorine Montagne	Defendant	
1388	The State of Texas	Plaintiff	Selling intoxicating liquors to a slave without the written consent of the master, mistress, overseer or employer.
	v.		
	G. Pauvel.	Defendant	
1389	The State of Texas	Plaintiff	Assault with intent to kill and murder
	v.		
	— Smith	Defendant	
1390	The State of Texas	Plaintiff	Aggravated Assault and Battery
	v.		
	Ras Scott	Defendant	
1391	The State of Texas	Plaintiff	Assault and Battery
	v.		
	Ras Scott	Defendant	
1392	The State of Texas	Plaintiff	Publishing obscene & profane language
	v.		
	G. F. Paschal Jr.	Defendant	
1393	The State of Texas	Plaintiff	Publishing obscene & profane language.
	v.		
	James H. Smith	Defendant	

And thereupon the said Grand Jury suggesting to the Court that there was no further business before them, they were discharged from further attendance

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

Fall Term, Saturday, 8th December 1860

Saturday, 8th December 1860.

Court convened at 9 o'clock, A.M. pursuant to adjournment. A.W. Terrell, Esq. District Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit.

1593 — Horatio Grooms vs P. Priestley, Bryce, Lyman & Bishop, Garnishees — Plaintiff, Defendant — And now on this day came the pltff. and the said Garnishees by their attorneys and agreed to submit the matters in issue to the Court, without the intervention of a jury, upon an agreed statement of facts filed in the case. And thereupon, upon an inspection of the papers and facts presented, It is ordered, adjudged and decreed by the Court, that the said plaintiff take nothing by his said proceeding in garnishment; that the said Garnishees, Bryce, Lyman & Bishop, go hence without day; that the cause be dismissed from the docket; and that said plaintiff, Horatio Grooms, pay all cost of this proceeding, for which execution may issue.

1629 — W.M. Shepherd vs J.H. Raymond, Treasurer, etal. — Plaintiff, Defendants — And now at this day came the attorney for the plaintiff in this case and suggested to the Court the death of said plaintiff. And thereupon on motion of said attorney, It is Ordered by the Court that the said cause be continued and that the legal and personal representatives of the said W.M. Shepherd be allowed to appear as parties plff.

1631 — Wm Alexander vs Thos E. Chapman — Plaintiff, Defendant — Continued Generally.

1670 — H.C. Dunn vs B.P. Hallingsworth — Plaintiff, Defendant — And now on this day came the parties to this suit by their respective attorneys, And by consent, and on motion of said parties, It is ordered, adjudged and decreed by the Court, that this cause be dismissed from the docket, that the parties go hence and that the said pltff Dunn, ~~recover the costs of this suit of~~ B.P. Hallingsworth & C. Rhodes ~~and~~ & D.A. Hallingsworth ~~John E. Hobbs~~, pay all cost of this suit, for which execution may issue. It is further ordered, on motion, that the defendant have leave to withdraw his title papers filed in the case, upon leaving certified copies thereof on file, the cost of the same to be taxed in the bill of cost.

Fall Term, Saturday, 8th December, 1860.

1681	Gillespie & Hall	Plaintiffs	Continued for Service on Hamilton
	vs.		
	Hardeman & Hamilton	Defendants	
1693	Copidge's Admr	Plaintiff	And now on this day appeared
	vs.		the parties to this cause by
	John King	Defendant	their attorneys; and thereupon

on motion, It is ordered by the Court that James R. Pace be made party plaintiff in this Case as the administrator of Thomas Copidge, dec'd and that the Cause proceed in his name as party plaintiff. It is further ordered that the Cause be continued, on application of the defendant, by attorney.

1696	Thomas N. Duval	Plaintiff	Continued Generally
	vs.		
	Walker Wilson	Defendant	
1705	J. P. McArthur, et al.	Plaintiff	The Hon. A. W. Terrell,
	vs.		the presiding Judge of
	Elizabeth Henry, et al.	Defendants	this Court, having refused

to try this Cause, because of disqualification, the parties to this Cause filed their agreement, in writing, consenting that said Cause should be tried by the Honorable Benjamin F. Carter an Attorney of this Court, who consented to do so, and took the oath. And thereupon the parties plff and defendant respectively appeared by their attorneys, and on motion, the order heretofore, at a previous term, entered in this cause, appointing a Guardian ad litem to represent the minor Defendants, &, by consent of parties set aside, vacated and held for naught. And thereupon the Court appointed C. S. West, Esq. an attorney of this Court, to represent the minor defendants, Amanda Henry, Mary Henry, Thomas Henry, James Henry, Franklin Henry and Severina Henry, who accepted said trust. And thereupon the Defendants, on motion, are allowed to amend their answers. Whereupon the parties plaintiff and defendants, by their attorneys, and the said minors, by their Guardian ad litem, announced themselves ready for trial. Whereupon came a Jury of twelve good and lawful men of Travis County, to wit. Alfred Smith, Foreman, and eleven others, who being duly tried, elected empannelled and sworn according to law to try the issues joined between the parties, heard the evidence introduced by the parties, the argument of the counsel, and the charge of the Court. And said Jury retired for deliberation, and

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thereupon returned into Court the following verdict to wit: We, the Jury find for the defendants. Alfred Smith, foreman. Whereupon, It is ordered, adjudged and decreed by the Court that the said plaintiffs, James P. McArthur, John T. McArthur and Mary E. McArthur, who sue by their guardians, James Ogyle and Mary Ogyle take nothing by their said action; that the defendants named in the pleadings go hence without day, and have and recover of and from said plaintiffs all cost in and about this suit incurred by them. It is further ordered by the Court, that the Clerk tax the cost of this suit, including the Surveyors fees, and certify the same to the Probate Court of Travis County as an established and legal claim against the said minors, to be paid by the said guardians,

B. F. Carter Special Judge.

✓ 1743	D. T. Simmons vs. D. C. & G. R. Freeman	Plaintiff vs. Defendants	On motion, It is ordered by the Court that the parties plaintiff and defendants herein have leave to amend their pleadings.
✓ 1747	A. B. Pinkerton vs. John Pinkerton, et als.	Plaintiff vs. Defendants	Continued Generally
✓ 1751	P. De Cordova vs. John Crayton, et als.	Plaintiff vs. Defendants	And now on this day appeared the parties to this cause by their respective attorneys, and announced themselves ready for trial. And thereupon came a Jury of twelve good and lawful men of Travis county, to wit: Geo. W. Sampson, Foreman and eleven others, who were tried elected, empannelled and sworn according to law. And the Jury having heard the testimony introduced by the parties, the argument of Counsel and the charge of the Court, retired for deliberation and returned into Court the following verdict, to wit: "We the Jury find for the plaintiff the sum of Six Hundred & Fifty-Seven 55/100 Dollars ($657.55) And further find that John Crayton Signed as security. Geo. W. Sampson, Foreman." Whereupon, It is ordered adjudged and decreed by the Court that the plaintiff, Phinias De Cordova, do have and recover of and from the defendants, H. J. Crump and John Crayton the sum of Six Hundred, Fifty-Seven and 55/100 Dollars, to be found to be due by the Jury, together with all the cost of this suit, for which execution may issue.

The exceptions of the Plff. to the plea of non est factum being withdrawn, were overruled, and the Plaintiff has leave to amend

Fall Term, Saturday, 8th December 1860.

1755. Geo. H. Gray, Adm. dec'd &c. Plaintiff
vs.
Geo. E. Robinson, et al. Defendants

And now at this day came the parties to this cause by their Attorneys. And thereupon, on motion of Thomas C. Sims, Esq. District Attorney It is ordered by the Court that this cause be dismissed from the docket; that the Defendants hence & hence without day. It is further ordered, that the cost be adjudged against the County of Travis, and that the same be certified to the County Court for allowance.

1756. S. W. Dawson Plaintiff
vs.
D. K. Hutchins Defendant

And now on this day came the plaintiff by attorney; and on motion of said plaintiff a proper showing being made / It is ordered that the Clerk issue an attachment, in this Case on behalf of the plaintiff, for the witness, D. B. Benson, returnable instanter.

1764 L. D. Pennington & Co. Plaintiffs
vs.
H. W. Nichols Defendant

And now on this day came the parties to this cause by their attorneys; and thereupon, on motion, It is Ordered by the Court, that this cause be dismissed from the docket, that the parties go hence and that the defendant and his Securities, Lemley D. Danger and John H. Stanley, pay all cost of this suit, for which execution may issue.

1793 C. R. Hampton Plaintiff
vs.
John C. Hampton Defendant

And now at this day came the plaintiff by his attorney and suggested to the Court that the death of the Defendant John C. Hampton. And thereupon, on motion of said plff. attorney, It is ordered by the Court, that this cause be continued for service on the personal representatives of the deceased, Mrs. Ann Hampton and Wade Hampton

1803 Charles Klein Plaintiff
vs.
Wm. P. Rutledge Defendant

On motion, It is ordered by the Court that the Defendant have leave to amend his answer And, on motion, It is further ordered that Rogers and Searcy be made parties Defendant hereto.

1803 Charles Klein Plaintiff
vs.
Wm. P. Rutledge, et al Defendant

In this Cause now come the parties; and the Defendants having suggested to the Court

Fall Term, Saturday, 8th December, 1860

that it is necessary to the discovery of the truth of the matter in difference that an order of Survey be had to survey the boundaries of the tracts respectively claimed by the plaintiff and defendants, and the parties plaintiff and defendants consenting thereto, It is ordered, adjudged and decreed that L. H. Lockett, the County Surveyor of Travis county, be required to make the survey of the said tracts of land described in the said petition and the answers of defendants, and return his report to this Court, according to law, so as to show the boundary line between the counties of Travis and Williamson, and the situation of said tracts in reference thereto, and in reference to each other, and that the cause be continued.

1870 — Wm. G. Lane & Co. vs. L. D. Covington et al. — Plaintiffs / Defendants

And now on this day came the parties to this cause by their attorneys, and on motion of said parties, It is ordered by the Court that this cause be dismissed from the docket; that the parties go hence, and that the defendants recover of and from the plffs. William G. Lane, Edward H. Lane, Rev. Boyce and Jefferson Lane all the cost of this suit, for which execution may issue.

1864 — Anna M. Hewlett vs. Alfred Hewlett — Plaintiff / Defendant

And now on this day appeared the parties to this cause by their attorneys; and thereupon the defendants demurrer to plaintiffs petition coming on to be heard and being fully considered by the Court, the same is argued. And thereupon, on motion, It is ordered that the plaintiff have leave to file an amended petition.

1886 — Leonard Eger vs. Adolph S. Smith — Plaintiff / Defendant

It is ordered on motion, that the plaintiff have leave to file an amended petition.

1887 — L. Fellman vs. C. R. Johns — Plaintiff / Defendant

And now on this day appeared the defendant by attorney, and moved the Court for judgment by default, on his cross petition filed in this cause. And thereupon appeared the plaintiff by attorney, and on his motion, It is ordered that he have leave to file an amended petition.

2024 — Geo. W. White, et al. vs. Sherman Case — Plaintiffs / Defendant

And now at this day came the plaintiffs in this cause by their attorneys, and

Fall Term, Monday, 10th December, 1860.

thereupon on motion of said Plaintiffs Counsel and because the said defendant has been cited by personal service, as has made default by failing to answer within the time prescribed by law, It is ordered, that Judgment do forthwith be awarded against the said defendant, in accordance with the prayer of the petitions.

Austin, Sumner & Co. vs. E. & A. Tinlock — Plaintiffs vs. Defendants — Continued by consent

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

Monday, 10th December, 1860.

Court convened at 9 o'clock A.M. pursuant to adjournment. A.W. Terrell, 2d Judicial District Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

1743 — N.G. Simmons vs. D.C. & G.R. Freeman — Plaintiff vs. Defendants — And now on this day appeared the parties to this cause by their attorneys. And thereupon the exceptions of the defendants to the Plaintiffs petition coming on to be heard, and the same being only considered, are overruled by the Court. And thereupon the cause is continued on plaintiffs application of defendant by affidavit.

1756 — S.W. Dunson vs. J.K. Hutchins — Plaintiff vs. Defendant — Continued as on affidavit of pltff.

1762 — City of Austin vs. Geo. W. Paschal — Plaintiff vs. Defendant — And now on this day came the parties to this cause by their attorneys and announced themselves ready for trial. And thereupon came a Jury of twelve good and lawful men of Travis County, to wit: Geo. W. Sampson, Foreman, and eleven others, who were tried, elected, empannelled and sworn according to law. And the Jury having heard the evidence introduced by the parties, the argument of the Counsel and the charge of the Court, retired for deliberation. Whereupon said Jury returned into Court the following verdict, to wit: "We, the Jury find for the plaintiff the sum of Eight 33/100 Dollars ($8.33 1/3/100) Geo. W. Sampson, Foreman." Whereupon, It is ordered, adjudged and decreed by the Court that the City of Austin do have and recover of and from

Fall Term, Monday, 10th December, 1860.

the defendant, George W. Parchal and the securities on his cattorari bond, to wit John A. Green and Robert Green the sum of Eight Dollars, Thirty Three & 1/3 Cents, found to be due by the Jury, together with all cost of this suit, including the cost in the magistrates Court, for which execution may issue

1781 — L. D. Canington & Co. Plaintiffs vs T. Hoet Claimant Defendant — Continued generally.

1774 — Wm. H. Lucke Plaintiff vs John H. Conner Defendant — Continued Generally.

1787 — A. M. Cox Plaintiff vs A. M. Davidson Defendant — And now on this day came the parties by their attorneys, and announced themselves ready for trial. And thereupon Came a Jury of twelve good and lawful men of Travis County, to wit: Alfred Smith, Foreman and eleven others, who were tried, elected, empannelled and sworn according to law. And the Jury having heard the testimony introduced by the parties, the argument of the Counsels, and the charge of the Court, retired for deliberation, and returned into Court the following verdict, to wit: "We the Jury, find for the plaintiff A. M. Cox. Alfred Smith, Foreman" Whereupon it is Ordered, adjudged and decreed by the Court that the plaintiff A. M. Cox, do have and recover of and from the defendant, A. M. Davidson, the sum of Sixty Five Dollars found to be due by the Jury aforesaid, together with all the cost of this Suit, for all which Execution may issue.

1792 — James Cole Plaintiff vs John Vannikle Defendants — And now at this day came the plaintiff by his Attorney, and on motion of said plaintiff It is ordered by the Court that the Sheriff Blackwell have leave to amend the return of Service on the citation and bind & Statement in this case, and that the Cause be continued generally.

1857 — Leo L. Walton Plaintiff vs O. Christian, et al. Defendants — It is ordered that the Deft have leave to file an Amended Petition

1886 — L. Eger Plaintiff vs A. Smith Defendant — Ordered that the defendant have leave to amend his answer

Fall Term, Tuesday 11th December 1860

1996 — Sampson & Kennick vs John Marshall, et al — Plaintiffs vs Defendants — Ordered, that the plaintiff have leave to amend his petition

2035 — C. A. Stein vs W. W. McLaughlin — Plaintiff vs Defendant — Ordered, that the Defendant have leave to amend his answer

2049 — Chapman, Lyon & Hayes vs Mathew & Atkinson — Plaintiffs vs Defendant — And now at this day came the said plaintiffs, by attorney, and dismisses this suit as to the Deft Mathew, who has not been served. And because the said defendant Atkinson has been cited by personal service, and has wholly failed to answer within the time prescribed by law. It is, thereupon, ordered, adjudged and decreed by the Court that the said plaintiffs do have and recover of and from the defendant Atkinson according to the prayer of their petition, and that a writ of inquiry be awarded.

2075 — H. P. McGinzey et al vs Wm Smith et al — Plaintiffs vs Defendants — Ordered, that the plaintiffs have leave to amend their petition

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

Tuesday, 11th Dec. 1860

Court convened at 9 o'clock, A.M. pursuant to adjournment. R. W. Terrell, 1st District Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

1993 — The State of Texas vs John T. Shanks — Plaintiff vs Defendant — And now in this day came the Defendant John T. Shanks, in person, and also by attorney; whereupon the said Shanks, in open Court, presented to the Court his application, in writing, under oath, praying for a writ of attachment to be issued to the County of Cass, for the witness, Thomas Heath, returnable forthwith, on behalf of said Defendant. Whereupon, It is ordered by the Court, that the clerk do issue the said writ of attachment in accordance with said application, for the said witness, which is accordingly done.

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

Fall Term, Wednesday, 12th December 1860

Wednesday, 12th December, 1860

Court Convened at 9 o'clock, A.M. pursuant to adjournment. A.W. Terrell, Second District Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

2053 — S. M. Swenson vs. R.H. Simmons, M. H. Powers, W.G. Johnson — Plaintiff vs. Defendants

And now on this day come the plaintiff by his attorney, and moves the Court to render Judgment Interlocutory by default against the defendants Simmons and Johnson. And because the said Defendants Simmons and Johnson have failed to answer this suit within the time prescribed by law, they having been duly cited by personal service, It is ordered, by the Court that the said plaintiff do have and recover of and from the said defendants Simmons and Johnson the sum of Four Hundred and Twenty 37/100 Dollars, principal debt and interest due on the note sued on in this case up to this date, with ten per centum per annum interest thereon from this date until paid, and all cost of this suit, for which execution may issue.

1912 — Wm Wright, et al. vs. Sawyer & Kisher — Plaintiffs vs. Defendants

It is ordered, on motion, that the plaintiffs herein, have leave to amend their petition.

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

Thursday, 13th December, 1860

Court Convened at 9 o'clock, A.M. pursuant to adjournment A.W. Terrell, 2d District Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

1878 — John T. Miller vs. M. A. Taylor — Plaintiff vs. Defendant

And now on this day came the parties to this cause by their attys and announced themselves ready for trial. And thereupon, the defendants demurrer to plffs petition coming on to be heard, and the same being only considered by the Court, It is ordered, that the same be overruled. Whereupon came a Jury of twelve good and lawful men of Travis county, to wit: Geo. W. Sampson, Foreman, and eleven others, who were tried, elected, empannelled and sworn according to law. And the Jury having heard the testimony introduced by the parties, the argument of the Counsel and the charge of the Court retired for deliberation. And thereupon said Jury returned into Court the following verdict to wit: "We, the Jury, find for the Defendant. Geo. W. Sampson Foreman." Whereupon, It is ordered, adjudged and decreed by the Court, that

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the said pltff John T Miller take nothing by his suit; that the cause be dismissed from the docket, that the said W.A. Taylor go hence without day and have and recover of and from the said plaintiff, John T Miller, all cost of this suit, for which execution may issue.

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

Friday, 14th December, 1860.

Court convened at 9 o'clock, A.M. pursuant to adjournment. All present, Hon Dist Judge presiding. Whereupon the following proceedings were had by said Court, to wit.

S M. Swenson } Plaintiff
vs } Continued on application of pltff
1807 Mary E. Payne } Defendant

James Cale } Plaintiff
vs } In Travis District Court, Fall Term 1860.
1792 John Vanwinckle } Defendant } And now at this day come the plaintiff in the above cause. And it appearing to the Court that full, due and legal Service, by publication, has been had and made on the said defendant, John Vanwinckle, and that he has failed to answer, and wholly makes default. And thereupon came a Jury of twelve good and lawful men of Travis County, to wit: Alfred Smith, and eleven others, who were duly and legally empannelled and sworn and having heard the pleadings and the following facts, to wit:

1st: That James S. Gillet, (who was then Adjutant General of the State) issued the Original warrant, which was of the same date and number stated in the petition, to wit: on the 2nd day of April, 1853, to H.P. Brewster, as the assignee of John Vanwinkle, for 1280 acres No. 1263, and that, by law before issuing the same, he had to pass, not only on the vouchers showing that John Vanwinkle was entitled to the land, but had also to pass on and determine the regularity and validity of the transfers from Van Winkle to H.P. Brewster, and that he saw the said transfer, and that it was regular & legal, from Vanwinkle to Brewster, and that at the date of the issuance of the same, he delivered the said certificate to the said Brewster, as his own property, and the said Brewster so then claimed it; and that the Original transfer and vouchers on which said certificate was so issued, all remained on file as vouchers in the Adjutant Generals office, from that time down to the time of its being burnt, sometime in 1855 or 1856, when said Office was destroyed by fire, and these vouchers were then destroyed

It was further proved, by the Original transfer exhibited, that on

Fall Term, Friday, 14th December, 1860

the 2d day of April, A.D. 1853, said Brewster transferred said Certificate to the plaintiff Cole.
And the said Jury being charged by the Court, retired to consider of their verdict, and thereupon, returned into Court the following verdict, to wit: "We, the Jury, find for plaintiff Alfred Smith, Foreman."
And thereupon it appearing to the Court, that the allegations in the petition contained are true, It is Considered, adjudged and decreed by the Court, that all the title and interest of the said John Van winkle in the Bounty Land Warrant, No. 1263, issued on April 2nd, 1853, to John Vanwinkle, by A.P. Brewster, Agent, for 1280 acres, by James S. Gillett, Adjutant General, of the State of Texas, be and the same is hereby vested fully and completely in the said plaintiff, James Cole, and his heirs, And it is further considered, that all the costs of this suit be paid by said Cole, and execution issue therefor and that said plaintiff have leave to withdraw his Original warrant and transfer from the files, on leaving a certified copy of the same.

George Hancock, Plaintiff
vs
Martin Moore, Defendant
} Continued generally

1841

Wilson Green, Plaintiff
vs
W. P. De Normandie, et al., Defendants
} And now on this day came the parties to this cause by their attorneys, and announced themselves ready for trial: And the defendants' demurrer to the petition of the plaintiff coming on to be heard, and the same being duly Considered, It is Ordered, that the Same be overruled. Whereupon Came a Jury of twelve good and lawful men of Brazos County, to wit: John W. Brown, and eleven others, who were tried, elected, empannelled and sworn according to law. And the Jury having heard the testimony, the argument of Counsel and the charge of the Court, retired for deliberation, and returned into Court the following verdict, to wit: "We, the Jury, find for the plaintiff the sum Five Hundred & Sixteen 35/100 Dollars, $516.35 We further find against J. H. Conner as Security for the above suit. J. W. Brown, Foreman." Whereupon, It is Ordered, adjudged and decreed by the Court that the plaintiff Wilson Green, do have and recover of and from the defendants, William P. De Normandie, Edward Dwyck, and John H. Conner, the said Conner as Security, the sum of Five Hundred, Sixteen and 35/100 Dollars, found to be due by the Jury aforesaid, together with twelve per centum per annum interest thereon until paid, and all cost of this suit, for which execution may issue.

1836

M. C. Burdett, Plaintiff
vs
W. & J. T. Burdett, Admrs, Defendants
} Continued as an affidavit of defendant.

1842

Fall Term, Friday, 14th Dec. 1860.

Adolph Dahn — Plaintiff
vs. 1851
Edward Tillman — Defendant
Continued by consent.

Enoch Train — Plaintiff
vs. 1852
F. P. Sawyer, et al. — Defendants
And now on this day came the parties to this cause by their attorneys; and on motion of said parties It is ordered by the Court that this cause be dismissed from the docket, that the parties go hence without day, and that the said plaintiff Enoch Train pay all cost of this suit, for which execution may issue.

James R. Neal — Plaintiff
vs. 1914
I. M. Steiner — Defendant
And now on this day came the parties, And on motion It is ordered that this cause be dismissed from the docket in accordance with the agreement this day filed in the cause which provides that each party shall pay the cost incurred by him. Whereupon, It is ordered by the Court that the said parties go hence; that the said plaintiff James R. Neal, pay the cost incurred by him in this case; that the said I. M. Steiner pay the cost by him incurred, for all which execution may issue

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

Saturday, December 15th, 1860

Court convened at 9 o'clock, A. M. pursuant to adjournment. A. W. Terrell, 2d District Judge, presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

Larisa Millard, et al. — Plaintiffs
vs. 1461
J. S. & N. B. Millard — Defendants
And now on this day came the parties to this cause by their respective attorneys. Whereupon the Counsel for the Defendants submitted to the Court the motion heretofore filed, praying for a Change of the Venue herein. And the said application being duly considered, And because the presiding Judge of this Court is disqualified from trying said cause, and because the said case was erroneously brought to this county, in view of such disqualification, It is, therefore, ordered, & adjudged by the Court that the venue of said cause be changed back to the County of Williamson, the county from which it is the request of the Pltfs & Defts that the Clerk of this Court transmit to the Clerk of the District Court of Williamson County, on or before the first day of the next term of said Court, all the Original papers in this case, and also, a certified Copy of all the Original entries of record here, and of the bill of cost

Fall Term, Saturday, 15th December, 1860.

1738. J. W. Talbot v. F. L. Millard, et al. — Plaintiff / Defendants

And now on this day came the parties to this cause by their respective attys And thereupon the counsel for the defendants submitted to the Court the motion heretofore filed for a change of the venue of said cause to the County of Williamson. And the said motion being duly considered by the Court, and it is ordered, in view of the admission that Judge Ventiff is disqualified, and because this case was brought to this County erroneously, ~~xxxxxxx~~ in view of the disqualification of the presiding Judge of this Court to try it, It is ordred by the Court that the venue of this cause be changed back to the County of Williamson, the county seat whereof is the nearest pt of the 2d Jud. Dist; and that the Clerk of this Court transmit to the Clerk of the District Court of said Williamson county, on or before the first day of the next term of the District Court of said county, all the Original papers in this case, together with a certified copy of all the Original entries herein and of the bill of cost,

1776 A. G. Kimball v. N. C. Raymond — Plaintiff / Defendant

And now on this day came the Plaintiff in this case by his attorneys, and submitted to the Court his motion heretofore filed herein, praying for a change of the Venue of said cause to the County of Williamson, the county seat whereof is the nearest pt of the 2d Judicial District, to the city of Austin; and the said motion being duly considered by the Court, It is ordered, that the venue of said cause be changed to the County of Williamson, the county seat whereof is the nearest pt of dist 2d Ju. Dist because of the disqualification of the presiding Judge of this Court; that the Clerk of this Court transmit to the District Court of Williamson County, on or before the first day of the next term thereof, all the Original papers in this cause, together with a certified copy of all the entries of record here, and of the bill of cost.

1570 D. C. & G. R. Freeman v. John M. McCalla — Plaintiffs / Defendant

And now on this day came the parties to this cause by their respective attorneys and the defendants motion for a new trial coming on to be heard, and the same being duly considered by the Court, It is ordered that the said motion be overruled. Whereupon the said defendant, by attorney gives notice, in open Court, of an appeal to the Supreme Court.

And thereupon Court adjourned till Monday Morning next, 9 o'clock, the 17th inst.

Fall Term, Monday, 17 Dec 1860.

Monday 17th Dec 1860

Court met pursuant to adjournment at 9 oClock this day. A W Terrell Judge of the 2nd Judicial District presiding: Whereupon the following proceedings were had by said Court. to wit—

1851.

J. Townsend vs. J. C. Samuelle — Pltff / Deft. — In this case came the parties Plaintiff and Defendant and announced themselves ready for trial: and the parties waiving a jury submitted the matters in Controversy to the Court: and the Court after hearing the evidence introduced by the parties, Plaintiff and Defendant, do the order adjudge and decree, that L H Lockett, the Surveyor of the County of Travis, proceed to the land in controversy and fix the Corners on the Colorado River, eight and two tenths varas, above the letter H. on the plot and map attached to the Report of the Surveyor of said Land returned into this Court on the 14th day of December 1860: and that he the said Surveyor L H Lockett, mark & blaze said line, parallel with the lower line of said League, to the back line of said League, to the letter E, and there establish the Corner, and from thence run to the North East Corner of said line, at the letter B. and there establish a permanent Corner: and that he mark the lower line of said League, back to the Colorado River, and fix the Corner there: and that he return his work under this order, together with a minute & Comprehensive description of the Corners, marks, blazes, and field notes, into this Court instanter, for a further judgment and decree, establishing said line: and that the Clerk of this Court issue instanter to the said Surveyor L H Lockett a precept embodying & embracing the orders & decrees of the Court herein—

111 The State v. A. Jackson. Capias ordered, in this case, and continued generally
132 The State v. Blake Thompson. Capias ordered, in this case, and continued generally
142 The State v. E. C. Travis Gd. Capias ordered, and case continued generally
143 The State v. M. Needham. Capias ordered, and case continued generally

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146	The State vs	E & E Travelstead.	Continued	genrally, and capias awarded
152	The State vs	E & E Travelstead.	Continued	genrally, and capias awarded
153	The State vs	E. B. Travelstead.	Continued	genrally, and capias awarded.
463	The State vs	Ralph Hodges.	Continued	genrally, and capias awarded
477	The State vs	L. M. Morris.	Continued	genrally, and capias awarded
576	The State vs	Truman B. Beck.	Continued	genrally, and capias awarded
625	The State vs	Wm A. Bates	Continued	genrally, and capias awarded
632	The State vs	Wm A. Bates	Continued	genrally, and capias awarded.
858	The State vs	S. Bugamon.	Continued	genrally, and capias awarded.
862	The State vs	Samul Duncan.	This cause dismissed, on motion of the District Attorney.	
877	The State vs	I. I. Snead.	This cause dismissed and the Defendant discharged, on motion of R. E. Rennie, appointed to represent the State	
878	The State vs	Samuel Duncan.	This case dismissed, on motion of the District Attorney.	
899	The State vs	Alfred Evans.	Continued genrally, and capias awarded.	
911	The State vs	S. H. Duncan	This cause dismissed on motion of the Dist. Atty.	
912	The State vs	S. H. Duncan	This cause dismissed on motion of the Dist. Atty.	
913	The State vs	S. H. Duncan	This cause dismissed on motion of the Dist. Atty.	
914	The State vs	S. H. Duncan	This cause dismissed on motion of the Dist. Atty.	
915	The State vs	E O Warren	This cause dismissed on motion of the Dist. Atty.	
916	The State vs	E O Warren	This cause dismissed on motion of the Dist. Atty.	
917	The State vs	E O Warren	This cause dismissed on motion of the Dist. Atty	
918	The State vs	E O Warren	This cause dismissed on motion of the Dist. Atty	
919	The State vs	E O Warren	This cause dismissed on motion of the Dist. Atty	
920	The State vs	E O Warren	This cause dismissed on motion of the Dist. Atty	
921	The State vs	E O Warren	This cause dismissed on motion of the Dist. Atty	
922	The State vs	E O Warren	This cause dismissed on motion of the Dist. Atty	
930	The State vs	Horan & Robinson	This cause dismissed on motion of the Dist. Atty	
931	The State vs	Horan & Robinson	This cause dismissed on motion of the Dist. Atty.	
932	The State vs	Horan & Robertson	This cause dismissed on motion of the Dist. Atty.	
933	The State vs	Horan & Robinson	This cause dismissed on motion of the Dist. Atty	
934	The State vs	Horan & Robinson	This cause dismissed on motion of the Dist. Atty	
936	The State vs	John Horan	This cause dismissed on motion of the Dist. Atty.	
937	The State vs	John Horan	This cause dismissed on motion of the Dist. Atty	
938	The State vs	John Horan	This cause dismissed on motion of the Dist. Atty.	
939	The State vs	John Horan	This cause dismissed on motion of the Dist. Atty.	
940	The State vs	John Horan.	This cause dismissed on motion of the Dist. Atty	
941	The State vs	John Horan.	This cause dismissed on motion of the Dist. Atty.	
942	The State vs	John Horan	This cause dismissed on motion of the Dist. Atty	
943	The State vs	Heffington Wallace.	This cause dismissed on motion of the Dist. Atty	
944	The State vs	Heffington Wallace.	This cause dismissed on motion of the Dist. Atty.	
945	The State vs	Heffington Wallace.	This cause dismissed on motion of the Dist. Atty.	
946	The State vs	Heffington Wallace.	This cause dismissed on motion of the Dist. Atty.	
947	The State vs	Heffington Wallace.	This cause dismissed on motion of the Dist. Atty.	

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948	The State	v. Heffington & Wallace.	This case dismissed on motion of Dist. Atty
949	The State	v. Heffington & Wallace.	This case dismissed on motion of Dist. Atty
950	The State	v. Heffington & Wallace.	This cause dismissed on motion of dist atty
951	The State	v. Heffington & Wallace.	This cause dismissed on motion of Dist. Atty
952	The State	v. Heffington & Wallace.	This cause dismissed on motion of dist. atty
953	The State	v. Heffington & Wallace.	This cause dismissed on motion of dist. atty
954	The State	v. Heffington & Wallace.	This cause dismissed on motion of dist. atty
956	The State	v. Finnin & Carr.	This cause dismissed on motion of dist. atty
957	The State	v. Finnin & Carr.	This cause dismissed on motion of dist. atty
958	The State	v. Finnin & Carr	This cause dismissed on motion of dist. atty.
959	The State	v. Finnin & Carr.	This cause dismissed on motion of dist. atty
960	The State	v. Finnin & Carr.	This cause dismissed on motion of dist. atty
962	The State	v. Finnin & Carr.	This cause dismissed on motion of dist. atty
963	The State	v. Finnin & Carr.	This cause dismissed on motion of dist. atty
964	The State	v. Finnin & Carr.	This cause dismissed on motion of dist. atty
965	The State	v. Finnin & Carr.	This cause dismissed on motion of dist. atty
966	The State	v. Finnin & Carr.	This cause dismissed on motion of dist. atty
967	The State	v. Finnin & Carr.	This cause dismissed on motion of dist atty
968	The State	v. Finnin & Carr.	This cause dismissed on motion of dist atty
969	The State	v. Finnin & Carr.	This cause dismissed on motion of dist. atty
970	The State	v. Finnin & Carr.	This cause dismissed on motion of dist. atty
971	The State	v. Finnin & Carr.	This cause dismissed on motion of dist. atty
972	The State	v. Finnin & Carr.	This cause dismissed on motion of dist atty
973	The State	v. Finnin & Carr.	This cause dismissed on motion of dist atty
974	The State	v. Finnin & Carr.	This cause dismissed on motion of dist atty
975	The State	v. Finnin & Carr.	This cause dismissed on motion of dist atty
976	The State	v. Finnin & Carr.	This cause dismissed on motion of Dist. atty
977	The State	v. Finnin & Carr.	This cause dismissed on motion of Dist atty
978	The State	v. Finnin & Carr.	This cause dismissed on motion of Dist atty
979	The State	v. J. M. Forehand	This cause dismissed on motion of dist atty
980	The State	v. J. M. Forehand	This cause dismissed on motion of Dist. atty
981	The State	v. J. M. Forehand	This cause dismissed on motion of Dist atty
982	The State	v. M. F. Gay	This cause dismissed on motion of dist atty. Costs for service, and alias capias awarded.

983 The State of Texas } Plaintiff } And now on this day comes
v. } } R. F. Brumby & Boland Dist. Atty
W. H. Brown, et al } Defendants } and also came W. H. Brown
hereinafter appointed by the Court
the defendant, by attorney; and announced themselves ready for
trial. And then came a Jury of twelve good and lawful men
of Travis County, to wit: Eli Kirk, foreman, and eleven others,
who were tried, elected, empannelled and sworn according
to law. And the Jury having heard the evidence, argument of
counsel and the charge of the Court, retired for deliberation

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and returned into Court the following verdict, to wit: "We the Jury, find the defendant not guilty. Eli. Kirk, Foreman." Whereupon It is ordered by the Court that the said Wm H Rimm go hence without day, fully acquitted and discharged. And thereupon on motion of said District Attorney, pro tem. It is ordered that this prosecution be dismissed as to the other defendants M. G. Gay and John Wamsley, and that they go hence.

1017 The State of Geo & John Robinson. This cause dismissed on motion of dist. atty.
1018 The State of Geo & John Robinson This cause dismissed on motion of dist. atty
1019 The State of Geo & John Robinson This cause dismissed on motion of dist. atty
1020 The State of Geo & John Robinson This cause dismissed on motion of dist. atty
1021 The State of Geo & John Robinson This cause dismissed on motion of dist. atty
1022 The State of Geo & John Robinson This cause dismissed on motion of dist. atty
1023 The State of Geo & John Robinson This Cause dismissed on motion of dist. atty.
1024 The State of Geo & John Robinson. This cause dismissed on motion of dist. atty.
1025 The State of Geo & John Robinson This cause dismissed on motion of dist. atty.
1026 The State of Geo & John Robinson This cause dismissed on motion of dist. atty.
1027 The State of Geo & John Robinson This cause dismissed on motion of dist. atty.

1131 The State of Texas & Plaintiff & And now on this day comes Thomas
& E. Ewell, Esq. District attorney, and
W. R. Pray & Defendant & on motion of said Ewell: And
because it appears to the Court, that J. H. Anderson, Sheriff of Panola County, has, a second time, returned a defective bond, of the defendant in this Case, to wit: the bond Taken and approved by him, on or about the 30th May, 1860- the said Sheriff failing to set out the offence, in the bond, which was fully set out in the capias then in his hands- It is ordered by the Court that said Anderson be fined one hundred dollars, and that the clerk of this Court issue a writ of scire facias directed to the Sheriff of Panola County, commanding him to cite the said Anderson to appear at the next term of the District Court of Panola County, and show cause, if any he can, why this fine should not be made final and enforced against him. It is further ordered that the clerk issue capias to said county forsaid defts and that this case, be continued.

1137 The State of Sam Tate Continued, and alias capias ordered generally
1138 The State of Sam Tate Continued, and alias Capias ordered generally
1141 The State of Geo. Robinson. Dismissed, on motion of dist. atty
1142 The State of Geo. Robinson Dismissed, on motion of dist. atty.

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1168 The State v. Langley & Carmichael. Continued for service

1176 The State of Texas } Plaintiff } And now comes Thomas E.
v } Snead, Esq. District Attorney,
L. N. Gilham } Defendant } and on his representation
that the witnesses for the State in this case are dead, and on
his motion, It is ordered that this prosecution be dismissed,
that the said Defdt. go hence, without day, fully discharged.

1177 The State v. J. W. Kirk. Continued, and alias capias ordered
1189 The State v. Eastwood & Houghton. Cont'd, and alias capias ordered.

1214. The State of Texas } Plaintiff } And now on this day came the Dist. Atty.
& } in behalf of the State, and also came
C. Halding } Defendant } the defendant Halding by his attorney,
B. F. Carter, Esq. and announced themselves ready for trial. And
Thereupon came into open Twelve good and lawful men of Travis
County, To wit: G. W. Dampsey Foreman and eleven others, who
were tried, elected, empannelled and sworn according to law. And
the defendant having plead not guilty to the Indictment, the
jury heard the evidence, argument of counsel and the charge
of the Court, and retired for deliberation. Whereupon the Jury
returned into Court the following verdict to wit: "We, the Jury
find the defendant guilty, and affix the fine at fifty dollars.
($50.00) G. W. Dampsey Foreman." Whereupon, It is ordered by the
Court, that the State of Texas do have and recover of and
from the defendant, C. Halding, said sum of fifty Dollars
and all cost of this prosecution, and that the Clerk issue
a. capias to enforce the collection of the same.

1227 The State v. Thomas M. Evans. Continued for service.
1228 The State v. Thomas M. Evans. Continued for service
1229 The State v. Thomas M. Evans Continued for service
1230 The State v. Thomas M. Evans. Continued for service
1231 The State v. Thomas M. Evans Continued for service
1232 The State v. Thomas M. Evans Continued for service
1233 The State v. Thomas M. Evans Continued for service
1234 The State v. Thomas M. Evans Continued for service
1235 The State v. Wm. C. Leggett Cont'd for service, and capias ord. to Hunnicutt
1236 The State v. Jacob Pulliam Continued for service
1237 The State v. Ira Thomas. Capias ordered returnable forthwith

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1255 The State v Sandin + Stegall. Cont'd for service. Capias ordered to Cherokee Co. for Stegall, & generally for Stegall
1256 The State v Sandin + Stegall Cont'd for service. Capias ordered to Cherokee Co. for Sandin & generally for Stegall
1257 The State v Sandin & Stegall Cont'd for service. Capias ordered to Cherokee Co. for Sandin & generally for Stegall
1258 The State v Sandin & Stegall Cont'd for service. Capias ordered to Cherokee Co. for Sandin & generally for Stegall
1259 The State v Sandin & Stegall Cont'd for service. Capias ordered to Cherokee Co. for Sandin & generally for Stegall
1260 The State v Sandin & Stegall Cont'd for service. Capias ordered to Cherokee Co. for Sandin & generally for Stegall.
1261 The State v. Green Daffield. Continued for service

1277 The State of Texas, Plaintiff, vs John S. Ford, Defendant. And now on this day comes Thomas E. Reed, Esq. Distrct Atty. who represents the State, and also came the deft. by his attys. Messrs Hancock & West, and announced themselves ready for trial. And then came a jury of twelve good and lawful men of Travis County, to wit: Alfred Smith, and eleven others, who were tried, elected, empannelled and sworn according to law. And the jury having heard the defendant's plea of guilty and the charge of the Court, returned the following verdict, to wit: "We the jury, find the defendant guilty, and assess a fine of ten dollars. Alfred Smith, foreman." Whereupon It is ordered, by the Court, that the State of Texas do have and recover of and from the deft. John S. Ford, the sum of Ten dollars, and all cost of this prosecution, and that the clerk issue capias to enforce the collection of the same.

