CIVIL MINUTES

O


AUSTIN
STECK
TEXAS
PRINTING
BANK
COUNTY
OFFICE SUPPLIES

Dinch & supplimental index brought up to page 95 May 17th 1881

" " " " " 153 - can 5608

440

" " " " " " " 570.—

January 3rd 1881.

The State of Texas } Be it remembered that at a term of the Hon. District
County of Travis } Court of Travis County begun and held at the Court
house thereof at the City of Austin on Monday the 3rd day of January A. D.
1881 the same being the day fixed by law for the meeting of said Court,
the Hon. A. P. Walker Judge of the 16th Judicial District of the State of Texas
presiding, and D Hallmann clerk of said Court and Ed Creary Sheriff
of said Travis County being present, the following proceedings were
had viz:

3720 George W. Paschal vs. G. R Road Co & Austin City
4011 M. L. Miller vs. F. M. Randell & Emanuel Nolda
4972 John S. Sampton vs W. R. Sampton et al
5267 Laura T. Ormond vs. Charles J. Ormond
5272 M. B. Davis vs. Letitia L. Davis
5323 James Lockwood vs. Fredrick Jordan
5371 J. C. Creary vs. P. G. Wells
5383 Becky Pickett vs Lee Pickett
5420 Henry Brooks et al vs. Jacob F. Oppright et al
5441 Rachel C. Harris et al & Albert C. Jones et al
5449 Thos J. Kemp et al vs. Leo King
5468 A. Snider Pellegrini vs Forester Ludlow & Co
5494 John D & William Wallace vs. Benjamin Cage et al
5518 Mary C. Woodloe vs Thomas Woodloe
5513 Aultman & Taylor Co vs Ben H. Shropshire & wife
5523 J. J. Chandler vs H. C. Cain & Annie Hilsman
5531 N. N. Patterson vs. Mary A. Patterson
5540 Jane Miller vs. George Miller
5555 Jennie C Robards vs. Ed W. & Virginia F. Shands
5556 Jacob C Cranford vs Henrietta Cranford
5611 Andrew Battle vs. Ross & Harris
5663 J. C & J. Phelps vs. Upton Shingly & Wesley Johnson
5571 Feliciana Lara vs. Jesusa Lara
5574 Frank Smith vs. L. H. Mansen, Int. & G. N. R R Co
5578 Mary F. Lively vs J. W. Fanning.

Upon the motion of the clerk of this Court, it was ordered that the plaintiffs in the aforesaid twenty five cases be and they are hereby required to give bond and security for the costs in said several cases, and it was further ordered that any one of the aforesaid causes — in which this rule should not been complied with on or before the first day of the next term of this Court — will be dismissed from the docket of this Court, plaintiffs attorneys being notified of this rule.

3540 B. M. Odom vs. H. & T. C. R. R. Co. Upon motion of pltff's Atty. It was this day ordered that this case be dismissed and that the said plaintiff B. M. Odom pay all costs in this behalf incurred for which execution may issue.

3545 William Simpson vs. H. & T. C. R. R. Co. Upon motion of pltff attorney it was this day ordered that this case be dismissed and further ordered that the said plaintiff William Simpson

pay all costs in this behalf expended for which execution may issue. 3541.
John O. Johnson vs. H. & T. C. Rail Road Company. Upon motion of plaintiffs attorney it was this day ordered by the Court that this case be dismissed and further ordered that the said plaintiff Jno O. Johnson pay all costs in this behalf incurred for which execution may issue against him.
Rhodes Fisher vs. Houston & Texas Central Rail Road Company. 3548
Upon motion of plaintiffs attorney it was this day ordered by the Court that this case be dismissed and further ordered that the said plaintiff pay all costs in this behalf expended for which execution may issue against him.
J. B. Barron vs. Houston & Texas Central Rail Road Company. 3549.
Upon motion of plaintiffs attorney it was this day ordered by the Court that this case be dismissed and further ordered that the said plaintiff J. B. Barron pay all costs in this behalf expended for which execution may issue.
Isabella Edwards vs. Charles Edwards. The plaintiffs motion to allow the 5491.
Sheriff to amend his returns having this day been heard and considered by the Court, it was ordered that said motion be granted and that the Sheriff amend his returns of the citation in this case in accordance with the facts.
John D. & William Wallace vs. Benjamin Cage. The plaintiffs motion to allow the Sheriff to amend his return, having this day been heard 5494
and considered by the Court, it was ordered that said motion be granted and that the Sheriff do amend his return of the citation in this case in accordance with the facts.
M. A. Taylor vs. W. D. Wied & wife. Upon motion of plaintiffs attorney 5520.
it was this day ordered that the plaintiff have leave to file an amended petition.

Court adjourned until to morrow morning 10 oclk

January 4th 1881.

Court met according to adjournment. Whereupon the following proceedings were had viz:
R. B. Hubbard Jr vs A. J. Ward et als. And now at this day 5176.
came on to be heard before the Hon. J. H. Burts the special judge appointed to try & dispose of the above styled cause, the motion heretofore filed and docketed to amend and correct a clerical mistake in the final judgment heretofore entered in said cause so as to show that the same was entered of record on the 1st day of January A.D. 1881 and not on the 31st day of December A.D. 1880, came on to be heard, and the plaintiff appeared by counsel Messrs Peeler & Maxey who had heretofore been notified of the pendency of the said motion, and after hearing the evidence as to the matters contained in said motion and the argument of counsel on both sides, it is ordered that the motion be sustained, and the said judgment is hereby amended and it is hereby ordered and decreed that the said entry of final judgment of record by the clerk

January 4th 1881.

was made by the clerk on the first day of January A.D. 1881.
The foregoing entry having been read in open Court examined and found correct, the same is hereby approved & ordered that the same stand as part of the minutes of the present term of this Court. January the 5th A.D. 1881. Jas. H. Burnett
Special Judge.

The Hon. A. S. Walker Judge 16th Jud. District presiding the following proceedings were on this 4th day of January had viz:

1731. C. A. Hopkins et al. vs. Amos Morrill. Judge A. S. Walker disqualified.
2931 Thomas F. McKinney vs. A. M. Cox. Continued to make parties.
2955. Abby Thompson Administ. vs. A. H. Barnes & W. Morrill. Continued.
2958. Abby Thompson Admstr vs. George Saunders. Continued
2960. Abby Thompson Admstr vs. T. L. Raven. Continued.
3031. Giles H. Burditt vs. W. B. Burditt. Continued
3187. Juan Vela Juterez vs. The State of Texas. Continued by consent.
3189. Manuel Bustamente vs The State of Texas. Continued by consent.
3190. Manuel Ramirez vs. The State of Texas. Continued by consent.
3191. Pedro Gaitezes vs The State of Texas. Continued by consent.
3192 Gabriel Saraz vs The State of Texas. Continued by consent.
3196. Julian Zapatan vs. The State of Texas. Continued by consent.
3292. Candaleria Ramirez vs. The State of Texas. Continued by consent.
3361. Trinidad Villareal vs. The State of Texas Continued by consent.
3362. Victoria Juarez vs. The State of Texas. Continued by consent.
3364. Seraphia Garza vs The State of Texas. Continued by consent.
3365. Salvador Cardenas vs. The State of Texas. Continued by consent.
3366. Juan Rodriguez Saiz vs. The State of Texas. Continued by consent.
3368 G. W. Lewis et al vs. The State of Texas. The Hon. A. S. Walker judge presiding, is disqualified.
3622 Ellen C. Hunton et al. vs. Mary M. Bowers. The Hon. A. S. Walker judge presiding is disqualified in this case.
3623. Ellen C. Hunton et al. vs. A. H. Cook et al. Continued to abide the decission in case No. 3621.
3624. Ellen C. Hunton vs. Young mens real estate & building association Continued to abide decission in case No. 3621.
3625 Ellen C. Hunton et al vs. Wm. Oliphant. Continued to abide decission in supreme Court of case No. 3621.
3637. C. F. Millett vs. John T. Miller. The Hon. A. S. Walker is disqualified in this case.
3696. John Ireland vs. John Pancoast & C. S. West. Continued by consent.
3721. George W. Paschal vs. Central Rail Road Company & Austin City Continued
3934. Chandler Carleton & Robertson vs. George W Poney & W. P. Le Normandie Garnishee. Continued.
3951 M. S. Culver vs. R. M. Lane et al. The Hon. A. S. Walker Judge presiding is disqualified in this case.
3997 J. C. De Giess vs. R. B. Hubbard et al. The Hon A. S. Walker judge presiding is disqualified in this case.
4111 M. L. Miller vs. F. McLandlie et al. No service

January 4th 1881.