1279 The State v. James Sandin. Cont'd for service, and Capias ord. to Cherokee
1280 The State v. Sandin & Stegall. Capias ord. to Cherokee for Stegall, & generally for Stegall.
1284 The State v. Kate Howard. Capias ordered, returnable forthwith.
1285 The State v. Sarah Williams. Dismissed, on suggestion of death of defendant.
1287 The State v. W. D. Scott. Capias ordered, returnable forthwith
1289 The State of Texas v. Thos. M. Evans. Continued for service.
1290 The State v. Green Daffield. Capias ordered to Harris county
1291 The State v. Green Daffield. Capias ordered to Harris county.
1309 The State v. M. S. Davis. Dismissed on motion of the District atty
1310 The State v. M. S. Davis. Dismissed on motion of the Dist. atty.
1319 The State v. P. H. Eyrand. Cont'd for service, and alias capias awarded.
1318 The State v. M. S. Davis. Dismissed on motion of District Attorney.
1320 The State v. Philip Golden. Cont'd as on showing of Dist. Attorney

1326 The State of Texas, Plff, vs Isaac Nowell, et al, Defts. And now at this day comes Thomas E. Reed, Esq. Dist. Atty. who represents the State, and the defendant Nowell appeared by his atty. N. G. Shelley, Esq. and said parties announced themselves ready for trial. And then came a jury of 12 good

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and lawful men of Travis county, to wit: Geo. W. Sampson and eleven others, who were tried elected empannelled and sworn according to law. And the jury having heard the plea of guilty and the Charge of the Court, returned the following verdict, to wit: "We, the jury, find the defendant, Jam. Nowell, guilty, and assess the fine at ten dollars. $10.00 Geo. W. Sampson, foreman." Whereupon, It is ordered by the Court, that the State of Texas do have and recover of and from the defendant, Jam. Nowell, the sum of Ten dollars and all cost of this prosecution, and that the clerk issue a capias to enforce the collection of the same

1326 The State of Texas vs. The Andersons, et al — Pltff vs. Defts — And now comes R. T. Rennicks by specially appointed to represent the State in this case and also comes the deft. in person and announced themselves ready for trial. And then came a jury of 12 good and lawful men of Travis County, to wit: Geo. W. Sampson and eleven others, who being duly tried, elected, empannelled and sworn heard the defts. plea of guilty and the charge of the Court. And said Jury returned the following verdict, to wit: "We, the jury, find the defendant, The Andersons guilty, and assess the fine at ten dollars. Geo. W. Sampson foreman." Whereupon, It is ordered by the Court that the State of Texas do have and recover of and from the deft. The Andersons the sum of Ten dollars and all cost of this prosecution, and that said Andersons remain in the custody of the Pltff. until said fine and cost be paid.

1326 The State of Texas vs. James R. Jackson, et al — Pltff vs. Defts. — And now comes Thomas C. Reed, Esq. Dist. Atty. who represents the State, and also comes the deft. Jackson, by his atty. H. G. Shelley, Esq. and announced themselves ready for trial. And then came a jury of 12 good and lawful men of Travis County to wit: Alfred Smith, and eleven others, who were tried elected, empannelled and sworn as the law prescribes. And the jury having heard the plea of guilty and the charge of the Court, returned the following verdict, to wit: "No. 1326. The State of Texas vs. Jam Nowell James Jackson and The Andersons We, the jury, find the defendant guilty, and assess a fine of ten dollars. A. Smith, foreman." Whereupon, It is ordered by the Court, that the State of Texas do have and

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ecever of and from said deft. James R. Jackson, said sum of ten dollars, and the cost of this prosecution, and that the clerk issue a capias to enforce the collection of the same.

1927 The State of Texas vs. R. T. Bonnigg, et al. } Plaintiff / Defendants } And now comes Thomas E. Sneed, Esq. who represents the State, and the deft. Bonnigg appeared in person, and announced themselves ready for trial. And then came a jury of good and lawful men of Travis County, consisting of Geo. W. Sampson, and eleven others, who were tried, elected, empanelled and sworn as the law prescribes. And the jury having heard the plea of guilty and the Charge of the Court, returned the following verdict to wit: "We, the jury, find the defendant guilty, and assess the fine at ten dollars. Geo. W. Sampson, Foreman. And wherefore, It is ordered by the Court, that the State of Texas do have and recover of and from the deft. R. T. Bonnigg, the said sum of ten dollars and the cost of this prosecution, and that he be committed to the custody of the Sheriff till the same are paid

1928 The State of Texas vs. R. T. Bonnigg, et al. } Plff. / Defts. } And now comes Thos. E. Sneed, Esq., Dist. Atty. who appears for the State, and also comes R. T. Bonnigg, in person, and announces themselves ready for trial. Also, came a jury of twelve good and lawful men of Travis County, consisting of Geo. W. Sampson and eleven others, who were duly tried, elected, empanelled and sworn. And said jury having heard said Bonnigg, plead guilty, and being Charged by the Court, returned the following verdict into Court. "We the jury, find the defendant R. T. Bonnigg, guilty, and affix the fine at ten dollars. Geo. W Sampson, foreman." Whereupon the Court doth decree that the State of Texas do have and recover of and from the deft. R. T. Bonnigg, the sum of ten dollars, affixed by the jury, and all cost of this prosecution; and said defendant is committed, in open Court, to the custody of the Sheriff until the same are paid

1928 The State of Texas vs. A. J. Rainey, et al. } Defts / Plff. } And now comes Thomas E. Sneed, Esq. District Attorney, who prosecutes for the State in this behalf, and also comes A. J. Rainey (Breckinridge Elector) by his attorney, R. T. Bonnigg, Esq. and said

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parties announced themselves ready for trial. And then came a jury of twelve good and lawful men of Travis county, consisting of Geo. W. Sampson, and eleven others, whose names, elected, empannelled and sworn according to law. And the jury having heard the plea of guilty by said Rainey, and being charged by the Court, returned the following verdict, to wit: "We, the jury, find the defendant A. T. Rainey, guilty, and assess the fine at ten dollars. Geo. W. Sampson, foreman." Therefore, the Court doth order and adjudge that the State of Texas do have and recover of and from the said A. T. Rainey the sum of Ten dollars, aforesaid and the cost of this prosecution, and that the clerk issue a capias to enforce the collection of the same.

1329. The State of Texas } Plaintiff
v.
R. T. Rennigg, et al. } Defendant

Be it remembered on this day comes Thomas C. Reed Esq. District Attorney, who appears for the State, and also comes the deft. R. T. Rennigg, in person and announced themselves ready for trial. And thereupon came a jury of twelve good and lawful men of Travis county, consisting of Geo. W. Sampson, and eleven others, who were elected by the parties, and empannelled and sworn. And the deft. Rennigg entered the plea of guilty, and the jury being Charged by the Court, returned the following verdict, to wit: "We, the jury, find the defendant Rennigg guilty, and assess the fine at ten dollars. 10.00 Geo. W. Sampson, foreman." Thereupon the Court doth order and adjudge that the State of Texas have and recover of and from said R. T. Rennigg said sum of ten dollars and all cost of this prosecution, and he is committed, in open Court, to the custody of the Sheriff, until the same are paid.

1330 The State of Texas } Deft.
v.
R. T. Rennigg, et al. } Defts

Be it remembered comes Thomas C. Reed, Esq. District Atty. on behalf of the State, and also comes the deft. Rennigg, in person, and said parties announced themselves ready for trial. And there came a jury of 12 good and lawful men of Travis county consisting of Geo. W. Sampson and eleven others, who were elected, tried, empannelled and sworn as the law prescribes. And the jury hearing the plea of guilty and being charged by the Court, rendered the following verdict: "We, the jury,

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find the defendant R. T. Bonnigg, guilty, and assess the fine at ten dollars. 10.00 Geo. W. Sampson, Foreman." Whereupon, It is ordered by the Court, that the State of Texas do have and recover of and from said defts. R. T. Bonnigg, the sum of ten dollars, and all cost of this prosecution, and that he be committed to the custody of the Sheff. until the same are paid.

1331 The State v. R. T. Bonnigg, et.al. Dismissed as to Deft. Bonnigg.
1332 The State v. R. T. Bonnigg, et.al. Dismissed as to deft. Bonnigg.

1374 The State of Texas vs A. T. Rainey } Deft } Plaintiff } Defendant } This day now comes Thomas E. Bond Esq. District Atty, and also comes the deft. by his atty R. T. Bonnigg, Esq, & announced themselves ready for trial. And then came a jury of twelve good and lawful men of Travis county, consisting of Alfred Smith and eleven others, who were duly elected, tried, empannelled and sworn. And the jury having heard the plea of not guilty, the evidence and the charge of the Court returned the following verdict, to wit: "We the jury, find the defendant not guilty. Alfred Smith, Foreman." Wherefore, It is ordered by the Court that the said A. T. Rainey go hence without day, fully acquitted and discharged

1244 The State of Texas vs Bud Cotton } Plaintiff } Defendant } This cause being called for trial, the defendant, Bud Cotton, failing to appear and answer to the indictment in this case, he and his securities, W. A. Branch and D. H. Bartee, being distinctly called at the door of the Courthouse of Travis county, and the defendant, after a reasonable length of time, still failed to appear. And it appearing to the Court, that the defendant, Bud Cotton, by the name of J. W. Cotton, with the said W. A. Branch and D. H. Bartee, as his securities, did execute the bail bond on file in this case, substantially as follows: Dated 10th day of October, 1860, payable unto The State of Texas in the sum of One Hundred dollars, conditioned that the said defendant, Bud Cotton, by the name of J. W. Cotton, make his personal appearance at the District Court of said County of Travis, on the ninth Monday after the first Monday in October, 1860, to answer the indictment preferred against the said defendant Bud Cotton, by the Grand Jurors of Travis county, at the Fall Term, A. D. 1859, for Exhibiting a gaming bank called Monte, for the purpose of gaming, and then remain from day to day, and from term to term of said Court, and that he do not depart thence without leave of said Court, which said bond is forfeited. And it is considered by the Court, that the State of Texas do have and recover of the said Bud Cotton, alias J. W. Cotton, the said sum of One Hundred Dollars,

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and of his said securities the sum of One hundred dollars, and that this judgment will be made final unless good cause be shown at the next term of this Court, why the said defendant Bud Cotton did not appear: and further ordered that citations do issue to the said securities.

1245

The State of Texas vs Bud Cotton — Plaintiff vs Defendant

This cause being called for trial, the defendant, Bud Cotton, failing to appear, and answer to the indictment in this case, he and his securities, W. A. Branch and D. H. Bartee, being distinctly called at the door of the Courthouse of Travis county, and the defendant, after a reasonable length of time, still failed to appear. And it appearing to the Court that the defendant, Bud Cotton, by the name of J. W. Cotton, with the said W. A. Branch and D. H. Bartee, as his securities, did execute the Bail Bond on file in this case, substantially as follows: Dated 18th day of October, 1860, payable unto the State of Texas in the sum of one hundred dollars, conditioned that the said defendant, Bud Cotton, alias J. W. Cotton, make his personal appearance at the District Court of said County of Travis, on the ninth Monday after the first Monday in October, 1860, to answer the indictment preferred against the said defendant, Bud Cotton, alias J. W. Cotton by the grand jurors of Travis County, at the Fall Term, A. D. 1839, for Exhibiting a gaming bank called Monte, for the purpose of gaming, and there remain from day to day, and from term to term of said Court, and that he do not depart thence without leave of said Court, which said bond is forfeited. And it is considered by the Court, that the State of Texas do have and recover of the said Bud Cotton, alias J. W. Cotton, the said sum of one hundred dollars, and of his said securities the sum of one hundred dollars, and that this judgment will be made final unless good cause be shown at the next term of this Court, why the said defendant, Bud Cotton, did not appear; and further ordered, that citations do issue to the said securities.

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

Tuesday, 18th December, 1860

Court convened at 9 o'clock, A. M. pursuant to adjournment. A. W. Terrell, 2d District Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

1330

The State of Texas vs A. P. Rainey, et al. — Plff. vs Defts.

Came now Thomas E. Ewell, Esq. District Atty. on behalf of the State, and also comes

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the deft. A. T. Rainey, by his attorney, R. T. Bonnings, Esq. and announced themselves ready for trial. And thereupon came a jury of twelve good and lawful men of Travis county, consisting of Geo. W. Dampsm, Foreman, and eleven others, who were tried, elected, empannelled and sworn according to law. And the jury having heard the plea of guilty by said Rainey, and being charged by the Court returned the following verdict, to wit: "We, the Jury, find the defendant A. T. Rainey, guilty, and assess the fine at "Twelve 50/100 Dollars. Geo. W. Dampsm, Foreman." And thereupon, It is ordered by the Court that the State of Texas do have and recover of and from the deft. A. T. Rainey said sum of twelve dollars and fifty cents, and all cost of this prosecution, and that a Capias issue to enforce the Collection of the same.

955 — The State of Texas vs D. C. Heffington — Plaintiff / Defendant — This cause dismissed on motion of the District Attorney.

1038 — The State of Texas vs D. C. Heffington — Plaintiff / Defendant — And now at this day comes Thomas C. Duval, Esq., District Attorney, who prosecutes for the State in this behalf and also comes D. C. Heffington, in person and also by attorney, and announced themselves ready for trial. And thereupon came a jury of twelve good and lawful men of Travis county, to wit: Geo. W. Dampsm, and eleven others, who were tried, elected empannelled and sworn according to law. And the jury having heard the plea of guilty and the charge of the Court, returned the following verdict, to wit: "We, the Jury, find the defendant guilty, and assess the fine at ten dollars. Geo. W. Dampsm, Foreman." Whereupon, It is ordered by the Court that the State of Texas do have and recover of and from the said D. C. Heffington the sum of ten dollars, and all cost of this prosecution, and said deft. is committed, in open Court, to the custody of the Sheriff, until said fine and cost are paid.

1040 — The State of Texas vs D. C. Heffington — Plaintiff / Defendant — And now at this day comes Thomas C. Duval, Esq., District Atty, on behalf of the State, and also comes said deft. Heffington, in person and also by atty. and announced themselves ready for trial. Whereupon came a jury of twelve good and lawful men of Travis county, consisting of Geo. W. Dampsm, Foreman, and eleven others, who were duly elected, tried, empannelled and sworn. And the jury having heard the defendant plead guilty and being charged by the Court, returned the following verdict, to wit: "We, the

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Jury find the defd. guilty, and assess the fine at ten dollars. Geo. W. Sampson, Foreman." Whereupon, It is ordered by the Court, that the State of Texas do have and recover of and from said D.C. Heffington said sum of ten dollars and all cost of this prosecution, and that the Sheriff of Travis county hold him in custody until the same are paid.

1042 — The State of Texas vs. D.C. Heffington. Plaintiff, Defendant. Thereupon on this day comes Thomas E. Breed, Esq. District Attorney, who prosecutes for the State, in this behalf; and also appeared the defendant D.C. Heffington, in person, and also by attorney and said parties announced themselves ready for trial. And thereupon came a jury of twelve good and lawful men of Travis County, consisting of Geo. W. Sampson, and eleven others, who were tried, elected, empannelled and sworn according to law. And the jury having heard the said defendants plea of guilty and being charged by the Court, returned the following verdict, to wit: "We, the jury, find the defendant guilty, and assess the fine at ten dollars Geo. W. Sampson, Foreman." Whereupon, It is ordered by the Court, that the State of Texas do have and recover of and from the defendant D.C. Heffington, said sum of ten dollars, and all cost of this prosecution, and that the Sheriff hold him in custody until the same are paid.

1043 — The State of Texas vs. D.C. Heffington. Plaintiff, Defendant. This cause dismissed, on motion of the District Attorney and defendant discharged.

1166 — The State of Texas vs. D.C. Heffington. Plaintiff, Defendant. Thereupon on this day comes Thomas E. Breed, Esq. District Attorney, on behalf of the State and also comes D.C. Heffington, in person, and also by attorney, and announced themselves ready for trial. And thereupon came a Jury of twelve good and lawful men of Travis county, consisting of Geo. W. Sampson, and eleven others, who were tried, elected, empannelled and sworn according to law. And the jury having heard the defts. plea of guilty, and being charged by the Court, returned the following verdict, to wit: "We, the jury, find the defendant guilty and assess the fine at ten dollars. Geo. W. Sampson, Foreman." Whereupon, It is ordered by the Court, that the State of Texas do have and recover of and from said defendant, D.C. Heffington, said sum of Ten dollars and all cost of this prosecution, and that the Sheriff retain him in his custody until the same are paid.

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1218 — The State of Texas vs I. C. A. M. Clair — Plaintiff / Defendant

And now on this day comes Thomas C. Reed, Esq., District Attorney, who represents the State. And it appearing to the Court, that Robert Thompson, as principal, and Robert J. Compender, as security, on the 6th day of December, 1859, executed an appearance bond, as a writup payable jointly the State of Texas in the penal sum of Five Hundred Dollars conditioned that whereas, in the above entitled and numbered cause, on the 16th day of August, 1859, an attachment was issued, by order of Court, commanding the Sheriff of Guadalupe county, to take the body of the said Robert Thompson, and have the same before the then ensuing term of the District Court of Travis county, now, therefore, if the said Robert Thompson shall personally appear before the Honorable District Court of Travis county, to be held at the City of Austin, on the ninth Monday after the first Monday in October, 1859, then and there to give evidence, in said cause, and that he, said Thompson, will not depart the said Court without leave, then said obligation to be null and void, otherwise to remain in full force and virtue. And it appearing to the Court that the said Robert Thompson hath failed to appear, as a witness in this case, after being called at the Courthouse door, It is therefore considered by the Court, that the said bond is forfeited; and that the State of Texas do have and recover of and from the said Robert Thompson, as principal, and of the said R. J. Compender, as security, the said sum of five hundred dollars, and that this Judgment will be made final, at the next term of this Court, unless good cause be shown why the said Thompson did not appear. And it is ordered that citation issue to the said parties, and that alias attachment issue to Guadalupe County for the said witness - and that the case be continued, on application of the State.

1167 — The State of Texas vs D. C. Heffington — Plaintiff / Defendant

It is ordered, on motion of the District Attorney, that this cause be dismissed.

1246 — The State of Texas vs Bud. Cotton — Plaintiff / Defendant

This cause being called for trial the defendant Bud. Cotton, failing to appear and answer to the indictment in this Case, he and his securities, W. A. Branch and D. H. Bartee being distinctly called at the door of the Courthouse of Travis County, and the defendant, after a reasonable length of time, still failed to appear. And it appearing to the Court that the defendant, Bud Cotton, by the name of J. W. Cotton, with the said W. A. Branch and D. H. Bartee, as his securities, did execute the bail bond on file in this case, substantially as follows: dated 10th day of October, 1860, payable

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unto The State of Texas in the sum of one hundred Dollars, conditioned that the said defendant, Bird. Cotton, alias J. W. Cotton, make his personal appearance at the District Court of said County of Travis, on the ninth Monday after the first Monday in October, 1860, to answer the indictment preferred against the said defendant Bird Cotton, by the Grand Jurors of Travis county, at the Fall Term, A. D. 1859, for Exhibiting a gaming bank called Monte, for the purpose of gaming, and there remain from day to day, and from term to term of said Court, and that he do not depart thence without leave of said Court - which said Bond is forfeited, - And it is considered by the Court, that the State of Texas do have and recover of the said Bird Cotton, alias J. W. Cotton, the said sum of One Hundred Dollars, and of his said securities the sum of one hundred dollars, and that this judgment will be made final unless good cause be shown at the next term of this Court why the said defendant, Bird Cotton, alias J. W. Cotton, did not appear. And further ordered, that citations do issue to the said securities.

1247

The State of Texas } Plaintiff } This cause being called for trial, the
v. } defendant Bird Cotton failing to
Bird. Cotton } Defendant } appear and answer to the indictment in this case, he and his securities, W. A. Branch and D. H. Barlee being distinctly called at the door of the Courthouse of Travis County, and the defendant, after a reasonable length of time, still failed to appear. And it appearing to the Court that the defendant Bird Cotton, by the name of J. W. Cotton, with the said W. A. Branch and D. H. Barlee, as his said securities, did execute the Bail Bond on file in this case, substantially as follows: Dated 15th day of October, 1860, payable unto The State of Texas in the sum of One Hundred Dollars, conditioned that the said defendant Bird Cotton, alias J. W. Cotton, make his personal appearance at the District Court of said County of Travis, on the ninth Monday after the first Monday in October, 1860, to answer the indictment preferred against the said defendant Bird Cotton, alias J. W. Cotton, by the Grand Jurors of Travis county, at the Fall Term, A. D. 1859, for Exhibiting a gaming bank called Monte for the purpose of gaming, and there remain from day to day and from term to term of said Court, and that he do not depart thence without leave of said Court - which said Bond is forfeited - and it is considered by the Court that the State of Texas do have and recover of the said Bird Cotton, alias J. W. Cotton, the said sum of One hundred dollars, and of his said securities the sum of one hundred dollars, and that this judgment will be made final unless good

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cause be shown at the next term of this Court, why the said defendant Rnd Cotton, alias J. W. Cotton, did not appear; and further ordered, that citations do issue to the said securities.

1248

The State of Texas vs. Rnd Cotton — Plaintiff / Defendant

This cause being called for trial, the defendant Rnd. Cotton, failing to appear, and answer to the indictment in this case, he and his securities, W. A. Ranch and D. H. Bartee, being distinctly called at the door of the Courthouse of Travis county, and the defendant, after a reasonable length of time, still failed to appear. And it appearing to the Court that the defendant Rnd. Cotton, by the name of J. W. Cotton, with the said W. A. Ranch and D. H. Bartee as his securities, did execute the bail bond on file in this case, substantially as follows: Dated 10th day of October, 1860 payable unto the State of Texas in the sum of One hundred dollars, conditioned that the said defendant, Rnd. Cotton, alias J. W. Cotton, make his personal appearance at the District Court of said County of Travis, on the 4th Monday after the first Monday in October, 1860, to answer the indictment preferred against the said defendant Rnd Cotton, by the grand jurors of Travis county, at the Fall Term A. D. 1859, for Exhibiting a gaming bank called Monte, for the purpose of gaming, and there remain from day to day, and from term to term of said Court, and that he do not depart thence without leave of said Court - which said bond is forfeited. And it is considered by the Court that the State of Texas do have and recover of the said Rnd. Cotton, alias J. W. Cotton, the said sum of One hundred dollars, and of his said securities the sum of One hundred dollars, and that this Judgment will be made final unless good cause be shown at the next term of this Court, why the said defendant, Rnd. Cotton, alias J. W. Cotton, did not appear. And further ordered, that citations do issue to the said securities

1249

The State of Texas vs. Rnd. Cotton — Plaintiff / Defendant

This cause being called for trial, the defendant Rnd. Cotton failing to appear and answer to the indictment in this case, he and his securities, W. A. Ranch and D. H. Bartee, being distinctly called at the door of the Courthouse of Travis County, and the defendant, after a reasonable length of time still failed to appear. And it appearing to the Court that the defendant, Rnd Cotton, by the name of J. W. Cotton, with the said W. A. Ranch and D. H. Bartee, as his said securities, did execute the Bail Bond on file in this case, substantially as follows: Dated 10th day of October, 1860, payable unto the State of Texas in the sum of One Hundred dollars, conditioned that the said defendant

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Rhd Cotton, alias J. W. Cotton, make his pusmal appearance at the District Court of said County of Travis, on the ninth Monday after the first Monday in October, 1860, to answer the indictment preferred against the said defendant, Rhd Cotton, alias J. W. Cotton, by the grand jurors of Travis county, at the Fall Term, A.D. 1859, for exhibiting a gaming bank called Monte, for the purpose of gaming, and there remain from day to day and from term to term of said Court, and that he do not depart thence without leave of said Court - which said bond is forfeited - And it is considered by the Court, that the State of Texas do have and recover of the said Rhd Cotton, alias J. W. Cotton the said sum of One hundred dollars, and of his said securities the sum of One hundred dollars and that this judgment will be made final unless good cause be shown at the next term of this Court, why the said defendant Rhd Cotton, alias J. W. Cotton, did not appear. And further ordered that citations do issue to the said securities.

1264

The State of Texas & W. B. Covington — Plaintiff & Defendant

This cause being called for trial the defendant W. B. Covington failing to appear and answer to the indictment in this case, he and his securities J. Z. Bean and J. C. Haralson, being distinctly called at the door of the Court House of Travis county, and the defendant, after a reasonable length of time, still failed to appear. And it appearing to the Court that the defendant W. B. Covington, with the said J. Z. Bean and J. C. Haralson, as his securities, did execute the Bail Bond on file in this case, substantially as follows: Dated 5th day of March, 1860, payable unto The State of Texas in the sum of One Hundred Dollars, conditioned that the said defendant W. B. Covington make his pusmal appearance at the District Court of said County of Travis, on the ninth Monday after the first Monday in April, 1860, to answer the indictment preferred against the said defendant W. B. Covington, by the grand jurors of Travis county, at the Fall Term, A.D. 1859, for playing at a game with cards in a room attached to a grocery, and there remain from day to day, and from term to term of said Court, and that he do not depart thence without leave of said Court - which said bond is forfeited - And it is considered by the Court that the State of Texas do have and recover of the said W. B. Covington the said sum of One Hundred Dollars, and of his said securities the sum of one hundred dollars, and that this judgment will be made final unless good cause be shown at the next term of this Court why the said defendant, W. B. Covington, did not appear. And further ordered that citations do issue to the said securities

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1316

The State of Texas / Plaintiff
vs
James Hickey / Defendant

And now on this day comes R. T. Brunnigg, Esq. who is specially appointed ~~by the Court~~ to represent the State in this case, because of the disqualification of Mr. Reed, the District Attorney, and also came the deft. Hickey, in person, and also by his Attorneys, Messrs. Hancock and Reed, Sr. and the parties announced themselves ready for trial. And then came a Jury of twelve good and lawful men, of Travis county, ~~consisting~~ of Alfred Smith and eleven others, who were chosen by the parties, and were tried, empannelled and sworn as the law prescribes. And the defendant pleads not guilty. And the Jury having heard the evidence introduced by the parties, the argument of the counsel and the charge of the Court, retired for deliberation, and returned into Court the following verdict, to wit: "We, the Jury, find the defendant not guilty. A. Smith, Foreman." Whereupon, It is ordered and adjudged by the Court, that the said Indictment be dismissed; & that the said James Hickey go hence without day, fully acquitted and discharged.

1268

The State of Texas / Plaintiff
vs
R. H. Cumby / Defendant

This cause being called for trial, the defendant R. H. Cumby, failing to appear and answer to the indictment in this case, he and his security, J. H. Nelms, being distinctly called at the door of the Courthouse of Travis county, and the defendant, after a reasonable length of time, still failed to appear. And it appearing to the Court that the defendant, ~~R. H. Cumby~~, with the said J. H. Nelms, as his security, did execute the Bail Bond on file in this case, substantially as follows: Dated 15th day of May, 1860, payable unto The State of Texas in the sum of two hundred dollars, conditioned that the said defendant, R. H. Cumby, make his personal appearance at the District Court of said county of Travis, on the ninth Monday after the first Monday in April, 1860, to answer the indictment preferred against the said defendant, R. H. Cumby, by the grand jurors of Travis County, at the fall term, A. D. 1859, for Betting at Faro, and there remain from day to day, and from term to term of said Court, and that he do not depart thence without leave of said Court, - which said Bond is forfeited. And it is considered by the Court, that the State of Texas do have and recover of the said R. H. Cumby the said sum of two hundred dollars, and of his said security the sum of two hundred dollars, and that this Judgment will be made final unless good cause be shown at the next term of this Court why the said defendant, R. H. Cumby, did not appear. And further ordered, that citations do issue to the said security.

1269

The State of Texas / Plaintiff
vs
R. H. Cumby / Defendant

This cause being called for trial, the defendant, R. H. Cumby, failing to appear and answer to the indictment

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in this case, he and his security, J. H. Nelms, being distinctly called at the door of the Court House of Travis County, and the defendant, after a reasonable length of time, still failed to appear. And it appearing to the Court that the defendant, R. H. Cumby, with the said J. H. Nelms, as his security, did execute the Bail Bond in file in this case, substantially as follows: Dated 15th day of May, 1860. Payable to The State of Texas in the sum of Two Hundred Dollars, conditioned that the said defendant, R. H. Cumby, make his personal appearance at the District Court of said County of Travis, on the ninth Monday after the first Monday in April, 1860, to answer the indictment preferred against the said defendant, R. H. Cumby, by the Grand Jurors of Travis County, at the Fall Term, A. D. 1859, for Betting at Faro, and there remain from day to day, and from term to term of said Court, and that he do not depart thence without leave of said Court - which said bond is forfeited - And it is considered by the Court, that the State of Texas do have and recover of the said R. H. Cumby the said sum of Two Hundred Dollars, and of his said security the sum of two hundred dollars, and that this judgment will be made final unless good cause be shown at the next term of this Court, why the said defendant did not appear; and further ordered, that citations do issue to the said securities.

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

Wednesday, 19th December, 1860.

Court convened at 9 o'clock, A. M. pursuant to adjournment. A. W. Terrell, Judge 2d Judicial District presiding. Whereupon, the following proceedings were had by said Court, as follows, to wit:

1281

The State of Texas } Plaintiff
vs. } This cause being called for
W. R. Henry, et al. } Defendants } trial, the defendant W. R. Henry, failing to appear and answer to the indictment in this case, he and his securities, Sam Jordan and Sam McCulloch, being distinctly called at the door of the Courthouse of Travis County, and the defendant, after a reasonable length of time, still failed to appear. And it appearing to the Court that the defendant, W. R. Henry, with the said Sam Jordan and Sam McCulloch, as his securities, did execute the Bail Bond on file in this case, substantially as follows: Dated 16th day of January A. D. 1860, payable unto The State of Texas in the sum of One Hundred dollars, conditioned that the said defendant, W. R. Henry, make his personal appearance at the District Court of

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said County of Travis, on the ninth Monday after the first Monday in April, 1860, to answer the indictment preferred against the said defendant, W. R. Henry, by the Grand Jurors of Travis County, at the Fall term, A. D. 1859, for exhibiting for the purpose of gaming, a certain gaming bank called Monte, and then remain from day to day, and from term to term of said Court, and that he do not depart thence without leave of said Court - which said Bond is forfeited - And it is considered by the Court, that the State of Texas do have and recover of the said W. R. Henry, the said sum of one hundred dollars, and of his said securities the sum of One hundred dollars, and that this judgment will be made final unless good cause be shown at the next term of this Court, why the said defendant W. R. Henry did not appear. And further ordered that citations do issue to the said securities.

1282 V

The State of Texas vs. W. R. Henry — Plaintiff, Defendant

This cause being called for trial, the defendant, W. R. Henry, failing to appear and answer to the indictment in this case, he and his securities, Sam Jordan and Sam McCulloch, being distinctly called at the door of the Court House of Travis county, and the defendant, after a reasonable length of time, still failed to appear. And it appearing to the Court that the defendant W. R. Henry, with the said Sam Jordan and Sam McCulloch, as his securities, did execute the Bail Bond on file in this case, substantially as follows: Dated 16th day of January, 1860, payable unto The State of Texas, in the sum of One hundred dollars. Conditioned that the said defendant, W. R. Henry, make his personal appearance at the District Court of said County of Travis, on the ninth Monday after the first Monday in April, 1860, to answer the indictment preferred against the said defendant, W. R. Henry, by the grand jurors of Travis county, at the Fall Term, A. D. 1859, for Exhibiting, for the purpose of gaming, a certain gaming bank called Monte, and then remain, from day to day, and from term to term of said Court, and that he do not depart thence without leave of said Court, which said bond is forfeited. And it is considered by the Court that the State of Texas do have and recover of the said W. R. Henry, the said sum of one hundred dollars, and of his said securities the sum of one hundred dollars, and that this Judgment will be made final unless good cause be shown at the next term of this Court why the said defendant, W. R. Henry, did not appear. And further ordered that citations do issue to the said securities.

V

1283

The State of Texas vs. W. R. Henry — Plaintiff, Defendant

This cause being called for trial, the defendant, W. R. Henry, failing to appear and answer to the indictment

Fall Term, Wednesday, 19th Dec. 1860.

in this case, he and his securities, Sam Jordan and Sam McCulloch being distinctly called at the door of the Courthouse of Ennis county, and the defendant, after a reasonable length of time, still failed to appear. And it appearing to the Court that the defendant, W. R. Henry, with the said Sam Jordan and Sam McCulloch, as his securities, did execute the bail bond on file in this case, substantially as follows: Dated 16th day of January, 1860, payable unto The State of Texas in the sum of One hundred dollars, conditioned that the said defendant, W. R. Henry, make his personal appearance at the District Court of said County of Ennis, on the ninth Monday after the first Monday in April, 1860, to answer the indictment preferred against the said defendant, W. R. Henry, by the grand jurors of Ennis county, at the Fall Term, A.D. 1859, for Exhibiting for the purpose of gaming, a certain gaming bank called Monte, and there remain from day to day and from term to term of said Court, and that he do not depart thence without leave of said Court, which said Bond is forfeited. And it is considered by the Court, that the State of Texas do have and recover of the said W. R. Henry the said sum of one hundred dollars, and of his said securities the sum of one hundred dollars, and that this Judgment will be made final unless good cause be shown at the next term of this Court why the said defendant, W. R. Henry, did not appear. And further ordered, that citations do issue to the said securities.

1284 The State of Texas v. Kate Howard. Continued generally.

1292 The State of Texas vs. Jack Robertson. Plaintiff / Defendant. This cause being called for trial, the defendant Jack Robertson, failing to appear and answer to the indictment in this case, he and his securities, J. W. Robertson and C. A. Hopkins, being distinctly called at the door of the Courthouse of Ennis County, and the defendant, after a reasonable length of time, still failed to appear. And it appearing to the Court that the defendant Jack Robertson, with the said J. W. Robertson and C. A. Hopkins as his securities, did execute the bail bond on file in this case, substantially as follows: Dated 30th day of May, 1860, payable unto The State of Texas, in the sum of Five Hundred dollars, conditioned that the said defendant, Jack Robertson, make his personal appearance at the District Court of said County of Ennis, on the ninth Monday after the first Monday in April, 1860, to answer the indictment preferred against the said defendant, Jack Robertson by the grand jurors of Ennis County, at the Fall Term, A.D. 1859, for making an affray with intent to kill and murder one John Z. Bean

Fall Term, Wednesday, 19th December, 1860.

and there remain, from day to day, and from term to term of said Court, and that he do not depart thence without leave of said Court - which said bond is forfeited - And it is considered by the Court that the State of Texas do have and recover of the said Jack Roberson, the said sum of Five Hundred Dollars, and of his said securities the sum of five hundred dollars, and that this judgment will be made final unless good cause be shown at the next term of this Court why the said defendant, Jack Roberson, did not appear: and further ordered, that citations do issue to the said securities.

1334 The State v. R. O. Woodfork. Continued, and capias ordered to Travis county.
1335 The State v. Neil & Milligan Continued and capias ordered to Bexar for O'Neil.
✓ 1345 The State v. James Armstrong, et als. This Indictment dismissed, on motion of dist. atty.

1348. The State of Texas vs. Thad. Beck — Deft. — Deft. — And now comes Thos. E. Sneed, Esq. District atty. on behalf of the State, and also comes Thad Beck by his atty. C. L. West, Esq. and said parties announced themselves ready for trial. Then came a jury of twelve good and lawful men of Travis County, to wit: A. Smith and eleven others, who were tried, elected, empannelled and sworn according to law. And the jury having plead not guilty, and hearing the evidence and the charge of the Court, retired for deliberation, and returned into Court the following verdict, to wit: "We, the jury, find the deft. Beck guilty & assess the fine at fifteen dollars. A. Smith, Foreman." Whereupon, It is ordered by the Court that the State of Texas do have and recover of and from the said defendant, Thad Beck, said sum of fifteen dollars, and all cost of this prosecution, and that thereof fine & capias to enforce the collection of the same.

1348 The State of Texas vs. Robert Lambert — Deft. — Deft. — And now comes Thomas E. Sneed, Esq. on behalf of the State, and also comes the deft. Robert Lambert, by attorney, and announced themselves ready for trial. And then came a jury of twelve good and lawful men of Travis county, consisting of A. Smith and eleven others, who were tried, elected, empannelled and sworn according to law. And the Jury heard the defts. plea of not guilty, and having heard the evidence and the charge of the Court, returned the following verdict, to wit: "We, the Jury, find the deft. Lambert not guilty. A. Smith, Foreman." Whereupon, It is ordered by the Court that the said Robert Lambert go hence without day, fully acquitted and discharged.

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1348

The State of Texas } Plff.
vs.
Irving Root } Deft.

This cause being called for trial, the defendant, Irving Root, failing to appear and answer the indictment in this case, he and his securities, B. Dillingham and James R. Pace, being distinctly called at the door of the Courthouse of Travis County, and the defendant, after a reasonable length of time still failed to appear And it appearing to the Court that the defendant Irving Root, with the said B. Dillingham and James R. Pace, as his securities, did execute the Bail Bond on file in this case, substantially as follows: Dated 8th day of June, A.D. 1860, payable unto The State of Texas in the sum of One hundred dollars, conditioned that the said defendant Irving Root make his personal appearance at the District Court of said County of Travis, at the Courthouse thereof in Austin, to answer the indictment preferred against the said defendant Irving Root, by the grand jurors of Travis county, at the Spring term, A.D. 1860, for Betting at a certain gaming bank called faro, and there remain from day to day, and from term to term of said Court, and that he do not depart thence without leave of said Court - which said bond is forfeited. And it is considered by the Court that the State of Texas do have and recover of the said Irving Root the said sum of One hundred dollars, and of his said securities the sum of One hundred dollars, and that this judgment will be made final unless good cause be shown at the next term of this Court why the said defendant Irving Root, did not appear. And further ordered, that citations do issue to the said securities.

1370

The State of Texas } Deft.
vs.
Morris } Deft.

And now comes Thomas C. Sneed, Esq. on behalf of the State and also comes the deft. in person, and also by atty, and announced themselves ready for trial. And then came a jury of twelve good and lawful men of Travis county, consisting of Geo. W. Sampson, and eleven others, who were tried, elected, empannelled and sworn according to law. And the jury having heard the deft's. plea of guilty and the charge of the Court, returned the following verdict, to wit: "We, the jury, find the defendant guilty, and assess the fine at twenty dollars. Geo. W. Sampson, foreman." Whereupon, It is ordered by the Court that the State of Texas do have and recover of and from the said Morris said sum of twenty dollars and all cost of this prosecution, and that he be committed to the custody of the Deft. until the same be paid.

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1855.

W. A. Van Alstyne } Plaintiff
v. }
John M. Thomas and }
Jacqueline M. Thomas } Defendants

In this case appeared the parties plaintiff and defendants, and announced themselves ready for trial. And, on motion, the said plaintiff is allowed to amend. And thereupon came a jury of twelve good and lawful men of Travis County, to wit: Alfred Smith and eleven others, who being duly elected, tried, empannelled and sworn, after hearing the evidence introduced by the plaintiff and defendants, retired to consider of their verdict, and returned into Court the following verdict, to wit: "We, the jury, find for plaintiff, and we answer "yes" to each of the special issues. Alfred Smith, foreman." It is, therefore, ordered, adjudged and decreed by the Court, that the defendant, Jacqueline M. Thomas, be, and she is hereby divested of all right, title, interest and claim in and to the negro boy Tobe, a slave conveyed by the defendant, John M. Thomas, to the plaintiff, William A. Van Alstyne, on the 16th day of February, 1856. And the title is, by virtue of this decree, fully vested in the plaintiff, William A. Van Alstyne. It is further ordered, adjudged and decreed, by the Court, that the defendant, John M. Thomas, be, and he is hereby divested of his interest in and to Lot No. (35) Thirty-five, in Division E, in the City of Austin, in the County of Travis, to the extent of eleven hundred dollars, interest thereon, for and in the place of the value of the negro boy Tobe, hereinbefore described, as paid by the defendant, John M. Thomas, as a part of the purchase money for said lot and improvements, with the knowledge and consent of Lucy D. Thomas, the mother of the defendant, Jacqueline M. Thomas, she, the said Lucy D. Thomas, at that time, having disclaimed any title to said Negro at the time of said sale. And the title to Eleven hundred dollars interest in the said Lot No. (35) in Division E, in the City of Austin, is hereby vested in the defendant, Jacqueline M. Thomas, in the place of the said negro boy Tobe sold by the defendant John M. Thomas, in part payment of the purchase money for said lot No. (35) It is further ordered, adjudged and decreed by the Court, that the plaintiff, William A. Van Alstyne, do have and recover of and from the defendant, John M. Thomas, all the costs of this suit, including a fee of fifty dollars, to be taxed in the bill of cost, for compensation to C. L. West, for representing the interests of the defendant Jacqueline, in the capacity of guardian ad litem for said minor, for all which execution may issue.

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1374

The State of Texas — Plaintiff
v.
Alden Thark — Defendant

And now on this day comes Thos. C. Reed, Esq. District Attorney, on behalf of the State, and also comes the defendant, in person, and also by Attorney, and announced themselves ready for trial. And thereupon came a jury of twelve good and lawful men of Travis county, consisting of A. Smith and eleven others, who being duly tried, elected, empannelled and sworn, heard the plea of not guilty and the charge of the Court, and returned the following verdict, to wit "We the Jury, find the defendant not guilty. A. Smith, Foreman." Whereupon, It is ordered by the Court that the said cause be disinissed, and that the defendant, Alden Thark, go hence without day, fully acquitted and discharged.

1323

The State of Texas — Plaintiff
v.
J. O. Dilingworth, et al — Defendant

This cause being called for trial the defendant J. O. Dilingworth, failing to appear and answer to the indictment in this case, he and his securities Geo. G. Simcox and M. L. McMillion, being distinctly called at the door of the Courthouse of Travis county - and the defendant, after a reasonable length of time, still failed to appear. And it appearing to the Court that the defendant J. O. Dilingworth, with the said Geo. G. Simcox and M. L. McMillion as his securities, did execute the bail bond on file in this case, substantially as follows: Dated 28th day of November, 1860, payable unto The State of Texas in the sum of One Hundred Dollars conditioned that the said defendant, J. O. Dilingworth, make his personal appearance at the District Court of said County of Travis, on the ninth Monday after the first Monday in October, 1860, to answer the indictment preferred against the said defendant J. O. Dilingworth by the Grand Jurors of Travis county, at the Spring Term, A.D. 1860, for Betting at a gaming bank called faro, and there remain from day to day, and from term to term of said Court, and that he do not depart thence without leave of said Court - which said bond is forfeited. And it is Considered by the Court that the State of Texas do have and recover of the said J. O. Dilingworth the said sum of One hundred dollars, and of his said securities the sum of one hundred dollars and that this judgment will be made final unless good cause be shown at the next term of this Court why the said defendant, J. O. Dilingworth, did not appear. And further ordered that citation do issue to the said securities.

1323

The State of Texas — Plaintiff
v.
W. B. Covington, et al — Defendant

This cause being called for trial the defendant W. B. Covington, failing to appear

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and answer to the indictment in this case, he and his securities, Wm. H. Storm and F. Weaver, being distinctly called at the door of the Courthouse of Travis county, and the defendant, after a reasonable length of time, still failes to appear. And it appearing to the Court that the defendant, Wm. B. Covington, with the said Wm. H. Storm and F. Weaver, as his securities, did execute the bail bond on file in this case, substantially as follows: Dated 15th day of June, 1860, payable unto The State of Texas in the sum of One hundred Dollars, conditioned that the said defendant, W. B. Covington, make his personal appearance at the District Court of said County of Travis then in session, (at the Courthouse thereof in Austin) to answer the indictment presented against the said defendant, W. B. Covington, by the grand jurors of Travis county, at the Spring Term, A.D. 1860, for Betting at a gaming Bank called faro, and there remain from day to day and from term to term of said Court, and that he do not depart thence without leave of said Court, which said bond is forfeited. And it is considered by the Court, that the State of Texas do have and recover of the said W. B. Covington the said sum of One hundred dollars, and of his said securities the sum of One hundred dollars, and that this judgment will be made final unless good cause be shown at the next term of this Court why the said Defendant, W. B. Covington, did not appear. And further ordered, that citations do issue to the said securities.

1324 V

The State of Texas vs. Thomas P. Ochiltree — Plaintiff vs. Defendant

This cause being called for trial, the defendant, Thomas P. Ochiltree, failing to appear, and answer to the indictment in this case, he and his securities Eli H. Baxter and Phil. Brown, being distinctly called at the door of the Courthouse of Travis county, and the defendant, after a reasonable length of time, still failes to appear. And it appearing to the Court that the defendant Thomas P. Ochiltree, by the name of Tom P. Ochiltree, with the said Eli H. Baxter and Phil. Brown, as his securities did execute the Bail Bond on file in this case, substantially as follows: Dated 27th day of September, 1860, payable unto The State of Texas in the sum of One hundred dollars, conditioned that the said defendant, Thomas P. Ochiltree, make his personal appearance at the District Court of said County of Travis, on the ninth Monday after the first Monday in October, 1860, to answer the indictment preferred against the said defendant Ochiltree, by the grand jurors of Travis county, at the Spring Term, A.D. 1860, for Betting at a gaming bank called faro, and there remain from day to day and from term to term of said Court, and that he do not depart thence without leave of said Court - which said Bond is forfeited - And it is considered by the Court, that the State of Texas do have and recover of the said Thomas P. Ochiltree the said sum of One hundred dollars and of his said securities the sum of One hundred dollars, and that this judgment will be made final unless good cause be shown at the next term of this Court why the said defendant Thomas P. Ochiltree did not appear: and further ordered that citations do issue to the said securities.

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1324

The State of Texas } Plaintiff
vs. } This cause being called for trial, the
Ben. Hines, et.al. } Defendants } defendant Benjamin Hines
failing to appear and answer to the
indictment in this case, he and his securities, W. Clifton and J.A. Smith, being
distinctly called at the door of the Courthouse of Travis county, and the
defendant, after a reasonable length of time still failed to appear. And it
appearing to the Court that the defendant Benjamin Hines, by the name
of B.J. Hinds, with the said W. Clifton and J. A. Smith, as his securities,
did execute the Bail Bond on file in this case, substantially as follows: Dated
24th day of September, 1860, payable unto The State of Texas in the sum of
one hundred dollars, conditioned that the said defendant, Ben. Hines, make
his personal appearance at the District Court of said county of Travis, on the
ninth Monday after the first Monday in October, 1860, to answer the in-
dictment preferred against the said defendant, Ben. Hines, by the grand
jurors of Travis county, at the Spring Term, A. D. 1860, for Betting at a
gaming bank called faro, and there remain from day to day, and from term to term
of said Court, and that he do not depart thence without leave of said Court,
which said bond is forfeited - And it is considered by the Court that the State
of Texas do have and recover of the said Ben. Hines, the said sum of One
hundred dollars, and of his said securities the sum of One hundred dollars,
and that this judgment will be made final unless good cause be shown at
the next term of this Court why the said defendant, Ben Hines, did not
appear. And further ordered, that citations do issue to the said securities

1325.

The State of Texas } Plaintiff
vs. } This cause being called for trial, the Defendant,
W. B. Covington } Defendant } W. B. Covington, failing to appear and answer to
the indictment in this case, he and his securities,
Wm. H. Storm and I. Weaver, being distinctly called at the door of the Courthouse of
Travis County, and the defendant, after a reasonable length of time, still failed to
appear. And it appearing to the Court that the defendant W. B. Covington,
with the said Wm. H. Storm and I. Weaver, as his securities, did execute the
Bail Bond on file in this case, substantially as follows: Dated 15th day of June, 1860,
payable unto The State of Texas in the sum of One hundred dollars, conditioned, that
the said defendant, W. B. Covington, make his personal appearance at the Dis-
trict Court of said County of Travis, on the first day of the next term thereof to answer the indictment
preferred against the said defendant, W. B. Covington, by the Grand jurors of Travis
County, at the Spring Term, A.D 1860, for Betting at a gaming bank called faro,
and there remain from day to day and from term to term of said Court, and that
he do not depart thence without leave of said Court - which said bond is forfeited -
And it is considered by the Court that the State of Texas do have and recover of the
said W.B. Covington the said sum of One Hundred Dollars, and of his said securities
the sum of One hundred dollars and that this judgment will be made final unless
good cause be shown at the next term of this Court why the said defendant, W.B. Covington
did not appear. And further ordered that citations do issue to the said securities.

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1324

The State of Texas } Plaintiff
vs
Charles Barnard } Defendant

This cause being called for trial, the defendant, Charles Barnard, failing to appear and answer to the indictment in this case, he and his securities, Y. P. Warfield and S. L. Kidelet being distinctly called at the door of the Courthouse of Travis County, and the defendant, after a reasonable length of time, still failed to appear. And it appearing to the Court that the defendant Charles Barnard, by the name of Chas. C. Barnard, with the said Y. P. Warfield and S. L. Kidelet as his securities did execute the Bail Bond on file in this case, substantially as follows: Dated 10th day of Sept 1860, payable unto the State of Texas, by the said principal, in the sum of two hundred dollars, and by the said securities in the sum of One hundred dollars, each, conditioned that the said defendant, Charles Barnard, make his personal appearance at the District Court of said County of Travis on the ninth Monday after the first Monday in October, 1860 to answer the indictment pefered against the said defendant, Charles Barnard, by the Grand Jurors of Travis County, at the Spring term, A. D. 1860, for Betting at a certain gaming bank called faro, and there remain from day to day, and from term to term of said Court, and that he do not depart thence without leave of said Court, which said bond is forfeited - And it is considered by the Court that the State of Texas do have and recover of the said Charles Barnard the said sum of Two Hundred Dollars, and of each of his said securities the sum of One hundred Dollars, and that this judgment will be made final unless good cause be shown at the next term of this Court why the said defendant Charles Barnard, did not appear. And further ordered that citations do issue to the said securities

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

Thursday, 20th December, 1860.

Court convened at 9 o'clock, A.M. pursuant to adjournment. A. W. Terrell, 2d District Judge presiding. Whereupon the following proceedings were had by said Court as follows, to wit:
And thereupon Court adjourned till to-morrow morning 9 o'clock.

Friday, 21st December, 1860.

Court convened at 9 o'clock, A.M. pursuant to adjournment. A. W. Terrell, 2d district judge presiding. And thereupon the following proceedings were had by said Court, as follows, to wit:

V

1329

The State of Texas } Plaintiff
vs
Charles Barnard } Defendant

This cause being called for trial the defendant Charles Barnard failing to appear and answer to the indictment in this case, he and his securities, Y. P. Warfield and S. L. Kidelet being distinctly called at the door of the Courthouse of Travis county, and the defendant, after a reasonable length of time, still failed to appear.

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And it appearing to the Court that the defendant Charles Barnard, with the said Y. P. Warfield and D. L. Midelet, as his securities, did execute the bail bond on file in this case, substantially as follows: Dated 10th day of September, 1860, payable unto the State of Texas by the said Principal, in the sum of Two Hundred Dollars, and by the said securities in the sum of one hundred dollars each, conditioned that the said defendant, Charles Barnard, by the name of Chas. E. Barnard, make his personal appearance at the District Court of said County of Travis, on the ninth Monday after the first Monday in October 1860, to answer the indictment preferred against the said defendant Charles Barnard, by the grand jurors of Travis county, at this Spring Term, A. D. 1860, for Betting at a gaming bank called faro, and there remain from day to day and from term to term of said Court, and that he do not depart thence without leave of said Court, which said bond is forfeited. And it is considered by the Court that the State of Texas do have and recover of the said Charles Barnard the said sum of Two Hundred Dollars, and of his said securities the sum of One hundred dollars each, and that this judgment will be made final unless good cause be shown at the next term of this Court, why the said defendant, Charles Barnard, did not appear. And further ordered that citations do issue to the said securities.

1329

The State of Texas } Plaintiff
vs. }
Antonio Manchaca } Defendant

This cause being called for trial the defendant, Antonio Manchaca, failing to appear, and answer to the indictment in this case, he and his securities, D. A. Paschal and Geo. W. Paschal, being distinctly called at the door of the Courthouse of Travis County, and the defendant, after a reasonable length of time, still failed to appear. And it appearing to the Court that the defendant, Antonio Manchaca, with the said D. A. Paschal and Geo. W. Paschal, as his securities, did execute the Bail Bond on file in this case, substantially as follows: Dated 15th day of June, 1860, payable unto the State of Texas in the sum of One hundred dollars, conditioned that the said defendant, Antonio Manchaca, make his personal appearance at the District Court of said County of Travis then in session, at the Courthouse thereof in Austin, to answer the indictment preferred against the said defendant, Antonio Manchaca, by the Grand Jurors of Travis County, at the Spring term, A. D. 1860, for Betting at a certain gaming bank called faro, and there remain from day to day and from term to term of said Court, and that he do not depart thence without leave of said Court - which said bond is forfeited. And it is considered by the Court that the State of Texas do have and recover of the said Antonio Manchaca the said sum of One hundred dollars, and of his said securities the sum of One hundred dollars, and that this judgment will be made final unless good cause be shown at the next term of this Court why the

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said defendant, Antonio Manchaca, did not appear. and further ordered that Citations do issue to the said securities.

The State of Texas vs. Charles Barnard } Plaintiff / Defendant } This Cause being called for trial the defendant, Charles Barnard, failing to appear and answer to the indictment in this case, he and his securities, Y. P. Warfield and S. L. Nidelet, being distinctly called at the door of the Courthouse of Travis County, and the defendant, after a reasonable length of time, still failed to appear. And it appearing to the Court that the defendant, Charles Barnard, by the name of Chas. E. Barnard, with the said Y. P. Warfield and S. L. Nidelet, as his securities, did execute the bail bond on file in this case substantially as follows. Dated 10th day of September, 1860, payable unto The State of Texas by the said principal in the sum of Two Hundred Dollars, and by the said securities in the sum of One hundred dollars, each, conditioned that the said defendant, Charles Barnard, make his personal appearance at the District Court of said County of Travis, on the ninth Monday after the first Monday in October, 1860, to answer the indictment preferred against the said defendant, Charles Barnard, by the Grand Jurors of Travis County, at the Spring Term, A. D. 1860, for Betting at a gaming bank called faro, and there remain from day to day, and from term to term of said Court, and that he do not depart thence without leave of said Court, which said bond is forfeited. And it is considered by the Court that the State of Texas do have and recover of the said Charles E. Barnard the said sum of Two Hundred Dollars, and of his said securities the sum of One Hundred Dollars, each, and that this judgment will be made final unless good cause be shown at the next term of this Court, why the said defendant, Charles E. Barnard, did not appear. And further ordered, that Citations do issue to the said securities.

The State of Texas vs. Antonio Manchaca } Plaintiff / Defendant } This Cause being called for trial, the defendant Antonio Manchaca, failing to appear and answer to the indictment in this Case, he and his securities I. A. Paschal and Geo. W. Paschal, being distinctly called at the door of the Courthouse of Travis County, and the defendant, after a reasonable length of time, still failed to appear. And it appearing to the Court that the defendant, Antonio Manchaca, with the said I. A. Paschal and Geo. W. Paschal, as his securities, did execute the Bail Bond on file in this Case substantially as follows: Dated 15th day of June, 1860, payable unto The State of Texas in the sum of One hundred dollars, conditioned that the said defendant, Antonio Manchaca, make his personal appearance at the District Court of said County of Travis, then in session ~~at the Courthouse~~ thereof in the City of Austin, to answer

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the indictment preferred against the said defendant, Antonio Manchaca by the grand jurors of Rain county at the Spring Term, A.D. 1860. for Betting at a Cutain gaming Bank called faro, and there remain from day to day and from term to term of said Court, and that he do not depart thence without leave of said Court, which said Bond is forfeited. And it is considered by the Court that the State of Texas do have and recover of the said Antonio Manchaca the said sum of One hundred dollars, and of his said securities the sum of One hundred dollars and that this judgment will be made final unless good cause be shown at the next term of this Court, why the said defendant, Antonio Manchaca, did not appear. And further ordered that Citations do issue to the said securities.

1332

The State of Texas } Plaintiff
v.
Ben. Hines } Defendant

This cause being called for trial the defendant Ben. Hines, failing to appear and answer to the indictment in this case, he and his securities, W. Clifton and J. A. Smith, being distinctly called at the door of the Courthouse of Rain county, and the defendant, after a reasonable length of time, still failed to appear. And it appearing to the Court that the defendant, Ben. Hines with the said W. Clifton and J. A. Smith, as his securities, did execute the Bail bond on file in this case, substantially as follows: Dated 26th day of September 1860. payable unto The State of Texas in the sum of One hundred Dollars, conditioned that the said defendant, Ben. Hines, by the name of B. F. Hinds, make his personal appearance at the District Court of said County of Rain, at the ninth Monday after the first Monday in October, 1860. to answer the indictment preferred against the said defendant, Ben. Hines, by the grand jurors of Rain County, at the Spring Term, A.D. 1860. for Betting at a gaming bank called faro, and there remain from day to day and from term to term of said Court, and that he do not depart thence without leave of said Court - which said bond is forfeited. And it is considered by the Court that the State of Texas do have and recover of the said Ben. Hines the said sum of One hundred dollars, and of his said securities the sum of One hundred dollars, and that this judgment will be made final unless good cause be shown at the next term of this Court, why the said defendant Ben. Hines, did not appear. And further ordered, that citations do issue to the said securities

1332

The State of Texas } Plaintiff
v.
Thomas P. Ochiltree } Defendant

This cause being called for trial, the defendant, Thomas P. Ochiltree, failing to appear, and answer to the indictment in this case, he and his securities Eli H. Baxter, and Phil. Brown, being distinctly called at the door of the Courthouse of Rains County, and the defendant, after a reasonable length of time, still failed to appear. And it appearing to the Court that the defendant, Thomas P. Ochiltree, by the name of Tom. P. Ochiltree, with the said Eli H. Baxter,

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and Phil. Brown as his securities, did execute the Bail Bond on file in this case substantially as follows: Dated 27th day of September, 1860, payable unto The State of Texas in the sum of One hundred dollars conditioned that the said defendant, Thomas P. Ochiltree, make his personal appearance at the District Court of said County of Travis, on the ninth Monday after the first Monday in October, 1860, to answer the indictment preferred against the said defendant, Thomas P. Ochiltree, by the Grand Jurors of Travis county, at the Spring Term A. D. 1860, for Betting at a Gaming Bank called Faro, and there remain from day to day and from term to term of said Court, and that he do not depart thence without leave of said Court - which said Bond is forfeited - And it is considered by the Court that the State of Texas do have and recover of the said Thomas P. Ochiltree the said sum of One hundred dollars and of his said securities the sum of One hundred dollars, and that this judgment will be made final unless good cause be shown at the next term of this Court, why the said defendant, Thomas P. Ochiltree, did not appear. And further ordered, that citations issue to the said securities

1333. The State of Texas vs Thomas P. Ochiltree — Plaintiff, Defendant — This cause being called for trial the defendant, Thomas P. Ochiltree, failing to appear and answer to the indictment in this case, he and his securities, Eli H. Baxter, jr. and Phil. Brown being distinctly called at the door of the Courthouse of Travis county, and the defendant, after a reasonable length of time, still failed to appear. And it appearing to the Court that the defendant, Thomas P. Ochiltree, by the name of Tom. P. Ochiltree with the said Eli H. Baxter, Jr. and Phil. Brown as his securities, did execute the Bail Bond on file in this case substantially as follows. Dated 27th day of Sept. 1860, payable unto The State of Texas in the sum of One hundred dollars, conditioned that the said defendant, Thomas P. Ochiltree, make his personal appearance at the District Court of said County of Travis, on the ninth Monday after the first Monday in October, 1860, to answer the indictment preferred against the said defendant, Thomas P. Ochiltree, by the Grand Jurors of Travis county, at the Spring Term, A.D. 1860, for Betting at a gaming Bank called faro, and there remain from day to day and from term to term of said Court, and that he do not depart thence without leave of said Court, which said bond is forfeited. And it is considered by the Court that the State of Texas do have and recover of the said Thomas P. Ochiltree the said sum of One hundred dollars, and of his said securities the sum of One hundred dollars, and that this judgment will be made final unless good cause be shown at the next term of this Court, why the said defendant, Thomas P. Ochiltree, did not appear. And further ordered that citations do issue to the said securities.

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1333

The State of Texas } Plaintiff
vs
R. H. Cumby } Defendant

This cause being called for trial the defendant, R. H. Cumby, failing to appear and answer to the indictment in this case, he and his securities B. J. Likens and T. J. Durham being distinctly called at the door of the Courthouse of Travis county, and the defendant, after a reasonable length of time, still failed to appear. And it appearing to the Court that the defendant, R. H. Cumby, with the said J. B. Likens and T. J. Durham, as his securities, did execute the Bail Bond on file in this case, substantially as follows: Dated 19th day of September, 1860, payable unto The State of Texas in the sum of One hundred dollars, conditioned that the said defendant, R. H. Cumby make his personal appearance at the District Court of said County of Travis, on the ninth Monday after the first Monday in October, 1860, to answer the indictment preferred against the said defendant R. H. Cumby, by the Grand jurors of Travis county, at the Spring Term, A. D. 1860, for Betting at a Gaming bank called faro, and there remain from day to day and from term to term of said Court, and that he do not depart thence without leave of said Court - which said bond is forfeited. And it is considered by the Court that the State of Texas do have and recover of the said R. H. Cumby the said sum of One hundred dollars, and of his said securities the sum of one hundred dollars, and that this Judgment will be made final unless good cause be shown at the next term of this Court why the said defendant R. H. Cumby, did not appear. And further ordered that citations do issue to the said securities

1333

The State of Texas } Plaintiff
vs
Ben Hines } Defendant

This cause being called for trial the defendant, Ben Hines, failing to appear and answer to the indictment in this case, he and his securities W. Clifton and J. A. Smith being distinctly called at the door of the Courthouse of Travis county, and the defendant, after a reasonable length of time, still failed to appear. And it appearing to the Court that the defendant, Ben Hines, by the name of B. J. Hines with the said W. Clifton and J. A. Smith as his securities, did execute the Bail Bond on file in this case, substantially as follows: Dated 20th day of September, A. D. 1860, payable unto The State of Texas in the sum of One hundred dollars, conditioned that the said defendant, Ben Hines, make his personal appearance at the District Court of said County of Travis on the ninth Monday after the first Monday in October, 1860, to answer the indictment preferred against the said defendant, Ben Hines by the Grand jurors of Travis county, at the Spring Term, A.D. 1860, for Betting at a Gaming Bank called faro, and there remain from day to day, and from term to term of said Court, and that he do not

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depart thence without leave of said Court, which said bond is forfeited, and it is considered by the Court that the State of Texas do have and recover of the said Ben Hines the said sum of one hundred dollars, and of his said securities the sum of One hundred dollars, and that this Judgment will be made final unless good cause be shown at the next term of this Court why the said defendant, Ben Hines, did not appear. And further ordered, that citations do issue to the said securities.

1336 The State of Texas vs. James W. Henderson — Plaintiff / Defendant — This cause being called for trial the defendant James W. Henderson, failing to appear and answer to the indictment in this case, he and his securities, B. F. Cotton and Jackson Martin, being distinctly called at the door of the Courthouse of Travis County, and the defendant, after a reasonable length of time, still failed to appear. And it appearing to the Court that the defendant, James W. Henderson, by the name of J. W. Henderson with the said B. F. Cotton and Jackson Martin, as his securities, did execute the Bail Bond on file in this case, substantially as follows: Dated 29th day of June, 1860, payable unto The State of Texas in the sum of Two Hundred Dollars conditioned that the said defendant, James W. Henderson, make his personal appearance at the District Court of said County of Travis then in session at the Courthouse thereof in Austin, to answer the indictment preferred against the said defendant, James W. Henderson, by the Grand Jurors of Travis County at the Spring Term, A. D. 1860, for Betting at certain gaming bank called faro, and there remain from day to day, and from term to term of said Court, and that he do not depart thence without leave of said Court, which said Bond is forfeited. And it is considered by the Court that the State of Texas do have and recover of the said James W. Henderson the said sum of Two Hundred Dollars, and of his said securities the sum of Two Hundred Dollars, and that this judgment will be made final unless good cause be shown at the next Term of this Court why the said defendant, James W. Henderson, did not appear. And further ordered, that citations do issue to the said Securities.

1337 The State of Texas vs. Ben. Hines — Plaintiff / Defendant — This cause being called for trial the defendant Ben. Hines failing to appear and answer to the indictment in this case, he and his securities, C. A. Hopkins and J. Tom. Slaughter, being distinctly called at the door of the Courthouse of Travis County, and the defendant, after a reasonable length of time, still failed to appear. And it appearing to the Court that the defendant, Ben. Hines, by the name of B. J. Hines, with the said C. A. Hopkins and J. Tom Slaughter, as his securities, did execute the Bail Bond on file in this case, substantially as follows: Dated 6th day of June, 1860, payable unto The State of Texas in the sum of One Hundred Dollars conditioned that the said defendant,

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Ben. Hines make his personal appearance at the District Court of said County of Travis, then in sepia at the Courthouse thereof in Austin, to answer the indictment preferred against the said defendant, Ben. Hines by the Grand Jurors of Travis County, at the Spring Term, A.D. 1860, for Betting at a certain gaming Bank called faro, and there remain from day to day and from term to term of said Court, and that he do not depart thence without leave of said Court, which said Bond is forfeited. And it is considered by the Court, that the State of Texas do have and recover of the said Ben. Hines the said sum of One hundred Dollars and of his said securities the sum of One hundred Dollars, and that this Judgment will be made final unless good cause be shown at the next term of this Court, why the said defendant Ben. Hines, did not appear. And further ordered, that citations do issue to the said securities

1336 — The State of Texas vs. O. H. Massey et al — Plff. / Defts. — This cause dismissed as to the defts O. H. Massey and the defts discharged.

1338 — The State of Texas vs. Ben. Hines, et al's securities, Wm. Clifton and J. A. Smith — Plaintiff / Defendants — This cause being called for trial, the defendant Ben. Hines failing to appear and answer to the Indictment in this case, he and his securities being distinctly called at the door of the Courthouse of Travis County, and the defendant, after a reasonable length of time, still failed to appear. And it appearing to the Court that the defendant, Ben. Hines by the name of B. J. Hines, with the said Wm. Clifton and J. A. Smith, as his securities, did execute the Bail Bond on file in this Case, substantially as follows: Dated 24th day of September, 1860, payable unto The State of Texas in the sum of One hundred Dollars, conditioned that the said Defendant Ben. Hines make his personal appearance at the District Court of said County of Travis, on the ninth Monday after the first Monday in October, 1860, to answer the Indictment preferred against the said defendant, Ben. Hines, by the Grand Jurors of Travis County, at the Spring Term A.D. 1860, for Betting at a gaming Bank called faro, and there remain from day to day and from term to term of said Court, and that he do not depart thence without leave of said Court, which said Bond is forfeited - And it is considered by the Court that the State of Texas do have and recover of the said Ben. Hines the said sum of One Hundred Dollars, and of his said securities the sum of One Hundred Dollars and that this Judgment will be made final unless good cause be shown at the next term of this Court, why the said defendant, Ben. Hines did not appear. And further ordered, that citations do issue to the said securities

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1338 The State of Texas vs James W. Henderson } Plaintiff / Defendant } This cause being called for trial the defendant, James W. Henderson, failing to appear and answer to the indictment in this case, he and his Securities B. F. Cotton and Jackson Martin, being distinctly called at the door of the Courthouse of Travis County, and the defendant, after a reasonable length of time, still failed to appear. And it appearing to the Court that the defendant, James W. Henderson, by the name of J. W. Henderson, with the said B. F. Cotton and Jackson Martin, as his Securities, did execute the Bail Bond on file in this case, substantially as follows: Dated 29th day of June, A. D. 1860, payable into The State of Texas in the sum of Two Hundred Dollars, conditioned that the said defendant, James W. Henderson, make his personal appearance at the District Court of said County of Travis, then in session, at the Courthouse thereof in Austin, to answer the Indictment preferred against the said defendant, James W. Henderson, by the Grand Jurors of Travis County, at the Spring Term A. D. 1860, for Betting at a Certain Gaming Bank called Faro, and there remain from day to day, and from term to term of said Court, and that he do not depart thence without leave of said Court, which said Bond is forfeited. And it is Considered by the Court that the State of Texas do have and recover of the said James W. Henderson, the said sum of Two Hundred Dollars, and of his said Securities the sum of Two Hundred Dollars, and that this Judgment will be made final unless good cause be shown at the next Term of this Court why the said defendant, James W. Henderson, did not appear. And for that ordered that citations do issue to the said Securities

1346 The State of Texas vs Robert F. Campbell } Plaintiff / Defendant } This cause being called for trial the defendant, Robert F. Campbell, failing to appear and answer to the indictment in this case, he and his Securities, J. M. Finney and J. C. Wilkins being distinctly called at the door of the Courthouse of Travis County, and the defendant, after a reasonable length of time, still failed to appear. And it appearing to the Court that the defendant, Robert F. Campbell, by the name of R. F. Campbell, with the said J. M. Finney and J. C. Wilkins as his Securities, did execute the Bail Bond on file in this case, substantially as follows: Dated 11th day of June, 1860, payable unto The State of Texas in the sum of One Hundred Dollars, conditioned that the said defendant, Robert F. Campbell, make his personal appearance at the District Court of said County of Travis, at the Courthouse thereof in Austin, then in session, to answer the indictment preferred against the said defendant, Robert F. Campbell, by the Grand Jurors of Travis County, at the Spring Term, A. D. 1860, for playing at a game with cards in a room attached to a house for retailing spirituous liquors

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and commonly used for gaming, and there remain from day to day and from term to term of said Court, and that he do not depart thence without leave of said Court which said bond is forfeited. And it is considered by the Court that the State of Texas do have and recover of the said Robert F. Campbell the said sum of One hundred dollars, and of his said securities the sum of One hundred Dollars and that this Judgment will be made final unless good cause be shown at the next term of this Court, why the said defendant, Robert F. Campbell, did not appear. And further ordered that citations issue to the said securities.

1347 The State of Texas vs. James W. Henderson — Plaintiff / Defendant

This cause being called for trial, the defendant, James W. Henderson, failing to appear and answer to the indictment in this case, he and his securities B. F. Cotton and Jackson Martin being distinctly called at the door of the Courthouse of Travis County, and the defendant, after a reasonable length of time, still failed to appear. And it appearing to the Court that the defendant, James W. Henderson, by the name of J. W. Henderson, with the said B. F. Cotton and Jackson Martin, as his securities, did execute the Bail Bond on file in this case substantially as follows: Dated 29th day of June, 1860, payable unto The State of Texas in the sum of Two Hundred Dollars, conditioned that the said defendant, James W. Henderson, make his personal appearance at the District Court of said County of Travis, then in session, at the Courthouse thereof in the City of Austin, to answer the Indictment preferred against the said defendant James W. Henderson, by the Grand Jurors of said County, at the Spring Term, A.D. 1860, for Betting at a certain Gaming Bank called Faro, and there remain from day to day and from term to term of said Court, and that he do not depart thence without leave of said Court, which said Bond is forfeited. And it is considered by the Court that the State of Texas do have and recover of the said James W. Henderson the said sum of Two Hundred Dollars, and of his said securities the sum of Two Hundred Dollars and that this Judgment will be made final unless good cause be shown at the next Term of this Court why the said Defendant James W. Henderson did not appear. And further ordered that citations issue to the said securities.

1347 The State of Texas vs. Irving Root — Plaintiff / Defendant

This cause being called for trial the Defendant, Irving Root failing to appear and answer to the indictment in this case, he and his securities B. Dillingham and James R. [illegible] being distinctly called at the door of the Courthouse of Travis County

and the defendant, after a reasonable length of time, still failed to appear. And it appearing to the Court that the defendant, Irving Road, with the said B. Dillingham and James R. Pace, as his securities, did execute the Bail Bond on file in this case, substantially as follows: Dated 8th day of June, 1860, payable unto The State of Texas in the sum of One Hundred Dollars, conditioned that the said Defendant, Irving Road, make his personal appearance at the District Court of said County of Travis, then in session at the Courthouse thereof in this city, to answer the Indictment preferred against the said defendant, Irving Road, by the Grand Jurors of Travis County at the Spring Term, A.D. 1860, for Betting at a Gaming Bank called faro, and there remain from day to day and from term to term of said Court, and that he do not depart thence without leave of said Court, which said Bond is forfeited. And it is considered by the Court that the State of Texas do have and recover of the said Irving Road the said sum of One Hundred Dollars, and of his said securities the sum of One Hundred Dollars and that this judgment will be made final unless good cause be shown at the next term of this Court why the said Defendant, Irving Road, did not appear. And further ordered, that citations do issue to the said securities.

1349 The State of Texas } Plaintiff
Jesse Graham, et al. } Defendants
Continued for Service and Capias awarded.

1351 The State of Texas v. Peter Kerr. Continued for Service.
1352 The State v. Graham et al. Cont'd for Service and Sci. fac. awarded.
1353 The State v. Shipley Continued for Service
1354 The State v. Shipley Continued for Service
1355 The State v. Shipley Continued for Service
1356 The State v. Shipley Continued for Service
1357 The State v. Whitehead. Continued for Service
1358 The State v. Jerry O'Neal Continued for Service
1359 The State of Texas v. Jerry O'Neal Continued for Service

1360 The State of Texas } Plff
v.
J. D. W. Cook } Deft
On this day came Thomas E. Sneed, Esq. Dist. Atty. in behalf of the State, and also came the deft. in person and also by atty and announced ready for trial. Came also a jury of 12 good and lawful men of Travis county, who were duly elected, empannelled and sworn according to law. And the jury having heard the testimony, plea of not guilty and the charge of the Court, retired and brought into Court the following verdict: "We the jury, find the defendant not guilty. Geo. W. Harper, Foreman." Whereupon, It is ordered that the defendant Cook, go hence without day fully acquitted and discharged.

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1362 The State v R.L. Young. Prosecution dismissed and defendant discharged.
1363 The State v Charles Reid. Continued for Term.
1364 The State v. Dan Nowell. Continued by consent.

1365 The State of Texas, Plaintiff, vs. Ben. Hines, Defendant. This cause being called for trial the defendant Ben. Hines failing to appear and answer to the indictment in this case, he and his Securities, W. Clifton and J. A. Smith being distinctly called at the door of the Courthouse of Travis county and the defendant, after a reasonable length of time, still failed to appear. And it appearing to the Court that the defendant, B. Hines, by the name of B. J. Hines, with the said W. Clifton and J. A. Smith, as his securities, did execute the Bail Bond on file in this case, substantially as follows: Dated 24th day of September 1866, payable unto The State of Texas in the Sum of one hundred Dollars, Conditioned that the said defendant, Ben. Hines, make his personal appearance at the District Court of said County of Travis, on the ninth Monday after the first Monday in October to answer the Indictment preferred against the said defendant, Ben. Hines, by the Grand Jurors of Travis County, at the Spring Term, A.D. 1866, for Betting at a gaming bank called Monte, and there remain from day to day and from term to term of said Court, and that he do not depart thence without leave of said Court, which said Bond is forfeited. And it is considered by the Court that the State of Texas do have and recover of the said Ben. Hines the said Sum of One hundred Dollars and of his said Securities the Sum of One Hundred Dollars and that this Judgment will be made final unless good cause be shown at the next term of this Court why the said defendant, Ben. Hines, did not appear. And further ordered that Citation do issue to the said Securities.

1365. The State of Texas, Plaintiff, vs. Frank Cotton, Defendant. This cause being called for trial the defendant, Frank Cotton, failing to appear and answer the Indictment in this case, he and his security, A. L. Cotton, being distinctly called at the door of the Courthouse of Travis county and the defendant, after a reasonable length of time, still failed to appear. And it appearing to the Court that the defendant, Frank Cotton, by the name of B. F. Cotton, with the said A. L. Cotton as his security, did execute the Bail Bond on file in this case substantially as follows: Dated 5th day of October, 1866, payable unto The State of Texas in the Sum of One hundred Dollars con-

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dictioned that the said defendant, Frank Cotton, alias B. F. Cotton, make his personal appearance at the District Court of said County of Travis on the ninth Monday after the first Monday in October, 1860, to answer the indictment preferred against the said defendant B. F. Cotton, alias Frank Cotton, by the Grand Jurors of Travis County, at the Spring Term, A.D. 1860, for Betting at a gaming Bank called Monte, and there remain from day to day and from term to term of said Court, and that he do not depart thence without leave of said Court, which said Bond is forfeited. And it is Considered by the Court that the State of Texas do have and recover of the said Frank Cotton, alias B. F. Cotton, the said sum of One hundred Dollars and of his said security the sum of One hundred Dollars and that this Judgment will be made final unless good cause be shown at the next term of this Court why the said defendant, Frank Cotton, did not appear. And further ordered, that attachments do issue to the said securities.

1366 The State of Charles Reed. Continued generally and alias Procs ordered

1367 The State of Charles Reed Continued generally, and alias Proc ordered

✓ 1368 The State of Bennett & Mathews. Continued for service on Mathews and the Cause dismissed as to Buck Bennett, at the suggestion of his death.

✓ 1369 The State of Bennett & Mathews. Continued for service on Mathews and the cause dismissed as to Buck Bennett, at the suggestion of his death.

1371 The State of Texas v. Joseph Hamson. Continued for Service.

✓ 1372 The State of Texas Plaintiff / Ben. Hines Defendant — This cause being called for trial the defendant Ben. Hines, failing to appear and answer to the indictment in this cause, and his securities, W. Clifton and J. A. Smith, being distinctly called at the door of the Courthouse of Travis County, and the defendant, after a reasonable length of time, still failed to appear. And it appearing to the Court that the defendant, Ben. Hines, by the name of B. J. Hines, with the said W. Clifton and J. A. Smith, as his securities, did execute the Bail Bond on file in this Case, substantially as follows: Dated 24th day of September, 1860, payable unto The State of Texas in the sum of One hundred Dollars. Conditioned that the said defendant, Ben. Hines, alias B. J. Hines, make his personal appearance at the District Court of said County of Travis on the ninth Monday after the first Monday in October, 1860, to answer the indictment preferred against the said defendant, Ben. Hines, by the Grand Jurors of Travis County, at the Spring Term, A.D. 1860, for Betting at a Certain Gaming Bank called Monte, and there remain from day to day and from term to term of said Court, and that he do not depart thence without leave of said Court, which said Bond is forfeited — And it is considered by the Court that the State of Texas do

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have and recover of the said Ben. Bines the said sum of One hundred dollars, and of his said securities the sum of One hundred dollars and that this Judgment will be made final unless good cause be shown at the next term of this Court why the said defendant, Ben Bines, ord not appear. And further ordered, that citations do issue to the said securities.