F. Stuessy & Son vs. J. T. Jackson. Continued.	4016.
R. N. Lane vs. Lee E. Evans. Hon. A. S. Walker disqualified in this case.	4173.
H. L. Burbard vs. Carlo Cunio et al. Hon. A. S. Walker disqualified in this case.	4246.
Orlando Caldwell vs. W. A. Watman. This case having been settled by the parties is now dropped from the docket.	4265.
Loomis & Christian vs Dyson & Brooks et al. Passed to foot of the docket.	4329.
John. O. Ford vs H. & T. C. R. R Co. Hon A. S. Walker disqualified in this case.	4348.
James M. Ling vs George L. Robertson et al. Passed to the foot of the docket.	4430
Alfred Smith vs J. K. Warren. Hon A. S Walker disqualified in this case	4464.
John. S. Mills. vs Zimpelman & Odom. The judgment having been affirmed this case dropped from the docket.	4527
C. S. West Ex vs F. M. Hanks et al. - Passed to the foot of the docket.	4556.
C. S. West Ex vs F. M. Hanks. Passed to the foot of the docket	4557
C. S. West Ex vs F M Hanks Passed to the foot of the docket	4558.
F. Jacobs & Parkhurst vs. F. Claus & Co. Hon A. S. Walker disqualified in this case	4626
Loomis & Christian vs N. C. Turney et al. Hon A. S. Walker disqualified in this case	4692
John. C. Duval et al vs Robert Craigbaur et al. Continued by consent.	4795.
Charles Krohn vs Thomas F. Purnell. Continued by consent	4815.
Richd Coopwood & Andrew J. Carothers. vs William Alexander. Continued	4828.
J. R. Nixon vs H. & T. C. R. R. Co. Continued to await mandate	4887
The State of Texas vs B. Brown et al. - Continued	4900.
Albert. S. Roberts vs Crockett Harbert. Hon A. S. Walker disqualified in this case	4953.
John H. Hampton vs. W. R. Hampton et al. Continued for report of Commissioner	4972.
S. Cox vs C. R. Johns & Co. Hon A. S. Walker disqualified in this case	5036.
The State of Texas James W. Vadin et al. This case having been settled by the parties is now dropped from the docket.	5090
Ellen Kimball et al vs Louisa [illegible] Johnson et al. Continued	5105.
Richard Gildart vs J. B Gildart et al. Continued	5074.
R. B. Hubbard Gar vs A J Ward et al. Hon A. S Walker disqualified in this case.	5174
R. B. Hubbard Gar vs A. J. Ward et al. Hon A S. Walker disqualified in this case.	5176.
Mary McGowan vs Geo. D. Zimmermans. Continued to await mandate	5186.
Edward W. Shands vs Milton Wallace. This case set for Monday 10th January 1881.	5205.
C T. Garland vs C. W. Garland. Continued for service	5246
F. W. Chandler Admr vs Loomis & Christian. Healed.	5249
Laura A. Ormond vs Charles J. Ormond Healed.	5267.
M. B. Davis vs Lidia L. Davis. Healed	5272.
James F. Johnson vs W. W. Long et al. Continued by consent	5292.
Helena Hennings vs John Hennings. Continued	5313.
P. Wolfolk vs Alfred Wolfolk Continued	5319

January 4th 1881.

5323 James Lockwood vs Fredrick Jordan. No Service.
5363 Bertram & Moller vs Asa Frary & Co. Heeled.
5371 J. E. Early vs B. C. Wells. No Service.
5374 Amelia Bickla vs Harvy Silman Set for Saturday the 8th January 1881.
5383 Betty Pickett vs P. Lee Pickett. No Service.
5386 Ed Christian vs A. W. Caldwell et al. Heeled.
5389 M. C. Hamilton vs James F. Ellison. Continued by consent.
5395 L. Schoolfield vs Carolina Pomond et al Heeled.
5399 R. A. Chadwick vs E. Raven. Heeled.
5409 Wm D. Rolfe Sup &c. vs L. J. DuPre & wife. Hon A. S. Walker disqualified in this case. Thereupon Court adjourned till tomorrow morning 10 oclock.

January 5th 1881.

Court met pursuant to adjournment. Present same as on first day Whereupon the following proceedings were had viz:

5410 Blackwood and Fragier vs T. E. P. Wright & husband. It is ordered that defendants have leave to file first amended answer and cause set for Wednesday 12th January 1881.
5413 Jos A. Stewart vs Henry T. Eubank et al. Heeled.
5420 Henry Brook et al vs Jacob G. Speight et al. D. W. Dunn Esq Withdraws from this case as counsel. no service.
5421 The State of Texas vs J. W. Blakely et. This case having been settled is now dismissed
5428 Myra M. Campbell vs August S. Kinchloe et al. Death of Myra Campbell one of the defendants suggested, and have granted plaintiff to file 2nd Amended petition and cause set for Thursday 6th January 1881.
5427 Henry Jones vs George M. Keize. Heeled
5431 W. B Carothers vs R. W. Crawford. Continued for service.
5441 Rachel J. Harris vs Albert C. Jones et al.. Continued for service, & Plaintiffs attorney notified of rule for costs.
5442 Mary A. Smithe vs James M. Smithe & Louis Maas Heeled.
5443 Mary A. Smithe vs James M. Smithe & A. Lorraine. Heeled
5444 Mary A. Smithe vs James M. Smithe & E. B. Burke Heeled.
5445 Mary A. Smithe vs James M Smithe & J M. Lillon Heeled.
5446 Mary A. Smithe vs James M. Smithe & John Kyle. Continued for service.
5447 Mary A. Smithe vs James M. Smithe, Bergin & Campbell Heeled.
5448 Mary A. Smithe vs James M. Smithe & Joseph. Harris Heeled.
5449. Thomas T. Kemp vs Geroge King. On this the 4th January 1881. it is ordered by the court that W. A. Blackburn Esq be and he is hereby appointed to represent the defendants and case passed to the hud of the docket.
5452 Mary A. Smithe vs James M. Smithe & R. F. Campbell. Heeled.
5453 Mary A. Smithe vs James M. Smithe & James Haig. Continued by consent.
5455. Mary A. Smithe vs James M. Smithe. Isabella Haigler et al. Continued by consent.
5456 Mary A. Smithe vs James M. Smithe & Patrick Toner. Continued by consent
5457 Mary A. Smithe vs James M. Smithe. James Haig & George Craven

January 5th 1881

Continued by consent

Mary A. Smisher vs James M. Smisher & Georg Bright. Continued 1543 8.
by consent.

Mary A. Smisher vs James M. Smisher & Jacob Schneider. Continued 1544 9.
by consent.

The State of Texas vs. The I. & G. N. R. R. Co. alias the I. R. R. Co. on this January 4th 1881 1546 6.
this cause is set for the 5th Wednesday of this term. it being February 2nd 1881

A. Seidel Pilligrini vs Foster, Ludlow & co Continued for Service. 1547 8

W. A. Saylor vs John M. Smisher. Set for January 13th 1881. 1547 0

John M Smisher vs W. A. Saylor. Set for January 13th 1881 1547 7.

Elsie Quash et al. vs Houston Goatum. On January 4th 1881 the death of Plaintiff
Elsie Quash suggested and cause continued to make her heirs parties 1547 9.

John Saulo vs J. C. Flinn — No Service. 1548 8.

The State of Texas. vs Western Union Telegraph Co. Set for March 1st 1881. 1549 0

Isabella Edmonds vs Charles Edmonds, Messrs Hill & Spence appointed by the
Court to represent the defendant and case set for Saturday January 8th 1881 1549 1

John. E. & Wm Wallace vs Benjamin Cage et al, Messrs Hill & Spence appointed 1549 4
to represent the defendants,

The State of Texas vs Charles Kerber et al, Set for the 2nd Thursday of this 1549 7
term, being 13th January 1881.

Lucy A. Field et al. vs Thomas H. Field. John. W. Robertson Esq appointed by 1550 0
the Court to represent defendants.

The State of Texas vs Charles Kerber et al, on this January 4th 1881. this case was 1550 1.
Set for the 2nd Thursday of this term. it being January 13th 1881.

The State of Texas. vs J. A. Hardin et al Recited 1550 4.