Habeas Corpus

The State of Texas } Plaintiff
vs.
Tom, a free negro } Defendant

The defendant, Tom, a free negro having heretofore made his application, under oath, praying for a writ of Habeas Corpus, which said writ was granted and duly issued - and now on this day the investigation of the matters arising coming on, came the said Tom, in person, and also by counsel - and also came the District Attorney, on behalf of the State, and the written testimony taken before the magistrate, by agreement of parties, is used, and it being agreed that the same comprises all the testimony in the case, and on an inspection of the same, it appearing that no offence has been made out requiring or authorising his incarceration in jail, or that he should be held to bail, It is ordered and decreed by the Court, that the said Tom be discharged from the custody of the Sheriff of Travis Co. and go hence without day

And Court adjourned till Monday morning 9 o'clock M

Monday, 24th Dec. 1860

Court convened at 9 o'clock, A.M. pursuant to adjournment. A. A. Terrell, 2d District Judge presiding. Whereupon the following proceedings were had by said Court, as follows to wit.

1857

Geo. L. Walton } Plaintiff
vs.
E. Christian & }
R. M. Johnson } Defendants

And now on this day come the parties plaintiff and defendants, by their attorneys, and announced themselves ready for trial. And thereupon come a jury of twelve good and lawful men of Travis County, viz: E. Kirk, foreman, and eleven others, who being duly elected, tried, empannelled and sworn according to law, after hearing the evidence addduced by the parties plaintiff and defendant, argument of counsel and charge of the Court, retired to consider of their verdict, and after deliberation returned into Court their verdict, as follows viz

" We, the jury, find for the plaintiff against Christian, for an undivided
" interest of one half of the property in controversy: We further find a
" verdict against Christian for the value of other half interest, at the
" time of the tender of the purchase money, to be five hundred and

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"fifty dollars, and the rent of said interest from the 15th of Feb. 1859, to "the present time, two hundred and twenty dollars. We find in favor of "Johnson for an undivided half interest of the property. C. Kirk, Foreman."
It is, therefore, ordered, adjudged and decreed by the Court, that the plaintiff, George L. Waelon, do have and recover of and from the defendant, Edward Christian, an undivided half interest in the property in controversy, viz: Lot No. four (4) in Block No. forty-two (42) with the improvements thereon, all in the City of Austin, according to the plan or plat of said City, on file in the office of the Comptroller of the State of Texas. And it is further ordered, adjudged and decreed by the Court, that the said plaintiff, George L. Waelon do have and recover of and from the defendant, Edward Christian, the sum of five hundred and fifty dollars, the value of the undivided half interest in said property, as assessed by the jury in their verdict in this Case: and it is further ordered, adjudged and decreed by the Court, that the said plaintiff, George L. Waelon, do have and recover of and from the defendant, Edward Christian, the sum of Two hundred and Twenty dollars, the value of the rents of the one-half of the property aforesaid, from the 15th day of February, 1859, till the present time as assessed by the jury in their verdict in this Case. And it is further ordered, adjudged and decreed by the Court that the title to the said undivided half interest in said Lot No. 4 in Block No. 42, be, and the same is hereby divested out of the said Edward Christian, and vested in the said George L. Waelon, the plaintiff in this suit. And it is further ordered, adjudged and decreed by the Court, that the defendant, R. M. Johnson, do have and recover of and from the plaintiff, George L. Waelon, the one undivided half of the property in controversy, Lot No. 4 in Block No. 42, as aforesaid, Together with the improvements thereon

And the plaintiff, George L. Waelon, having tendered in open Court, the sum of Three Hundred and Eighty Dollars in gold and deposited the same with the clerk of the Court, with which to pay the balance due on the deed of trust mentioned in the pleadings in this case, after deducting the sum of One hundred & twenty-five dollars, paid to the defendant, Edward Christian, as stated in the pleadings and shown by the proof, which said balance is the sum of two hundred and fifteen dollars, which it appears to the Court should be paid to the said Christian, in full discharge of the deed of trust aforesaid, and his said demand under it.

And the said defendant, Edward Christian, having tendered in open Court, the sum of One hundred and twenty-five dollars and deposited the same in the hands of the clerk of this Court, with which to return to and pay back to the said plaintiff, George L. Waelon, the said sum of One hundred and twenty-five dollars, paid to the said

Fall Term, Monday, 24 Dec 1860

Christian by the said plaintiff, as mentioned in the pleadings, and shown by the proof,

It is, therefore, ordered, adjudged and decreed by the Court, that the clerk of this Court pay over to the said plaintiff, George D. Harlan, the said sum of Three Hundred and Eighty dollars deposited by said plaintiff, for the purpose aforesaid - and the said sum of One Hundred and twenty-five dollars, deposited by the said defendant, Edward Christian, for the purpose aforesaid, which said last mentioned sums, together with the sum of Two Hundred and fourteen Dollars of the amount deposited by plaintiff, shall be a payment pro tanto, of their Judgment in favor of the said George D. Harlan against the said defendant, Edward Christian: And it is further ordered by the Court, that, pltff. George D. Harlan, do have and recover of and from the defendant, Edward Christian, all the costs in this behalf expended, and that execution issue for the principal sum due on the finding of the jury and judgment of the Court, after deducting the said sum of $214.$^{12}_{100}$ aforesaid, with interest thereon at 8% per annum and forever- And it is further ordered, adjudged and decreed by the Court, that the Clerk of this Court do issue, instanter, a writ of posseferin, commanding and requiring the Sheriff of Travis county to oust the said defendant, Edward Christian, of the one undivided half of the property in controversy recovered by the said plaintiff, Geo D. Harlan, of the said defendant, Edward Christian, and that he place the said George D. Harlan in possession thereof

1787 — A. M. Cox et al. vs A. M. Davidson — Plaintiff / Defendant — And now on this day came the pltff in this cause by his attorneys - and the motion of the defendant filed herein for a new trial being regularly reached on the motion docket, the same was read, and the questions arising upon the same being duly considered by the Court, It is, thereupon, ordered that the said motion be and the same is hereby overruled.

2024 — G. W. White, et al. vs Sherman Case — Plaintiffs / Defendant — And now on this day came the plaintiffs in this cause by their attorneys - and the motion of the defendant filed herein, to set aside the judgment by default, coming on to be heard - and the same being duly considered, It is ordered by the Court, that the said motion be and the same is hereby overruled.

1876 — N. S. Slaten vs E. M. Crosthwait — Plaintiff / Defendant — And now on this day came the defendant in this case by her attorneys and thereupon the motion

of said defendant, heretofore filed, being regularly reached on the motion docket, the same being a motion to dismiss this cause from the docket. And the said motion being submitted, and the same being duly considered by the Court, It is ordered, adjudged and decreed that the said motion be sustained; that the cause be dismissed from the docket; that the said defendant go hence without day; and have and recover of and from the plaintiff, N. D. Slaten, all cost of this suit, for which execution may issue

And thereupon, It is ordered that Court adjourn till next Friday morning at 9 o'clock

Friday, 28th Dec. 1860.

Court convened at 9 o'clock, A. M. pursuant to adjournment. A. W. Terrell, 2d District Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

1377

The State of Texas vs W. B. Covington — Plaintiff vs Defendant

This cause being called for trial, the defendant W. B. Covington, failing to appear and answer to the indictment in this case, he and his securities, Wm. H. Storm and J. F. Bowls, being distinctly called at the door of the Courthouse of Travis county, and the defendant, after a reasonable length of time, still failed to appear. And it appearing to the Court that the defendant, W. B. Covington with the said Wm H. Storm and J. F. Bowls, as his securities, did execute the Bail Bond on file in this Case, substantially as follows: Dated 28th day of June, 1860, payable unto The State of Texas in the sum of One Hundred Dollars, conditioned that the said defendant, W. B. Covington, make his personal appearance at the District Court of said County of Travis, then in session, at the Courthouse thereof, in Austin, to answer the indictment preferred against the said defendant, W. B. Covington, by the Grand Jurors of Travis County, at the Spring Term, A. D. 1860, for playing at a game with cards in a room attached to a house for retailing spirituous liquors, and commonly used for gaming, and there remain from day to day, and from term to term of said Court, and that he do not depart thence without leave of said Court - which said Bond is forfeited. And it is considered by the Court that the State of Texas do have and recover of the said W. B. Covington the said sum of One Hundred dollars, and of his said securities the sum of One hundred dollars, and that this Judgment will be made final unless good cause be shown at the next term of this Court, why the said defendant, W. B. Covington did not appear. And further ordered, that Citations do issue to the said securities.

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1362	The State of Texas v Frank Cotton, et.als.	Pltff. Defts.	On motion of the District attorney, it is ordered by the Court, that the Bond of the defendant Cotton taken in this cause be quashed, that the forfeiture of the same be set aside, and that capias issue to Harris county for said defendant. It is further ordered, that the capias cause be dismissed as to the defendant I. S. W. Cook, and that said Cook go hence fully discharged.	
1361	The State of Texas v I. S. W. Cook	Plaintiff Defendant	On motion of the District Attorney it is ordered that this cause be dismissed as to the dft. Cook, and that he be discharged	
1344	The State of Texas v Frank Coden	Pltff. Dft.	On motion of the District attorney it is ordered that the bond of said dft. in this case be quashed; that the forfeiture of the same set aside, and that capias issue to Harris county.	
1343	The State of Texas v Frank Cotton	Plaintiff Defendant	On motion of the District atty it is ordered that the bond of said dft. in this case be quashed, that the forfeiture of the same be set aside, and that capias issue to Harris county for said defendant.	
1341	The State v Frank Cotton	Cont'd and capias ordered to Harris Co		
1342	The State v Frank Cotton	Cont'd and capias ordered to Harris Co		
1340	The State of Texas v Frank Cotton	Plaintiff Defendant	On motion of the District attorney it is ordered that the bond of said dft. in this case be quashed; that the forfeiture of the same be set aside, and that capias issue to Harris co. for said dft.	
1339	The State of Texas v Frank Cotton	Plaintiff Defendant	On motion of the District attorney it is ordered that the bond of said dft. in this case be quashed; that the forfeiture of the same be set aside, and that capias issue to Harris co. for said dft.	
1323	The State of Texas v I. O. Illingworth	Pltff. Dft	And now on this day came Thomas E. Reed, Esq. District attorney, on behalf of the State, and also came the defendant Illingworth, by his attorney N. G. Shelley, Esq. and the parties announced themselves ready for trial Thereupon came a jury of twelve good and lawful men of Travis county, to wit: J. Miner and eleven others, who were tried, elected, empannelled and sworn according to law. And the jury having heard the defendant's plea of guilty and the charge of the Court, returned into Court the following	

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verdict, to wit: "We, the Jury, find the defendant, Illing worth, guilty, and assess the fine at ten dollars. J. Miner, Foreman." Whereupon, It is ordered by the Court that the State of Texas do have and recover of and from the defendant, J. O. Illingworth, the said sum of ten dollars and all cost of this prosecution, and that the clerk issue a capias to enforce the collection of the same. And thereupon, on motion It is ordered that the forfeiture of the Bond of said defendant, entered at a former day of the present term of this Court, be and the same is hereby set aside, recalled, and held for naught.

The State of Texas } Plaintiff
vs.
Yancey Cain } Defendant

And now on this day comes Thomas C. Reed, Esq. District attorney, on behalf of the State, and also came the defendant, in person, and also by attorney, and announced themselves ready for trial. And thereupon came a jury of twelve good and lawful men of Travis County, consisting of W. P. Maher and eleven others, who were tried, elected, empannelled and sworn as the law prescribes. And the defendant pleads not guilty to the indictment. And the Jury having heard the plea, the evidence introduced by the parties and the charge of the Court, retired for deliberation, and returned into Court the following verdict, to wit: "We, the jury, find the defendant guilty, and assess the fine at one dollar. W.P. Maher, foreman." Whereupon, It is ordered by the Court that the State of Texas do have and recover of and from the said defendant, Yancey Cain, the sum of One dollar, and all cost of this prosecution, and that he be committed to the custody of the Sheriff until the same be paid.

1378

The State of Texas } Plaintiff
vs.
Frank Cotton } Defendant

On motion of the District Attorney, It is ordered by the Court that the bond of the defendant Cotton and the capias under which the same was taken, be quashed, and that capias issue to Harris County for said defendant, and that the case be continued

1379

The State of Texas } Plaintiff
vs.
Robert H. Cumby } Defendant

This cause being called for trial, the defendant Robert H. Cumby, failing to appear and answer to the indictment in this case, he and his securities B. J. Sikins and T. P. Dunham, being distinctly called at the door of the Courthouse of Travis county, and the defendant, after a reasonable length of time, still failed to appear. And it appearing to the Court that the defendant, Robert H. Cumby, by the name of R. H. Cumby, with the said B. J. Sikins and T. P. Dunham as his securities, did execute the Bail Bond on file in this case substantially as follows: Dated 19th day of September 1860, payable unto The State of Texas in the sum of One Hundred dollars, conditioned that the said defendant, Robert H. Cumby, make his personal appearance at the District

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Court of said county of Travis, on the first Monday in December, 1860, to answer the indictment preferred against the said defendant, R. H. Cumby, by the Grand Jurors of Travis county, at the Spring Term, A. D. 1860, for playing at a game with cards in a room attached to a house for retailing spirituous liquors, and there remain from day to day and from time to time of said Court, and that he do not depart thence without leave of said Court - which said Bond is forfeited - And it is considered by the Court that the State of Texas do have and recover of the said Robert H. Cumby the said sum of one hundred dollars, and of his said securities the sum of one hundred dollars, and that this judgment will be made final unless good cause be shown at the next term of this Court why the said defendant, Robert H. Cumby, did not appear. And further ordered that citations do issue to the said securities.

1136

The State of Texas / Plaintiff / vs / Marcus Huling / Defendant

And now on this day came N. G. Shelley, Esq. appointed by the Court to represent the State in this behalf and also came the defendant in person and also by his attorney, Wm. M. Walton, Esq. appointed by the Court; and the parties announced themselves ready for trial. Thereupon came a jury of 12 good and lawful men of Travis county, consisting of J. Miner and eleven others, who were duly tried, elected, empannelled & sworn. And the defendant pleads not guilty. And the jury having heard the evidence introduced by the parties, the argument of counsel and the charge of the Court, retired for deliberation, and returned into Court the following verdict, to wit: "We, the jury, find the defendant guilty of an aggravated assault, and assess a fine of one hundred dollars ($100 c J. Miner, Foreman." Whereupon, It is ordered by the Court that the State of Texas do have and recover of and from the defendant, Marcus Huling said sum of One hundred dollars and all cost of this prosecution, and that he be committed to the custody of the Sheriff until the same be paid.

1373

The State of Texas / Plaintiff / vs / Thos. Beck / Defendant

And now on this day came Thomas C. Reed, Esq. District Attorney, in behalf of the State, and also came the defendant in person and by atty. And the parties announced themselves ready for trial. Thereupon came a jury of twelve good and lawful men of Travis county, consisting of W. P. Mahew and eleven others, who were duly tried, elected, empannelled and sworn as the law prescribes. And the defendant pleads not guilty. And the Jury having heard the testimony introduced by the parties,

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the argument of counsel and the charge of the Court, who retired for deliberation, and returned into Court the following verdict, to wit: "We the Jury, find the defendant not guilty. W. P. Whalan Foreman." Whereupon, it is ordered by the Court that the State of Texas do have and recover of and from the defendant Beck go hence without day, fully acquitted and discharged.

And thereupon Court adjourned till to-Morrow Morning 9 o'clock

Saturday, 29th Dec. 1860.

Court convened at 9 o'clock, A.M. pursuant to adjournment. A. M. Jewell, 2d District Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

1384 The State of Texas vs. I. P. Montagne — Plaintiff / Defendant — It is ordered that this cause be continued, on application of plaintiff, on a showing made by the District Attorney. And further ordered that alias attachments issue, on behalf of the State, for Victor Gerardin to Galveston County, and to Dallas County for Pierre des Lean and Mrs. John

1383 The State of Texas vs. I. M. Drake — Plaintiff / Defendant — Continued for Service

1382 The State of Texas vs. Andrew Chamberlain — Plaintiff / Defendant — Continued for Service

1381 The State of Texas vs. Thomas J. Randolph — Plaintiff / Defendant — On motion made by the District Attorney, and on a showing properly made, It is ordered that this cause be continued, at the instance of the said plaintiff.

And thereupon appeared in open Court, E. A. Hopkins, James S. McLaurin and Phineas De Cordova, witnesses summoned on behalf of the plaintiff in the above entitled cause. And thereupon on motion, It is ordered that each of said witnesses be recognized in the sum of One Hundred Dollars, for his appearance at the next term of this Court.

And thereupon E. A. Hopkins acknowledged himself justly to owe and be indebted unto The State of Texas in the penal sum of One Hundred Dollars, to be levied upon his goods and chattels, lands and tenements, But to be void if the said Hopkins shall

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appear at the next term of the District Court of Travis county to be held at the Courthouse thereof in Austin, on the ninth Monday after the first Monday in April, 1861, there to remain from day to day and from term to term, to give evidence on behalf of the plaintiff in the above entitled cause wherein The State of Texas is plaintiff and Thomas J. Rundolph is defendant; and that he do not depart the Court without leave

And thereupon appeared in open Court James F. McLaurin and acknowledged himself justly to owe and be indebted unto the State of Texas in the penal sum of One Hundred Dollars, to be levied upon his Goods and Chattels, Lands and tenements, But to be void if the said McLaurin personally appear at the next term of the District Court of Travis County, to be held at the Courthouse thereof in Austin, on the ninth Monday after the first Monday in April, 1861 there to remain from day to day and from term to term, to give evidence on behalf of the plaintiff in the above entitled cause wherein The State of Texas is plaintiff and Thomas J. Rundolph is Defendant, and that he do not depart the Court without leave.

And thereupon appeared in open Court Phineas de Cardova, who acknowledged himself justly to owe and be indebted unto The State of Texas in the penal sum of One Hundred Dollars to be levied upon his Goods and Chattels, Lands and Tenements, But to be void if the said de Cardova personally appear at the next term of the District Court of Travis county, to be held at the Courthouse thereof in Austin on the ninth Monday after the first Monday in April, 1861 there to remain from day to day and from term to term, to give evidence on behalf of the plaintiff in the above entitled cause wherein The State of Texas is plaintiff and Thomas J. Rundolph is Defendant, and that he do not depart the Court without leave

1375 The State of John B. Perry. Continued on affidavit of defendant

And thereupon Court adjourned till Monday morning 9 o'clock

Monday, December 31st. 1860

Court convened at 9 o'clock, A. M. pursuant to adjournment. A. W. Terrell, 2d District Judge, presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

1380 The State of Texas vs Pedro Balador — Plaintiff, Defendant — And now at this day came the parties to this cause - by their District Attorney appearing on behalf

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of the State and the defendant appearing in person and also by his attorneys, Messrs. Seb. Sneed and Wm M. Walton, appointed by the Court. And the parties announced themselves ready for trial. And thereupon came a jury of twelve good and lawful men of Travis County, consisting of J. Miner and eleven others, who were tried, elected, empannelled and sworn according to law. And the jury having heard the testimony introduced by the parties, the plea of not guilty, the argument of counsel and the charge of the Court, retired for deliberation, and returned into Court the following verdict to wit: "We, the jury, find the defendant not guilty. J. Miner, Foreman." Whereupon, It is ordered by the Court, that the said cause be dismissed from the docket, and that said defendant, Pedro Balador, go hence without day, fully acquitted and discharged.

2079 V

D. M. Swenson vs Norton, Miner & Raven — Plaintiff / Defendant

And now at this day came the plaintiff to this cause by his attorneys, and moved the Court to render Interlocutory Judgment by default against these defendants. And because the said defendants have been duly cited by personal service and have wholly failed to answer within the time prescribed by law, It is ordered by the Court that the said plaintiff, D. M. Swenson, do have and recover of and from the said defendants, A. B. Norton, Jack Miner and W. H. Raven according to the prayer of his petition. And because the said suit is based on an open account It is ordered that a jury be empannelled to ascertain the amount due on said account.

2078 V

D. M. Swenson vs Miner, Lambert & Peny — Plaintiff / Defendants

And now at this day came the plaintiff by his attorney and claims a final Judgment by default. And because the said defendants have been duly cited by personal service and have wholly failed to answer within the time prescribed by law - and plaintiff's cause of action being based on a note of hand, the same being produced in evidence It is, therefore, ordered, adjudged and decreed by the Court that the plaintiff, D. M. Swenson, do have and recover of and from the defendants, Jack Miner, R. J. Lambert and John D. Peny, under their firm name of Miner, Lambert and Peny, the sum of Four Hundred, Seventeen and 25/100 dollars, principal debt and interest due on the note sued on to date, together with all cost in this behalf incurred, for which execution may issue.

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2077

D. M. Dawson, Plaintiff
vs
A. B. Norton, Defendant

And now at this day came the plaintiff to this cause by his attorneys and daims a final Judgment by default. And because the said defendant has been duly cited by personal service, and has wholly failed to answer within the time prescribed by law-and plff's. cause of action being based on a note of hand, the same produced in evidence. It is therefore, ordered adjudged and decreed by the Court that the plff. D. M. Dawson, do have and recover of and from the defendant A. B. Norton the sum of Six Hundred, forty-one and 89/100 dollars, principal debt and interest due on the note sued on to this date, together with all cost of this suit, for which execution may issue.

2031

D. M. Dawson, Plff
vs
Wm. McGill & Amas Monell, Defts

And now at this day came the plff. by atty and moves the Court to render Judgment by default in this case. And because the said defendant Gill has been cited by personal service and the defendant Monell has accepted service, of plff's petition, and waived the issuance and service of citation, and said defendants having failed to answer within the time prescribed by law, It is, therefore, ordered by the Court that the said plff. Dawson, do have and recover of and from the said defendants, Wm. McGill and Amas Monell according to the prayer of his petition and that a writ of inquiry be awarded

2032

D. M. Dawson, Plff.
vs
Jno. M. Lockett, Wm. H. Witt, Joseph A. Smith & M. P. Johnson, Defts

And now on this day came the plff by his attorney and claims a Judgment by default. And because the said defts. have been duly cited by personal service and have failed to answer within the time prescribed by law, It is, therefore ordered by the Court that the plff. D. M. Dawson, do have and recover of and from the said defendants above named according to the prayer of his said petition, and that a writ of inquiry be awarded

1693

J. J. Coffman, Admr, Plaintiff
vs
John King, Defendant

Ordered, on motion, that the said defendant have leave to amend his answer by the 1st Feby, 1861

Fall Term, Monday, 31 Dec. 1860

√ 1384 V

The State of Texas } Keft } And now on this day came Thomas
v. } E Sneed, Esq., District attorney, on behalf
L. Fellman } Deft } of the State, and also came L. Fellman
in person, and by attorney, and the parties announced themselves
ready for trial. Whereupon came a jury of twelve good and
lawful men of Travis County, consisting of Wm P. Makem and
eleven others, who were duly tried, elected, empannelled and sworn
according to law. And the defendant pleads not guilty. And
the jury having heard the testimony and the charge of the
Court, returned the following verdict, to wit: "We, the jury, find
the defendant not guilty. W P Makem Foreman." Whereupon it is
ordered by the Court that the case be dismissed, and that the said
defendant, L. Fellman go hence, without day, fully acquitted
and discharged.

√ 1385 V

The State of Texas } Plaintiff } And now on this day came Thomas
v. } E. Sneed, Esq., District attorney, on
J. P. Montagne } Defendant } behalf of the State, and also came J.
P. Montagne in person and by attorney. And the parties announced
themselves ready for trial. And thereupon came a jury of twelve
good and lawful men of Travis Co. consisting of W. P. Makem
and eleven others, who were tried elected, empannelled and
sworn. And the defendants pleads not guilty. Whereupon the
defendant Jury having heard the testimony, argument of
counsel and the charge of the Court returned the following verdict,
as follows to wit: "We, the Jury, find the defendant not guilty"
W. P. Makem, Foreman." Whereupon, It is ordered by the Court that
the said defendant Montagne go hence without day, fully acquitted
and discharged.

√ 1388 V

The State of Texas } Plaintiff } And now on this day comes Thomas E.
v. } Sneed, Esq., District attorney, on behalf
G. Parvert } Defendant } of the State, and also comes the
defendant, in person, and also by attorney; and the parties announced
themselves ready for trial. Whereupon came a jury of twelve good
and lawful men of Travis County, consisting of Jno. E. Campbell and
eleven others, who were tried, elected, empannelled and sworn
as the law prescribes. And the defendant pleads not guilty. And
the jury having heard the testimony, argument of counsel, and
the charge of the Court, retired for deliberation, and returned into
Court the following verdict, to wit. "We, the jury, find the defendant
guilty, and assess the fine of fifty dollars. Jno. E. Campbell, Foreman."
Whereupon It is ordered by the Court that the State of Texas do have and
recover of and from the said defendant, G. Parvert, the said sum

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of fifty dollars and all cost of this prosecution, and that said defendant remain in the custody of the Sheriff until the same be paid.

1393 The State vs. Junius W. Smith Capias awarded to Bowant Co. and entd
1392 The State vs G W. Paschal, Jr. Continued for service
1391 The State vs Ras. Scott Continued for service
1390 The State vs Ras. Scab Capts for service and Bail fixed at $1000
1389 The State vs R. Smith Capts for service
1387 The State vs V. Montagne " " " and bail fixed at $1000

1375 The State of Texas vs Deft } alias attachment awarded to Hays Co. for
John B. Perry Deft } Alexander Black for Deft returnable next term

1337 The State vs Ben. Hines, et al. Case dismissed and defts. discharged

1293 The State of Texas vs Plaintiff } And now on this Day came Thomas
John T. Shanks Defendant } C. Sneed, Esq. District Attorney, on behalf of the State, and also came the defendant, John T. Shanks, in person, and also by his attorneys, and, on the motion of the District Attorney, It is ordered that writs of attachment issue, on behalf of the plaintiff in this case, to Anderson county, for Valentine Anglin, Elizabeth Anglin, D. M. Crist, Stephen Crist, Ephraim Austin, and to Limestone county for George Crist and Daniel Crist, and to Freestone county for Benjamin Crist, returnable to the next term of the District Court of Williamson County.

And thereupon the defendant submitted to the Court the motion heretofore filed in this case praying for a change of the venue of said cause to the County of Williamson, because of the causes set forth in said motion. And thereupon, it appearing that the said County of Williamson is the ~~nearest~~ County whose ~~nearest~~ county seat is nearest to the county seat of Travis County; that because said motion alleges that there exists so great a prejudice against said defendant that he cannot obtain a fair and impartial trial in Travis County; and the said Shanks, and W. D. Scott and W. M. Grimsley, two citizens of Travis County, having made oath that there now exists in Travis county so great a prejudice against the said defendant, Shanks, that he cannot obtain a fair and impartial trial in said county; It is therefore, ordered by the Court that the venue of the above entitled and numbered cause be changed to the county of Williamson, and that the Clerk of this Court do transmit, to the Clerk of the District

Fall Term, Monday, 31 Dec. 1860.

Court of Williamson county, on or before the first day of the next term thereof, all the original papers in this cause together with a certified copy of all the original entries herein

And thereupon appeared in open Court the said John T. Shanks, who brings with him, as securities for his appearance at the next Williamson District Court, Edward Clark, M. T. Johnson and J. T. Shanks. And thereupon the said John T. Shanks, as principal and the said Edward Clark, M. T. Johnson and and J. T. Shanks as his securities, acknowledged themselves jointly and severally justly to owe and be indebted unto The State of Texas in the penal sum of Twelve Hundred Dollars, to be levied upon their respective goods and Chattels, Lands and Tenements, But to be void, nevertheless if the said John T. Shanks, Defdt shall make his personal appearance at the next term of the District Court of Williamson county, Texas to be held at the Courthouse thereof in the town of Georgetown, on the second Monday in March, A. D. 1861, then and there to answer the Indictment preferred against the said defendant John T. Shanks, by the Grand Jurors of Travis county, at the Fall Term of the District Court of said County, 1859, for falsely making and feloniously forging, without lawful authority, and with intent to injure and defraud, a false instrument in writing, purporting to be a conveyance from Hugh Henderson to J. C. Kerby, of a donation warrant, for 640 acres of land, issued to the said Henderson by the Secretary of War of the late Republic of Texas, on the 2d day of January, 1839, and that the said defendant, John T. Shanks, do there remain, from day to day, and from term to term, and from day to day of each term thereof, until discharged by due course of law, and that he do not depart the said Court without leave.

And thereupon Court adjourned till Wednesday morning next the 2d January, 1861, 9 o'clock, A. M.

Wednesday, 2d January 1861

Court convened at 9 o'clock a.m. pursuant to adjournment. A. W. Buell, 2d District Judge presiding. Whereupon the following proceedings were had by said Court as follows, To wit;

IV 1871

B. G. of
v.
Webb & Hahnan

Plaintiff
Defendants

Continued Generally

Fall Term, Wednesday, 2d Jany, 1861

$ 1874 — D. Brouner vs Robinson & Vogt — Plaintiff / Defendants

And now at this day comes the plaintiff to this cause by his attorney and also came the defendant Vogt, by his attorney. And thereupon the said plaintiff dismisses this suit as to the defendant Robinson, who has not been served with process. And thereupon the said parties Plff. and Deft. Vogt announced themselves ready for trial, and waiving the intervention of a jury, agree to submit the cause to the Court. And it appearing that the cause of action in this case is liquidated, as shown by the note of hand produced in evidence, the same sued on, It is therefore ordered, adjudged and decreed by the Court that the Pelff. Benjamin Brouner, do have and recover of and from the said defendant, Henry L. Vogt, the sum of One Hundred and thirty dollars, principal debt and interest due on the note sued on to date, together with all the cost of this suit, for which execution may issue.

V 1958 — Susan L. Ward vs Thomas Wm Ward — Pelff / Deft

On motion, It is ordered that the Pelff. have leave to amend her petition in this case.

V 1976 — John Hauer vs Ben. Barton — Plaintiff / Defendant

On motion of Plaintiff, Comes It is ordered that the Sheriff of Travis County have leave to amend the return of service in the citation and brief statement issued and returned in this case

V 2017 — John H. Brower & Co. vs A. J. Hamilton — Plffs. / Deft

And now on this day came there Plffs. by their attorney and claim a final judgment by default. And because this defendant hath been duly cited by personal service and hath wholly failed to answer within the time prescribed by law - and Plffs. cause of action being based upon ~~a note of hand~~ two drafts, the same produced in evidence, It is, therefore, ordered, adjudged and decreed by the Court that the said plaintiffs John H. Brower, Benjamin B. Blydenburgh and Morgan L. Brower, under their firm name of John H. Brower & Co. do have and recover of and from the defendant, A. J. Hamilton the sum of Nine Hundred, Ninety and 13/100 Dollars

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principal debt and interest due upon the drafts sued on up to this date, together with all cost of this suit, for which execution may issue.

2057 — L. K. Sackett, Plaintiff; v. Thos L. Minor & J. R. Simms, Defendants — And now at this day came this Plaintiff by his attorney, and moves the Court to render a final Judgment by default. And because the said defendants have been duly cited by personal service and have wholly failed to answer within the time prescribed by law - and plaintiff's cause of action being based upon a note of hand, the same produced in evidence, It is, therefore, ordered adjudged and decreed by the Court, that the Pff. L. K. Sackett, do have and recover of and from the said defendant, Thos. L. Minor, as principal, and of the said J. R. Simms, as endorser, the sum of Two Hundred, Fifty Eight and 80/100 Dollars, principal debt and interest due on the note sued on in this case up to this date, together with the Cost of Suit, for all which execution may issue.

1695 — N. S. Slaten, Plaintiff; v. W. D. Miller, Deft; C. L. Robards, et al, Garnishees — On motion, It is ordered by the Court that the garnishee, C. L. Robards, have leave to file an amended answer.

1874 — Anna M. Hanston, Plaintiff; v. Andrew Hanston, Defendant — Now on this day the above entitled cause came on for trial and the parties appeared by their respective attorneys and announced themselves ready for trial - the counsel of Deft presented his demurrer and exceptions to the Court which are overruled. Whereupon came a jury of twelve good and lawful men, viz: J. Miner Freman, and eleven others, who were tried, elected, empannelled and sworn. And the jury, after hearing the pleadings read, the testimony of the parties the argument of counsel and the charge of the Court, retired to consider of their verdict, and, after full deliberation, of the same presented, returned into Court the following verdict, to wit: "1st, We find that the parties were married. 2nd. We also find the allegations in the plaintiffs petition true. 3rd. Also, that the defendant left the plaintiff for the period of three years with the intention of abandoning her." It is, therefore, ordered, adjudged and decreed by the Court, that the bonds of matrimony heretofore existing between the Pff. Anna M. Hanston and the Deft. Andrew Hanston, be henceforth dissolved; that the Pff. Anna M. Hanston is hereby divorced from the Defendant, and that their said marriage be henceforth null and void - and that the Pff. recover of the Deft all the costs of this suit, for which execution may issue

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V 1884 — Joseph Wright vs Daniel Hamilton, Defendant — Plaintiff — It is ordered that this cause be dismissed from the docket, the cost of suit having been paid

V 1886 — L. Eger vs A. Smith, Defendant — Plaintiff — Continued generally

V 1891 — M. D. Dorsey vs Geo & John Robinson, Defendants — Plaintiff — And now on this day came the plaintiff to this cause by his attorneys, and, also came the said John Robinson by his attorney, and said parties announced themselves ready for trial, and waiving the intervention of a jury submit the cause to the Court. And the said plaintiff dismisses this suit as to the defendant, Geo. Robinson, who has not been served. And it appearing to the Court that the plaintiffs cause of action is liquidated, as evidenced by the note of hand produced in evidence, the same sued on, It is, therefore, ordered, adjudged and decreed by the Court, that the said plaintiff, M. D. Dorsey, do have and recover of and from the said defendant, John Robinson, the sum of five Hundred twenty-three and 89/100 dollars, principal debt and interest due on the note sued on, to this date, together with the cost of suit, for all which execution may issue.

V 1912 — Wm Wright, et. al. vs Sawyer & Risher — Plaintiffs — Defendants — Continued generally

V 1902 — Rena Blaylock vs Risk & Bowers — Plaintiff — Defendants — On motion, It is ordered that the plaintiff herein have leave to amend her petition

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

Friday, 3d January 1861

Court convened at 9 o'clock, A.M. pursuant to adjournment A. H. Terrell, 2d District Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

V 1908 — W. D. Cleaham for use of Johnson & Harrell vs Jo Walker, Irving Rust & S. Wallen — Plaintiff — Defendants — And now on this day comes the plaintiff by his attorneys, and the defendants came not,

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but wholly made default. And it appearing to the Court that service has been perfected upon each of the defendants according to law, and that they have failed to plead, answer or demur to plaintiff's petition in the time prescribed by law; and it further appearing to the Court from an inspection of the pleading in the case that plaintiff's cause of action is liquidated, and that the lien set up by the plaintiff in his petition is evidenced by a deed of mortgage in writing: and it further appearing to the Court that the said deed of mortgage in writing was executed and delivered by the defendant, Joseph Wacker, for the purpose of securing the payment of the note sued on

It is, therefore, ordered, adjudged and decreed by the Court, that the plaintiff, W. S. Oldham, who sues for the use of R. M. Johnson and Joseph Harrell, parties using the firm name of Johnson & Harrell, do have and recover of and from the defendant, Joseph Wacker, the sum of Seven hundred, Seventy and 37/100 dollars, principal debt and interest due at this time, together with interest thereon at the rate of ten per cent. per annum until paid. And it is further ordered, adjudged and decreed by the Court, that the mortgage mentioned in the pleadings, be, and the same is hereby foreclosed upon the property therein specified, and the said mortgaged property, viz: "One undivided half of the State Gazette Printing Office, in the City of Austin, Texas, be and the same is hereby ordered to be sold, by the Sheriff of Travis County, for cash, and the proceeds of such sale applied to the payment and satisfaction of the judgment as far as they may go: And it is further ordered, adjudged and decreed by the Court, that the Clerk of this Court do issue an order of sale, directed to the Sheriff of Travis County, requiring and commanding him to sell said property, and apply the proceeds of such sale, as herein provided: and it is further ordered, adjudged and decreed by the Court, that in the event the proceeds of the sale of said mortgaged property shall not prove sufficient to pay off and satisfy this judgment and cost, then that execution issue for such balance remaining unpaid, against the defendant, Joseph Wacker

And it is further ordered, adjudged and decreed by the Court, that the plaintiff do have and recover of the defendants, Joseph Wacker, Irving Root and Samuel M. Allen all the cost in this behalf expended.

1885

Wm G. Wallace, Plaintiff, vs. D. C. Heffington, Defendant. And now on this day came the Pff. in this case by his attorney and moves the Court to render Judgment by default against this defendant, for the want of an answer. And it appearing to the satisfaction of the Court, here, that the

said defendant Keffington hath been duly summoned to answer this suit, and that he hath wholly made default, by failing to plead answer or demur to pffs petition within the time prescribed by law, It is therefore ordered adjudged and decreed by the Court that the said plaintiff, William G. Wallace, do have and recover of and from the defendant, D. C. Keffington according to the prayer of his petition, And because half of the cause of action in this case is unliquidated, It is ordered that a Jury be empannelled to ascertain the amount due

1892 — R. Butcher, et. als. vs. E. H. Randolph, Treas — Plaintiffs / Defendant — And now on this day came these plaintiffs by their atty. and on motion It is ordered that said plaintiffs have leave to make Wm. D. Gibson and Austin Gibson parties defendant, and that this cause be continued to make service on them

1913 — Francis J. Barziza vs. James A. Hahnan — Plaintiff / Defendant — Ordered, that this cause be continued generally, on application of C. B. Turner, pffs Counsel being absent

1915 — George A. Chapin vs. John H. Cramer — Plaintiff / Defendant — And now on this day came the plaintiff and the defendant in this case by their respective attys and announced themselves ready for trial, and waiving a Jury submit the case to the Court. And thereupon the demurrer of the defendant being submitted to the Court, the same is overruled. And because the said plaintiffs cause of action is liquidated, as shown by the note of hand produced in evidence, the same sued on, It is, therefore, ordered, adjudged and decreed by the Court, that the pff George A. Chapin, do have and recover of and from the defendant John H. Cramer, the sum of Three Hundred, Forty-Seven and 61/100 Dollars principal debt and interest due on said note to this day together with ten per centum per annum interest thereon until final payment, and all cost of this suit, for all which execution may issue

1916 — B. J. Collins vs. Thomas Griffin — Plaintiff / Defendant — Ordered, that this cause be continued generally the plaintiff being absent

Elias O. Bowen vs. Phineas Burchard — Pff / Deft — And now on this day came the pff in this case in his own proper person, and on motion of the said plaintiff, It is

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ordered by the Court that this cause be dismissed from the docket; that the parties go hence without day, and that the plaintiff pay the cost of this suit, for which execution may issue.

2002

James R Pace vs John H Conner & Frank Brown — Plaintiff / Defendants

And now on this day came the plaintiff and defendant Conner, by their respective attorneys and the defendant Brown in his own proper person; and the said parties waiving a Jury, agree and consent that judgment may be rendered by the Court for the amount due on the note sued on; And thereupon It is ordered, adjudged and decreed by the Court, that the said plaintiff, James R. Pace, do have and recover of and from the defendant, John H. Conner, as principal, and of the said Frank Brown, as endorser, the sum of One Hundred, Thirty and 4/100 Dollars ($130.04) principal debt and interest due on the note sued on in this case, together with ten per centum per annum interest thereon from this date until paid, and all the cost of this suit, for all which execution may issue. And because it appears to the Court, from the evidence, that the said Brown is not a principal debtor, but endorser and security, It is ordered, that the execution which may issue on this Judgment, shall be first levied on the property of the defendant, John H. Conner, situate in Travis County, before said execution shall be levied upon the property of said endorser, in accordance with the law in such case made and provided, provided so much of the property of said principal can be found, as will, in the opinion of the Sheriff, be sufficient to make the amount of the execution - otherwise the levy to be made on so much of the property of the principal as may be found, if any, and upon so much of the property of the security, as may be necessary to make the amount of the execution - and the Clerk of this Court is authorized to endorse a memorandum of the order on the execution.