Mary C. Wardlaw. vs Thomas Wardlaw. D. W. Doom Esq Appointed by 1550 8.
the Court to represent the defendant

The Aultman & Taylor Co. vs Benj N. Shropshire & Wife. Continued for service. 1551 3.

The State of Texas vs J. W. Davis et al. This suit having been reported Settled 1551 5
is now dismissed by the Court.

M. A. Taylor vs V. O. Wood & Wife. Set for Friday January 7th 1881 1552 0

John F. Allen vs A. H. Pilo & co Continued by consent. 1552 1

Herman Schoenert vs Cardwell & Morris. Continued for service on Morris. 1552 8.

P. Oppenheimer & Co. vs D. Simon on this January 4th 1881. this cause having
been settled by the parties is dismissed by Plaintiffs, costs having been paid 1553 7.

Mary A. Smisher vs James A Smisher & E. W. Shands, This day came the 1543 4.
plaintiff by her attorney J. W. Robertson. and the said defendants James. M. Smisher
and E. W. Shands having failed to appear and answer in this behalf but wholly
made default. Whereupon the said plaintiff ought to recover against the said de-
fendants as prayed for in the petition. and proof being necessary to establish
plaintiffs cause of action. a Writ of inquiry is awarded to be executed at some
future day of this term. Court adjourned till tomorrow morning 10 oclock.

January 6th 1881

Court met Pursuant to adjournment. Present Same as on first day,

Court adjourned till tomorrow morning 10. oclock.

January 7th 1881.

Court Met pursuant to adjournment, Present same as on first day, Whereupon the following proceedings Were had. viz:

15430 The State of Texas vs. J. J. Cureton, J. G. Barber, T. M. Pool, L. A. Denitchfield J. M. Hancock, A. E. Adams, Kos. Berry Geo. D. Powell and J. R. Pancake. The above entitled and numbered cause being this day called for trial, came the plaintiff, the State of Texas by her attorneys, and the defendants tho duly cited failed to appear either in person, by answer or by attorney, but Wholly made default; it was thereupon ordered and adjudged that the plaintiff have judgment by default against all of said defendants, and the court proceeding to execute a writ of inquiry and assess the plaintiffs damages, and it being made to appear to the satisfaction of the court that the defendants J. J. Cureton as principal, and J. G. Barber T. M. Pool, L. A. Denitchfield, J. M. Hancock, A. E. Adams, Kos Berry Geo. D. Powell and J. R. Pancake as sureties, are justly indebted to the plaintiff in the full sum of ($1248 68/100) Twelve hundred and forty eight 68/100 dollars, principal and interest; it is ordered adjudged and decreed that the plaintiff the State of Texas do have and recover of and from said defendants, Cureton, Barber, Pool, Denitchfield, Hancock, Adams Berry Powell & Pancake the full sum of Twelve hundred and forty eight 68/100 dollars together with all costs in this behalf incurred, for which execution may issue,

5442 Mary A Smith vs James Mc Smith & Louis Maas. Set for Monday January 10th 1881.

5443 Mary A. Smith vs James Mc. Smith & A. Lorraine. Set for Monday January 10th 1881.

5444 Mary A. Smith vs James M. Smith & G. P. Burke, Set for Monday January 10th 1881,

5447 Mary A. Smith vs James M. Smith, James V. Bergen and Robt F. Campbell Continued by consent,

5452. Mary A. Smith vs James M. Smith & Robt F. Campbell, Continued by consent,

5508 Mary Wardlow vs Thomas Wardlow. Set for January 11th 1881, and have given the former Sheriff to amend return on citation in accordance with the facts,

5517. The State of Texas, vs H. T. Eubank et al. The demand of the State having been paid and the costs having been settled, this case is now dismissed,

5518 The State of Texas, vs H. T. Eubank et al. - Appearance case,

5516 The State of Texas vs Alexander Coker et al, Passed to end of docket;

5524 L. Fillman et al. vs E. Hertzberg, Passed to end of docket;

5531 N. N. Patterson vs Mary A. Patterson, Continued for Service,

5536 & Book p. 103 W. J Montgomery vs Louis Maas. And now on this 7th day of January A. D. 1881, comes the plaintiff and announces himself ready for trial, and the defendant comes not but makes default; and it appearing to the court that the defendant had been regularly served with process of citation and that plaintiffs demand was liquidated and proved by an instrument in writing, it is therefore ordered adjudged and decreed by the court that the plaintiff W. J. Montgomery do have and recover of and from the defendant Louis Maas the sum of ($444 17) four hundred & forty four & 17/100 dollars together with interest from

January 7th 1881.

date hereof at the rate of (10) ten per cent per annum and all costs in this behalf expended, And it further appearing to the court from the promissory note sued upon that it was executed by said defendant to R. H. L. Bibb for the purchase money of the tract or lot of land hereinafter described and that the vendors lien was expressly retained to secure the payment of said promissory note and that said note and lien were transferred by said Bibb to plaintiff, It is therefore further ordered adjudged and decreed by the court that the said vendors lien be and the same is hereby foreclosed upon the lot or tract of land described in said promissory note to Wit:- A part of Block No (43) forty three of Division E. of the City of Austin in the County of Travis and State of Texas, which part is more particularly described as follows to Wit:- commencing at the N. E. corner of said Block 43. Thence Southwardly with the line of Congress Avenue (The East line of said Block 43) forty six (46) feet, Thence Westwardly parallel with the North line of said block one hundred and Sixty (160) feet; Thence Northwardly & parallel with East line of said block forty six (46) feet to the North line of said block and the line of Magnolia Avenue, Thence Eastwardly with said North to the beginning and being the N. E corner lot of said Block & fronting 46 feet on Congress Avenue & 160 feet on Magnolia Avenue in said City of Austin, It is further ordered that an order of sale do issue to the Sheriff or any Constable of Travis County directing him to seize and sell said lot of land as under execution in satisfaction of this judgment and if the proceeds of such sale be insufficient to satisfy the judgment then to make the money or any balance thereof remaining unpaid out of any other property of the defendant Maas as in case of ordinary executions, after which execution may issue for any balance unpaid as on ordinary judgments

Jacob. E. Crawford vs Henrietta Crawford. Set for January 29th 1881. 5556.
The State of Texas vs R. H. Beale et al. Set for January 22nd 1881. 5566
The State of Texas vs F. L. Busch et al. Set for January 26th 1881 5568
The State of Texas vs Henry Hamilton et al. Continued for Service. 5569
The State of Texas vs Henry Hamilton et al Continued for service 5570
Feliciana Lara vs Jesusa Lara. Continued for service. 5571
Frank Smith vs L. H. Mauer & Int & G. N. R. R. Co. Continued 5574
Emma Milde vs Frederick Milde. Continued for service 5576
John Hancock & Louis Hancock vs H. Kammacher. W. M. Wilson, Rural Beale
J. R. Billingsly Paul Deats and F. Jordan. And now on this 7th day of January A. D. 1881. This above cause was regularly called in the appearance day for the same, and it appearing to the court that the said defendants H. Kammacher & W. M. Wilson have filed answers herein the judgment and order heretofore entered as to said defendants is hereby set aside, and it appearing that the defendant David Beale has not been served the plaintiff dismisses this case as to the said defendant Beale without prejudice to their rights as against the said Beale or the other defendants, and it appearing that the remaining defendants J. R. Billingsly, Paul Deals & F. Jordan have all been duly served and have failed to appear & have Wholly made default, it is ordered that the plaintiffs case be taken as confessed so far as said last named defendants are concerned and that judgment be finally entered in said cause, when the same has been heard as to the said Kammacher & Wilson
Court adjourned till to morrow morning 10 o'clock

January 8th 1881

Court met pursuant to adjournment present same as first day Whereupon the following procedings were had. viz:

5491. Isabella Edmonds vs Charles Edmonds. On this day came the plaintiff by her attorney J. W. Robertson. and the defendant having been duly cited by publication as the law provides failing to appear and defend in this behalf. came by R. J Hill & Jos Spence Jr the attorneys heretofore appointed by the court to defend this cause, and the parties having announced ready for trial, came on to be heard the motion of defendants counsel to quash the return of citation, and the same having been heard and understood by the court. it is the opinion of the court that the law is with the plaintiff. It is therefore considered and ordered that said motion be overruled, And thereupon came on to be heard the general and special demurrers to the plaintiffs petition and the same having been heard and understood by the court. it is the opinion of the court that the law is with the plaintiff. It is therefore considered ordered and adjudged that the said general and special demurrers be overruled and the said cause coming on to be heard on the merits and no jury having been demanded, the said parties submit the matters in controversy as well of law as of fact to the court and the pleadings evidence and argument of counsel having been heard and fully understood by the court and it being found by the court that the material facts alleged in plaintiffs petition are true. it is considered ordered adjudged and decreed by the court that the bonds of matrimony heretofore existing between the plaintiff Isabella Edmonds and the defendant Charles Edmonds be and the same are hereby forever dissolved, it is further ordered and adjudged that the plaintiff recover of the defendant all costs in this behalf expended for which execution may issue, It is further ordered that a fee of ($25.) twenty five dollars be taxed in the bill of costs in favor of said Hill & Spence for services as attorneys in this case,