January 12. 1861. For value rec'd I assign the within judgment against John H Conner & Frank Brown to James R. Pace. W. P. Adams

2038

James H. Lightfoot, et al vs Wm C. Lightfoot — Plaintiffs / Defendant

Ordered, on motion, that the plaintiffs to this cause have leave to amend their pleading.

2093

J. C. Higgins vs A. H. Cook — Plaintiff / Defendant

And now at this day comes the plaintiff by his attorney and claims a final Judgment by default, and moves the Court to award a writ of inquiry. And because the said defendant hath accepted service of plaintiff's petition and waived the issuance and service of citation; and the

said defendant having failed to answer this suit within the prescribed time, but wholly made default. It is ordered, that the plaintiff recover of the defendant, herein, according to the prayer of his petition, and that a Jury be empannelled to assess the damages. And thereupon came a Jury of twelve good and lawful men of Travis County, consisting of Jno. C. Campbell foreman and eleven others, who were tried, elected, empannelled and sworn as the law prescribes. And the Jury heard the evidence introduced by the plaintiff, and being charged by the Court, returned the following verdict, to-wit: "We, the Jury, find "for the plaintiff the sum of Nineteen Hundred and Thirty Dollars "and ninety-eight cents. Jno. C. Campbell, foreman." Whereupon It is ordered adjudged and decreed by the Court that the plaintiff J. C. Higgins do have and recover of and from the defendant, A. H. Cook, the sum of Nineteen Hundred and thirty and 98/100 Dollars according to the verdict of the jury, together with the cost of the suit, for which execution may issue. It is further ordered that the sum of Eight Hundred, Ninety-Nine and 0/100 Dollars of said amount, draw interest from date until paid at the rate of eight per centum per annum, and that the balance of the amount of said verdict draw interest at the rate of ten per centum per annum from date until paid.

J 1958 — Duncan L. Ward, Plaintiff; vs; Thos Wm Ward, Defendant. — Proceeding for Contempt by Deft.

And now on this day came the counsel for the plaintiff in this case, and submitted to the Court his application for attachment for the defendant, to appear and answer the contempt charged against him, for failing to pay over the alimony due from the said defendant to the plaintiff as awarded by the Court. And the said application and proof being inspected, It is ordered, that an attachment issue for the said body of the said Ward, Deft., returnable on next Monday morning, the 7th January, 1861, according to the said application.

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

Monday, 7th January, 1861

Court convened at the Courthouse at 9 o'clock, A.M. pursuant to adjournment. A. W. Terrell, 2d District Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

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Thomas Freeman — Plaintiff
vs.
J. C. McKinney & A. H. Cook — Defendants

And now on this day this cause coming on to be heard, and the plaintiff having announced himself ready for trial, and the defendant J. C. McKinney, having appeared and filed his plea- and the plaintiff having heretofore taken his Interlocutory Judgment by default against the defendant Cook- thereupon came a jury of good and lawful men of Travis County, to wit: John C. Campbell, Foreman, and eleven others, being duly tried, empannelled and sworn, and having heard the evidence submitted by the parties in said cause, and the charge of the Court, they retired to consider of their verdict, and returned into Court the following verdict, written and endorsed upon plaintiffs petition, to wit: "1st: We, the Jury, find for the plaintiff against A. H. Cook & J. C. McKinney the sum of Seven Hundred and thirty-seven, thirty-nine hundredth (737.39) dollars. 2nd: We, the Jury, find that note was given for the purchase money of the land herein described Jno. C. Campbell, Foreman."

It is, therefore, ordered, adjudged and decreed by the Court that the plaintiff, Thomas Freeman, do have and recover of and from the defendants, J. C. McKinney and A. H. Cook the sum of Seven Hundred and Thirty-Seven dollars and thirty nine cents, with ten per cent. interest thereon from the date of this Judgment, and the costs of this case, and that the vendors lien upon the following tract of land be foreclosed, to wit: on Martins fork of the Rio Blanco in County, the same being part of two-thirds of a League survey, patented to James B. Shaw, as assignee of Elijah Tate, designated and described as follows: Beginning on a stone mound in the dividing line between Shaw and Cook on the Rio Blanco, from which a Live Oak 8 inches in diameter, bears North 34° West 31 varas, a live oak 4 inches in diameter, bears South 65° East 16 varas. Thence down the River with its meanders as follows- 1st- South 87 1/2° East 664 varas - 2nd- North 58 1/2° East 1000 varas to the Mouth of a branch and lower corner of McKinneys tract, a stone mound from which a Live Oak 12 inches in diameter, bears, North 68 1/2° East 80 varas. Thence North 21° West 165 varas, a stone mound, from which a cluster of Willows bears North 44° East 20 varas; thence North 20° East 2966 varas, to a stone mound in prairie. Thence North 70° West (1160) Eleven hundred and Sixty varas, a stone mound- thence South 20° West to the place of beginning.

It is, further, ordered, adjudged and decreed that the Clerk of the District Court of Travis County issue an

order of sale, directed to the Sheriff of Blanco county, the county where said land is located, requiring him to sell said land, and that the proceeds thereof be applied to the payment of said debt, interest and cost, and that execution issue against the other property of defendants for the balance that may be due, as in other cases. Order of sale stayed by agreement of parties until 10 July, 1861.

1917 — Geo. W. Gray vs. J. B. Peny et al — Plaintiff / Defendants — This cause continued on the affidavit of the defendant John B. Peny

1919 — Geo. W. Gray, Chf. Jus. vs. Wm M Ford, W. L. Chalmers, A. K. Barnes & W. D. Scott — Plaintiff / Defendants — And now on this day came the parties to this cause by their respective attorneys and announced themselves ready for trial - Whereupon came a jury of twelve good and lawful men of Travis county, consisting of L. A. Hopkins and eleven others, who were tried, elected, empannelled and sworn as the law prescribes. And the demurrer of the Defendants coming on to be heard, and the same being duly considered, It is ordered that the same be overruled. Whereupon the jury having heard the pleadings read, the testimony introduced by the parties, the argument of counsel and the charge of the Court, retired for deliberation. And thereupon the jury returned into Court the following verdict, to wit: "We, the jury, find for the plaintiff one Thousand Dollars." L. A. Hopkins, Foreman." Whereupon, It is ordered, adjudged and decreed by the Court, that the plaintiff, George W. Gray, Chief Justice of Travis county, for the use of said County, do have and recover of and from the said defendants, William M. Ford, W. L. Chalmers, A. K. Barnes and W. D. Scott, the said sum of One Thousand Dollars, and all the cost of this suit, for all which execution may issue.

1920 — The State of Texas vs. W. B. Errington, et al. — Plaintiff / Defendants — Continued on application of the plaintiff

1926 — The State of Texas vs. D. C. Heffington & John D. Nash — Plaintiff / Defendants — And now on this day came the parties to this cause by their attorneys and submitted the cause to the Court. And

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the answer of the defendants being inspected, and the same being deemed sufficient, It is ordered that the judgment nisi be entered in this case at a former term be set aside and that the defendants go hence without day; and that the cost of this proceeding be adjudged against the said defendants, for which execution may issue.

1927 The State of Texas vs D C Keffington & John D. Nash — Plaintiff / Defendants — And now at this day came the parties by attorney and the defendants submit to the Court their answer filed in this case. And the same being deemed sufficient, It is ordered that the Judgment nisi entered in this case at a former term be set aside; that the defendants go hence without day and that the cost of this proceeding be adjudged against said defendants, for which execution may issue.

1928 The State of Texas vs D. C. Keffington John D. Nash — Plaintiff / Defendants — And now at this day came the parties by their attorneys and the defendants submit to the Court their answer filed in this case. And the same being deemed sufficient, It is ordered that the forfeiture entered herein at a former term be set aside, and that the parties go hence, and that the defendants pay the cost of this proceeding, for which execution may issue.

1929 The State of Texas vs D. C Keffington & John D. Nash — Plaintiff / Defendants — And now on this day came the parties by their attorneys and the defendants submit to the Court their answer filed herein. And the same being deemed sufficient, It is ordered that the forfeiture entered herein at a former term be set aside, that the parties go hence and that the defendants pay the cost of this proceeding for which execution may issue

1930 The State of Texas vs D. C. Keffington & John D. Nash — Plaintiff / Defendants — And now at this day came the parties by their attys and the defendants submit to the Court their answer herein And the same being deemed sufficient It is ordered, that the forfeiture entered herein at a former term be set aside; that the parties go hence, and that the defendants pay the cost of the proceeding, for which execution may issue

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1931

The State of Texas } Plaintiff
v.
D.C. Heffington
John D. Nash } Defendants

And now on this day came the parties by attorney - and the defts submitted to the Court his answer heretofore filed in this case and the same being deemed sufficient It is ordered that this cause be dismissed; that the forfeiture entered herein at a former term be set aside; that the defendants go hence and that the defendants go hence pay all the cost of this proceeding. for which execution may

1932

The State of Texas } Plaintiff
v.
Wm. H. Wallace
Wm M Fowler
W.H. Rennstree } Defendants

And now on this day comes Thos. P. Reed, Esq. District Attorney, on behalf of the State - and claims final Judgment by default against these defendants for the want of an answer. And because it appears that a forfeiture was entered, on the 22d Dec. 1859, against these defendants in the sum of one hundred dollars in cause No. 1043 of the State of Texas v. W. H. Wallace (charged with permitting a game with cards to be played in his house for the retailing of spirituous liquors) on a recognizance entered into by them on the 12th January, 1859, in open Court, conditioned that said Wallace should appear and answer the Indictment in said case, to which reference is made - And the said defendants having been duly served by writ of scire facias to appear and show cause why said Judgment nisi should not be made final, which they have wholly failed to do within the time prescribed by law, It is, therefore, ordered, adjudged and decreed by the Court that the said Judgment nisi be made final, and that the State of Texas do have and recover of and from the said defendants, William G. Wallace, William M. Fowler and W. H. Rennstree, the said sum of One Hundred Dollars and all cost of this prosecution, and that execution issue therefor.

1933

The State of Texas } Plaintiff
v.
Wm G. Wallace
Wm M Fowler
W.H. Rennstree } Defendants

And now on this day comes Thomas P. Reed, Dist atty in behalf of the State and claimed a final Judgment by default against these defendants for the want of an answer. And because it appears to the Court that a forfeiture was entered in the 22d Dec. 1859 against these defendants, for the sum of One Hundred Dollars in Cause No. 1049 of the State of Texas v. W.H. Wallace (charged with permitting a game with cards to be played in his house for retailing spirituous liquors, on a recognizance entered into by them, on the 12th

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12th January, 1859, in open Court, continued that said Wallace should appear and answer the indictment in said cause, to which reference is here made. And the said defendants having been duly served by writ of scire facias to appear and show cause why said Judgment nisi should not be made final, which they have wholly failed to do within the time prescribed by law. It is, therefore, ordered, adjudged and decreed by the Court that the said Judgment nisi be made final, and that the State of Texas do have and recover of and from the said defendants, William G. Wallace, William M. Rowlett and W.G. Rountree the said sum of One Hundred Dollars and all cost of this prosecution, and that execution issue therefor.

1862 Elizabeth Ann Rice } Plaintiff } And now on this day came
v } } the party plaintiff to
D. Gilleland, et al. } Defendants } this cause by her attorney;
and thereupon, on motion of the attys for the plaintiff, William G. Thomas is substituted as the next friend of the said Elizabeth Ann Rice, in the prosecution of this suit, instead of Rice in whose name the suit was brought. And the defendants also came by their attorneys - whereupon the parties announced themselves ready for trial. And thereupon the demurrer of the said defendants to plaintiff's petition coming on to be heard, and the same being submitted to the Court, after due consideration of the same, the said demurrer is sustained. Whereupon, It is ordered adjudged and decreed by the Court, that the said petition of the plaintiff be and the same is hereby dismissed; that the parties go hence, and that the defendants herein do have and recover of and from the plaintiff and the security on the cost bond, to wit: James O. Rice, all the cost of this suit, for which execution may issue. And thereupon the said plaintiff, by attorney, gives notice, in open Court, of an appeal to the Supreme Court.

1994 The State of Texas } Plaintiff } And now on this
v } } day came the
L. W. Gilliam, et al. } Defendants } parties by attorney.
Whereupon, on motion, It is ordered by the Court that the defendants have leave to amend their answer. And thereupon, on motion, It is further ordered that the cause be and the same is hereby continued as on defendant's affidavit

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1966

W. P. Tindall, Plaintiff
v.
W. P. Tindall, Defendant
Hancock & West, Garnishees

This cause coming on to be heard, thereupon came the plaintiff by attorney and announced himself ready for trial, and moved the Court for a judgment by default against the defendant for want of an answer. And it appearing to the Court that the defendant has been duly and legally cited by publication, to appear and answer plaintiff's petition. And the said defendant failing to appear, plead, answer or demur thereto, in the time prescribed by law. It is, therefore, ordered, adjudged and decreed by the Court that the plaintiff have judgment by default against the said defendant; and thereupon it was ordered by the Court that a jury be called to enquire as to the amount of plaintiff's demand against the said defendant. Whereupon came a jury of good and lawful men of Travis county, to wit: J. Miner and eleven others, who being duly empannelled, tried and sworn well and truly to enquire and true verdict render; and who, having heard the evidence and the charge of the Court retired to consider of their verdict, and returned into Court the following verdict, to wit: "We, the jury, find for the plaintiff for one hundred and seventy nine dollars and thirty-one cents ($179 31/100) J. Miner, Foreman."

It is, therefore, ordered, adjudged and decreed by the Court that the plaintiff do have and recover of the said defendant, W. P. Tindall, the sum of One Hundred and Seventy-Nine 31/100 dollars assessed by the jury as aforesaid, together with all cost in this behalf expended, for which execution may issue.

And it appearing to the Court that the plaintiff has sued out the process of attachment in this case, and also that the process of garnishment has been issued and served upon John Hancock and G. D. West, citizens of Travis county commanding them to answer what amount they were indebted to the said defendant at the date of the service of said process; and it appearing to the Court that said attachment has been returned by the Sheriff nulla bona, and the plaintiff discharging the garnishment process as to G. D. West; and the garnishee, John Hancock, having filed his answer that he has in his hands a land certificate for six hundred and forty acres issued to the said W. P. Tindall by the commissioner of the General Land office of the State of Texas, by virtue of an act of the Legislature of said State, approved February 11th, 1860, which said certificate is numbered 13/59 Class Donation and dated February 15th, 1860, which said certificate is filed in Court by said garnishee, along with his said answer to be disposed of by order of the Court. And the said garnishee

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having answered that he is not indebted to, and has no other effects of the said defendant in his hands, nor is he indebted to the said Pindall in any amount. It is, therefore, ordered by the Court that the said garnishee be and he is hereby discharged: It is, further ordered, adjudged and decreed by the Court, that the Sheriff of Travis county be and he is hereby commanded to sell the said land certificate for six hundred and forty acres, filed in this cause by the said garnishee and described above, in like manner, as provided by law in respect to sales under execution, and to convey to the purchaser at such sale, all the right title and interest of the said W. P. Pindall in and to said certificate, and the proceeds of said sale apply to the satisfaction of the Judgment herein rendered, principal interest and cost, and the residue, if any, pay over to the said Pindall, his agent or representative. It is further ordred that the Clerk of this Court give to the Sheriff an order of sale in accordance with this decree.

1937. The State of Texas vs. W. B. Covington, et. al. — Plaintiff, Defendants — Continued for service on the defendant McKenzie.

1939 The State of Texas vs. Wm B. Covington — Plaintiff, Defendant — And now on this day comes Thomas E. Sneed, Esq. District attorney, on behalf of the State, and asks the Court to render Judgment by default in this case. And it appearing to the Court that said Covington was fined, as a deputy district clerk, in the 10th Dec. 1859, the sum of fifty dollars in case 1284, of the State of Texas vs Kate Howard, and it further appearing that the said Covington hath been duly served by writ of scire facias to appear and show cause why the said judgment nisi should not be made final and absolutely made default, It is, therefore, ordered by the Court that the said Judgment nisi be made final, and that the State of Texas do have and recover of and from the said William B. Covington, the said sum of fifty dollars and all cost of this proceeding, for which execution may issue.

1940 The State of Texas vs. Wm B. Covington — Plaintiff, Defendant — On motion of Thomas E. Sneed Esq. District attorney, It is ordered by the Court that the Sheriff of Lampasas county do have leave to amend the return of service on the scire facias issued and served on the defendant in this case,

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1941 — The State of Texas vs William M. Ford — Deft — On motion of the District atty It is ordered by the Court that this cause be dismissed from the docket

1942 — The State of Texas vs William M. Ford — Deft — On motion of the District atty. It is ordered by the Court that the defendants cause be dismissed from the docket

1943 — The State of Texas vs Samuel Dunlap — Deft — Continued for cause

1944 — The State of Texas vs Samuel Dunlap — Deft — Continued for cause

1945 — The State of Texas vs W A Pruitt — Deft — Continued for cause

1946 — The State of Texas vs Thomas Milligan — Deft — On motion of the District Attorney It is ordered by the Court that the fine entered against this defendant at the fall term, 1859, as set out in the scire facias in this case be set aside, and that the case be dismissed from the docket.

1949 — Margaret McDonald vs N. N. Long, et al. — Plff. vs Defts — This cause continued the plff. and her attorneys failing to appear & being absent

1951 — Ellen Duval vs G. C. Robinson, O. J. Michaltz, J. M. Swisher — Plaintiff vs Defendants — And now on this day came the plaintiff to this cause by her attorneys, and on motion of said plaintiff. It is ordered by the Court that this cause be dismissed as to the deft. Robinson, who has not been served with process And thereupon the said plff. claims a final judgment by default against the other defendants, who have been duly cited. And because the said defendants named have wholly failed to answer this suit within the time limited by law, and wholly made default. And plaintiff's cause of action being liquidated, as evidenced by the

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note of hand produced in evidence, the same sued on, It is, therefore, ordered, adjudged and decreed by the Court, that the pffs. Ellen Duval, do have and recover of and from the defendants, D.J. Nichols and James M. Swicher, the sum of One Hundred and fifty-~~Nine~~ two and 96/100 dollars, principal debt and interest due to this date, on the note sued on, together with ten per centum per annum interest thereon from date until paid, and all cost of this suit, for which execution may issue.

Ellen Duval	Plaintiff	And now on this day came the parties
vs		to this cause by their respective attorneys,
John H. Conner		and announced themselves ready for
John Horan	Defendants	trial, and waiving a jury, agree to sub-

mit the case to the Court. And because the cause of action in this case is evidenced by a note of hand produced in evidence, the same sued on It is, therefore, ordered, adjudged and decreed by the Court, that the plaintiff, Ellen Duval do have and recover of and from the defendants, John H. Conner and John Horan the sum of One Hundred and ~~fifteen~~ eleven + 96/100 dollars, principal debt and interest due on said note to this date, together with all cost of this suit, for all which execution may issue.

Francis Winans	Plaintiff	This cause is continued on the
vs		affidavit of the defendant
William Fowler	Defendant	until next term of the Court.

Green L. Hill	Plaintiff	This cause continued generally on
vs		suggestion of the pending of
John H. Conner	Defendant	a compromise.

Samuel D. Wheeler	Plaintiff	
vs		Continued generally
Wm P. Newmen's Heirs	Defendants	

James Wall	Plaintiff	
vs		Continued for service.
D.F. Rann	Defendant	

W.D. Oldham	Pff.	Ordered, on motion, that the def-
vs		endants in this case have
W.W. McLaughlin, et al	Defts.	leave to amend their an-

swers.

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1963 David Anderson vs Edward L. Neely — Plaintiff / Defendant — And now on this day came the Pleff. in this case by atty. and because the dept. hath been duly cited and hath failed to answer within the time limited by law, and wholly made default; It is ordered that the plaintiff do have and recover of and from the said defendant according to the prayer of his petition, and that a writ of inquiry be awarded. and further ordered, that the cause be continued generally.

1964 Driggars & Dribble vs Samuel W. Allen & W. W. McLaughlin — Plaintiffs / Defendants — And now on this day came the parties by their attorneys and on motion the defendants herein have leave to amend their answer. And thereupon the parties ~~announced~~ ~~Plaintiff~~ claims a final Judgment defendants also came, and the parties announced themselves ready for trial, and waiving a jury, agree to submit the case to the Court and because the plaintiffs cause of action is based upon a note of hand, the same produced in evidence. It is, therefore, ordered, adjudged and decreed by the Court, that the said plaintiffs Thomas H. Driggars and Alexander Dribble, under their firm name of Driggars & Dribble, do have and recover of and from the defendants Samuel W. Allen and W. W. McLaughlin the sum of Four Hundred, Sixty-three and 27/100 dollars, principal debt and interest due on the note sued on to the date of this Judgment, together with ten per centum per annum interest thereon from date until paid, and all cost of this suit, for all which execution may issue.

1965 Wm Bartlett vs C. Bartlett — Plaintiff / Defendant — And now comes the Clerk and moves the Court to require the plaintiff to enter into bond and security for the cost of this suit. whereupon It is ordered that the said motion be granted, and that the Pleff is required to enter give said security in or before the next term of this Court, otherwise the cause will be dismissed at the cost of the said Pleff And further ordered, that the cause be continued under the rule

1968 Rheeps & Johnston vs Wm M. Watkins — Plaintiffs / Defendant — And now on this day came the Pleff and the defendant in this case by their attorneys and announced themselves ready for trial, and waiving a jury, submit the case to the Court. And because the Pleffs. cause of action is liquidated

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as evidenced by the note of hand sued on, the same produced in evidence. It is, therefore, ordered, adjudged and decreed by the Court, that the said plaintiffs John Rhiefs and Wesley Johnston, under their firm name of Rhiefs & Johnston, do have and recover of and from the defendant, William M. Wacton, the sum of one Hundred and fifty-six and 10/100 dollars, principal debt and interest due on the note sued on to this date, together with ten per centum per annum interest thereon from date until paid, and all cost of this suit, for which execution may issue

1971 — M. J. Wells vs. Chalmers & de Cordova — Plaintiff vs. Defendants — On motion, It is ordered by the Court that the plaintiff have leave to file an amended petition.

1973 — Thomas J. Wood vs. W. M. White, Contr — Plaintiff vs. Defendant — Continued generally

1975 — Rhiefs & Johnston vs. Thorp & Risk — Plaintiffs vs. Defendants — Continued generally on motion of the attorneys for the plaintiff

1976 — The State of Texas vs. Samuel Matter, et al — Plaintiff vs. Defendants — And now on this day came the parties by their attorneys, and the case being submitted to the Court, It is ordered that the case be dismissed from the docket, that the forfeiture be set aside, and that the defendants go hence without day. It is further ordered, that the cost of this proceeding be paid by the said defendants, Samuel Matter, Jane Bell Sublett and A. J. Hamilton pay for which execution may issue.

1971 — M. J. Wells vs. W. L. Chalmers & P. de Cordova — Plaintiff vs. Defendants — And now on this day came the parties to this cause by their attorneys and announced themselves ready for trial, and waiving a jury, submit the case to the Court. And because the cause of action in this case is liquidated, as shown by the obligation produced in evidence, It is ordered, adjudged and decreed by the Court, that the said plaintiff, M. J. Wells, do have and recover of and from the defendant, W. L. Chalmers, as principal, and the defendant, P. de Cordova, as security, the sum of Two Hundred and Sixty-Seven and 29/100 dollars, principal debt and interest

due on said obligation to this date, together with ten per centum per annum interest thereon from this date until paid and all the cost of this suit, for which execution may issue. And because it appears that the said de Cordova is security and not a principal debtor, It is ordered that the execution to be issued in this case be first levied upon the property of the said Chalmers, if, in the of Sheriff can find sufficient property in Travis County, belonging to said Chalmers, as within the opinion of the Sheriff, liquidate the amount of this Judgment, and if not, then said execution to be levied upon sufficient property of the said Chalmers and de Cordova to satisfy said execution; and the Clerk is directed to endorse a memorandum to this effect upon the execution.

1976 — John Harvey, Plaintiff; v. Ben. Barton, Defendant — continued generally

1978 — Phillips & Smith, Peffs.; v. Nancy K. Ragsdale, Deft — Ordered, on motion, that the Deft in this case have leave to amend her answer.

1980 — Ellen Duval, Plaintiff; v. W. M. Holman, W. A. Morris & W. H. Sharp, Defendants — And now on this day came the parties to this cause by their attorneys, and waiving a jury, submit the case to the Court for trial commencing ready for trial. Whereupon it appearing that the Peffs cause of action in this case is liquidated, as evidenced by the note of hand submitted to the Court, the same sued on, It is, therefore, ordered, adjudged and decreed by the Court, that the Peff Ellen Duval, do have and recover of and from the defendants W. M. Holman, W. A. Morris and W. H. Sharp, the sum of One Hundred, Seventy and 11/100 dollars, principal debt and interest due on the note sued on, to this date, together with ten per centum per annum interest thereon from date until paid, and all cost of this suit, for which execution may issue.

1981 — Ellen Duval, Peff.; v. H. C. Holman, D. C. Keffington & Geo. W. Davis, Defts. — And now on this day came the peff by her attys. and dismisses this suit as to the defendant, Keffington, who has not been served. And thereupon came the other defendants herein, by their attys

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And the said parties announced themselves ready for trial, & waiving a Jury, agree to submit the case to the Court. And because the plaintiff's cause of action being based upon a liquidated demand, as shown by the note of hand produced in evidence, the same sued on, It is, therefore, ordered, adjudged and decreed by the Court, that the peff Ellen Duval do have and recover of and from the defendants W. C. Kalman and George W. Davis, the sum of One Hundred and fifty-one & 29/100 dollars, principal debt and interest due on the note sued on to date, together with ten per centum per annum interest thereon from date until paid, and all cost of this suit, for which execution may issue

1982 The State of Texas, Ellen Duval, Plaintiff, vs. W. H. Sharp, et al, Defendant. And now on this day came the parties to this cause by their attorneys and announced themselves ready for trial, and waiving a jury, agree to submit the case to the Court. And because the plaintiff's cause of action in this case is liquidated, as shown by the note of hand produced in evidence, the same sued on, It is, therefore, ordered, adjudged and decreed by the Court, that the peff Ellen Duval do have and recover of and from the defendants, W. H. Sharp, R. A. A. Carleton, W. M. Kalman and George W. White, the sum of Sixty & 30/100 dollars, (being principal debt and interest due on the note sued on to date, (after deducting Eighty-Six 50/100 dollars, credit) together with ten per centum per annum interest thereon from this date until paid, and all cost of this suit, for which execution may issue.

1984 C. Zeller & S. D. W. Allen & R. N. Allen, Defts, Plaintiff, vs. And now on this day comes the peff by her atty and on motion said peff has leave to amend. And the said plaintiff thereupon claims a final Judgment by default And because the said defendants have been duly cited by personal service and have wholly failed to answer within the time prescribed by law - and plaintiff's cause of action being based on a note of hand produced in evidence, It is, therefore, ordered, adjudged and decreed by the Court, that the plaintiff, Catherine Zeller, do have and recover of and from the defendants, Daniel W. Allen and R. N. Allen the sum of Three Hundred, Sixty and 82/100 dollars ($360.82) principal debt and interest due on the note sued in to date, together with all cost in this behalf incurred, for which execution may issue.

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1986 — Hanford & Browning Plffs. vs. Hancock & Millican Defts. — Continued generally

1987 — Jno. D. Scott & Co. Plffs. vs. E. & A. Van Eyck Defts. — Continued generally.

1989 — Ellen Duval, et.al. Plffs. vs. A. M. Davidson, et.al. Defts. — This cause continued as on the affidavit of the defendants.

1990 — Nelson Burch Plff. vs. W. B. McGehee Deft. — And now on this day came on this cause for trial in its regular order, and the plff by his attorney announced ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County consisting of J. Miner and eleven others, who were tried, elected, empannelled and sworn as the law prescribes. And the jury having heard the testimony introduced by the plff and the Charge of the Court returned the following verdict, to wit: "We, the jury, find for plaintiff one hundred and fifty-seven dollars and eighty-six cents. J. Miner, foreman." Whereupon, It is ordered, adjudged and decreed by the Court, that the plff. Nelson Burch, do have and recover of and from the defendant, Wm B. McGehee, the sum of One Hundred and fifty-seven and 86/100 dollars, found due by the jury aforesaid, together with 12 per centum per annum interest from date until paid, and all cost of this suit, for which execution may issue.

1991 — H. Dieterich Plff. v. S. G. Sneed Deft. — And now on this day came Messrs Hancock and West, attorneys for plff. and enters an appearance for C. C. Browning and Sarah Dieterich, Administrators of the estate of H. Dieterich, deceased. Whereupon It is ordered that the cause proceed in the name of said admrs as parties plff. herein. Whereupon also came the defendant by attorney - and the parties thereupon announced themselves ready for trial, and waiving a Jury, agree to submit the case to the Court. And because the plff.' cause of action is evidenced by a note of hand, produced in evidence, the same sued on, It is, therefore, ordered, adjudged and decreed by the Court, that the said plaintiffs, C. C. Browning and Sarah Dieterich, Admrs of H. Dieterich, dec'd do have and recover of and from the defendant, S. G. Sneed

Fall Term, Tuesday, 8th January, 1861

the sum of Two Hundred and forty-seven and 59/100 dollars ($247.59) principal debt and interest due on the note sued on to this date, together with ten per centum per annum interest thereon from date until paid, and all the cost of this suit, for all which execution may issue.

1992 — A. Blaylock, Plaintiff; vs; Pick & Bowers, Defendants — Continued generally

1993 — J. Bledsae, Admr, Plaintiff; vs; Himphreys wife, Defendants; Heirs of Mrs. Paulton, Defenevers — Continued as in affidavit of Intervenors

1994 — Sampson & Kenrick, Plaintiffs; vs; James R. Neal, Defendant — And now on this day came these parties by their attorneys, and announced themselves ready for trial, and waiving a Jury agree to submit the case to the Court And it appearing to the Court that the pleff's demand in this case is liquidated, as evidenced by the note of hand sued on, produced at the trial, It is, therefore, ordered, adjudged and decreed by the Court, that the plaintiffs, George W. Sampson and Abram Kenrick, under their firm name of Sampson & Kenrick do have and recover of and from the defendant, James R. Neal, the sum of Two Hundred and Sixty-Four 4/100 Dollars, principal debt and interest due on the note sued on to this date, together with ten per centum per annum interest thereon from date until paid, and all cost of this suit, for which execution may issue.

1995 — Sampson & Kenrick, Plaintiffs; vs; Walker & McLaughlin, Defendants — And now on this day appeared the pleffs. by their attorneys; and on motion of said Plaintiffs It is ordered by the Court that this cause be dismissed from the docket; that the defendants go hence and recover of and from said plaintiffs, George W. Sampson and Abram Kenrick all the cost of this suit, for which execution may issue.

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

Tuesday, 8th January, 1861

Court convened at 9 o'clock, A. M. pursuant to adjournment. A. W. Terrell, 2d District Judge presiding. Whereupon the following proceedings were had by said Court as follows to wit:

Fall Term, Tuesday, 8th Dec. [Jany] 1861

Sampson & Kenrick } Plaintiff
v.
John Marshall
Irving Root
Samuel W. Allen } Defendants
J. M. Steiner

And now on this day cum the parties to this cause by their respective attorneys and thereupon the said plaintiffs dismissed this suit as to the defendant J. M. Steiner, with the consent of the said Steiner, who pleads in reconvention. Whereupon It is ordered by the Court that the said Steiner go hence without day; and that he recover of and from the said George W. Sampson and Abram Kenrick the cost of bringing the said Steiner into Court together with the cost incured by him, and that execution issue therefor. And thereupon on motion, the said plaintiffs are allowed to amend their pleading. Whereupon the other parties announced themselves ready for trial. And then came a jury of twelve good and lawful men of Travis county, consisting of J. Miner and eleven others, who were tried, elected, empannelled and sworn as the law prescribes. And the jury having heard the evidence and the charge of the Court, rendered the following verdict, to wit: "We, the Jury, find for the plaintiffs Four Thousand Six Hundred and Sixty-seven dollars and thirty-four cents ($4.667.34) J. Miner, foreman." Whereupon It is ordered, adjudged and decreed by the Court, that the said plaintiffs, George W. Sampson and Abram Kenrick under their firm name of George W. Sampson & Kenrick, do have and recover of and from the defendants, John Marshall, Irving Root and Samuel W. allen the sum of Four Thousand, Six Hundred and Sixty-Seven and 34/100 Dollars according to the verdict of the Jury, and all cost of this suit, for which execution may issue; that $590.33 draw 8 per cent. interest till paid, and the balance said Judgment draw 10 per cent. interest until paid

July 1. 1861. This Judgment satisfied in full as per receipt this day filed. among the papers

Scott, Brown, Clerk

1996

1997 ✓

Marion H. Bell } Plaintiff
v.
John B. Perry } Defendant

And now comes the defendant and moves the Court to require the pff to enter into bond and security for the cost of this suit. Whereupon It is ordered that the said motion be granted, the pff's atty being present and receiving notice of said motion; and that the case be continued under said rule.

2001 ✓

L. L. Sykes } Pff.
v.
J. H. Rogers, et al. } Defts.

And now come the defendants and move the Court to require the pff to enter into bond & security for the cost of the suit, Pff's atty being present and notified. Whereupon It is ordered that said motion be granted and Thereupon It is ordered that the cause be continued under the rule

Fall Term, Tuesday, 8th ~~December~~ January, 1861.

1v
2003

D. W. Crews } Pff. } And now on this day came the plaintiff to
v. } this cause by his attorney and announced
Wm Armstrong } Deft. } himself ready for trial, the cause being regularly reached on the docket. Whereupon came a jury of twelve good and lawful men of Travis County, consisting of W. T. Robinson and eleven others, who were tried, empannelled and sworn as the law directs. And the jury having heard the evidence introduced by the plaintiff, and the charge of the Court, retired for deliberation, and returned into Court the following verdict, to wit: "We, the jury, find a verdict for the plaintiff the sum of Six Hundred, Six dollars and twenty cents. W. T. Robinson, foreman." Whereupon, It is ordered, adjudged and decreed by the Court, that the plaintiff, D. W. Crews, do have and recover of and from the deft. Wm Armstrong, the sum of Six Hundred and Six & 20/100 Dollars together with ten percentum per annum interest thereon till paid and the cost of this suit, for all which execution may issue.

V

2005

John T. Miller } Plaintiff } On motion the defendant has leave to
v. } amend - and further ordered, that the
Owen O'Brien } Defendant } cause be continued, as by consent of parties.

2006

Henry Thomas } Plaintiff } And now on this day came the plaintiff
v. } and the defendants Brown & McLaurin
Samuel W. Allen } by their attorney and announced themselves ready for trial, and waiving a jury
Frank Brown & } agree to submit the case to the Court.
J. T. McLaurin } Defendants }
And thereupon because the said Allen hath been served by writ of citation to answer this suit, which he has wholly failed to do within the time limited by law, and wholly made default, It is ordered that the plaintiff recover of and from the said Allen Judgment by default for the amount due on the note sued on, being a liquidated demand. And the said Brown & and McLaurin agree that Judgment may be rendered for the amount due on said note. Wherupon, It is ordered adjudged and decreed by the Court, that the said plaintiff, Henry Thomas, do have and recover of and from the defendant, Samuel W. Allen, as principal, and of the said Frank Brown and James T. McLaurin as securities for the said Allen, the sum of One Hundred and forty-four 44/100 Dollars, being principal debt and interest due on the note sued on up to this date, together with ten per centum per annum interest thereon from this date until paid, and all the cost of this suit, for which execution may issue. And the plaintiff having admitted, in open Court, that the said Brown and McLaurin are securities, and not principal debtors, It is ordered that execution issue first against the separate property of the said

Rec'd on the within judgment
Seven & fifty Cents (7.50) dollars
Wm G. Thomas

Fall Term, Tuesday, 8th January, 1861

Allen, if sufficient property of said Allen can be found in Travis county as will, in the opinion of the Sheriff, be sufficient to satisfy this Judgment; if not, then upon as much property of the said Allen as may be found and of the said securities as will satisfy this Judgment.

2007 — Sheep & Johnston vs. J. Marshall & Co — Pleff / 2 Defts — Continued generally.

2009 — Neil McGaffey & wife vs. Thomas R. Hughes — Pleffs. / Deft — Continued as per agreement of parties on file.

2013 — Elizabeth Kenny, et al vs. A. M. Davidson — Pleff. / Deft — Continued by consent.

2014 — C. Kendrick vs. D. Trabue — Pleff. / Deft. — And now come the parties by attorney and on motion It is ordered by the Court, that this cause be dismissed from the docket, that the parties go hence without day and that the defendant pay all the cost of this suit, for which execution may issue.

2018 — Amos Morrill vs. R. N. Lane, et al. — Pleff. / 2 Defts — This cause continued on suggestion of defendant's counsel, the plaintiff being absent.

2022 — John Brown vs. Raymond & Thomson — Pleff. / 2 Defts. — Continued as on the affidavit of the plaintiff

2023 — John Sayles, admr vs. John Bonlware, et al. — Pleff. / 2 Defts. — Continued generally

2029 — Sampson & Kenrick vs. John Marshall, J. M. Steiner & P. de Cordova — Plaintiffs / Defendants. — And now on this day came the parties to this cause by their attorneys and announced themselves ready for trial whereupon came a Jury of twelve good and lawful men of Travis county, existing of J. Miner and eleven others, who were tried, elected, empannelled and sworn as the law prescribes. And the Jury having heard the pleadings read, the testimony and the charge of the Court, returned

following verdict, to wit: "We, the Jury, find for plaintiff Six Hundred and Eight Dollars and ninety-seven cents ($608.97) We further find Phineas de Cordova as security. J. Miner, foreman." Whereupon, It is ordered, adjudged and decreed by the Court, that the said plaintiffs George Dampsey and Abram Henricks, under their firm name of Dampsey & Henricks, do have and recover of and from the defendants, John Marshall and Josephus M. Steiner and P. de Cordova the sum of Six Hundred, Eight and 97/100 dollars, found due by the Jury, together with ten percent. per annum interest thereon from date of Judgment until paid, and all the cost of this suit, for which execution may issue

H. J. Duffau, Plaintiff, vs. John H. Conner, Defendant — Continued generally because of the absence of plaintiffs counsel. (2039)

A. & L. Elseman, Plaintiffs, vs. William Stiles, et al., Defendants — Continued on Defendants affidavit. (2069)

John Bremond, Plaintiff, vs. M. Cheezum, et al., Defendants — And now on this day come M. W. Townsend and his wife Townsend and move the Court to be allowed to intervene in this cause. Whereupon It is ordered that the said motion be granted, and that the petitioners aforesaid be allowed to file said petition of intervention. (2083)

Leonhard Eger, Plff, vs. Joseph Smith, Defts — On motion It is ordered that the defendant have leave to amend his answer. (1886)

Geo. H. Gray, Chf. Just, Plff, vs. Wm M. Ford, et al., Defts — And now on this day this cause coming on to be heard, the same being a motion for a new trial, came the parties by atty - and the defendants submitted the same to the Court, and the said motion being duly considered by the Court, It is ordered, that the same be overruled. Whereupon, the said defendants give notice, in open Court, of an appeal to the Supreme Court. (1919)

And thereupon Court is ordered to stand adjourned till to-morrow morning 9 o'clock

Wednesday, 9th January, 1861

Court convened at 9 o'clock, A. M. pursuant to adjournment. A. W. Terrell, Dist Judge presiding. Whereupon the following pro-

Fall Term, Wednesday, 9th January, 1861

cedings were had by said Court, as follows, to wit:

1613 — Wm D. Patterson, Plaintiff; vs; J. W. Robertson, Defendant — And now on this day come the plaintiff to this cause by his attorney and submitted to the Court his motion heretofore filed herein, praying to correct and amend the judgment rendered in this case on the 23d July, 1858, alleging that the said Judgment was rendered for $330.50, instead of $351.32 and it appearing that the said Robertson has been served with notice of this motion, and has wholly failed to appear and answer the same. And it appearing that the said Judgment was rendered for $330.50 instead of for the sum of $351.32, the amount due on the note sued on at the date of the rendition of said Judgment, which was on the 23d July, 1858, It is ordered, adjudged and decreed by the Court that the said motion be granted; and that the said Judgment be corrected that the said plaintiff, Wm D. Patterson, do have and recover of and from the said deft J. W. Robertson, the said sum of Three Hundred and fifty-one 32/100 Dollars, instead of the sum of date 23d July, 1858, being twenty 82/100 dollars more than the said Judgment was rendered for, for which execution may issue, including 8 per cent. interest thereon till paid, and the cost of the case.