5520 M A. Taylor vs V. O Weed & Wife, And now on this the 7th day of January 1881. this cause having been regularly called for trial. came the parties the plaintiff by his attorneys Walton Gouu & Hill, and the defendants by their attorneys Carleton & Morris and announced themselves ready for trial and no jury having been demanded the court after having heard all the pleadings and the evidence and the argument of counsel thereon finds that the plaintiff is entitled to the land described in his petition, it is therefore ordered adjudged and decreed that the plaintiff M. A. Taylor, do have and recover of and from the defendants V. O. Weed and his wife Billa Weed the following tracts or parcels of land situated in the county of Travis and State of Texas. Lots No (9) nine. and one half of number eight (8) in Block No (2) two fronting on Pecan St. being part of outlot number two (2) in Division "A" situate in the city of Austin Travis County Texas, according to the map & plan of said city. now on file in Genral Land office. for which he may have his writ of possession. and that he recover of said defendants all his costs in this behalf expended for which execution may issue, and it is ordered that execution may issue against each party respectively favor of officers of court for their costs.

January 8th 1881.

Amelia Brichta vs Harry Gilman. On this day coming on to be heard the Pffts motion to set aside the Surveyors report in this cause. and the argument of counsel thereon and the same being duly considered by the Court was by the court overruled. and the case passed to the end of the docket. 5374.
Court adjourned till Monday morning 10 oclock.

Monday January 10th 1881.

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:
Myra M. Campbell &al. vs Augustus D. Kincheloe &al. Now on this 6th day of January A.D 1881. came the parties hereto to wit: Myra M. Campbell and Alexander Campbell by their Attorney James B. Goff, and Augustus D. Kincheloe by Edward W. Travis his Special guardian by this court duly appointed and the death of defendant Myra Campbell being suggested and shown to the Court by competent testimony it is ordered that this action do abate as to said Myra Campbell. Whereupon the cause was submitted to the court on the pleadings and evidence, and the court having duly considered all the facts and the law of the case, doth find that Augustus Kincheloe died seized of the following tract of land described in plaintiffs petition viz: One third of a league in Travis District on the West side of the Colorado River bounded miles West of Bastrop, beginning on the West boundary line of No 1 at a Stake from which a mesquite ten inches in diameter marked X bears south 12° West fifteen varas, another six inches in diameter bears S 78° West ten varas. thence south 45° West, two hundred and fifty varas to a branch runs North East. Eighteen hundred and Eighty one and five tenth varas to a Stake from which a mesquite bears South 3° East thirty varas: another bears South 43° East six varas, thence North 45° West thirty one hundred varas to a stake and mound; thence North 45° East forty three hundred and eighty one 5/10 varas to a stake and mound on No 2 made for G. W. Glasscock assignee: thence South 45° East one thousand varas to the North corner of No 1. thence South 45° West thirty five hundred varas to the North West corner of No 1 thence South 45° East; thirty one hundred varas to the beginning being the same tract patented by the State of Texas to said Augustus Kincheloe September 14th 1847 and being No 198 in Vol 6. of the records of the General Land Office of the State of Texas, the same being the Seperate property of said Kincheloe, and that plaintiff Myra M. Campbell formerly Myra M. Kincheloe is the surviving wife of said Kincheloe, and as such entitled to a life estate in one third of said land,
2. That said Augustus Kincheloe left surviving him two children viz: William D. Kincheloe and Augustus D. Kincheloe they being his sole heirs at law and each entitled to one half of his estate subject to the aforesaid life estate of said Myra M. Kincheloe now Myra M. Campbell who is their mother,
3d That after the death of said Augustus Kincheloe said Myra M. intermarried with plaintiff Alexander Campbell and that Myra Campbell was the sole issue of said marriage,
4th That said William D. Kincheloe died intestate after the birth of said Myra Campbell leaving his said Mother Myra M. Campbell, his brother Augustus D. Kincheloe and his half sister Myra Campbell his sole heirs at law,
5. That afterwards and since the commencement of this suit said Myra Campbell died intestate leaving her father and mother Alexander

January 10th 1881

Campbell and Myra M. Campbell his sole heirs at law, The Court doth further find order and decree that the parties hereto are the owners of the tract of land hereinbefore described and vested with title to the same in the following proportions to wit:
Myra M. Campbell seven twenty fourths, Alexander Campbell and said Myra M. Campbell one twenty fourth and Augustus D. Kinchloe Sixteen twenty fourths, and that there is vested in said Myra M. Campbell a life estate in and to one third of said land in addition to said Seven twenty fourths and that said tract of land be divided and set apart to said parties in the proportions aforesaid according to Quantity, Quality and Value and that out of each of the parcels allotted to said Augustus D. Kinchloe there be set apart to said Myra M. Campbell one third of the same according to Quantity, quality and value for and during her natural life in lieu of her life estate in said tract of land, The court doth further order and decree that Wm Von Rosenberg, Dennis Corwin and Joseph Spence be and they are hereby appointed Commissioners to make partition of said land between said parties in accordance with this decree and that they make report of their action in the premises at the present term of this Court, and that a fee of twenty five dollars be allowed the Special guardian in this case,

5564. John Hancock & Lewis Hancock v. H. Kaumacher et al. It is ordered that plaintiff have leave to file 1st amended petition.

Court till tomorrow morning 10 O'clock.

January 11th 1881

Court met pursuant to adjournment. Present same as on first day, Whereupon the following proceedings were had viz:

5498. The State of Texas, vs J. F. Stinderback et al. On this the 11th day of January A. D. 1881. came on to be heard the motion of plaintiff for leave to the Clerk to amend the citation issued to and served upon the defendant J. F. Stinderback which having been considered by the court it is ordered that the same be granted and the Clerk of this court is hereby permitted and directed to amend said citation so as to change the return day of the said Citation from the first Monday in January A. D. 1880, as it now appears therein to the first Monday in January A. D. 1881. and so as to change the date of filing the petition from the 4th day of September A. D. 1881 as it now appears in said Citation to the 4th day of September A. D. 1880. the true date of filing said petition.

5562. The State of Texas. vs G. W. M. Duck et al. Continued for Service.

Court adjourned till tomorrow morning 10 O'Clock

January 12th 1881.

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings were had viz:

5410. Blackwood v. Frazier vs T. & P. Wright & husband. It is ordered by the court that the plaintiff have leave to file 1st amended original petition, and 1st Supplemental petition and cause passed to the end of the docket.

5442. Mary A. Swisher vs James M. Swisher & Louis Maas. On Monday January 10th 1881. this cause being regularly called for trial. came the parties plaintiff and defendant and announced themselves ready for trial in the above entitled cause, and a jury not having been demanded they submitted the matters in controversy in said cause as well of fact as of law to the court. And now on this the

January 12th 1881.

12th day of January A. D. 1881. this court after hearing the pleadings evidence and argument of counsel orders, adjudges and decrees that the plaintiff take nothing by this suit, and that the defendant Louis Maas be quieted in his title & possession to the land in controversy to wit: to lots. 5- 6-7. 8. 9- & 10. in Block 8 in what is known as Swishers addition to the city of Austin, and being a part of lot A1. It is further ordered by the court that the defendant Maas do have and recover of the plaintiff all costs in this behalf incurred, It is further ordered by the court that execution issue in favor of the officers of court against each party respectively for the costs by him in this behalf incurred. And thereupon the plaintiff gave notice in open court of Appeal to the Supreme Court.

Mary. A. Swisher, James M. Swisher v. G. B. Burke. This day came the parties plaintiff and defendant and announced themselves ready for trial in the above entitled cause, and a jury not having been demanded they submitted the matters in controversy as well of fact as of law to the court, and the court after hearing the pleadings evidence and argument of counsel orders adjudges and decrees that the plaintiff take nothing by this suit; and that the defendant G. B. Burke be quieted in his title and possession to the land in controversy to wit: to Block 17. in Swishers addition to the city of Austin and being a part of Lot 61. & Block 20 a part of Lot B.1 outlot 1. B. out Lot 1 C. except 1 acre off West end. the lots so described being portions of Lot B1. and 61. in Swishers addition to the city of Austin, It is further ordered by the court that the defendant Burke do have and recover of the plaintiff all costs in this behalf incured, It is further ordered by the court that execution issue in favor of the officers of court against each party respectively for the costs by him in this behalf incured, and thereupon the plaintiff gave notice in open court of Appeal to the Supreme Court. X

Joseph C. Kerby & Wife vs Edw. W. Shands & Wife And now on this the 7th day of January A. D 1881 in this cause came the plaintiffs by their attorney? Walton Green & Hill, but the defendant although duly cited came not but wholly made default and said cause being regularly called and said defendants so in default having failed to appear it is ordered that plaintiffs have judgment by default and the plaintiffs having required that a Writ of inquiry be awarded for the determination and finding of their damages and relief herein it is so ordered,

Joseph C. Kerby & Wife, vs Edw. W. Shands & Wife, And now on this the 12th day of January A. D. 1881, in this cause having been called for the purpose of executing the Writ of inquiry heretofore awarded herein, came the plaintiff by Walton Green & Hill their attorneys and no jury having been demanded and the court having heard the pleadings and evidence finds that the defendant Edward W. Shands is indebted to the plaintiff Joseph C. Kerby and Maria M. Kerby in a promissory Note dated June 1st 1876. as set forth in plaintiffs petition in the sum of ($533.30) Five hundred and thirty three 30/100 dollars principal and interest and that said Note was given and said sum so due, was and is for part of the purchase money of the land described in plaintiffs petition and purchased by said Shands from Wesha Rankin and Wife to Wit: Lots "A" and "B" and lots Sixteen (16) Seventeen (17) and Eighteen (18) in Live Oak Grove a part of the homestead property of Wesha Rankin and Wife Subdivided by them for sale, and part of the Isaac Decker league in Travis County in the State of Texas, which lots contain by estimation about Seventeen and one half acres of land, and

63444.

15572.

15572. (1st order of sale H. B. 5. p. 42.)

January 12th 1881.

that said indebtedness is a valid and subsisting Vendors lien upon said lands both as against said Edward W. Shands and defendant Virginia F. Shands his wife and that said debt bears interest by contract in writing at the rate of ten per cent per annum, It is therefore ordered adjudged and decreed that the plaintiff do have and recover of and from the said Edward W. Shands the sum of ($533.30) Five hundred and thirty three & 30/100 dollars together with ten per cent per annum interest thereon from the date of this judgment, and all costs in this behalf expended, and that the said Vendors lien as it existed on the first day of June 1876 is foreclosed both as against said Edward W. Shands and said Virginia F. Shands, and the Clerk of this court is ordered to issue an order of sale commanding the Sheriff of Travis County to make sale of the above described lands according to law for the purpose of making the amount of this judgment, and that out of the proceeds of said sale he pay off this judgment interest and all costs, and that he pay over the remainder if any to the said defendants, and in case said property shall not bring sufficient to discharge this judgment that plaintiff have execution against said Edw. W. Shands for the remainder so remaining unsatisfied,

5508. Mary C. Wardlow vs Thomas Wardlow. This case being this day regularly called for trial came the parties by their attorneys and the plaintiff announced ready for trial, and coming on to be heard the objection of defendants counsel to the citation by publication not having been published four weeks prior to the October term 1880, said objection was sustained by the court and said citation was held by the court as insufficient to require an answer at this term, and the case is continued by operation of law.

Court adjourned till tomorrow morning 10 oclock

January 13th 1881.

Court met pursuant to adjournment. Present Same as on first day Whereupon the following proceedings were had. Viz:

5497. The State of Texas. vs Charles Kerber et al. Continued on affidavits of defendants.

5501 The State of Texas vs Charles Kerber et al. Continued on affidavit of defendants.

5205. Edwd W. Shands vs Milton Wallace. On this 10th day of January A D 1881 the defendant in this cause has leave to file an amended Original Answer, and coming on to be heard the exceptions of defendant to the want of allegation of residence and names of parties in plaintiffs petition, said exceptions were sustained by the court and other exceptions overruled, to which last ruling of the Court defts excepts, and further ordered by the court that plaintiff have leave to file a trial amendment to the petition, and thereupon plaintiff takes a nonsuit, and ordered by the court that the defendant go hence without day and that he have and recover of the plaintiff his costs in this behalf expended, and that he have his execution.

Thereupon Court adjourned till tomorrow morning 10 oclock.

January 14th 1881.

Court met pursuant to adjournment. Present same as on first day Whereupon the following proceedings were had viz:

5564. John Hancock & Lewis Hancock vs H. Kammacher et al. Set for March 3d 1881.

Court adjourned till tomorrow morning 10" oclock

January 15th 1881

Court met pursuant to adjournment. Present same as on first day

January 15th 1881.

Whereupon the following proceding Were had viz:
Eloki Quast et al vs Houston Joakum. It is ordred by the court ✓3479.
that Jules Quast. Minnie E. Quast. Maud E. Quast and Iniss E.
Quast be made parties plaintiffs as heirs of Eloki Quast.
Court adjourned till Monday Morning 10 Oclock

January 17th 1881.

Court met pursuant to adjournment. Present Same as on first
day Whereupon the following proceedings were had viz: ✓5036.
G. Crow vs C. R. Johns & Co. Hon A. S. Walker Judge presiding
disqualified in this cause.
Joseph Harnell vs Thomas Sonich, Plaintiff has leave to file 2nd Sup= ✓5473
=plemental petition
Jos. H. Stewart vs Int. & G. N. R. R. Co. On January 15th 1881. this ✓4973.
case was set for trial January 25th 1881
The State of Texas vs W. R. Middleton et al. This case is set for trial for ✓5375.
the 24th January 1881.
James E. Boulden Ex. vs L. B. Giles et al. This case is set for trial for ✓5381
January 28th 1881.
Lucy A. Field, Marcus Andrews Field, Alfred Joe and his wife Harriet Calvin For- ✓5500.
=merly Field. James D. Easton and his wife Lucy A. formerly Field. vs Thomas A.
Field. William Moss and his wife Henrietta formerly Field and Annie Field widow and
Henrietta, Robert and Harrington Field children of Robert S. Field.
In this case now comes the plaintiffs by their attorney, and the defendant Thomas A. Field
being duly served came not but made default; and the defendants William Moss
and his wife Henrietta Moss are residents of the State of California, and the de-
-fendants Annie Field and Henrietta Robert and Harrington Field widow and
children of Robert S. Field as residents of the State of Tennessee having been duly
Summoned to appear and defend this suit by publication of the Writ as required
by law for four weeks previous to the last term of this court in the Statesman
a newspaper published in the City of Austin Travis County came not but
made default, And it appearing this cause was ready for hearing the Court
appointed John W. Robertson an Attorney of this court Attorney for the absent ab-
-sent defendants Viz: the said William Moss and his wife Henrietta Moss
and Annie Field the widow of Robert S. Field deceased, and it appearing
that Henrietta, Robert and Harrington Field children of said Annie and
Robert S Field were Minors under the age of twenty one years and without
any regular Guardian the said John W. Robertson attorney was appointed
Guardian ad litem for them in this case. And thereupon the said John W.
Robertson filed his answer as attorney for the said absent defendants
and as Guardian ad litem for said absent Minors. And thereupon the
said cause having been submitted to the court without the intervention
of a jury on the law as well as the facts, the court doth find: That on
the first day of July 1847. Harrington L. Field Senior in Giles County Ten-
-nessee by his deed of that date conveyed to W. Sorrowsmith certain property
consisting of negroes, and other property to pay the debts and liabilities
of the said Harrington L. Field, and after the payment of said debts