1887 — L. Hellman, Plaintiff; vs; C. R. Johns, Defendant; O. Blum, Intervenor — And now on this day came the parties by their attorneys; and the motion for a new trial filed herein at a former day came on to be heard; and the same being duly considered by the Court It is ordered that the said motion be granted, that a new trial be granted, and that this cause be continued to the next term for such purpose

1880 — Thomas Freeman, Plaintiff; vs; McKinney & Cook, Defendants — And now at this day came the parties to this cause by their attorneys; Thereupon the attorney for the defendant submitted to the Court the motion filed herein at a former day praying to set aside the Judgment rendered and for a new trial. And the same being duly considered by the Court, It is ordered by the Court that the said motion be granted, that the Judgment rendered at the term in this case be set aside, and a new trial granted, and that the case be continued

1818 — John T. Miller, Plaintiff; vs; M. A. Taylor, Defendant — And now on this day came these parties by their attorneys; whereupon the attorneys for the plaintiffs submitted

Fall Term, Thursday, 10th January 1861

to the Court the motion for a new trial filed by them in this case. And the points arising upon the said motion being argued by counsel and being duly considered by the Court, It is ordered, that the same be granted, and that a new trial be awarded in said cause, and that the cause be continued

L. D. Carrington vs Smith & Hill — Plaintiff / Defendant — And now on this day came these parties by their attorneys - and the counsel for the defendant Smith submitted to the Court the motion filed by him to set aside the Judgment by default rendered in this case at the present term of the Court. And the said motion being duly considered by the Court, It is ordered that the same be granted; that the said Judgment by default be set aside, vacated and held for naught, and that the cause be continued.

√ 2073

D. M. Swenson vs D. G. Reed — Plaintiff / Defendant — Motion against D. M. Blackwell, late Sheriff, and his securities, for failing to pay over money collected in this case under execution. And now on this day appeared the parties in this case and thereupon the motion filed by W. P. de Normandie, Attorney for D. M. Swenson, against the said Blackwell and his securities, Amos Morrill and A. H. Coak, coming on to be heard; and it appearing that the said Blackwell, as Sheriff of Travis County, on the 16th day of May, 1860, collected the sum of Ninety-nine dollars, from the defendant Reed, and that he has failed to pay over the same to said Swenson as he was by law required to do; and it appearing that the said Morrill and Coak were the securities of the said Blackwell on his official Bond, as Sheriff of Travis County, at the time of the collection of said amount of money; and the parties defendant agreeing that Judgment may be rendered for the amount aforesaid and interest thereon to date, It is ordered, adjudged and decreed by the Court that the said motion be granted; that the said D. M. Swenson do have and recover of and from the said D. M. Blackwell, and of the said Amos Morrill and A. H. Coak, as his securities, the sum of Ninety-Nine 81/100 dollars, being the amount, of principal and interest now due, and all the cost of this proceeding, for which execution may issue.

√ 1450

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

Thursday Jany 10th 1861

Court convened at 9 o'clock, A. M. pursuant to adjournment. A. W. Terrell, 2d District Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

Fall Term, Thursday, 10th January, 1861.

George W. White & Andrew Harper vs Sherman Case

Plaintiffs

Defendant

2024

And now at this day came the plaintiffs by their attorneys and asked leave to execute the writ of inquiry in pursuance of the Judgment by default rendered herein at a former day of the present term. And thereupon came a jury of good and lawful men, to wit: J. Miner and eleven others who were tried, elected, empanelled and sworn and upon hearing the pleadings read and the proof adduced, under charge of the Court, the jury retired to consider of their verdict, and returned into Court the following verdict to wit: "We, the jury, find for the plaintiffs. J. Miner, Foreman." It is, therefore, considered by the Court, that the plaintiffs have and recover of the defendant, Sherman Case, the sum of One Hundred dollars and all the cost of this suit.

It is further ordered, adjudged and decreed that said defendant, Case be, and he is hereby perpetually enjoined and restrained from taking any further steps towards obtaining a warrant from the Comptroller of the State of Texas for any balance that may be due him on his contract with the State of Texas to distribute the laws and journals of the last Legislature, except it be for the benefit of the plaintiffs herein, provided said sum does not exceed said sum of One Hundred dollars.

It is further ordered, adjudged and decreed that the said Case, within two days from the date hereof, to wit: 10th January 61 be and he is hereby required and ordered to execute to the said Frederick W. Chandler, a power of attorney, authorizing and empowering the said Frederick W. Chandler, for and in the name of the said Case, to apply to the Secretary of State of this State, for an appraisal of the sum of One Hundred dollars due and of any moneys that may be due him the said Case from the State, on the contract for distributing the laws and journals of this State for the year 1860, and obtain the same, and to apply to and obtain from the Comptroller of this State, for and in the name of the said Case, a warant on the Treasurer for said sum of money, on the account so appraised, and for and in the name of the said Case to apply to and obtain from the Treasurer of this State the sum of One Hundred dollars on the warrant so obtained, and for and in the name of the said Case, to do any and all things necessary and required to obtain the sum of One Hundred dollars and of any moneys or sums due said Case by the said from the State aforesaid. And further empower the said Chandler to apply the hundred dollars first to payment of the costs of this suit, and to apply the balance thereof pro rata to the payment of the judgments set forth in this cause, to wit, one in favor of George W. White against Sherman Case for the sum of Two Hundred and Twenty four 46/100 dollars, one in favor of

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same against same for $121 82/100 and Andrew Harper for $105 against said Case, all rendered in the District Court of Travis County, Texas

It is further ordered adjudged and decreed that in the event the said Case shall fail or refuse to execute said power of attorney in compliance with the terms of this decree, he shall be held in contempt of Court, and the said Chandler is hereby authorized and empowered to apply to the Secretary of State of Texas for the approval of the balance due said Case on said contract in his favor, and the said Secretary of State is hereby authorized and empowered to approve said account for said $100 accordingly. And the Comptroller of the State of Texas is hereby authorized and empowered to issue to said Chandler a warrant for said sum of One Hundred Dollars upon said account, And this decree shall operate as a full and complete release of the State of Texas from all indebtedness to said Case on account of said sum of One Hundred Dollars due as aforesaid on said account.

It is, further ordered adjudged and decreed that out of said sum of One Hundred Dollars when collected by said Chandler, he, the said Chandler shall first appropriate to the payment of the costs of this suit, and the balance he is hereby authorized and directed to enter as a credit pro rata on the Judgments named in the original petition in favor of plaintiffs against defendant as aforesaid.

2045 Wm D. McDonald } Plaintiff } Continued generally
vs }
Adams & Goodrich } Defendants }

2046 Joshua Patterson } Plaintiff } And now on this day came the
vs } parties to this cause by their re-
Geo. W. Glascock } Defendant } spective attorneys and announced
themselves ready for trial - and waiving a jury agree to submit the case to the Court. And because the plaintiff's cause of action is based on a liquidated demand, as shown by the note of hand produced in evidence the same sued on, It is, therefore, ordered adjudged and decreed by the Court, that the plff. Joshua Patterson do have and recover of and from the defendant Geo. Glascock the sum of Four Hundred and Ninety-Three and 75/100 dollars principal debt and interest due on the note sued on to this date, together with ten per centum per annum interest thereon from date until paid, and all the cost of this suit, for which execution may issue.

Fall Term, Thursday, 10th January, 1861

2047

F. D. Duffau — Plaintiff
v
Charles W. Kiem — Defendant

And now on this day appeared these parties by their attorneys and announced themselves ready for trial - then came a jury of twelve good and lawful men of Travis County, consisting of J. Miner and eleven others, who were tried, elected, empannelled & sworn as the law directs. Thereupon the Jury heard the testimony and the Charge of the Court, and returned into Court the following verdict, to wit: "We, the Jury, find for plaintiff two hundred and fifty-five dollars and eleven cents ($255.11) J. Miner, foreman." Whereupon It is ordered adjudged and decreed by the Court, that the plaintiff, Francis F. Duffau do have and recover of and from the defendant Charles W. Kiem said sum of two hundred and fifty-five and 11/00 dollars and the cost of the suit, for all which execution may issue.

2048

D. M. Dawson — Plaintiff
v
A. J. Hamilton — Defendant

And now on this day came the plaintiff by his attorney and moved the Court to execute the writ of injuny awarded at a former day of the term - the said defendant having made default. Whereupon came a jury of twelve good and lawful men of Travis County, consisting of J. Miner and eleven others, who were tried, elected, empannelled and sworn as the law prescribes. And the jury having heard the testimony introduced by the plaintiff and the Charge of the Court, returned into Court the following verdict to wit: "We, the jury, find for plaintiff, Eight Hundred and Seventy-two dollars and seventy cents. ($872.70) J. Miner, foreman." Whereupon, It is ordered, adjudged and decreed by the Court, that the said plaintiff, D. M. Dawson, do have and recover of and from the defendant, A. J. Hamilton, the said sum of Eight Hundred and Seventy-Two Dollars and Seventy cents and the cost of this suit, for which execution may issue.

2049

Chapman, Lyon & Noyes — Plaintiffs
v
Samuel Mather & John W. Atkinson — Defendants

And now on this day came the plaintiff by his attorney and moved the Court to execute the writ of injuny awarded at a former day of the term - the said defendant Atkinson having made default, and the case dismissed as to the defendant Mather. Whereupon came a jury of twelve good and lawful men of Travis County, consisting of C. Kirk, foreman and eleven others, who were tried, elected, empannelled and sworn as the law prescribes.

Fall Term, Thursday, 10th January, A. D. 1861.

and the jury having heard the testimony introduced by the plaintiff and the charge of the Court, returned into Court the following verdict, to wit, "We, the jury, find for plaintiff Four Hundred & Thirty Nine dollars and seventy-five cents. C. Kirk, foreman." Whereupon, it is ordered, adjudged and decreed by the Court, that the said plaintiffs, John Chapman, James Lyon and Charles Noyes, under their firm name of Chapman, Lyon & Noyes, do have and recover of and from the said defendant, John W. Atkinson, the sum of Four Hundred and Thirty-nine and 75/100 dollars, found to be due by the Jury, together with all the cost of this suit, for all which execution may issue.

1766	The State of Texas vs Samuel C. Jones, et al	Plaintiff Defendants	Continued for service	
2050	C. Arrington vs G. H. Dennis	Plaintiff Defendant	Continued	
2053	I. M. Swenson vs R. H. Simmons, et al	Plaintiff Defendants	Continued because of the absence of Defts. counsel	
2056	August Rothman vs James M. Swisher	Plaintiff Defendant	And now on this day came the plaintiff in this cause by his attorneys and announced himself ready for trial, the case being regularly reached on the docket and called for trial. Whereupon came a jury of twelve good and lawful men of Travis County, consisting of C. Kirk, Foreman, and eleven others, who were tried, elected, empannelled and sworn as the law provides. And the jury having heard the testimony introduced by the plaintiff and the charge of the Court, returned the following verdict, as follows to wit: "We, the Jury, find for Plaintiff Seven Hundred twenty-three dollars and twenty-nine cents ($723.29) C. Kirk, Foreman." Whereupon, It is ordered by the Court, that the plaintiff, August Rothman, do have and recover of and from the defendant, James M. Swisher, the said sum of Seven Hundred and Twenty-three and 29/100 dollars found to be due by the Jury, together with ten per centum per annum interest thereon from this date until paid, and all the cost incurred by him in this suit, for all which execution may issue.	

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✓ 2058	James C. Pickle vs Hiseock & Millican	Plaintiff / Defendants	Continued on the affidavit of the defendants.
✓ 2059	Rafael de Aguirre vs Isaac Able, et.al.	Plaintiff / Defendants	And now on this day came the parties to this cause by their respective attorneys; and said parties agree and consent that the venue of this may be changed to the county of Bexar in accordance with the agreement now on file among the papers of this cause, the Judge of the 26th Judicial District presiding in Travis County, being disqualified to try the same. And thereupon, because of such disqualification of the presiding Judge, and in accordance with the said agreement on file as aforesaid, It is ordered by the Court that the venue of the above entitled cause be and the same is ordered to be changed to the County of ~~Bexar~~ and the Clerk of this Court is ordered to transmit to the Clerk of the District Court of Bexar county, at law Antonio, on or before the first day of the next term of the District Court of said County, all the Original papers in this cause, together with a certified transcript of all the entries of record on the minutes of this Court, and of the bill of cost, for which that such proceedings may be had therein as to justice and equity may appertain.
✓ 2060	Wm. A. Van Alstyne vs Cyrus Puckett	Plaintiff / Defendant	Continued for service.
✓ 2032	D. M. Swenson vs John M. Crockett, W.H. Witt, James A. Quick & M. P. Johnson	Plaintiff / Defendants	This day came the plaintiff by attorney, and announced himself ready for trial. And Thereupon came a jury of twelve good and lawful men of Travis County, consisting of W. P. Maben and eleven others, who were duly elected, empannelled and sworn as the law prescribes. And the jury having heard the testimony introduced by the plaintiff and the charge of the Court, returned the following verdict, to wit: "We, the jury, find for the plaintiff as against John M. Crockett, W.H. Witt, James A. Quick and M. P. Johnson Seventeen hundred and ninety-three 75/100 dollars ($1793 75/100) and are further find as against James A. Quick, W.H. Witt and M. P. Johnson one hundred and fifty dollars as expenses for collecting. W.P. Maben, Foreman." Whereupon, It is considered by the Court, that the plaintiff, &c.

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Swenson, do have and recover of and from the defendants John M Crockett W.H. Witt, James A. Smith and W. T. Johnson the sum of Fourteen Hundred and Seventy-three dollars and Seventy-five cents, and that the plaintiff the plaintiff, by his attorney, having remitted the sum of three hundred dollars, and the interest on the same from the 19th April, 1860, viz: twenty dollars. It is further ordered that the said Swenson have and recover of the defendants, W.H. Witt, James A. Smith and W. T. Johnson the additional sum of One Hundred and fifty dollars together with all costs herein expended or incurred, and that executions issue therefor.

2061 — W. L. McDonald, Plaintiff, vs. Adams & Goodrich, Defendants. — And now on this day came the parties to this cause by their respective attys and announced themselves ready for trial, and waiving a jury agree to submit the case to the Court. And because the plaintiffs cause of action is based on a note of hand, the same produced in evidence, It is, therefore, ordered, adjudged and decreed by the Court, that the said plaintiff, William McDonald do have and recover of and from the defendants, Francis C. Adams and Beverly G. Goodrich, the sum of One Hundred, Sixty and 54/100 Dollars principal debt and interest due on the note sued on upto this date, and the further sum of One Dollar and Sixty Cents, exchange, making the sum of One Hundred and Sixty-two and 14/100 dollars, and all the cost of this suit, for all which execution may issue

2063 — Reid & Tracy, Plaintiffs, vs. Adams & Goodrich, etals, Defendants. — Continued generally

2064 — James Reily, Plff, vs. Webb & Holman, Defts. — Continued generally

2065 — Sneed & Walton, Plaintiffs, vs. N. C. Raymond & Lucinda Raymond, Defendants. — And now on this day came the parties to this suit by their respective attorneys and announced themselves ready for trial - thereupon came a jury of twelve good and lawful men of Travis county consisting of J. Miner and eleven others, who were duly tried, elected empannelled and sworn. And the parties introduced their testimony in the hearing of the jury, who were thereupon charged by the Court and they retired to deliberate upon their verdict. Thereupon the

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Jury returned into Court the following verdict, to wit: "We, the Jury, find for the plaintiffs against N.C. Raymond and Lucinda Raymond one Hundred and Eighty-five dollars and twenty-five cents ($185 25) J. Miner, Foreman." Whereupon It is ordered, adjudged and decreed by the Court, that the plffs. O.G. Lucas, Miner & Lucas and William M. Walton, under their firm name of Lucas & Walton, do have and recover of and from the defendants, N.C. Raymond and Lucinda Raymond the said sum of One Hundred, Eighty-Five and 25/100 dollars and all the cost of this suit, for all which execution may issue

2070 J. C. Cain, Plff
v
J.M. Blackwell
Amos Morrill &
A H Cook, Defts

And now on this day this cause coming on for trial, the same being regularly on the docket and peremptorily called came the plaintiff and announced ready for trial - came also the defendant Morrill in person and announced ready. Then came a jury of twelve good and lawful men of Davis County, consisting of J. Miner and eleven others, who were tried elected empanelled and sworn as the law prescribes. And the jury having heard the testimony and the charge of the Court, retired for deliberation, and returned into Court the following verdict, to wit: "We, the jury, find for plaintiff two Hundred and Sixty-Eight dollars and fifty-four cents ($268 54) J. Miner, Foreman." Whereupon It is ordered, adjudged and decreed by the Court, that the said plaintiff J. C. Cain, do have and recover of and from the said J.M. Blackwell, and Amos Morrill and A.H. Cook the sum of Two Hundred, Sixty-Eight and 54/100 Dollars, found due by the jury aforesaid, together with all the cost of this suit. It is further ordered by the Court that said ~~Execution~~ of ($153 00 + 84 00 + 31 54 = $268.54) of said amount draw interest from this date until final payment at the rate of ten percent. per month, by way of damages, and that said sum also draw interest from this date until final payment, at the rate of twelve per centum per annum, and that execution do issue for said amounts

Mary Ann Doran, Plaintiff
v
H. M. White, Comr, Defendant

2074 Continued generally

H. P. McGuyre, et al, Plaintiff
v
Wm Smith, et als, Defendants

2075 On motion of the counsel for the plffs. It is ordered by the Court that the said

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plaintiffs have leave to amend their pleadings in this cause

2075 — A.P. McGuyre, et al. vs Wm Smith, et als — Plaintiffs / Defendants — And now at this day come these defendants by their attorneys and move the Court to require said plaintiffs to enter into bond and security for the cost of this suit. Whereupon it is ordered that said motion be granted; that the said plffs. are required to give said security at the or before the next term of this Court, otherwise the case will be dismissed at their cost, the attys. of the plffs. being present, in Court, and receiving notice of this motion. And thereupon It is ordered that the cause be continued under the rule for cost.

2076 — John T. Miller vs R.H. Simmons & John Bremond — Plaintiff / Defendants — And now at this day appeared the parties by their attys and announced ready for trial. And on motion of the parties, the plffs. and defts. have leave to amend their pleadings. And the exceptions of the deft. Bremond to that portion of Plaintiffs petition which sets up an excuse for not bringing this suit, based on the idea that no Court would be held at the Spring Term 1860, being submitted, are sustained. Then came a jury of twelve good and lawful men of Travis County, to wit: C. Kirk, Foreman, and eleven others, who were tried, elected, empannelled and sworn as the law prescribes And the jury having heard the pleadings read, the testimony and the charge of the Court, returned the following verdict, to wit: "We, the jury, find for the plaintiff against R.H. Simmons two hundred and seventeen dollars & seventy-five cents $217 75/100 and as to defendant Bremond we find no cause of action. C. Kirk Foreman." Whereupon, It is ordered, adjudged and decreed by the Court that the said Bremond go hence without day and recover of and from the plffs. John T. Miller, all the cost incurred as to the said Bremond - and that the plaintiff, John T. Miller, do have and recover of and from the defendant, R. H. Simmons the said sum of two Hundred and Seventeen 75/100 dollars, with ten per cent. interest thereon from date until paid and all the cost incurred as to said Simmons for which execution may issue

2079 — Swante M. Swenson vs Norton, Miner & Raven — Plaintiff / Defendants — And now on this day came the plaintiff to this cause by his attorneys and announced ready for trial, the cause being regularly reached on the docket, and peremptorily called. Then came a jury of twelve good and lawful.

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men of Travis county, who were tried, elected, empannelled and sworn as the law prescribes. And the jury having heard the testimony and the charge of the Court, rendered the following verdict, to wit: "We, the jury, find for the plaintiff nine hundred and fourteen 12/100 Dollars ($914 12) J. H. Robinson, Foreman." Whereupon it is ordered adjudged and decreed by the Court, that the Pff. D. M. Queen have and recover of and from the defendants, A. B. Norton, J. Miner and H. H. Raven, under their firm name of Norton, Miner and Raven said sum of Nine Hundred, Fourteen and 12/100 dollars and all the cost of this suit, for all which execution may issue.

2081 Ellen Duval vs A H Cook & R M Johnson — Plaintiff vs Defendants — And now on this day came the parties to this cause by their respective attorneys and waiving a jury agree to submit the case to the Court, first announcing ready for trial. And the demurrer of the defendants to the petition of the plaintiff coming on to be heard the same is overuled. And because the plaintiffs cause of action in this case is based on a note of hand, the same produced in evidence, It is, therefore, ordered, adjudged and decreed by the Court, that the said plaintiff Ellen Duval do have and recover of and from the defendants A H. Cook, as principal, and R M. Johnson as security, the sum of Six Hundred and Sixty Eight & 76/100 dollars principal debt and interest due on the note sued on to this date, together with ten per centum per annum interest thereon from date until paid and all the cost of this suit, for all which execution may issue.

2085 M. W. Tonnsend vs A H Cook (H. W. Girard.) — Pff. vs Defts. — And now on this day came the plaintiff to this cause by his attorney, John P. Graves, Esq. and also came the defendant by his atty Dana Marsh, Esq, and the parties announced themselves ready for trial, and waiving a jury, agree to submit the case to the Court. And because the plaintiffs cause of action is liquidated, as evidenced by the note of hand produced in evidence the same sued on, It is, therefore, ordered adjudged and decreed by the Court that the Pff. M. W. Tonnsend do have and recover of and from the Defendant, H. W. Girard, the sum of One Hundred, thirty one and 60/100 dollars, principal and interest due to date, and all the cost of this suit, for which execution may issue.

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1369	D. C. Osborne	Plaintiff	Leave to plaintiff to amend petition
	vs.		
	Geo. L. Wallin, et al.	Defendants	
1376	D. C. Osborne	Plaintiff	Leave to plaintiff to amend petition
	vs.		
	Geo. W. Gray, et al.	Defendants	

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

Friday, January 11th, 1861

Court convened at 9 o'clock, A. M. pursuant to adjournment. A. M. Jewell, 2d District Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

1880	Thomas Freeman	Plaintiff	And now on this day appeared these
	vs.		parties by their attorneys; and on
	J. L. McKinney		motion and by consent, It is ordered
	& A. H. Cook	Defendants	by the Court, that the order entered

in this case on page 584, of date 9th inst. be set aside, vacated, and held for naught; that the said Judgment entered in this case on page 565, of date January 7th, 1861, be and remain in full force and virtue.

for new trial and to set aside the judgment

1827	B. D. Fitzgerald	Plaintiff	And now on this day came the
	vs.		Plaintiff in this case by his atty, &
	J. M. Blackwell		announced himself ready for trial, this
	Amos Morrill &		motion being regularly reached on
	Abner H. Cook	Defendants	the docket, and called for trial.

And it appearing to the Court, from the official bond of the said Blackwell, produced in evidence, that the said Cook and Morrill are, and were the securities of the said Blackwell, at the time of the collection of the money on the execution described in the motion— And it appearing from the evidence that the said Blackwell did collect, in his official capacity, as Sheriff of Travis County, the amount due on the said execution as evidenced by the return on said execution, It is, therefore, ordered, adjudged and decreed, that the said motion be granted; that the said plff. B. D. Fitzgerald do have and recover of and from the said J. M. Blackwell, and of his said securities, Amos Morrill and A. H. Cook the sum of One Hundred, Fifty-Four and 85/100 dollars, being the amount now due on the principal and interest of said execution, including the jury fee, and all the cost of this motion, for all which execution may issue.

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1 2083

John Bremond, Plaintiff
vs
M. A. Cheezum et al, Defendants
O R D. Cheezum, Defendants
Martin W. Townsend, Intervenors
Cecilia Townsend, Intervenors

And now on this day come on this cause to be heard for trial, and the respective parties, plaintiff, defendants and Intervenors having announced themselves ready for trial, and a jury having been waived by all parties, and the matters in dispute having been submitted to the Court for final determination and adjudication, and thereupon the exceptions of the Intervenors to defendants amended answer are overruled. Whereupon, after hearing the proofs and allegations and considering the admissions of the parties, It is ordered, adjudged and decreed by the Court, that the plaintiff, John Bremond, do have and recover of and from the defendants, Margarette A. Cheezum and and O. R. D. Cheezum the just and full sum of four hundred and twenty five and 33/100 dollars, that being the amount due upon the note sued on in this cause, together with the interest thereon at the rate of 12 per cent. until paid. And it appearing to the Court that the payment of said note sued on, was secured to be paid by a mortgage executed and delivered by said defendants Margaret Cheezum and O. R. D. Cheezum on the 30th day of June, 1860, to one Joseph Rowe, who was assignor of said mortgage and note above described, to the plaintiff, upon the following described property, to wit: "One negro girl, slave, about the age of fourteen years, named Clarisa;"

It is, therefore, ordered, adjudged and decreed by the Court, that the mortgage or lien on said slave Clarisa be and the same is hereby foreclosed, and that an order of sale issue to sell the said slave Clarisa, and the proceeds of the said sale be applied first to the payment of this judgment, interest and costs of suit; and in case the sale of said slave shall not bring enough to satisfy this Judgment, interest and costs of suit, then it is ordered that the said plaintiff have execution now for the residue against said Margaret Cheezum and O. R. D. Cheezum defendants, as in other cases. and it is further decreed that the purchaser at said sale of said slave so had, acquire all the right, title and interest of the parties, or any of them in this suit, to said slave Clarisa relieved of all equity of redemption. It further appearing to the Court that the said Cecilia Townsend, wife of said M. W. Townsend, purchased all the right, title, interest and claim which the said defendants had in and to said slave, on the 24th day of September 1866, and that said M. W. Townsend and said Cecilia Townsend now have possession of said slave, It is, therefore, ordered, adjudged and decreed by the Court, that if there be any balance over and above proceeds of the sale of said slave, after satisfying the aforesaid principal, lien, interest, and costs of this suit; that the same be paid over to the said Cecilia Townsend, as her separate property fund. It is,

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further ordered, adjudged and decreed by the Court, that in case the said Martin W. Townsend and Cecilia Townsend, and the said D. R. D. Cheezum and Margaret Cheezum fail to deliver said slave to the Sheriff of Travis county, within thirty days from the adjournment of the present term of this Court, to satisfy this judgment and decree, then that execution issue against the said M. W. Townsend and Cecilia Townsend and the said D. R. D. Cheezum and Margaret Cheezum, for the full amount of this judgment, together with interest and costs of this suit. It further appearing unto the Court that the title to said slave Clarissa is vested in the said Cecilia Townsend, subject, however, to the lien of the said John Brimmel for four hundred and twenty-five and 33/100 dollars, with interest at the rate of 12 per cent. per annum from the rendition of this Judgment together with the costs of this suit, It is, therefore, further ordered, adjudged and decreed by the Court, as an alternative and privilege to the said Cecilia Townsend, that in case she, the said Cecilia Townsend shall, within the space of thirty days from the adjournment of the present term of this Court, pay off and satisfy the said judgment for principal, interest and costs of this suit, it being a lien on said slave, and an individual debt of the said D. R. D. Cheezum and Margaret Cheezum, the title to the said Cecilia Townsend, in and to said slave Clarissa, is hereby confirmed and decreed free and forever discharged and released from the aforesaid Judgment, and that she hold said slave unmolested by execution or other process by virtue of said lien.

Leonhard Eger — Plaintiff
vs
Adoeph Smith — Defendant

District Court Travis County.
Fall Term, 1860.
January 9th, 1860.

1886

And now on this day came the parties by their attorneys and announced themselves ready for trial; and thereupon came a jury of good and lawful men of Travis county, to wit: E. Kirk and eleven others, who were duly elected, empannelled and sworn, well and truly to try the issue joined between the parties, and who having heard the evidence introduced by the parties the argument of counsel and the charge of the Court, retired to consider of their verdict, and returned into Court the following verdict, to wit.

" We the Jury find for the plaintiff the property in controversy and assess
" the damages @ $25. And find for the defendant Two Hundred Dollars
" E. Kirk, foreman."

It is, therefore, ordered, adjudged and decreed by the Court, that the plaintiff, Leonhard Eger, do have and recover of and from the defendant Adoeph Smith, the property described in

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plaintiffs petition, to wit: Lots Numbered five (5) and Six (6) in Block Numbered Sixteen (16) in the City of Austin, together with the improvements thereon, and it is further ordered, adjudged and decreed by the Court that all the right, title and interest which the said defendant, Adolph Smith had and held in and to, said property above described, on the ninth day of February, A.D. 1859, be and the same is hereby declared to vest in the said plaintiff, absolutely and forever, as against the said defendant, Adolph Smith, his heirs and assigns

It is, further ordered, adjudged and decreed by the Court, that the defendant, Adolph Smith, receiver of the said plaintiff, Leonhard Eger, the sum of Two Hundred Dollars, being the sum assessed by the jury aforesaid. And the plaintiff having deposited in Court the sum of One Hundred and twenty-five dollars, which sum is in the hands of the Clerk of this Court, It is ordered that said amount be applied to the satisfaction of this Judgment; and that the said Leonhard Eger pay to the Clerk of this Court within sixty days from the date of this Judgment, the sum of seventy-five dollars, together with interest at the rate of eight percent. per annum until paid.

It is further ordered, adjudged and decreed by the Court, that this decree shall operate as a lien upon said lots to secure the payment of the above sum of seventy-five dollars and in case of default of the payment of said sum of seventy-five dollars, as aforesaid, then execution may issue against the plaintiff for the same

It is further ordered, adjudged and decreed by the Court, that the plaintiff pay one-half the costs of this suit and the defendant shall pay one-half of the costs in and about this suit expended, which said one-half so adjudged against the defendant, shall be paid out of the money deposited and in the hands of the Clerk, said one-half being thirty-five 75/100 Dollars as taxed this day on the fee book.

V. Groomes } Plaintiff
vs 2095 } Continued for Service
Freeman & Holcomb } Defendants

John Smith } Plaintiff
vs 2092 } Continued for Service
B. J. Nichols } Defendant

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2091

W. C. Phillips, admr. } Plaintiff
v
J. W. Thompson
Thomas Adams
John P. Graves
Ernst Raven } Defendants

And now on this day came the parties to this cause by their respective attorneys and announced themselves ready for trial, and waiving a Jury, agree to submit the case to the Court. And it appearing that the plaintiff's cause of action in this case is liquidated as shown by the note of hand produced in evidence, the same sued on, It is, therefore, ordered, adjudged and decreed by the Court, that the plaintiffs, W. C. Phillips, admr of the estate of William O'Connell, deceased, do have and recover of and from the defendant, J. W. Thompson, as principal, and Thomas Adams, John P. Graves and Ernst Raven as securities, the sum Five Hundred, fifty-two and 17/100 dollars, principal debt and interest due on the note sued on up to this date, together with ten per centum per annum interest thereon from date until paid, and all the cost of this suit, for which execution may issue.

And it appearing that the defendant Thompson executed his certain mortgage deed to secure the payment of the note sued on, dated 26th July, 1859, produced in evidence, the same described in the original petition in this case, said mortgage being upon the following described property, to wit: Lots Nos. One (1) and Four (4) in Block No. Forty-four (44) in Austin as bounding on Cedar and Laraca streets, the same being 128 feet long and forty-six feet wide, each,

It is, therefore, ordered, adjudged and decreed by the Court, that the Clerk of this Court do issue an order of sale directed to the Sheriff of Travis county, commanding him to sell the above described property; and the proceeds thereof he shall apply to the satisfaction of this Judgment, including interest to grow due and the cost of the suit; and the overplus if any, he shall pay to the deft. Thompson, his agent or attys. But in the event said property shall not bring a sufficient amount to satisfy the amounts of this Judgment, interest and cost as aforesaid, then execution may issue against all of the above defendants for whatever amount may be due after the sale of said property.

2088

Frederick Stenfy } Plaintiff
v
R. K. Marshall } Defendant

Continued for service.

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2087 James R. Pace vs Geo. W. Parchal — Plff / Defr — And now comes the plaintiff by attorney and claims a judgment by default. And because the defendant has accepted service of plaintiff's petition and waived process, and has failed to answer within the time limited by law, It is, therefore ordered by the Court that the Plff. recover of the deft. according to the prayer of his petition and that a writ of inquiry be awarded

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

Saturday, 12th January 1861

Court convened at 9 o'clock, A.M. pursuant to adjournment A. W. Terrell, 2d District Judge presiding, Whereupon the following proceedings were had by said Court, to wit:

2097 James K. Raymond vs M. T. Johnson — Plaintiff / Defendant — And now on this day came the plaintiff to this cause and claimed a final Judgment by default. And because it appears to the Court that the Defendant has accepted service of plaintiffs petition and waived the issuance and service of process; and plaintiffs cause of action being liquidated, as evidenced by the obligation sued on, It is, therefore, ordered, adjudged and decreed by the Court, that the said Plff. James K. Raymond, do have and recover of and from the defendant, M. T. Johnson the sum of Seven Hundred, twenty Nine and 70/100 Dollars, principal debt and interest due on the note sued on to this date, together with all the cost of this suit, for which execution may issue.

2089 Griffith, Hyatt & Co vs George Hancock — Plaintiffs / Defendant — And now at this day came the parties by their attorneys - and the Plffs announced that they were not ready for trial, and the defendant announced ready. And thereupon the Plffs. by attorney, abandoned their claim, and the defendant announced ready for trial on their plea in reconvention and offset - and the Plffs. asked a continuance, which was overruled. And thereupon the parties went to trial on the plea in reconvention and offset, (the plaintiffs having, in open Court, joined issue on the same,) claimed by Deft. And thereupon came a jury of twelve good and lawful men, to wit: J. H. Robinson and eleven others, who were duly and legally sworn and empannelled in accordance with law, to try the cause - and having heard

the pleadings on both sides read, the evidence adduced, the argument of Counsel and the Charge of the Court, retired to consider of their verdict, and thereupon returned into Court the following verdict, to wit: "We, the Jury, find for the defendant Hancock three dollars and six Cents. ($3.06) J. K. Robinson, foreman."

And thereupon came the defendant Hancock in open Court, and enters a remittitur of the said sum of three 6/100 dollars.

And thereupon It appearing to the Court that the indebtedness of the Peffs. to the defendant Hancock is equal in amount to the claim set up by the said peffs against the said deft. Hancock, It is ordered and decreed by the Court, that the said account of peffs. be offset, discounted and cancelled by the claim of said Hancock, and that the said Hancock do have and recover of and from the said peffs named in the petition all the costs of this suit in this behalf expended for which execution may issue, &c. &c.

(2084 V

M. W. Donnsend Plaintiff
vs.
A. H. Cook Defendant

And now at this term Came the parties to this Cause by their respective attorneys and announced themselves ready for trial, and thereupon came a jury of twelve good and lawful men of Travis County, consisting of J. Miner, foreman and eleven others, who were tried, elected, empannelled and sworn. And the jury having heard the testimony introduced by the parties, the argument of Counsel and the Charge of the Court, retired for deliberation, and returned into Court the following verdict, to wit; "We, the jury, find for the defendant. J. Miner, foreman." Whereupon, It is ordered by the Court, that the said plaintiff take nothing by his suit in this Case; that the defendant Go hence without day; that the Cause be dismissed from the docket and that the peff M. W. Donnsend, pay all the Cost of this suit, for which execution may issue.

↓ 2078 V

D. M. Swenson Plaintiff
vs.
Miner Lambert & Perry Defendants

And now comes the peff. by his atty. and moves the Court to amend the judgment in this Case so as to enforce plffs lien on the Hac printing press, as described in the note sued on herein. Whereupon, It appearing that the defts. did grant a lien on the Hac printing press aforesaid to secure the payment of the note sued on in this Case, It is, ordered and decreed by the Court, that the Clerk issue an order of Sale commanding the Sheriff of Travis

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county to levy on and sell the Hall printing press, in the office of the Southern Intelligencer, in Austin, and apply the proceeds thereof to the satisfaction of the judgment interest and cost in this Case. It is further ordered by the Court that within ten days after the issuance of execution, as aforesaid the said defendants are required to deliver the said printing press to the Sheriff of Travis County, to be disposed of as herein directed and that on failure of said defendants complying with this order, they shall be held to be in Contempt of Court

✓ 1520	The State of Texas v G. W. Scott, et al.	Plaintiff Defendants		Case continued.
✓ 2067	Joseph Bledsoe, Admr v. P. de Cordova et J. M. Steiner	Plaintiff Defendants		
✓ 1820	Wm G. Lane & Co v. L. D. Carington & Co	Plaintiffs Defendants		And now comes the Pltff. by Attorney and moves the Court to amend the order in this case to correspond with the agreement on file. And it appearing that the said agreement provides that each party shall pay his own cost It is, therefore, ordered by the Court that the said plaintiffs pay the cost incurred by them, and that the defendant pay the cost by him incurred in this case, for all which execution may issue
✓ 1998	The State of Texas v. D.R.D. Cheezum M. A. Cheezum John D. Spence John N. Conner	Plaintiff Defendants		And now at this term come the State by the District Attorney, and also come these defendants by their attorneys and submitted this case to the Court And the Court having inspected the answers of said defendants, and having heard the evidence adduced submitted on behalf of the State And because it appears to the Court, that on the 29th Dec. 1859 in cause No. 1209, The State of Texas v. Julien K. Rokey, the Court ordered a ni si. Judgment, for the sum of $2764 dollars against these defendants on a forfeited appearance bond given in said cause, by the said Cheezum and Margaret Cheezum, as principals (and who were witnesses in said cause No 1209) and the said Spence & Conner as securities, (and to which bond reference is made) And the defe

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of the said defendants being deemed insufficient. It is ordered adjudged and decreed by the Court, that the said Judgment nisi be made final, and that the State of Texas do have and recover of and from the defendants D.R.D. Cheezum Margaret A. Cheezum and the said John D. Spence and John H. Conner the said sum of fifty dollars, together with the cost of this proceeding, for all which execution may issue

The State of Texas vs. I.M. Blackwell } Plaintiff / Defendant } And now on this day came the District attorney on behalf of the State and also came the defendant by his attorney and the parties submitted the case to the Court. And thereupon after an inspection of defendants answer, and a hearing of the evidence submitted by the District Attorney, It is ordered by the Court that the Judgment nisi in this case be made final; and that the State of Texas do have and recover of and from the said I.M. Blackwell the sum of fifty dollars and all the cost of this proceeding, for all which execution may issue.

Carroll, Kemick & Mead vs. Adams & Goodrich } Plaintiffs / Defendants } In this case appeared the parties plaintiffs and defendants and announced themselves ready for trial, and waived a jury and submitted the matters in controversy to the Court. After hearing the evidence introduced by the parties, It is ordered, adjudged and decreed by the Court that the plaintiffs, George Carroll, W.W. Kemick and Benjamin F. Mead, under their firm name and style of Carroll, Kemick & Mead, do have and recover of and from the defendants, Frank G. Adams and Beverly G. Goodrich the sum of five hundred and twenty-three and 50/100 dollars, for their principal debt and interest up to this date, with eight per cent. per annum interest thereon until paid, together with all the costs of this suit, for which execution may issue. And by agreement of the parties, no execution is to be issued until six months from this date.

Wm. L. McDonald vs. Adams & Goodrich } Plaintiff / Defendants } In this case appeared the parties plaintiff and defendants by their attorneys and announced themselves ready for trial, and waived a Jury and submitted the matters in controversy to the Court, after hearing the evidence introduced by the parties, It is ordered, adjudged and decreed by the Court that the plaintiff, William L.

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McDonald do have and recover of and from the defendants, Frank C. Adams and Beverly G. Goodrich the sum of Two Hundred, Seventy-Eight and 50/100 dollars for his principal debt and interest up to this date, together with eight per cent interest per annum thereon till paid, and all the costs of this suit, for which execution may issue, and that execution be stayed six months.