to hold the said and residue of said property to and for the only and sole use benefit and support, education and raising of the Wife and children of said Harrington L. Field Junior, viz: the said defendant Lucy A. Field his wife and his children, Marcus A. Field, Robert D. Field, Harrington L. Field Jr. Harriet Ealin Field, Henrietta M. Field, Lucy A. Field, and that the defendant Thomas A. Field son of said Harrington L. Field Sr. and his wife Lucy A. Field was born to him subsequent to the making of said deed, and that said deed was made for the use and benefit of all the family of the said Harrington L. Junior and his wife, and the raising and support of all said family, including the said Harrington L. Junior as a member thereof, And it appearing that upon the removal of the said family to Texas in the year 1852. the said trust was transferred by the order and decree of the Chancery Court of Giles County Tennessee to John A. Gouin of the City of Austin Texas, subject to the trusts in the said deed from said Harrington L. Field Junior to W. Arrowsmith, That said John A. Gouin accepted the said trust and that out of the money derived therefrom he in the year 1853 bought and on the 28th February 1854 took a deed from Benjamin F. Johnson to himself as trustee for the said Harrington L. Field Junior and Lucy A. his wife, and the said Marcus A., Robert D. Harrington L. Jr. Harriet Ealin, Henrietta, Lucy A. and Thomas Field their children to the following discribed lands in the County of Williamson, First a tract of land containing twenty five acres more or less out of the Jacob M. Harrell league in Williamson County Texas, Beginning at the South West corner of a tract of land out of said Harrell league known as the John Harrell tract; Thence North 19° West 531 100 varas to a stone mound for the North West corner of this survey, Thence North 71° West 800 varas for the North East corner of this survey, Thence South 19° East 531 100 varas to a stone mound, Thence South 71° West 800 varas to the beginning, Second. a tract of about twenty five acres more or less out of the same league in the same County beginning at a mound in the West boundary line of said Harrell league from which a Post oak bears North 9 varas distant, Thence North 19° West 1246 varas to the centre of the Channel of Lake Creek from which an Elm bears South 11° East 10 varas, Thence down the bed of said Creek 377 varas, a Stone mound in the south bank from which a Spanish oak brs south 20° West 10 varas, Thence South 19° East Eleven hundred and Six varas to a stone mound, from which a Post oak brs South 43° West 12 varas, Thence South 71° West three hundred and fifty varas to the beginning, That on the 2nd August 1853 the said John A Gouin with said funds bought and took a deed from Josiah Fitz the following discribed tract of land in Travis County being part of the James Coleman headright, Beginning at the South East corner of a tract of land sold by said Fitz out of said survey to T. Jones for Mr. Orgains in the centre of a branch of Bull creek a stone mound at the foot of a cedar tree on the west bank, Thence North 60° West with Jones and Orgains South line 260 varas. to a Stone mound the north east corner of a tract sold by said Fitz to C. Bell, Thence South 30° West with Bell's East line 400 varas to a Stone mound, Thence South 60° East 446

January 17th 1881

varas to the centr of the Channel of said Creek and with its meanders to the beginning containing about twenty five acres more or less.
And it appearing to the court that the object of the said trust has been performed and completed. that the said Children are all of age, and all of them had married and live away from said land, and that the said Lucy .A. Field wife of Harmington .L. Field senior live with one of her Children away from said land, and the occupation thereof is abandoned, and that at the request of said beneficiaries the said Grantee hath had made a deed to them for the survivors thereof for said property,
And it further appearing that since the making of said deeds to the said Grantee as hath the said Harmington .L. Field senior and Harmington .L. Field Junior have died leaving the remainder of the beneficiaries therein their heirs at law, and that Robert .S. Field has also died having his minor children by his wife Annie Field viz. Annilla. Robert and Harmington Field as his heirs at law. It is therefore ordered adjudged and decreed by the court that the object of the said trust is performed and completed, and that said property is liable to partition as follows: To Lucy .A. Field Widow of Harmington .L. Field Senior one Share, to Marcus A. Field, Harriet Goe wife of Alfred Goe. To Lucy A. Easton wife of James .D. Easton, to Thomas .A. Field and to Annilla Moss wife of William Moss each one Share, and to the children of Robert .S. Field. Annilla. Robert and Harmington one Share and that partition of said property be decreed accordingly,
It further appearing to the court that the said parcels of land are detached from each other and that they cannot be divided in Kind by reason of the Smallness of the tracts without injury to all the parties: that they cannot be sold at public sale without a great sacrifice of the expenses and a sacrifice of the Value of the property, and the parties desiring that the same be sold at a fair price at private sale by Commissioners for that purpose to be appointed by the court, It is ordered adjudged and decreed by the Court that the said land be sold for partition among the parties entitled thereto; and that Robt. J. Hill of Travis County Texas be appointed the Commissioner of the court with power to make sale of the said land, together or in one or more parts or parcels subject to the confirmation of this court at a fair price at private sale. on the terms of one half in cash, and one half on a credit of twelve months bearing interest from the date of sale at the rate of per cent per annum, It is further ordered that said Commissioner shall have power to record in the proper County the evidences of title to preserve the said land and protect the same from taxes or other incumbrances until the sale thereof and that he be authorized to pay all reasonable sums therefor,
It is further ordered that out of the proceeds of the sale he pay the costs of this proceeding including $25. Attorneys fee for J. W. Robertson Esq and that he report his action thereon at a future day of this term or by the next term of this court; all other matters not disposed of are reserved until the further order of this court.

Court adjourned till tomorrow morning 9 oclock

January 18th 1881.

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings were had. viz:

✓4930. W. B. Brush vs James Barron. Continued by consent.
✓4935. Carlin & Robertson vs Bingham Trigg. Continued by consent.
✓4975. T. L. Winn vs Edward Gohn. Continued

Court adjourned till tomorrow morning 9 O'clock

January 19th 1881.

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings were had viz:

✓4699. James H. Link vs Austin City R. R. Co. On the 17th day of January A.D. 1881, came the parties by their attorneys, the plaintiff by D. E. Thomas, and Jones & Trigg and the defendant by A. J. Peler and J. W. Robertson, and severally announced themselves ready for trial, And thereupon came a jury of twelve good and lawful men to wit: G. W. Erwin and eleven others, Who being duly elected empannelled and sworn according to law, after hearing the pleadings evidence argument of counsel and charge of the court, retired to consider of their verdict; Which said proceedings occupied the time of the court during the said 17th and the 18th days of January A.D. 1881. And now on this 19th day of January A.D. 1881 the said jury returned in to open court the following verdict to wit: "We the Jury find for the defendant. G. W. Erwin. Foreman" Which said verdict is by the court in all things approved, and ordered to be filed, It is therefore considered ordered and adjudged by the court that the said plaintiff James H. Link take nothing by his said suit and that the said defendant the Austin City Rail Road Company do have and recover of the said James H. Link, and E. W. Haller and R. L. Herndon the sureties on his cost bond heretofore filed in this cause all the costs in this behalf by said defendant expended to be taxed by the Clerk of this court; for which execution may issue, provided that execution shall not issue against the said sureties for more than $50.00 Fifty dollars the amount of said cost bond.

✓5392. D. Weinberger & Wife vs H. & T. C. R. R. Co.. Continued by consent.
✓5404. D. Weinberger Guardian &c. vs H. & T. C. R. R. Co. Continued by consent.

Court adjourned till tomorrow morning 9 O'clock

January 20th 1881

Court met pursuant to adjournment; Present same as on first day Whereupon the following proceedings were had viz;

✓5366. The State of Texas. vs Mitt Livingston et al. It is ordered that Plaintiff have leave to file amended original petition and to make new parties and case continued by consent.
✓5409 Wm S. Rolfe Supt &c. vs L. J. DuPre. The Hon A. S. Walker. Judge presiding disqualified in this case,
✓5439 Willis B. Pope et al. vs Elbert Pace et al.. Continued by consent.
✓5457 John Rooney vs Kammacher & Wilson. Set for January 27th 1881.
✓3485. E. C. Bartholomew vs Joel A. Bennett et al. Passed to end of Jury docket
✓3485- E. C. Bartholomew. vs Joel A. Bennett et al. on 2nd call of Jury docket Continued

January 20th 1881.

Oscar Obenchain vs. Dennis Corwin. Continued. 5522.