↓2063 Reid & Tracy Plaintiffs
vs
Adams & Goodrich, et al. Defendants

And now come the respective parties by their attorneys and announced themselves ready for trial. Whereupon the plaintiffs dismiss their suit as to all the parties defendant, except as to Frank C. Adams and Beverly G. Goodrich; and then the respective parties, Adams & Goodrich and the pefft. waive a jury and submit the matters in controversy to the Court. Whereupon the plaintiffs submit to the Court the note dated July 22d 1859, payable to plaintiffs for the sum of $799.57 signed Frank C. Adams only, for adjudication withdrawing from the Court the consideration of all other matters. Thereupon by the consent of the defendants in open Court made, It is ordered, adjudged and decreed by the Court that the plaintiffs Augustus L. Reid and James J. Tracy, under their firm name of Reid & Tracy do have and recover of and from the defendants Frank C. Adams and Beverly G. Goodrich, the just and full sum of Eight hundred, fifty-four and 24/100 Dollars together with 8 per centum per annum interest thereon from this date till paid and all the cost of this suit, for all which execution may issue. And thereupon It is agreed by the plaintiffs that execution be stayed for six months from this date.

James R. Pace Plaintiff
vs
Frank C. Adams Defendant

And now comes the pefft. by his atty. and moves the Court to enter up the Judgment in this cause as final by default. Whereupon the Court doth find a writ of inquiry be awarded by the Court that the defendant has been duly served with process and pefft. cannot recover of the defendant any sum by the note of hand sued on. It is therefore ordered, adjudged and decreed by the Court that the plaintiff James R. Pace, do have and recover of and from the defendant Frank C. Adams and Wm. M. Parchal, the sum of Seven hundred and ninety nine dollars and fifty seven cents principal debt and interest thereon from the 22d day of July 1859 till paid and all the cost of this suit, for all which execution may issue.

Beverly Boone Esq

Dear Sir Enter satisfaction on the execution in favor of James R. Pace vs Frank C. Adams and Wm. M. Parchal issued Jan. 12th 1861

Yours &c
W. P. Dabbs
Atty for Pefft

Enter Sept. 22nd 1861

Fall Term, Saturday, 12th January, 1861

McDonald do have and recover of and from the defendants, Frank E. Adams and Beverly G. Goodrich the sum of Two Hundred, Seventy-Eight and 50/100 dollars for his principal debt and interest up to this date, together with eight per cent interest per annum thereon till paid, and all the costs of this suit, for which execution may issue, and that execution be stayed six months.

↓2063 Reid & Tracy ⎫ Plaintiffs ⎫ And now come the respective parties by their
s ⎬ ⎬
Adams & Goodrich, et.al. ⎭ Defendants ⎭ attorneys and announced themselves ready for trial. Whereupon the plaintiffs dismiss their suit as to all the parties defendant, except as to Frank E. Adams and Beverly G. Goodrich; and then the respective parties, Adams & Goodrich and the pefft. waive a jury and submit the matter in controversy to the Court. Whereupon the plaintiffs submit to the Court the note dated July 22d 1859 payable to plaintiffs for the sum of $799.57 signed Frank E. Adams only, for adjudication withdrawing from the Court the consideration of all other matters. Thereupon by the consent of the defendants in open Court made, It is ordered, adjudged and decreed by the Court that the plaintiffs Aaron L. Reid and James J. Tracy, under their firm name of Reid & Tracy do have and recover of and from the defendants Frank E. Adams and Beverly G. Goodrich, the just and full sum of Eight hundred, fifty-four and 24/100 Dollars together with 8 per centum per annum interest thereon from this date till paid and all the cost of this suit, for all which execution may issue. And thereupon It is agreed by the plaintiffs that execution be stayed for six months from this date.

↓2087 James R. Pace ⎫ Plaintiff ⎫ And now comes the pefft. by his atty. and moves
s ⎬ ⎬ the Court to amend the Judgment in this cause
G. W. Paschal ⎭ Defendant ⎭ and to enter a Judgment final by default.
And thereupon It is ordered that the entry awarding a writ of inquiry be set aside and vacated. And it appearing to the Court that the Deft. has accepted service of pefft's petition and waived process - and pefft. cause of action being based on a liquidated demand as shown by the note sued on and produced in evidence, the same sued on, It is, therefore ordered, adjudged and decreed by the Court that the said pefft. James R. Pace, do have and recover of and from the defendant, George W. Paschal, the sum of Two Hundred, Nine and 55/100 Dollars principal debt and interest due on the note sued on to date, together with all the cost of this suit, for which execution may issue.

Fall Term, Saturday, 12th January, 1867

2067

J. Bledsoe, admr. Plaintiff
vs
P. de Cordova & J. M. Steiner Defendants

And now comes the Pff. by atty and announced himself ready for trial the cause being regularly reached and peremptorily called. Then came a jury of twelve good and lawful men of Travis County consisting of Kirk and eleven others, who were tried, elected, empannelled and sworn as the law prescribes. And the jury heard the evidence introduced by the Pff and the charge of the Court, and returned the following verdict, to wit: "We, the jury, find for plaintiff twenty-eight hundred and eleven dollars & ten cents $2811.00 E. Kirk, Foreman." Thereupon it is ordered, adjudged and decreed by the Court, that the said Pff. Joseph Bledsoe, Admr of the estate of A. B. Hanlin, deceased, do have and recover of and from the defendants, P. de Cordova and J. M. Steiner the said sum of twenty-eight hundred and eleven and 10/100 dollars, and ten per centum per annum interest thereon from date until paid and all the cost of this suit for all which execution may issue

J. Bledsoe, admr. Plaintiff
vs
J. M. Steiner & P. de Cordova Defendants

This cause being regularly reached on the docket and peremptorily called for trial, came the Pff. by attorney and announced ready. Then came a jury of twelve good and lawful men of Travis County consisting of E. Kirk and eleven others, who were duly tried, elected, empannelled and sworn. And the jury having heard the evidence and being charged by the Court, returned the following verdict, to wit: We, the jury, find for the plaintiff five hundred and twenty eight dollars & seventy-four cents. ($528.74) E. Kirk, Foreman." Wherefore, It is ordered, adjudged and decreed by the Court that the said Pff. Joseph Bledsoe, Admr of the estate of A. B. Hanlin, dec'd do have and recover of and from the said defendants, J. M. Steiner and P. de Cordova the sum of five Hundred and twenty-eight and 74/100 dollars, and ten per centum per annum interest thereon from this date until paid as also all cost of suit, for which execution may issue

1700

Byrne Vance & Co Plaintiffs
vs
Horst & Pellman Defendants

And now come the defendants by atty and also came John P. Piney, Shff Travis County, and said Horst & Pellman submitted to the Court their motion to require said Sheriff to pay over unto them the sum of $76.45 said sheriff being overpaid by them to said Shff. as shown by the exhibits attached to their said motion the said Sheriff having computed damages on the interest due on the principal sum at the time of the affirmance of the

Fall Term, Saturday, 12th January, 186[illegible]

Judgment in the Supreme Court, when, in fact, the damages were due only in the principal sum adjudged. It is, therefore, considered by the Court, that the said Sheriff do pay back and refund to, the said Hunt and Pellman the said sum of $376 45/100 as aforesaid,

1 2083 John Bremond vs D R D Cheyney et al / M. W. Townsend wife et al — Plaintiff, Defendants, Intervenors — And now come the defendants by attorney and also come the Intervenors by atty - and said defendants by attorney submit to the Court their motion to refuse the decree entered in this cause at a former day of the term, so that the costs of the suit in this case may be adjudged against said Intervenors in personam and in rem. Whereupon, It is ordered by the Court that said motion be granted that the said cost of this suit be adjudged against the Intervenors, Martin W. Townsend and Cecelia Townsend, and that execution issue therefor.

2 2083 John Bremond vs D. R. D. Cheyney wife et al / M. W. Townsend wife et al — Plaintiff, Defendants, Intervenors — And now come the parties to this suit by their attorneys - and the defendants submits to the Court their motion for a new trial. And the same being duly considered, It is ordered that the said motion be overruled

1653 Geo. W. Glascock vs James Doyle et al — Plaintiff, Defendants — Motion against the Sheff. J. M. Blackwell and his securities Amos Morrill and A. H. Cook.

And now on this day came the plaintiff, Geo. W. Glascock, by his attorney, and submitted his motion filed in this case - the defendants, Blackwell and Cook having accepted service of the motion and waived process, and the defendant Morrill having been duly cited. And the defendants failed to appear and answer the motion, and wholly made default. And the Court having inspected the motion, the official bond of the said Blackwell, the execution and judgment described in the motion, and having heard all the evidence in the case, is of opinion that the said defendants are indebted to the said Glascock in the sum of $38 principal and interest due on the execution to this date, the Pff having abandoned his prayer for damages. It is, therefore, considered by the Court, that the Pff George W. Glascock do have and recover of and from the said J. M. Blackwell late Sheriff of Grais County, and the securities on his official

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bond, to wit: Amos Morrell and A.W. Cook the said sum of thirty eight dollars and all the cost of this motion, for all which execution may issue.

John P. Miller vs. I.M. Blackwell, Amos Morrill & A.W. Cook — Plaintiff, Defendants — Motion against Blackwell, late Sheriff and his securities on official Bond for failing to pay over money collected under execution

And now on this day came the parties to this motion by their respective attorneys and announced themselves ready for trial. And then came a jury of twelve good and lawful men of Travis County consisting of J. H. Robinson and eleven others, who were tried, elected, empanelled and sworn as the law directs. And the jury having heard the evidence introduced by the respective parties, the argument of counsel and the charge of the Court, retired for deliberation and returned into Court the following verdict, to wit: "We, the jury, find for plaintiff Two Hundred and Eighty-Six dollars and forty-eight cents. J. H. Robinson, foreman." Whereupon it is ordered adjudged and decreed by the Court, that the said plaintiff, John P. Miller, do have and recover of and from the said I.M. Blackwell, and Amos Morrill and A.W. Cook the said sum of Two Hundred and Eighty-Six dollars and forty-eight cents together with ten per centum per month on said sum of $286.48 by way of damages, until paid and ten per cent per annum thereon until paid, and the cost of this motion for all which execution may issue.

1987

John D. Scott & Co vs. E. & A. Pendleton — Plffs. vs. Defts. — This day came the parties by their attorneys, and a jury being waived, the matters of law and fact arising upon the pleadings and proof adduced, were submitted to the Court, and the same being duly considered, it is, therefore, ordered, adjudged and decreed that the plaintiffs, have and recover of and from the defendants E. & A. Pendleton the sum of Six Hundred, Ninety-Nine and 46/100 dollars, together with interest and cost of suit, and that they have execution therefor. And it appearing to the satisfaction of the Court here, that the claims against the estates of Thos. S. Smith, and N.W. Burdit, and the claim against Hiram Bennett, named in plaintiffs petition, were assigned to plaintiffs as collateral security for the payment of the debts sued for. It is ordered, adjudged and decreed that said plffs. retain said claims as collaterals, and when payments are made thereon the same shall be entered as credits on the judgment herein, and after full satisfaction of this judgment the same to be reassigned and vested in the defendants.

Fall Term, Saturday, 12th January, 1861

1293

The State of Texas / John D. Shanks — Plaintiff / Defendant

And now at this term and day appeared in open Court P. de Cordova, Wm S. Hotchkiss, Hiams Everett, George W. Sampson, J. C. Kirby, S. Crosby, R. M. Elgin and Francis M. White, witnesses on behalf of the plaintiff in the above entitled and numbered cause, who were on motion of the District atty ordered to be recognized to appear at the Williamson County District Court. Whereupon the said P. de Cordova, Wm S. Hotchkiss, Hiams Everett, George W. Sampson, J. C. Kirby, S. Crosby, R. M. Elgin and Francis M. White each acknowledged himself justly to owe and be indebted unto The State of Texas in the penal sum of Five Hundred Dollars, each, to be levied upon his goods and Chattels, lands and tenements, But to be void if each of the said witnesses shall personally appear at the next term of the District Court of Williamson county to be held at the Courthouse thereof in the Town of Georgetown, on the second Monday in March, 1861, and there remain from day to day and from term to term thereafter, to give evidence on behalf of the State in the above entitled cause wherein The State of Texas is Pltff and John D. Shanks is defendant, and that the said witness do not depart the Court without leave and be discharged by due course of law

1293

The State of Texas / John D. Shanks — Plaintiff / Defendant

And now at this term appeared in open Court D. M. Swenson and acknowledged himself justly to owe and be indebted unto The State of Texas in the penal sum of Five Hundred Dollars, to be levied upon his goods and chattels, lands and tenements, But to be void if the said D. M. Swenson shall personally appear at the next term of the District Court of Williamson county, to be held at the Courthouse thereof in the town of Georgetown, on the 2d Monday in March, 1861, then and there remain from day to day and from term to term thereafter, until discharged by due course of law, to give evidence on behalf of the plaintiff, in the above entitled cause wherein The State of Texas is plaintiff and John D. Shanks is defendant, and that he do not depart the Court without leave.

1369

D. C. Osborne / Geo. L. Walton, et. als. — Plaintiff / Defendants

This day came the parties by their attorneys, and then came on to be heard the special exceptions and motion of defendants to strike the case from the docket; and the argument of Counsel being heard thereon. It is the opinion of the Court that the law is for the plaintiff. It is, therefore considered by the Court that the same be overruled. Whereupon the parties waive a jury and submit the matter in controversy to the Court - and the evidence

Fall Term, Saturday, 12th January, 1861

and argument of counsel being heard and fully understood, and it appearing to the Court that the cause of action is liquidated and proved by an instrument of writing, It is ordered that the Clerk do assess the damages sustained by said plaintiff and the said Clerk now here having assessed the damages aforesaid at the sum of $427.00

It is, therefore, considered by the Court that the plaintiff D C. Osborne, do have and recover of the said defendants George H Walton, William M Hamilton and Joseph Burgoe the said sum of Four Hundred and twenty-seven 00/100 dollars, principal and interest due on the note sued on, with interest thereon at the rate of eight per centum per annum from this date till paid, together with the cost of this suit, for all which execution may issue

1376

D. C. Osborne, Plaintiff
v
Geo. H. Gray
H. W. Chandler
M. C. Hamilton, Defendants

Now comes the plaintiff by attorney and says he will no longer prosecute the suit against said M. C. Hamilton And also comes said George H. Gray and H. W. Chandler, by attorneys. Then came on to be heard the demurrer and motion of defendants to dismiss the cause from the docket, when after hearing the statement of attorneys and argument of counsel, It is the opinion of the Court that the law is for the plaintiff, It is, therefore, ordered by the Court, that the said motion and demurrer be overruled. Whereupon the parties waive a jury and submit the matters in controversy to the Court. And the evidence in the cause and the argument of counsel being heard and fully understood, and it appearing to the Court that the defendants are indebted to plaintiff in the sum of $390.57, principal and interest due by note, and it also appearing that the deed of mortgage described in said petition was executed to secure the payment of said note,

It is, therefore, considered by the Court, that the plaintiff, D. C. Osborne, do have and recover of the said defendants George H. Gray and H. W. Chandler the sum of Three Hundred and Ninety & 57/100 dollars, principal and interest ~~thereon~~ due to date, with interest thereon from this date at the rate of 8 per cent. per annum, together with all the cost of this suit in this behalf expended

And it is ordered, adjudged and decreed by the Court, that the said mortgage be and is hereby foreclosed, and it is further ordered, adjudged and decreed that an order of sale do issue to the Sheriff of Hays county, directing him to seize, as under execution, and sell the lands described in said mortgage, viz: twenty-three hundred and two 1/2 (2302 1/2) acres of land, granted to the heirs of David Wilson, deed, in Hays county, as per Letter patent No. 433 Vol. 8, recorded in Book M, pages 388 and 389, known as Survey No. 83, on the waters of the Saw Mares River, about 7 miles North of Saw Mares Spring, beginning at the S. E. corner of

Fall Term, Saturday, 12 Jany, 1861

Runney No. 73, in the name of Wm Gray, being undivided half of a league and labor granted to the heirs of David Wilson, dec'd and that he apply the proceeds thereof to the payment and satisfaction of the said sum of $390.67 together with all interest that may be due thereon and the cost of suit. And if the said land shall sell for more than sufficient to pay off and satisfy said sums of money, then the said Sheriff is directed to pay over the excess to said defendant Gray. But if said land shall not sell for enough to pay off and satisfy this judgment, then the Clerk of this Court is directed to issue execution for the balance remaining unpaid.

No 1886

Lenhard Eger, Plaintiff
vs
Adaeph Smith, Defendant

District Court Travis County
Fall Term, 1860
Amended Decree

And now on this day came the parties by their attorneys and announced themselves ready for trial. And thereupon came a jury of good and lawful men of Travis County, to wit: C. Kirk and eleven others, who were duly elected, empannelled and sworn well and truly to try the issues joined between the parties, and who having heard the evidence introduced by the parties, the argument of Counsel and the charge of the Court, retired to consider of their verdict, and returned into Court the following verdict, to wit: "We, the jury, find for the plaintiff the property in controversy and assess the damages @ $25. And find for the defendant two hundred dollars. C. Kirk, Foreman."

It is, therefore, ordered, adjudged and decreed by the Court, that the plaintiff, Lenhard Eger, do have and recover of and from the defendant, Adaeph Smith, the property described in plaintiff's petition, to wit: Lots Numbered five (5) and Six (6) in Block Numbered Sixteen (16) in the City of Austin, together with the improvements thereon. And it is further ordered, adjudged and decreed by the Court, that all the right, title and interest which the said defendant Adaeph Smith had and held in and to said property above described, on the ninth day of February, A. D. 1859 be and the same is hereby declared to vest in the said plaintiff absolutely and forever as against the said defendant Adaeph Smith, his heirs and assigns.

It is, further ordered adjudged and decreed by the Court, that the defendant, Adaeph Smith, recover of the said plaintiff, Lenhard Eger, the sum of Two Hundred Dollars, the sum as offered by the jury aforesaid. And the plaintiff having deposited in Court the sum of One Hundred and twenty-five dollars, which sum is in the hands of the Clerk of this Court, It is ordered that said

January 25, 1861. This judgment satisfied in full - $12.5
paid at the trial, and $75 paid this day, by W. G. Walker
(See Fee book - p. 387) Atty Bonn Clk

1886. L.

Fall Term, Monday, 16th January, 1861

amount be applied to the satisfaction of this judgment and that the said Lenhard Eyer pay to the Clerk of this Court, the sum of Twenty-five dollars, together with interest at the rate of eight per cent. per annum until paid.

It is further ordered, adjudged and decreed by the Court that this decree shall operate as a lien upon said Lots to secure the payment of the above sum of Twenty-five dollars

It is further ordered, adjudged and decreed by the Court that the plaintiff have and recover of the defendant herein one-half of the cost in and about this suit expended, viz: thirty-five 70/100 dollars, and that the defendants herein have and recover of the plaintiff herein one-half of the costs in and about this suit expended viz; thirty-five 70/100 dollars, for each of which sums execution may issue in favor of each party against the other respectively. The above decree is entered by consent of the parties.

Lee decree in fi. fa. book

Received the original papers in this case January 25.1860 Smith & Campbell for Defts

Shelley & Carrington, Attys for Pltff

Smith & Campbell, for Defts

And thereupon Court adjourned until Wednesday morning 9 o'clock

Wednesday, Jany 16th, 1861

Court convened at 9 o'clock A.M. pursuant to adjournment. A. W. Terrell, 2d District Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

Thomas H. Duval, Plaintiff
vs.
Walker Wilson, Defendant

And now at this day came the parties to the above cause by their attys and by consent the continuance heretofore entered in said cause is set aside, and the parties appeared and announced themselves ready for trial, and waived a jury. And thereupon by consent the following decree is entered:- It is ordered, adjudged and decreed by the Court, that the title to the following described tract of land, lying in Travis County and on Bear Creek, being a part of the headright league and labor of land of said Walker Wilson containing two Hundred acres, described more minutely as follows:

" Commenced at the South east corner of a Survey of 245 acres, being a
" part of the Walker Wilson League, and deeded from Walker Wilson to
" W. B. Winsett, from a line thence West 1176 varas, for the South line
" of the said 245 acre Survey, being the length of the said line as given
" in the deed recorded in Book A, page 260, Clerks office. I then con-
" tinued my line West 480 varas for the South line of a Survey of 100
" acres deeded from Walker Wilson to S. B. Patton, as per record- Book A
" page 468, Clerks office, at this point I made corner for the S. E.

Fall Term, Wednesday, 16 Jany, 1861

" corner of this Survey, a stake from which a Post Oak 10 inches
" in dia. brs. N. 79 E. 9 3/4 vrs & a P. O. 8 ins. in dia. brs. N. 10 W. 11 1/2 varas
" Thence West 300 varas to the center of Bear creek at a point from
" which a Live Oak 3 inches in dia. brs. West 4 varas and X on a large
" rock brs. S. 55° W. 30 vrs. Thence up the creek with its meanders as
" follows. N. 33° W. 120 vrs. N. 64 W. 386 vrs. S. 47 W. 400 vrs. and West
" 32 vrs. to a corner in the center of Bear creek, from which a cedar
" 8 inches in dia. brs. S. 30° E. 13 vrs. and a Spanish Oak 10 ins. in dia.
" brs. S. 63 W. 1172 varas. Thence North 1194 vrs. to the South line of
" Slaughters half of the Walker Wilson league, set a stake in Stone
" mound, from which an Elm 12 ins. in dia. brs. N. 3° E. 49 1/2 vrs. Thence
" East with the said Slaughters line 1034 vrs. to the N.W. corner of the D.H.
" Patton 100 acre tract, set stake from which a Blackjack 7 ins. in
" dia. brs. S. 37 1/2 W. 20 vrs. and a do. S. 7 1/2 E. 43 1/2 vrs. Thence South
" 1190 vrs. to the beginning, containing 200 acres of land. Plaintiff marked X.
be and the same is hereby divested out of said Walker Wilson
and fully vested in fee in the Pff. Thos. H. Duval and that
the same be received by the said plaintiff, in full satisfaction of
the obligation sued on, and it is further ordered that the Pff
have and recover of the deft. Walker Wilson all the cost of this
suit, for which execution may issue.

The State of Texas } Plaintiff } And now at this term of the Court
vs } came Thomas E. Creed, District
Charles D. Haley } Defendant } Attorney, on behalf of the State and
also came the defendant, in person and by atty. And the deft
submitted to the Court the motion heretofore filed by him to change
the venue of this cause to the County of Williamson, because of the
disqualification of the presiding Judge of the 2d Judicial District, and
because of the disqualification of the presiding Judge of this Court,
and because the county seat of Williamson County is the nearest
to the city of Austin out of the Second Judicial District, It is, there-
fore, ordered, adjudged and decreed by the Court that the venue of
this cause be changed to the County of Williamson, and that the
Clerk of this Court do transmit to the Clerk of the District Court
of Williamson County, at Georgetown, on or before the first day of the
next term of the District Court of said County, all the original
papers in this cause and a certified copy of all the entries herein
according to law

627

The State of Texas } Plaintiff } And now at this term of the Court
vs } came Thomas E. Creed, District Atty
Chas. D. Haley } Defendant } on behalf of the State, and also
came the defendant, in person and by atty. And the defendant

Fall Term, Wednesday, 16 January, 1861

submitted to the Court the motion heretofore filed by him to change the venue of this cause to the County of Williamson, because of the disqualification of the presiding Judge of the 2d Judicial District, And because of such disqualification of the presiding Judge of this Court, and because the County seat of Williamson County is the nearest to the city of Austin out of the Second Judicial District, It is, therefore, ordered, adjudged and decreed by the Court that the venue of this cause be changed to the County of Williamson and that the clerk of this Court do transmit to the Clerk of the District Court of Williamson County, at Georgetown, on or before the first day of the next term of the District Court of said County, all the original papers in this case and a certified copy of all the entries herein according to law

627 The State of Texas vs. Charles L. Haley — Plaintiff vs. Defendant

And now at this term appeared in open Court the defendant, Charles L. Haley who brings with him John M. Thomas and Lemuel W. Gilliam, as securities for the appearance of the said Haley at the Georgetown Court And thereupon the said Charles L. Haley, as principal, and the said John M. Thomas and Lemuel W. Gilliam as securities, acknowledged themselves jointly and severally, jointly to be indebted unto The State of Texas in the penal sum of Five Thousand Dollars, to be levied upon their respective Goods and Chattels, Lands and Tenements, But to be void, nevertheless, if the said Charles L. Haley shall personally appear at the next term of the District Court of Williamson County, to be held at the Courthouse thereof in the town of Georgetown, on the Second Monday in March, A.D. 1861, there and then to remain from day to day and from term to term, thereafter, and from day to day of each term, until discharged by due course of law to answer the indictment preferred against the said Haley by the grand jurors of Travis County, at the Spring term, A.D. 1855, for feloniously forging and counterfeiting a certain instrument of writing, purporting to be the assignment of the claim of R. Gage, for 960 acres of land, and monthly pay for services rendered in Capt. Bradley's company, in the fall of 1835 and of said R. Gage being a participant in the seige of Bexar, and of his being honorably discharged from said service, and also acknowledgment thereto annexed, (more fully described in the indictment in this Case,) and that he, the said, Charles L. Haley, do not depart the Court without leave.

Fall Term, Wednesday, 16 January, 1861

1773

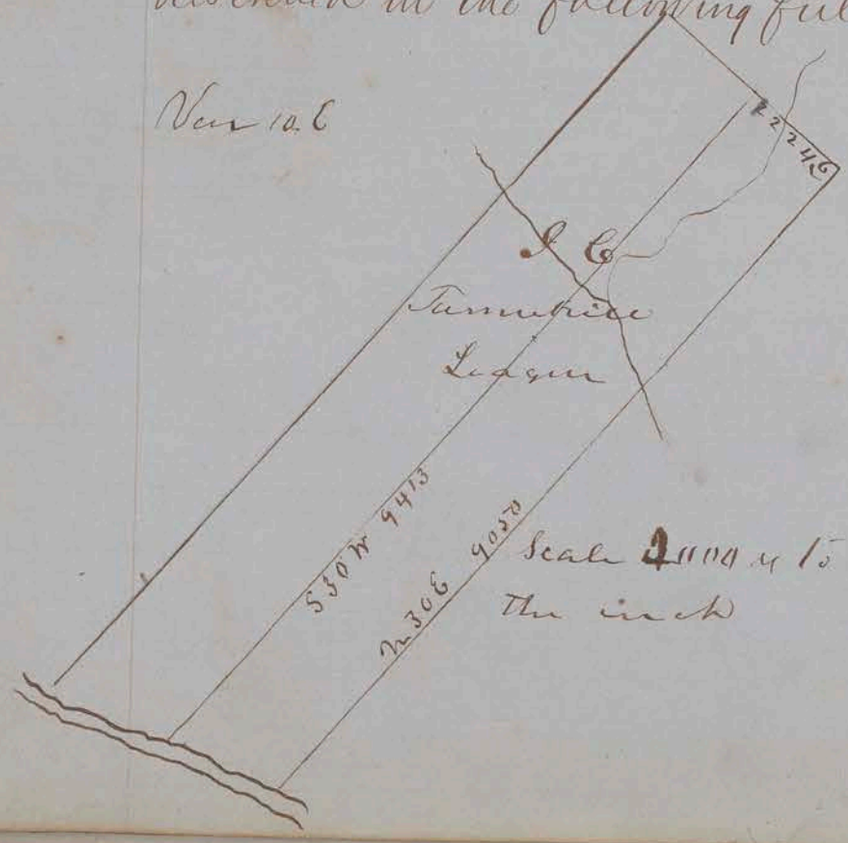
The State of Texas } Plaintiff
v.
Charles D. Haley } Defendant

And now at this term comes the defendant Charles D. Haley who brings with him into Court John M. Thomas and Lemuel W. Gilliam as his securities for his appearance at the District Court of Georgetown. Whereupon the said Charles D. Haley, as principal, and John M. Thomas and Lemuel W. Gilliam as securities, and acknowledged themselves jointly and severally, justly to owe and be indebted unto the State of Texas in the penal sum of Five Thousand Dollars, to be levied upon their respective goods and Chattels, Lands and tenements, But to be void, nevertheless, if the said Chas. D. Haley shall personally appear at the next term of the District Court of Williamson County, to be held at the Court-house thereof in the town of Georgetown, on the 2d Monday in March, A. D. 1861, then and there to answer the indictment preferred against him, the said Haley, by the grand juries of Travis County, at the Spring term, A.D. 1856, for wilfully and maliciously burning a certain dwelling house in said County of Travis, occupied by one James S. Gillett, as a dwelling house; and that he, the said Charles D. Haley, do there remain, from day to day, and from term to term thereafter, and from day to day of each term to answer said charge, and that he do not depart the said Court without leave, until discharged by due course of law.

1857

Nathaniel Townsend } Plaintiff
v.
P. C. Pannehill
J. J. Pannehill &
A. R. Pannehill } Defendants

Whereas, at a former day of the present Term of this Court the Plaintiff, Nathaniel Townsend, by a Judgment and decree of this Court, recovered from the defendants J. C. Pannehill, J. J. Pannehill and A. R. Pannehill, the tract of land described in the following field notes and plat



"Partition of the J. C. Pannehill League Situated on the East bank of the Colorado River, in Travis County, about three miles below the City of Austin, by an order of Court of the date of 18th December, 1860 in the Cause of N. Townsend v. J. C. Pannehill. To the Hon. A. N. Powell, Judge of the District Court of Travis County. By an order of your Hon. Court in the Cause of N. Townsend v. J. C. Pannehill of the 18th December, 1860, I submit the following report in compliance there-

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Beginning on the East bank of the Colorado River at the lower and original corner of said League, on said River"

"Thence N 30 E with the East line of said League 5880 vs to Walnut creek 9050 v. to a stake and stone mound in the prairie"

"Thence N. 60 W. with the North line of said League 695 v. to Walnut creek 13244 v. a stake and stone mound from which an Elm 10 in. in dia. brs S. 94 E. 26 v. and a Ditto 12 in in dia brs. S. 64 E. 29 v. This is the N.W. corner of the tract of land in controversy"

"Thence S. 30 W. 2670 v. Little Walnut creek 9413 v. to the Colorado River, a stake from which a Hackberry 12 in. in dia brs N. 17 3/4 E. 12 v. and an Elm 10 in. in dia. brs N 42 1/2 W. 10 v. This is the S. W. corner of the tract of land in controversy, and the line in the last call is the one between said Tannehill and Townsend and Townsend. This last mentioned corner is Sand 2/40 v. above the point H. mentioned in my former report of Survey in said cause, and is the same point S 2 v. above A mentioned in your order of the 18th December, 1860"

"Thence down said River, with its meanders, to wit: S. 69 3/4 E. 578 v. S. 87 E. 260 v. S. 88 3/4 E. 550 v. to the place of beginning

"The marks formerly me on the lines in the foregoing field notes are all blazes, on all side line trees, and also on the fore and aft trees on line trees. The marks made by me on the lines in the foregoing field notes said lines are three hacks on the side line trees, and on the line trees and those very close to the lines have three hacks fore, and three hacks aft on them. I did this (using hacks in places of blazes) to distinguish my lines from others, and my marks on my lines from the other marks. A. B. C. D. on this plat, on other page, shows the shape of the tract called for in said order of the 18th December, 1860, and the foregoing field notes are correct field notes of the same. Said plat attached is made part of this Report. Bearings at mid N. W. corner marked X at the S. W. corner marked + all of which is respectfully submitted 16th Jany 1861" "L. H. Luckett, Dist. Sur. Travis Dist."

And whereas, one of the objects of this suit was to permanently locate and establish the lines, boundaries and corners of the foregoing described tract of land adjudged by this Court to the plaintiff and especially the line between the plaintiff and the defendants Tannehills, and for the purpose of definitely establishing said lines, corners and boundaries of the foregoing described tract of land, this Court did, on the day last aforesaid order L. H. Luckett, Surveyor of Travis County, to go upon the land and establish and permanently fix the corners, and mark and blaze the lines around the land described in the foregoing field notes, it being the land decreed to plaintiff as aforesaid. And whereas, it appears

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from the Report of the said Luckett, a copy of which is incorporated in the preceding part of this judgment and decree, that he has, in all things, complied with the aforesaid order to him directed, and that the corners, metes, bounds and lines as described and set forth by the said Luckett in his said Report is correct, It is, therefore, ordered, adjudged and decreed by the Court, that the corners, metes, bounds, lines, blazes and bearings be, and they are, by virtue of this decree, made and established as the true and legal boundaries and lines of said plaintiffs land as described in the foregoing fieldnotes, and that the question of boundaries between the plaintiff and the defendants are hereby forever quieted and settled; and the plaintiff is duly adjudged and deemed to be in the possession of all the land included within the limits of the aforesaid metes and bounds. It is further ordered, adjudged and decreed by the Court that the defendants do have and recover of and from the plaintiff, all the costs of this suit, for which execution may issue; that the Clerk be allowed 15 cents a hundred words for recording this decree and field notes.

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

Thursday, 17th January, 1861

Court convened at 9 o'clock, A.M. pursuant to adjournment, Hon. Powell, 2d District Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

1705 N. McArthurs Heirs vs Henry's Heirs — Plaintiffs / Defendants — Cause in which D. F. Carter Esq. is Special Judge.

And now on this day come the parties by their attorneys and the Counsel for the plaintiffs submitted to the Court the motion heretofore filed in this cause for a new trial, and the said motion being heard and argued by counsel and the points arising therein being well understood by the Court, It is, therefore, ordered by the Court, that the motion for new trial be overruled. Whereupon the said plaintiffs, by attorney, give notice, in open Court, of an appeal to the Supreme Court.

D. F. Carter Special Judge

1733 C. A. Hopkins, et al. vs Amos Morrill — Plaintiffs / Defendant — Before C. C. West, Esq. Special Judge.

And now at this day appeared the parties to this cause by their respective attorneys; and no motion, It is ordered by the Court

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that the said plaintiffs and defendant, each, have leave to amend their pleadings in this Cause. And thereupon, the defendant moved the Court to require the said plaintiffs to enter into bond and security for the Cost of this suit. Whereupon It is ordred that the said motion the granted; that the plaintiffs be required to comply with said rule on or before the next term of this Court, the attorneys for the plaintiffs being present, in open Court, and notified of said rule. And thereupon, It is ordered that the Cause be continued under the said rule

C. S. West. Special Judge.

1958 Susan L. Ward vs Thos. Wm Ward — And now at this day appeared the parties by atty; and after an argument by counsel on the rule to shew Cause and the answer of the defendant, and a full Consideration of the same, It is ordered by the Court that the said defendant, Thomas William Ward, be adjudged guilty of contempt for failing to pay to the pltff. the alimony decreed to her in this Cause, and that the said defendant be Committed to the jail of Travis County until the further order of this Court, and that the Clerk issue a writ of Commitment for such purpose.

1958 Susan L. Ward vs Thos. Wm Ward — It is ordered by the Court that the pltff. in this Cause have leave to amend her pleading. And further ordered that the Cause be continued as on the affidavit of the defendant

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

Friday, Jany 18th, 1861

Court convened at 9 o'clock, A. M. pursuant to adjournment. A. W. Terrell, 2d District Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

1754 H. M. Pitzer vs Huling & Brinton — And now at this day appeared the parties to this cause by their attorneys; and thereupon the counsel for the defendants suggested to the Court the death of the defendant James M. Brinton; and by agreement of the parties, by counsel, on file in this Cause, Caroline M. Brinton and Elisha Brinton, admx & admr of said defendant, James M. Brinton, are made parties defendant to this suit, as the legal representatives of the said deceased defendant, Brinton.

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1693 — P. P. Copeland, Admr. Plaintiff
S.
John King Defendant

And now come the Defendant by Attorney, and Thereupon, on motion, It is ordered by the Court that the time within which the defendant is allowed to file an amended answer is extended to the 15th March, 1861

1693 — S. P. Copeland Admr. Plaintiff
S.
John King Defendant

The motion filed in this cause having at a former day of the term, to appoint an Auditor coming on to be heard, and the same being duly considered by the Court, It is ordered adjudged and decreed by the Court, that the same be overruled

1576 — S. M. Swenson Plaintiff
S.
Charles Payne Defendant
Milliean & Glascock Garnishees

The motion of the plaintiff Swenson, filed in this cause at a former day of the term for a new trial, having been submitted at a former day, and the points arising therein being duly considered by the Court, after argument of counsel, It is ordered and decreed that the said motion be overruled. Whereupon the said plaintiff, by attorney, gives notice, in open Court, of an appeal to the Supreme Court

1583 — Nancy Bray, Admr. Plaintiffs
S.
L. L. & Ky. Rs. Rox Defendants

And now at this term came the parties by their attorneys and the motion for a new trial having been submitted and argued by Counsel, and the points arising therein being well understood by the Court, It is ordered and decreed that the said motion be overruled. Whereupon the defendant gives notice, in open Court, of an appeal to the Supreme Court.

1625 — J. L. Nichols Plaintiff
S.
L. Lockwood, Admr. Defendants

And now at this day appear the parties by their attorneys and the motion for a new trial filed herein at a former day of the term coming on to be heard, and the points arising therein being well understood by the Court, It is, thereupon, ordered, adjudged and decreed by the Court, that the said motion be granted that a new trial in this Case be awarded; that the Cause stand for trial at the next term, and that the Cause be continued.

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P. de Cordova } Plaintiff } And now at this term
vs. } appeared the parties to
John Crayton, et als } Defendants } this cause by their attys
and the Counsel for the defendants submitted their motion
for a new trial; and the said motion being duly considered,
and the points arising thereon being well understood by
the Court It is, thereupon, ordered by the Court that the said
motion be granted; that a new trial be awarded in this
cause; and that the cause be continued for such purpose

Geo. L. Waelon } Plaintiff } And now at this term appeared
vs. } the parties to this cause by their
Christian Johnson } Defendant } attys - and the Counsel for the
plaintiff submitted his motion for a new trial; and the said
motion being duly considered by the Court, It is ordered by the
Court that the said motion be granted; that a new trial of this
cause be awarded; and that this cause be continued for such
purpose

Mary Ann Howell } Plaintiff } And now at this day
vs. } appeared the plaintiff
John T. Porter } Defendant } to this cause by her attys
and submitted to the Court her motion to change the venue
to the County of Williamson, because of the disqualification
of the presiding Judge of this Court. And thereupon because
of such disqualification; and it appearing that Georgetown
the County Seat of Williamson County, is the nearest County
seat to the ~~the~~ int of the 2d Judicial District, It is ordered by
the Court that the said motion be granted; that the
venue of said cause be changed to the County of Wil-
liamson; that the Clerk of this Court do transmit to the
Clerk of the District Court of said County, on or before the
first day of the next term of the District Court of said
County, all the original papers in this cause, and a cer-
tified transcript of all the entries herein, and of the bill
of cost, that such proceedings may be had thereon as to
justice and equity may appertain.

The State of Texas } Plaintiff } And now at this day appeared the
vs. } parties to this cause by their res-
John Marshall } Defendant } pective attorneys - and thereupon the
motion to show cause and entry for the institution of this suit, and the
defendants demurrer by consent of parties being heard and considered

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together; and the Court having heard the argument of counsel in the questions arising upon the said demurrer and motion to show authority, and the same being duly considered by the Court, It is ordered and decreed, that the said demurrer be sustained; that the said cause be dismissed from the docket; & that the said defendant go hence discharged and the counsel for the State gives notice, in open Court, of an appeal to the Supreme Court.

1957 The State of Texas vs Marshall O'Bloham & Defendants } Plaintiff } And now at this day appeared the parties to this cause by their respective attorneys; and thereupon the motion to show authority for the institution of this suit and the defendants demurrer, by consent of parties, being heard and considered together; and the Court having heard the argument of counsel on the questions arising upon the said demurrer and motion to show authority, and the same being duly considered by the Court, It is ordered and decreed that the said demurrer be sustained; that the said cause be dismissed from the docket, and that the said defendants go hence discharged whereupon the counsel for the plaintiff gives notice, in open Court, of an appeal to the Supreme Court

1963 David Anderson vs Edward Neils } Plaintiff } Defendant } And now on this day comes the plaintiff by his attorneys, and the defendant comes not; and it appearing to the Court that there was a judgment by default, entered by this Court, at a former day of the present term, and a writ of inquiry awarded, the plaintiff is ordered by the Court ~~that the plaintiff~~ to proceed to execute his writ of inquiry awarded as aforesaid: And thereupon came a jury of lawful good and lawful men of the county of Travis, viz: C. W. McAnelly, foreman, & eleven others, who being duly elected, tried, empannelled and sworn, after hearing the evidence and charge of the Court, retired to consider of their verdict, and after deliberation returned their verdict into open Court as follows: "We the jury, find, on a verbal contract a verdict for the plaintiff for the sum of One Hundred and fifteen dollars. C. W. McAnnelly, foreman."

It is, therefore, ordered, adjudged and decreed by the Court, that the plaintiff, David Anderson, do have and recover of and from the defendant, Edward Neils, the sum of One Hundred and fifteen dollars, as found by the verdict of the jury. And it appearing to the Court that the defendant, Edward Neils, did transfer and pledge, what may become due him, in the hands of the paymaster, appointed by the Gover-

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of the State of Texas, to pay off the Rangers under the Command of Capt. John S. Ford, in the year 1858, to the said Plaintiff, to pay off & discharge the indebtedness herein mentioned; and it further appearing to the Court, that Jno. M. Swisher is the person appointed as such paymaster: It is, therefore, ordered, adjudged and decreed, that the said plaintiff, David Anderson, be subrogated to all the rights & benefits of the said Edward Neals in & to what may be due the said Edward Neals in the hands of the said paymaster Jno. M. Swisher to the extent of One Hundred & fifteen dollars, and that the said David Anderson, by and his next friend be fully authorized & empowered to draw from & receipt to the said John M. Swisher, for the sum of One Hundred & fifteen Dollars, or any less sum, as the assignee of the said Edward Neals

And it is further ordered, adjudged & decreed by the Court, that the Deff. pay all the costs of this suit, for which execution may issue.

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

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Court convened at 9 o'clock, A.M. pursuant to adjournment. A.W. Terrell, 2d District Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

2031

P. M. Swenson, Plaintiff
vs
Wm. H. Gill and Amos Morrill, Defendants

And now at this day appeared the plaintiff in this cause by his attorney and announced that he abandoned the right to execute the writ of inquiry in this cause awarded at a former day of the Term, and moved the Court to render a final judgment by default. And because the said Morrill, has answered herein & this suit and since established appears in open Court and confesses Judgment on the obligation sued on, and does not plead or answer or demur to the petition; and the said Gill having been cited by personal service to answer this suit which he has wholly failed to do, and wholly made default. And the cause of action in this cause being based on a liquidated demand, the same produced in evidence, and sued on, It is, therefore, ordered, adjudged and decreed by the Court, that the Pff. P. M. Swenson, do have and recover of and from the said defendants, William H. Gill and Amos Morrill the sum of Three Thousand, Six hundred and twenty-five and 38/100 Dollars principal debt and interest due in the note sued on to this date, together with interest thereon at the rate of eight per cent. per annum till paid, and the cost of this suit, for which execution may issue

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1962

W. J. Oldham, Plaintiff
vs.
W. W. McLaughlin
S. W. Allen &
Irving Root, Defendants

And now at this day appeared the parties to this cause by their respective attorneys; and the pl[ain]tiff announced himself ready for trial; and thereupon the Attorney for the defendants withdrew the answer heretofore filed in the case and they say nothing in bar or preclusion of the demand of the plaintiff. Whereupon the plaintiff claims Judgment final by default. And because the defendants have been duly cited and pl[ain]tiff's cause of action being liquidated, It is therefore ordered adjudged and decreed by the Court, that the said plaintiff, W. J. Oldham, do have and recover of and from the defendant, W. W. McLaughlin, the sum of Four Thousand, Two Hundred and Twenty-two Dollars and 80 cents, principal debt and interest due on the note sued on to this date, together with ten per centum per annum interest thereon from this date until paid, and the cost of this suit, for which execution may issue.

And it appearing to the Court that on the 30th July, 185[illegible] the said McLaughlin executed his mortgage to the one undivided half of the State Gazette Newspaper Office and Job Printing Office in the City of Austin, with the presses, type, chases, cases, and all and every item connected with said Newspaper and job office and the fixtures thereto attached,-to secure the payment of the note sued on in this case, and the interest due thereon, which said mortgage is described in the petition, and produced in evidence; and it further appearing that the said Allen and Root purchased said half interest in said office with notice of the existence of said Mortgage, It is therefore ordered, adjudged and decreed by the Court, that the mortgage lien aforesaid be foreclosed, that the clerk of this Court issue an order of sale commanding the Sheriff of Travis County to sell the above described press and job office and fixtures, in accordance with the laws governing Sheriff's sales, and apply the proceeds thereof to the satisfaction of this judgment, interest to now due and out, and the overplus if any, he shall pay to the said McLaughlin; but, in the event the said property should not bring a sufficient amount to satisfy this judgment, interest and cost, then execution may issue against the said McLaughlin, as in other cases, for such balance that may remain due after the said order of sale may be executed

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M. M. Townsend	Plaintiff		And now at this day came
	&		the plaintiff in this cause
2084			by his attorney, and also came
Abner McCook	Defendant		the defendant by his Attorney; and the Counsel for the plaintiff

submitted to the Court his motion for a new trial in this cause. And the said motion being duly argued by Counsel, and the Court having considered the same, It is ordered that the motion be granted, that a new trial be awarded in this case, and that the cause be continued for such purpose. And it is further ordered that the Cost of this suit up to this date, be adjudged against the Deft. M. M. Townsend, and that Execution issue therefor.)

D. C. Osborne	Plaintiff		And now at this day appeared
	&		the parties by their attorneys
1369			and the defendants submitted
G. L. Walton, et al.	Defendants		to the Court their motion for a new trial in this cause. and

the said motion being duly considered, It is ordered that the same be overruled

D. C. Osborne	Plaintiff		And now come the parties by
	&		their attorneys and the Deft
1376			submitted to the Court his motion
G. A. Hay, et al.	Defendants		for a new trial. And the same being duly considered, It is

ordered that the motion be granted; that a new trial be awarded, and that the Case be continued for such purpose

L. Eger	Plaintiff		And now comes the plaintiff by atty.
	&		and submits his motion to re-tax
1886			the Cost in this Case; and the same
A Smith	Defendant		being duly considered It is ordered that the said motion be

overruled

Order And thereupon It is ordered that W. D. Bonner and James Harrington be fined the sum of twenty-five dollars each, for failing to attend as Jurors, they having been summoned by the Sheriff on the regular panel of Petit Jurors; and that Scire facias issue to said defaulting jurors to appear at the next term of this Court and show cause why the fine should not be made final against them

and thereupon It is ordered by the Court that John E. Campbell be fined ten dollars for contempt of Court; and the said Campbell being present and notified, It is ordered that execution issue to collect the same

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1705 McArthurs Heirs Plaintiffs Before B. F. Carter, Esq. Special Judg
v.
Henry's Heirs Defendants By agreement of the attorneys for th
respective parties in this cause, It is ordered by the Court that the
Clerk of this Court do incorporate in the record to be sent to the
Supreme Court, in this case the original plat, returned by the
Surveyors, of the land and lines in controversy

B. F. Carter Special Judge

Ex parte

Sidney E. Moseley,

Sidney E. Moseley having heretofore filed his petition in Court
praying to be admitted to the practice as an Attorney and
Counsellor at Law in the several District and Inferior Courts
of the State of Texas; and the Court having appointed a Committee
to examine the said applicant; and the said Moseley having
been examined in open Court touching his qualifications; and
the Court being satisfied from the Report of said Committee
that the said Moseley is well qualified to be admitted to the
practice It is therefore, ordered by the Court, that
the said Sidney E. Moseley be allowed, and is hereby admitted
to the practice as an Attorney and Counsellor at Law in the
several District and Inferior Courts of the State of Texas, and
that the Clerk do issue a License according ly.

1958 Susan L. Ward Plaintiff And now at this day came the
v. parties to this cause by their
Thos Wm Ward Defendant respective attorneys; and then
came on to be heard the motion to increase the alimony or
monthly allowance, adjudged to be paid by deft. to Pff. in
this cause. And the said motion being argued by Counsel
and the same being duly considered by the Court It is
ordered, and decreed that the motion be granted; that
the said defendant is hereby ordered to pay, under the
penalty of being held in Contempt of Court, the sum
of one hundred dollars per month, from and after the
28th day of January, A.D. 1861; and that the said deft
pay the said Pff. or on her order the said sum of One
Hundred dollars per month, to be paid on the 28th day
of February, 1861, and on the 28th day of each month
thereafter, until the further order of this Court.

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1938 — The State of Texas vs D.R.D. Cheezum, Et al. — Plaintiff / Defendants — And now at this day appeared the defendants by attorney; and thereupon it is ordered by the Court that the Judgment final entered in this cause at former day of the term be set aside, vacated and held for naught; and that the said defendants, D.R.D. Cheezum, Margaret Cheezum, John H. Conner and John S. Spence pay all the cost of this proceeding, for which execution may issue.

2101 — James Smith vs R.A. Rutherford — Plaintiff / Defendant — And now at this day came the plaintiff by attorney and move the Court to render a final Judgment by default in accordance with the following agreement on file in the case:

"Austin, November 1st, 1860. I, Robert Rutherford, maker of the "note above described, do hereby acknowledge due, full and proper "service of the forgoing petition, waive all copies of the same and any "service of process, and consent that the case be docketed at "any time during the fall term, 1860, & that Judgment be rendered "any time for said debt & interest & cost, waiving Interrogatories.

"R. A. Rutherford"

It is, therupon, ordered, adjudged and decreed by the Court, that the said plaintiff, James Smith, do have and recover of and from the defendant, R. A. Rutherford, the sum of One Thousand, four hundred, fourteen and 58/100 dollars, principal debt and interest due on the note sued on to this date, together with ten per centum per annum interest thereon till paid, and all the cost of this suit, for which execution may issue.

1474 — H. W. Chandler, admr vs Sampson Connell, et al. — Plaintiff / Defendants — And now on this day came the pltff. by attorney, and submitted to the Court his motion to change the venue of this cause to the County of Williamson because the presiding Judge of this Court is disqualified from trying the same, And because of the existence of such disqualification, and because the County seat of Williamson County is the nearest to Austin city out of the 2d Judicial District It is, therefore, ordered by the Court, that the venue of said cause be changed to the County of Williamson; and that the Clerk of this Court do transmit to the Clerk of the District Court of Williamson County, on or before the next term of the District Court of said County, all the original papers in this case and a certified transcript of the entries and of the bill of cost, as prescribed by law

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1658 Iman Taylor } Plaintiff } And now comes the plaintiff by
v. } } atty. and moves the Court to
J.M.A. Carter wife } Defendants } change the venue of this cause
to the County of Williamson, because of the disqualification of the
presiding Judge of this Court. And because of such disqualifi-
cation, and because the County seat of Williamson county is the
nearest County seat to Austin, out of the 7th Judicial District, it
therefore, ordered by the Court that the Venue of this cause
be changed to the County of Williamson, and that the clerk
of this Court transmit to the clerk of the District Court of
Williamson County, on or before the next term of the District
Court of said county, all the original papers in this cause
together with a certified transcript of all the entries and
of the bill of cost, according to law.

2099 Mary Jane Cragg, et al. } District Court, Travis county, Texas Fall Term A.D.
v. } } In the above entitled and numbered cause, at this
Freeman, Smalley, et al. } present term of this Court, to wit: on this the 19th
day of January, A.D. 1861, on the motion of said plaintiffs by their attorneys
this case coming on to be considered, and it appearing to the satisfaction
of the Court that the two tracts of land set out and described in an Inter-
locutory decree herein, at a previous day rendered, had been appraised
by the parties designated and appointed by said decree, and that
by said appraisement it appears that said tracts of land had not
been appraised for a sum sufficient to pay, satisfy and discharge
the said sum of Three Thousand, seven hundred and Fifty Dol-
the amount required by said decree to be satisfied; and the said
defendants not appointing out, or offering to point out other lands,
by said decree contemplated and required; and the said defendants
failing to produce and tender any chain of title to the said two tracts
of lands so pointed out in said decree and appraised as aforesaid;
Now, Therefore, It is ordered, adjudged and decreed that the said
plaintiffs, Mary Jane Cragg and Richard Cragg, guardian of said Mary
Jane, and in right of the said Mary Jane and John R. Hubbard, and
Eliza Hubbard, wife of the said John R. and in right of the said
Eliza, have and recover of the said before named Defendants, to wit
the said Thomson, Smith, Nicholson and Smith the sum of Four
Thousand & Seventy-Eight 70/100 Dollars ($4078.70) principal and
interest due on said amount by said decree aforesaid, to this day
to be paid to the said Cragg and wife, in right of the wife aforesaid
in the proportion of Two Thousand, eight hundred and eighty-nine
and 95/100 Dollars ($2889.95) of said total amount, and to be paid
the said Hubbard and wife, in right of the latter as aforesaid, pro-

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the proportion of Eleven hundred and eighty-eight 75/100 Dollars ($1188.75) of said total amount adjudged of record, for which execution may issue.

And it is further ordered, adjudged and decreed by the Court, that all the right, title, claim and interest, whatever, of the said Mary Jane Cragg and her said husband, as the heir to John Holder, the mother of the said Mary Jane, of Wm Holder, her brother, and of the said Eliza Hubbard and her said husband, in right of the said Eliza, as the widow of William Holder, deceased, the son and one of the heirs of the said John Holder, deceased, his mother, to the said half league of land in pltff's petition described, be, and the same is hereby divested out of them, and the said right, title, claim and interest are hereby vested absolutely in fee, in all the said defendants to this suit, to each respectively and severally, to the amount of said half league of land claimed by them claimed, as shown by their answers herein. It is further ordered, adjudged and decreed that the said plaintiffs have and recover of said defts. Thomson, Smith, Nicholson and Smith all their costs in this suit expended, for which execution may issue.

Frank Brown, Plaintiff
vs
J.M. Blackwell
Amos Morrill
A.H. Cook, Defendants

Motion by the plaintiff against Jm. Blackwell late Sheriff, on his official Bond, for failing to pay cost collected by him under executions issued and returned to the Clerks office, Travis County.

And now on this day came the plaintiff in this proceeding and submitted to the Court his motion heretofore filed against the defendants above named. And it appearing to the Court, that the defendants have accepted service of plaintiff's motion, and waived the issuance and service of process; and because the said defendants have wholly made default, by failing to plead answer or demur to the said motion up to this time, the said motion having been filed on the 3d Dec. 1860 - and the said defendants having accepted service of said motion on the 25th Nov. 1860, and the plaintiff having also submitted to the Court the official bond of the said Blackwell, wherein it appears that the said Morill and Cook are the securities for the said Blackwell, on his official bond aforesaid, and liable for the amount sued for in said motion; and the Court having inspected the executions referred to in the motion, in which it appears that the said Blackwell has collected the amounts set out therein, which said amounts were due to the said plaintiff, the said executions, and amounts, any thereon being as follows, to wit:

No. 1727.	Mason v. Reuben, et al.	$7.00
" 922	Chatfield v. Brown	45.60

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No 1646	Carrington & Co	vs	George	$12.85
1827	Fitzgerald	vs	Gilliam	8.70
1910	Ewins	vs	Simmons	2.90
1688	Thomas	vs	Blaylock	10.20
1849	Munroe	vs	Craig	7.00
1591	Phillips	vs	Bennett	6.15
1808	Freeman	vs	Brown	11.65
1861	Dural	vs	Palm	5.95
1536	Crews	vs	Payne	12.80
1875	Miller	vs	Oldham	9.70
1878	Peet & Co.	vs	Brass	4.25
1896	Rector	vs	Chandler	2.80
1653	Glapcock	vs	Doyle	18.60
1799	Grant & Bailey	vs	Baker	5.35
828	Hale	vs	Robinson	4.45
829	Hale	vs	Robinson	4.45
1895	Hancock	vs	Davis & Simmons	6.80
1894	Hancock	vs	Davis & Simmons	6.80, $191.10

And it appearing to the Court that the said Blackwell collected in his official capacity as Sheriff of Travis county, the said sum of One hundred and ninety-one Dollars, and failed to pay the same to the plaintiff herein, whereby the bond of the said Blackwell is broken, It is, therefore, ordered, adjudged and decreed by the Court, that the plaintiff, Jesse Brown do have and recover of and from the said J.M. Blackwell and his securities as aforesaid Alex Mowill and A.W. Cook the said sum of One Hundred and ninety-one Dollars and the cost of the motion for all which execution may issue.

Report of Jury Service, Fall Term, 1860

To the Hon. A. W. Terrell Judge 2nd Judicial District

The Report of John T. Price Sheriff of Travis county, of the jury service had at the Fall Term said Court, 1860, to wit.

Grand Jurors

1	James P. McKinney	served	5	days	@ 150 per day	$7.50
2	Giles H. Burditt	"	5	"	" " " "	7.50
3	Benjamin Chote	"	5	"	" " " "	7.50
4	James M. Turley	"	5	"	" " " "	7.50
5	Frederick Jordan	"	5	"	" " " "	7.50
6	Dennis Walsh	"	5	"	" " " "	7.50
7	Thomas H. Bacon	"	5	"	" " " "	7.50
8	John H. Pope	"	2	"	" " " "	3.00
			5	"	" " " "	7.50

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9	Wm Buttery	served	5 days	@	1.50	7.50
10	Joseph Barnhart	"	"	"	"	7.50
11	Wm B Smith	"	"	"	"	7.50
12	S. M. Swenson	"	3	"	"	4.50
13	Wm N Hardeman	"	5	"	"	7.50
14	Weyman A Wells		4	"	"	6.00
15	Geo. Hesner		5	"	"	7.50
16	Hugh Walden		5	"	"	7.50
17	W. W. Townsend		5	"	"	7.50
			79			$118.50

Petit Jurors

1	Geo. W. Sampson		15 days	@	$1.50	22.50
2	P.P. Job		15	"	"	22.50
3	W. T. Patterson		18	"	"	27.00
4	J.W. Brown		15	"	"	22.50
5	Wm Schnantz		13	"	"	19.50
6	B. Hammett		15	"	"	22.50
7	John Holman		15	"	"	22.50
8	John T. Pruitt		15	"	"	22.50
9	T. H. Turney		15	"	"	22.50
10	S. D. Sordan		15	"	"	22.50
11	John W. Neer		27	"	"	40.50
12	Leander Brown		28	"	"	42.00
13	Alfred Smith		15	"	"	22.50
14	W. D Thomson		15	"	"	22.50
15	Jonathan Rogers		15	"	"	22.50
16	Ed. Christian		14	"	"	21.00
17	Joel Miner		27	"	"	40.50
18	A. B. Burleson		5	"	"	7.50
19	Ed P Hill		15	"	"	22.50
20	John H. Robinson		28	"	"	42.00
21	J. H. Matthews		15	"	"	22.50
22	A. P. Brown		15	"	"	22.50
23	Jos. A. Burditt		15	"	"	22.50
24	C. Kirk		20	"	"	30.00
25	Jos. H. Thom		3	"	"	4.50
26	John Horan		1	"	"	1.50
27	H. C. Bergener		1	"	"	1.50
28	W. Jonville		4	"	"	6.00
29	R. D Carr		6	"	"	9.00
30	J. Y. Cain		9	"	"	13.50
31	A. C. Brown		1	"	"	1.50
32	M. H. Bell		14	"	"	21.00
33	H. H. Gutch		13	"	"	19.50

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34	Robert Marburn	10	days @	$1.50	per day	15.00
35	Jno Phillips	11	"	"	"	"	16.50
36	J.L. Moore	6	"	"	"	"	9.00
37	D.H. Dignan	3	"	"	"	"	4.50
38	Wm Howes	2	"	"	"	"	3.00
39	A.H. Barnes	13	"	"	"	"	19.50
40	M.S. Bell	13	"	"	"	"	19.50
41	C.S. Gardner	9	"	"	"	"	13.50
42	Jackson Hammett	3	"	"	"	"	4.50
43	S.B. Sawyer	4	"	"	"	"	6.00
44	H.P. Moken	13	"	"	"	"	19.50
45	C. Hudson	1	"	"	"	"	1.50
46	S. Pinchard	11	"	"	"	"	16.50
47	C.A. Hopkins	13	"	"	"	"	19.50
48	W.J. Robinson	13	"	"	"	"	19.50
49	L.B. Collins	12	"	"	"	"	18.00
50	O. Wilcox	11	"	"	"	"	16.50
51	Ernst Raven	10	"	"	"	"	15.00
52	L. Bellman	1	"	"	"	"	1.50
53	Wm Gibson	11	"	"	"	"	16.50
54	Chas. Payne	11	"	"	"	"	16.50
55	Chas Warren	2	"	"	"	"	3.00
56	Ed. Rubsom	2	"	"	"	"	3.00
57	P.T. Moore	2	"	"	"	"	3.00
58	L.N. Chamberlain	3	"	"	"	"	4.50
59	J.W. Thompson	5	"	"	"	"	7.50
60	W.J. Horton	1	"	"	"	"	1.50
61	W.C. Rogers	2	"	"	"	"	3.00
62	C. H. Fox	10	"	"	"	"	15.00
63	S.C. Cooper	8	"	"	"	"	12.00
64	John C. Campbell	8	"	"	"	"	12.00
65	Wm Robinson	10	"	"	"	"	15.00
66	J.T. Brown	2	"	"	"	"	3.00
67	Miles Byrne	5	"	"	"	"	7.50
68	J.M. Mansfield	1	"	"	"	"	1.50
		778	days				$1167.00

John T. Price, Sheriff Travis Co.

Fall Term, Saturday, 19th January, 1861.

The State of Texas } To the Honorable A. W. Terrell, Judge of the 2d
County of Travis } Judicial District. The undersigned, clerk of the
District Court of said county, respectfully reports the following as
the list of causes decided at the Fall Term, 1860, in which Jury
fees are receivable, To wit:

1.	1570	Freeman	vs.	McCalla	$3
2.	1583	Bray, et al.	"	Sykes et al	3
3	1670	Dunn	"	Hollingsworth	3
4	1696	Doral	"	Wilson	3
5	1705	McArthurs Heirs	"	Henry's Heirs	3
6	1707	Perry	"	Ford, et al	3
7	1762	Austin City	"	Paschal	3
8	1787	Cox	"	Davidson	3
9	1792	Cole	"	Vanwinkle	3
10	1836	Bean	"	de Armandez	3
11	1851	Townsend	"	Jamehill	3
12	1855	Van Alstyne	"	Thomas	3
13	1862	Rice	"	Gilleland, et al.	3
14	1864	Houston	"	Houston	3
15	1874	Runner	"	Voyt	3
16	1881	Freeman	"	McKinney et al	3
17	1886	Eger	"	Smith	3
18	1891	Torrey	"	Robinson	3
19	1908	Oldham, former	"	Walker, et al.	3
20	1915	Chapin	"	Conner	3
21	1919	Gray	"	Ford et als	3
22	1951	Doral	"	Robinson, et al.	3
23	1952	Doral	"	Conner, et al	3
24	1963	Anderson	"	Neil	3
25	1964	Duggan, et al.	"	Gibble	3
26	1966	Sims	"	Tindall	3
27	1967	Millett	"	Oldham, et al.	3
28	1968	Rugh & Johnston	"	Walton	3
29	1971	Wells	"	Chalmers, et al.	3
30	1981	Doral	"	Holman, et al.	3
31	1981	Doral	"	Holman, et al.	3
32	1982	Doral	"	Sharp, et al.	3
33	1984	Zilker	"	Allen, et al.	3
34	1987	Scott & Co.	"	Ten Eyck	3
35	1990	Burch	"	McGehee	3
36	1991	Dietrich	"	Reed	3
37	1994	Simpson & Hennicks	vs.	Neal	3
38	1996	Simpson & Hennicks	"	Marshall & Co	3

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39	2002	Pace	v.	Conner, Ex.	63
40	2003	Cross	v.	Armstrong	
41	2006	Thomas	v.	Allen, et al.	
42	2010	Reed & Johnston	v.	Oldham	
43	2016	Carrington & Co	v.	Saunders	
44	2017	Brown & Co	v.	Hamilton	
45	2019	Reid & Tracy	v.	McKee	
46	2024	White, Ex. al.	v.	Carr	
47	2027	Higgins	v.	Hopper & Smithson	
48	2028	Murray & Co.	v.	Feldman	
49	2029	Sampson & H.	v.	Marshall & Co	
50	2030	Payton	v.	Hamilton	
51	2031	Swenson	v.	Gill et al	
52	2032	Swenson	v.	Crockett, et al.	
53	2034	Jennings	v.	de Normandie	
54	2037	Smith	v.	Raymond	
55	2040	Arnold, H. & Mead	v.	McKee	
56	2041	Haney, et al.	v.	McKee	
57	2042	Saunders	v.	Blumenkron	
58	2043	Kingsley	v.	Armstrong	
59	2044	C. H. & Mead	v.	Adams & Goodrich	
60	2045	McDonald	v.	Adams & Goodrich	
61	2046	Patterson	v.	Glascock	
62	2047	Duffau	v.	Krum	
63	2048	Swenson	v.	Hamilton	
64	2049	Chapman & Fox, et al.	v.	Walker, et al.	
65	2050	Arrington	v.	Clemmon	
66	2051	Carrington & Co.	v.	Shaw	
67	2054	Forry	v.	Wright	
68	2056	Rothman	v.	Hunter	
69	2057	Crockett	v.	Minor, et al.	
70	2061	McDonald	v.	Adams & Goodrich	
71	2063	Reid & Tracy	v.	Adams & Goodrich	
72	2065	Reed & Walton	v.	Raymond & wife	
73	2067	Bledsoe, Admr	v.	de Cordova, et al.	
74	2068	Bledsoe, Admr	v.	Steiner, et al.	
75	2070	Ervin	v.	Blackwell et al	
76	2071	Simonin	v.	Rivas	
77	2072	Griffin	v.	Chalmers	
78	2076	Miller	v.	Simmons, et al.	
79	2077	Swenson	v.	Norton	
80	2078	Swenson	v.	Minor, et al.	
81	2079	Swenson	v.	Norton, et al.	
82	2081	Durst	v.	Cook et al.	

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83	2082	Durad	v.	Dawson et al	$3
84	2083	Bremond	v.	Cheesman	3
85	2085	Fairmont	v.	Grimes	3
86	2087	Pace	v.	Marshall	3
87	2089	Griffith, Hyatt & Co.	v.	Hancock	3
88	2091	Phelps	v.	Thompson et al.	3
89	2093	Higgins	v.	Cook	3
90	2097	Raymond	v.	Johnson	3
91	2101	Jo. Smith	v.	Rutherford	3
92		Miller v. Blackwell et al. (motion docket - jury.)			3
93	1962	Oldham	v.	McClung Klein, et al.	3
94	1470	Rose v. The State (dismissed at former term)			3
95	1471	Rose v. The State	"	" " " "	3
					$285

Jury fees in Criminal causes at Fall Term 1860

1	1326	The State	v.	Anderson	$5
2	1326	" "	"	Jewell	5
3	1370	" "	"	Morris	5
4	1328	" "	"	Third Deck	5
5	1378	" "	"	Cain	5
6	1388	" "	"	Barnett	5
7	1214	" "	"	Spalding	5
8	1327	" "	"	Bennigg	5
9	1328	" "	"	"	5
10	1323	" "	"	Illingworth	5
11	1166	" "	"	Heffington	5
12	1042	" "	"	"	5
13	1040	" "	"	"	5
14	1038	" "	"	"	5
					$70
		Total in Civil Causes			285
		Total Jury fees			$355.

1721. Bowman v. Black 3
1539. Williamson et al. v. Blount, et al. 3
2038 Lightfoot, et al. v. Lightfoot 3
$364

No. 2050. Arrington v. Denson. The Clerk reports this case as not paid - therefore, deduct 3
3.
$361

	$361.00
Deduct 2½ per cent Com's. on $361 -	9.02
Total Jury Fund	$351.98
778 days @ 45¢ per day	350.10
overplus.	$1.88

Frank Brown, Clk

Fall Term, Saturday, 19th January, 1861

John T. Miller vs D.M. Blackwell, et.al. — Plaintiff / Defendants — Proceeding on Appeal Bond of D.M. Blackwell Aff. Motion Docket.

And now at this day appeared the parties by their attorneys and the defendants submitted their motion for a new trial in said cause - which said motion being duly argued and considered by the Court, It is ordered and decreed that the same be overruled.

2083 John Brammd vs Cheeyunn wife & Irmsend wife — Plaintiff / Defendants / Intervenors — And now at this day came the parties by their attorneys and the Counsel for the Intervenors submitted their motion for a new trial in this cause. And the Court having heard the argument of counsel thereon, and duly considered the same, It is ordered that the said motion be overruled.

2083 John Brammd vs D.R.D. Cheeyunn, et.al. & W.W. Townsend wife — Plaintiff / Defendants / Intervenors — And now on this day the motions of the defendants and Intervenors for a new trial coming on to be heard, the same are overruled. And it appearing now to the Court, that the adjudication of costs in said cause heretofore made, was made upon a hand understanding agreed to by the defendants and Intervenors counsel, in open Court, which understanding, it was urged, was not at the time correctly understood by the Court, and concerning which a disagreement exists between the defendants and Intervenors counsel, Now to the end that the plaintiff may not be prejudiced in the collection of his demand, the judgement in this cause heretofore rendered is now corrected only so far as the disposition of the costs is concerned, and it is now ordered, adjudged and decreed, that the costs of this suit be collected as provided for in the original Judgment, and the order of the 12th of January, 1861, adjudging the cost in favor against the Intervenors Townsend and wife, be set aside, vacated and held for naught.

1721 J. C. Bascum vs James A. Black — Plaintiff / Defendant — And now at this term of the Court appears the parties to this cause by their respective attorneys, and announced themselves ready for trial, and waiving a jury, submitted the case to the Court. And the Court having inspected the pleading, and heard the evidence introduced in the case, and duly considered the same, It is, therefore,

Fall Term, Monday, January 21st 1861

ordered, adjudged and decreed by the Court that the case be dismissed from the docket; that the plaintiff take nothing by his said action; that the defendant go hence without day, and recover of and from the plaintiff, J.C. Barcum, and the securities on his cost bond, to wit: William M. Walton and C. G. Reed all the cost of this suit, for which execution may issue.

And thereupon Court adjourned till Monday morning 9 o'clock

Monday, 21 January, 1861

Court convened at 9 o'clock, A.M. pursuant to adjournment. A.W. Terrell, 2d District Judge presiding. Whereupon the following proceedings were had by said Court, as follows, to wit:

2038 James H. Lightfoot and others, Plaintiffs
vs.
William C. Lightfoot, Defendant

This cause came on to be heard before the Hon. A. W. Terrell, Judge, when it appeared to the Court that the slaves mentioned in the original petition, belong to Walter H. Lightfoot, Thomas H. Lightfoot and Sarah J. Lightfoot, who are minors, of whom Geo W. White, of Travis county, is their regular guardian, & also belong to the estate of Thos. H. Lightfoot, decd, late of said county, who was a non-resident, of whom said White was his regular guardian & that he was appointed such guardian of said minors by the County Court of said county. It further appeared to the Court that the said James H. Lightfoot, Thomas, Walter H. Sarah J. & Mary J. Lightfoot & H. V. Bales, wife of Amor A. Bales, all citizens of said Travis county — Mary A. Batt, wife of G. A. Batte, of Milam county, Texas, and W. C. Lightfoot of the State of Arkansas, are the only heirs of said Thomas H. Lightfoot, deceased, whose interest in said slaves under the will of Claxton Lightfoot, decd, late of Madison county, Alabama, was one & one-fourth part.

It is, therefore, ordered and decreed, that W. H. D. Carrington, A. R. Crozier & James H. Johnson be appointed Commissioners to divide and set apart one-fourth part in value of said slaves as near as may be, and report the same to the present term of this Court.

It is further ordered, that the clerk of this Court issue to said Commissioners a writ of partition Commanding them forthwith to make such partition in accordance with this decree, & also commanding them to make due return of said writ with their proceedings under it, to the present term of this Court — all matters not herein disposed of are reserved for the further order of this Court.

Fall Term, Monday, January 21st, 1861

2038 J. H. Lightfoot & others vs Wm C. Lightfoot } Plaintiff / Defendant } Be it remembered that this cause came on to be further heard, on this day, upon the Report of the Commissioners appointed under a former decree in said cause, which is in the words & figures following

" J. H. Lightfoot & others } In the District Court of Travis County, Texas.
" 2038 Petition for the partition } December Term 1860
" & sale of Negroes } To the Hon. A. W. Terrell, Judge, &c

" The undersigned, Commissioners appointed under a decree of this
" Court rendered in the above cause at the present term, to partition
" and set apart from the slaves named in the original petition,
" the one-fourth part in value, as near as may be, the same being
" the interest of Thomas H. Lightfoot, decd, therein, by leave to us
" That there are ten slaves in all, that their probable ages are
" as hereafter stated, & that we valued them as follows: Bob,
" aged 64 years $300.00 & Annie, his wife, aged 60 years, at
" $200.00 Mary, aged 35 years, at $600.00 Randle, aged 25 years,
" at $1000.00 Munroe, aged 23 years, at $1100.00 Bob, a boy
" aged 18 years at $1000 - Doc, alias Doctor, aged 16 years
" at $900.00 Arthur, aged 15 years, at $900.00 - Eliza, one qu-
" ont, aged 10 years, at $500.00 & Catherine, aged 12 years,
" badly diseased with scrofula, at $100.00 the aggregate value
" being $6.600.00
" We have, accordingly, set apart as the interest
" of the heirs of said Thomas H. Lightfoot, the
" following slaves:
" Bob, aged 64 years his wife Annie aged 60 years } $500.00
" valued at & five, at
" Mary, aged 35 years, valued at 600.00
" Catherine, aged 12 years, valued at 100.00
" Eliza, aged 10 years, valued at 500.00 $1.700.00
" It will be seen that the said five slaves so set apart, only
" exceed the said fourth interest in value to the amount of
" fifty dollars."
" The above partition we regard as fair & just to all parties.
" " W. H. D. Carrington "
" " Arthur Cozier "
" " James A. Johnson "
" Affirmed to before me by W. H. D. Carrington, and subscribed by him
" Janry 21, 1861. F. Brown, CCK."
" Sworn to and subscribed before me, Janry 21, 1861."
" F. Brown, CCK."

And the said report being unexcepted to, is, in all things confirmed, & made part of the record in this cause, by order of the Court.

Fall Term, Monday, January 21st, 1861

2038

James H. Lightfoot et al — Plaintiffs
vs
Wm C. Lightfoot — Defendant

This cause this day came on to be heard upon the petition of the petitioners for the sale of the slaves mentioned in the report of the Commissioners as belonging to the estate of Thos. H. Lightfoot, decd, & it appearing to the Court that Mary J. Lightfoot, James H. Lightfoot, H. V. Bales, wife of A. A. Bales, Gustavus A. Lightfoot & Sarah J. Lightfoot all citizens of Travis county, Texas, Mary A. Batte, wife of G. A. Batte, a citizen of Milam County, Texas, and W. C. Lightfoot, a citizen of the State of Arkansas, are the only heirs of said deceased - and the Court being of the opinion that the prayer of the petition should be granted; and that said slaves be sold - and, also, being of the opinion that the said Mary J. Lightfoot, mother of deceased, is entitled to one-half of the proceeds of said slaves, after deducting $ 50 which is the amount they exceed in value over the one-fourth part of the whole of the slaves in which said deceased was interested, and that H. V. Bales & Mary A. Batte, James H., W. C. Walker H. Gustavus A. & Sarah J. Lightfoot, are entitled to equal parts of the remaining half of the proceeds of the sale of said slaves. It is, therefore, ordered, adjudged and decreed that William Byrd be appointed Commissioner to sell said slave Penelope, Annie, Lucy, Catherine and Eliza, and that the same be sold on the first Tuesday in February, 1861, at the Southeast Corner of Block No 70, in the City of Austin Texas, to the highest bidder at public outcry on a credit of six months, and that he take good and sufficient security for the payment of the purchase money

It is further ordered and decreed that the said Geo. W. White, guardian of said W. H., G. H. & S. J. Lightfoot have judgment for fifty dollars against the other parties in interest and that said Byrd pay him said sum of money out of said purchase money before distribution, the same being the amount of said costs, and afterwards to distribute said purchase money aforesaid to those entitled. It is further ordered that said Byrd, before entering upon the discharge of his duties under this decree, shall enter into bond payable to the parties in interest, in the sum of $ 3,500, with two or more good and sufficient securities, to be approved by the Clerk of this Court, conditioned for the faithful performance of this trust, and that he will pay over the proceeds of said sale as required by this decree, and that he make report to the next term of this Court - all other matters are reserved and that the Clerk receive 15 cents a hundred words for recording the last three entries in this case, including Report & Commissioners

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1539 Robert Williamson, et als. Plaintiffs
vs.
Stephen W. Blount, et als. Defendants

And now at this day came the plffs. by their Attorneys, Gu W. White, and announced themselves ready for trial - and thereupon came a jury of twelve good and lawful men of Travis county, consisting of Wm M. Wilson and eleven others, and after hearing the evidence and the charge of the Court, retired to consider of their verdict, and returned into Court the following verdict, to wit: "We, the jury, find for the plaintiffs, Williamson, Adams and Ussleton six hundred acres as claimed by them. We find for the plaintiff Hall eighteen hundred & twenty-eight acres as claimed in petition. Wm M Wilson, Foreman."

And it appearing to the Court that the tract of land, of which partition is sought, and which is referred to by the foregoing verdict, is described as follows, viz:

"In Bastrop county, known as Survey No 7, on the west side of the Colorado River, on the San Antonio Road" Beginning at the Southwest corner of League No 6, made for Hiram Griffith, a pinone of José Leferino Mora, from which a mesquite bears North 5° West 46 varas. Thence with the meanders of the San Antonio Road, South 67° West one hundred and thirteen varas. South 45° West eight hundred and twenty varas South 30° West thirteen hundred and ninety varas. North 65° West four hundred and forty five varas. South 80° West ninety-six varas to a stake and stone mound, from which an elm bears North 80° West 12 1/2 varas. Thence North 45° West nine thousand nine hundred and twenty-four varas, to a stone mound. Thence North 45° East twenty-five hundred varas to a stake stone mound. Thence South 45° East ten thousand and sixty-seven varas, with the west boundary line of league No 6 to the place of beginning."

It is, therefore, ordered, adjudged and decreed, that the plaintiffs Robert Williamson, L. P. Adams and Margaret Ussleton, do have and recover of and from the defendants an undivided interest in said league of land of six hundred acres, and that the plaintiff, Elisha Hall, do have and recover of said league of land an undivided interest of eighteen hundred and twenty-eight acres. And the plaintiffs having applied for the appointment of Commissioners to partition and set aside to them their interest in said land by metes and bounds, It is ordered that Felix Smith, Alexander Eanes Sr, Thos H McKinney act as Commissioners, and they are hereby appointed such to set aside and partition

Fall Term, Monday, 21st January, 1861

to said plffs. their respective intrests in said land, viz. to the pffs. Robert Williamson, L. P. Adams and Margaret Acelton six hundred acres, and to the pff. Elisha Hall, eighteen hundred and twenty-eight acres. And the said Commissioners are hereby required to designate in their report, specifically, the metes and bounds of the tracts set apart by them to said plaintiff, and to have respect, in the partition made by them, to the average quality and value of the whole survey of said league. The Clerk of the District Court is required to issue Commission to said Commissioners, notifying them of their appointment and the scope of their duties as herein provided for, and they are required to report at the next term of this Court their proceedings in making partition of said land, and this cause is continued.

The within and foregoing minutes having been by me duly examined and read, and being found correct, the same are hereby approved; and it is ordered that Court do now stand adjourned until the next regular term in course. January 21st, 1861

A. W. Terrell

Judge 2nd Dist

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CIVIL MINUTES H