J. T. Chandler vs A. C. Cain & Annie Hillsman. Passed to the end of docket. 5523.

J. T. Chandler vs A. C. Cain & Annie Hillsman. On 2nd call of the docket set for January 27th 1881. 5523

D. The Ayres vs W. C. Walsh. Com? &c. Passed to the end of the entire civil docket. 5530

Andrew Bailey vs Rose & Harris. Set for January 24th 1881. — 5560

Joel M. Martin. vs James A. Winn et al. Continued 5561

L. Fillmann et al. vs E. Hirtzberg. This cause this day dismissed by Plaintiffs and at their costs. 5524.

James. P. Randle et al. vs James. M. Morphis. Now on this day come the parties viz: Jas. P. Randle, Mattie A. Mahon and D. E. Ammonette by their attorney James. B. Goff and the defendant James M. Morphis in person and by his attorneys. F. W. James and Hancock Watt & North and Fred Carleton and announced themselves ready for trial, and thereupon also come the jury to wit: A. H. Cooke Jr and sworn of this good and lawful men who being duly elected empannelled and sworn according to law, after hearing the pleadings evidence and arguments of counsel and being duly charged by the court as to the law retired to consider of their verdict, and thereafter on this January 20th 1881, said jury returned into open court the following verdict to wit: "Austin Jany 20th 1881. We the jury find the title for lot No 3 block No 120 in the city of Austin State of Texas vested in D. E. Ammonette. Mattie A. Mahon & James. P. Randle heirs of Daniel Randle, and find for the plaintiffs $300.00 for value of lot No 3 block No 120 and $50.00 for use and occupancy of same. We also find for the defendant $750.00 for improvements thereon, A. H. Cooke Jr. Foreman" Which verdict was approved by the court, Whereupon the court doth adjudge and decree that plaintiffs James. P. Randle Mattie A. Mahon and D. E. Ammonette are the lawful owners of said lot No 3. in Block No 120 in the city of Austin county of Travis and State of Texas being the premises described in the petition of plaintiffs, and that said plaintiffs do have and recover of said defendant the premises aforesaid and also the sum of fifty dollars for the use and occupation of the same and all costs of suit. It is further ordered adjudged and decreed that no Writ of possession shall issue in favor of said plaintiffs for said premises unless said plaintiffs shall within one year after the rendition of this decree pay to the clerk of this court for said defendant the sum of $700.00) Seven hundred dollars, and that in default of such payment within said time the said defendant or his legal representatives may within Six months after the expiration of said year pay to said clerk for said plaintiff the sum of $300.00) three hundred dollars the value of said lot as assessed by the jury, and that if said defendant shall within said six months so pay to said clerk said sum of money then said plaintiffs shall be forever barred of their writ of possession and from ever having or maintaining any action whatever against said defendant his heirs or assigns for said premises. It is further ordered and decreed by the court that the said defendant or his legal representatives shall not within Eighteen months after the rendition of this decree so pay to said clerk

Oker. dock D-5 page 99.

Recd the sum of $300.00 being the value of Lot No 3 in Block No 120 as assessed by the jury in the above entitled cause. Jany 20th 1881. Jas. B. Goff Atty for Plffs

Recd the sum of $50.00 being the rents and profits of Lot No 3 in Block No 120 as assessed by the jury in the above entitled cause. Jany 20th 1881. Jas. B. Goff Atty for Plffs

January 20th 1881.

said sum of three hundred dollars. said plaintiffs or their legal representatives have their writ of possession for said premises, It is further ordered and decreed that plaintiff recover of defendant the costs herein expended and have execution therefor,

Court adjourned till tomorrow morning 10 Oclock,

January 21st 1881.

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings were had viz:

3030. Giles H. Burdill Admr &c. vs W. B. Burdill et al. In this cause now comes Giles H. Burdill and shows to the Court, that as administrator of Jesse Burdill deceased he was recovered from Charles Z. Haley and the other defendants in possession of the J. W. Carpenter league and labor of land, the said Carpenter league and labor being situated in the County of Falls, as part of the assets of the estate of said Jesse Burdill now being administered for the purpose of partition among the heirs of Jesse Burdill in this suit; That said recovery was made by him on the judgment of the District Court of Falls county in the 26th March 1880 against the defendants named herein and for the damages stated, and that the said defendants recovered from said Administrator, the amounts respectively herein stated on their plea of improvements made in good faith; as follows,

The defendant Charles. Z. Haley claimed 428 acres of said land, which by the jury was valued at one dollar per acre,

The Administrator recovered for use and occupation	$2200.00
The defendant Haley recovered for improvements	2360.00
Leaving excess of improvements over use and occupation	160.00

The defendant A. Vickery claimed one hundred acres which was valued as aforesaid at one dollar per acre,

The Administrator recovered for use and occupation	$220.00
The defendant recovered for improvements	564.00
Leaving excess of improvements over use and occupation	$344.00

The defendant W. T. Gates claimed two hundred and Eighty Eight acres valued aforesaid at One 50/100 Dollars per acre,

The Administrator recovered for use & occupation	$577.00
and the defendant recovered for improvements —	938.00
Leaving excess of improvements over use and occupation	$361.00

The defendant W. A. Myall claimed 488 acres of said land valued aforesaid at one 50/100 dollars per acre,

The administrator recovered for use and occupation	$664.00
The defendant recovered for improvements	1029.00
Leaving excess of improvements over use and occupation	$365.00

Making in all an excess of improvements over use and occupation of twelve hundred and thirty ($1230.00) dollars. Which bears interest at eight per cent from the 21st March 1880, - From which judgments the defendants appealed to the Supreme Court. and said cause was affirmed by said Court on the day of June 1880, And it appearing to the court that possession of said land for partition cannot be obtained until the excess of improvements is paid, and that it is the intent of the estate that the same be paid for that purpose. It is therefore adjudged and ordered that the said Giles H. Burdill as Administrator of

January 21st 1881

Jesse Burdett be authorized to raise or advance the money necessary to pay said judgments for improvements with interest thereon, and that he be authorized to procure the said Money at a rate of interest not exceeding twelve per centum per annum, and that the said Money when raised and paid stand as a charge against said land recovered by him as administrator, and be paid out of the proceeds of the same,

C. S. West Executor &c. vs F. M. Hanks et al. And now on this 21st day of January A.D. 1881. came the parties to the above entitled and numbered cause and the same was thereupon tried by consent by the Court neither party having demanded a jury, and thereupon both parties announced themselves ready for trial. Whereupon the plaintiff dismissed his said suit as against the defendant A. L. Stephens who was not served with process, and thereupon the Court proceeded with the trial of said cause on the merits as against the other defendants, and the Court having heard the pleadings, the evidence and the arguments of the plaintiff C.S. West, and the defendants F. M. Hanks, W. M. Walton, A. H. Cook M. S. Crow administrator of the estate of J. L. Lowe deceased, and J. F. Wilson though duly cited and served with process having failed to plead in said cause and the Court having duly considered said pleadings, evidence and argument and being fully advised in the premises, it is ordered adjudged and decreed by the Court that the plaintiff Charles S. West Executor of the estate of R. J. Tonnes deceased do have and recover of and from the defendants F. M. Hanks W. M. Walton and A. H. Cook the sum of Two thousand two hundred and Seventy five 72/100 ($2275.72) dollars with interest thereon from this date until paid at the rate of ten per cent per annum and all costs in this behalf expended for all of which and the costs of this suit execution may issue,

And it further appearing to the Court that said sum of $2275.72 is due for the unpaid purchase money for the following described tract of land purchased by said F. M. Hanks from said C. S. West Executor &c. on the 2nd day of May 1871, and it further appearing that the defendants J. F. Wilson and J. L. Lowe purchased portions of said land from said Hanks subsequently to said 2nd of May 1871 and with full knowledge of the Vendors lien held by said C. S. West on said land. it is further ordered adjudged and decreed that the Vendors lien securing said sum of $2275.72. on the following described tract and parcel of land situated in the County of Erath, State of Texas, and being a tract of one hundred and eighty acres of land granted by the State of Texas to Henry Oldham by Patent No 50 Vol No 4. dated March 25th 1847. to which Patent reference is hereby made for a full description of said land, and is the same land conveyed by W. P. Ballinger, administrator of the estate of W. M. Beal deceased to John B. Earl by deed dated March 10th 1860. and recorded in said County of Erath in Book A pag. 470-471. on July 24th 1860, and by said J. B. Earl conveyed to said R. J. Tonnes by deed dated March 27th 1861. be and the same is hereby foreclosed as against said defendants Hanks, Crow adm of est of J. L Lowe and J. F. Wilson, and that an order of sale be issued directed to the Sheriff of Erath County directing him to sell said above described tract of land as under execution, and that of the proceeds of said sale he pay first the costs of this suit. Second said Sum of $2275.72. and interest to said C. S. West, and the balance if any to said F. M. Hanks.

14

4556

January 21st 1881.

And it further appearing that the defendants W. M. Wallon and A. H. Cook executed the note on which this judgment is rendered as securities for said Hanks it is considered and ordered that in the event of said Wallon or Cook paying any part of said judgment they shall have execution over for the same against said Hanks, or against each other for whatever they may pay over their share

1453/ C. D. West, Executor &c. vs F. M Hanks et al. And now on this 21st day of January A. D. 1881. came the parties to the above entitled and numbered cause and the same was thereupon tried by consent by the court, neither party having demanded a jury, and thereupon both parties announced themselves ready for trial. Whereupon the plaintiff dismisses his said suit as against the defendant F. Latta who was not served with process, and thereupon the court proceeded with the trial of said cause on the merits as against the other defendants, and the court having heard the pleadings, the evidence and the argument of the plaintiff C. D. West and the defendants F. M. Hanks. W. M. Wallon, A. H. Cook, and the court having duly considered said pleadings, evidence and argument, and being fully advised in the premises, it is ordered adjudged and decreed by the court that the plaintiff Charles. D. West, Executor of the estate of R. J. Torrie, deceased, do have and recover of and from the defendants F. M. Hanks, W. M. Wallon and A. H. Cook the sum of one thousand nine hundred and seventeen & 38/100 ($1917.38) dollars, with interest thereon from this date until paid at the rate of ten per cent per annum and all costs in this behalf expended. for all of which and the costs of this suit execution may issue, And it further appearing to the court that said sum of $1917.38. is due for the unpaid purchase money for the following described tract of land purchased by said F. M. Hanks from said C. D West, executor &c on the 2d day of May 1871, it is further ordered adjudged and decreed that the Vendors line securing said sum of $1917.38. on the following described tract and parcel of land situated in the County of Erath State of Texas and being a tract of twelve hundred and eighty acres of land granted by the State of Texas to Mary W. Rhodes assignee of Elisha Kimball on the 21st day of July 1846, situated at the date of said Patent in Milam County now Erath County on Gilmores Creek a tributary of the Bosque River in the South Western portion of the Cross Timbers being the same deeded by W. P. Ballinger to Robt J. Torrie on the 6th day of March 1861. and for a full description of said patent and deed are hereby referred to, be and the same is hereby foreclosed foreclosed as against said defendants Hanks, and that an order of sale be issued directed to the Sheriff of Erath County directing him to sell said above described tract of land as under execution, and that of the proceeds of said sale he pay first the costs of this suit. Second said sum of $1917.38. and interest to said C. D. West. and the balance if any to said F. M. Hanks, and it further appearing that the defendants W. M. Wallon and A. H. Cook executed the note on which this judgment is rendered as securities for said Hanks, it is considered and ordered that in the event of said Wallon or Cook paying any part of said judgment they shall have execution over for the same against said Hanks, or against each other for whatever they may pay over their share

January 21st 1881.

C. D. West Executor &c. vs F. M. Hanks et al. And now on this 21st day of January A. D. 1881, come the parties to the above entitled and numbered cause and the same was thereupon tried by consent by the court, neither party having demanded a jury, and thereupon both parties announced themselves ready for trial, and thereupon the court proceeded with the trial of said cause on the merits, And the court having heard the pleadings, the evidence and the argument of the plaintiff C. D. West and the defendants F. M. Hanks, W. M. Wallon A. H. Cook, Dennett Dorsey, Walt Humberson and J. J. May though duly cited and served with process having failed to plead in said cause, and the court having duly considered said pleadings, evidence and argument: and being fully advised in the premises, it is ordered adjudged and decreed by the court that the plaintiff Charles D. West Executor of the estate of R. J. Townes deceased, do have and recover of and from the defendants F. M. Hanks, W. M. Wallon and A. H. Cook the sum of One thousand one hundred and ninety seven 80/100 ($1197.80) dollars with interest thereon from this date, until paid at the rate of ten per cent per annum and all costs in this behalf expended for all of which and the costs of this suit execution may issue, And it further Appearing to the court that said sum of $1197.80, is due for the unpaid purchase money for the following described tract of land purchased by said F. M. Hanks from said C. D. West executor &c. on the 2nd day of May 1871, and it further appearing that the defendants Dennett Dorsey, Walt Humberson and J. J May, purchased portions of said land from said Hanks subsequently to said 2 day of May 1871, and with full knowledge of the Vendors lien held by said C. D West on said land, it is further ordered adjudged and decreed that the Vendors lien securing said sum of $1197.80, on the following described tract and parcel of land situated in the county of Erath, State of Texas and being a tract of Six Hundred and forty acres of land granted by the State of Texas to Ira H. Foster, March 24, 1847, Patent No 45: Vol No 4, and therein described as in Milam District on the waters of Palluxy a tributary of the Brazos and now situated in Erath County to which patent reference is hereby made for a more definite discription of said land and is the same which was conveyed by W. P. Pallinger adr of W. M. Beal dec'd to J. B. Earl by deed dated March 10th 1860 and recorded in Erath county Book A. page 470-71. on July 24th 1860 and conveyed by said Earl to said R. J. Townes by deed dated March 27th 1861, be and the same is hereby foreclosed against the said defendants Hanks-Dennett Dorsey Walt Humberson and J. J May, and that an order of sale be issued to the Sheriff of Erath County directing him to sell said above described tract of land as under execution, and that of the proceeds of said sale he pay first the costs of this suit: Second said sum of $1197.80, and remit to said C. D West, and the balance if any to the said F. M. Hanks, and it further appearing that the defendants W. M. Wallon and A. H. Cook executed the note on which this judgment is rendered as Securities for said Hanks, it is considered and ordered that in the event of said Wallon or Cook paying any part of said judgment they shall have execution over for the same against said Hanks, or against each other for whatever they may pay over their share,

Court adjourned till tomorrow morning 10 O'clock

January 22nd 1881

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had. Viz:

5205 Edwd. W. Shands. vs Millon Wallace. Plff allowed to amend his motion to nudate by filing a motion sworn to.

5413 Jos. H. Stewart vs Henry T. Eubanks et al. It is ordred that Plaintiff have leave to file 1st Supplemental petition, and defendant Habtcht leave to file first amended original answer.

5566. The State of Texas vs R. N. Beale et al. Rt set for Febuary 2nd 1881

4699 James. A. Lisle vs Austin City R. R. Co.. Plff has leave to file amended motion for a new trial

4973 Jos A. Stewart vs Int & G. N. R. R. Co. Set for Febuary 2nd 1881

5373 The State of Texas vs W. B. Middleton et al.. Set for January 31st 1881.

5381 James. E. Boulden Ex vs. L. B. Giles et al. This case set for trial for Febuary 4th 1881.

5451 John Rooney vs Kaumacher & Wilson This case set for trial for Febuary 3d 1881.

5523. J. T. Chandler vs A. C. Cain and Annie Hillsman. This case set for trial for Febuary 3d 1881

5555 Jennie E. Robards vs E. W. & V. F. Shands. On the 17th day of January 1881 came the parties to this cause by their attorneys, and in open court, and both parties having consented that the court should render judgment herein in favor of plaintiff and against the defendants for the sum of Thirty-one hundred & Eighty one 67/100 ($3181.67) dollars and for costs of court, and for foreclosure of lien on the property described in plaintiffs petition. It is therefore ordered adjudged and decreed by this court that the plaintiff Jennie E. Robards do have and recover of the defendants Ed. W. and Virginia F. Shands said sum of Three Thousand one hundred and eighty one 67/100 dollars with interest thereon from this date at the rate of 12% per annum together with the costs in this behalf expended. And it is ordred, adjudged and decreed by this court that the Mechanics lien as it existed upon the 15th day of January A. D 1881 upon the real estate and property described in plaintiffs petition to wit: Lots marked "A & B" also Lots Nos. 16. 17. & 18 in Live Oak Grove a subdivision of part of the Isaac Decker league in Travis County Texas be and the same is hereby foreclosed, and that the Clerk of this court do, after the expiration of the permit time of this court and not before, issue an order of sale directed to the Sheriff or any Constable of Travis County commanding him the said officer to seize and sell the above described lots and all the improvements thereon as under execution, and that he apply the proceeds thereof to the payment and satisfaction of this debt to wit: $3181.67 together with all interest that may be due thereon and the costs of this suit, and if the said lots and improvements thereon shall sell for more than sufficient to pay off and satisfy said sums of money, then the said officer is hereby directed to pay over the excess to the defendants, but if the said lots with the improvements thereon 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 the balance remaining unpaid

January 22d 1881

Court adjourned till Monday morning 8½ Oclock.

Monday January 24th 1881

Court met pursuant to adjournment. Present same as on first day and this being no business of this date. Court adjourned till Monday the 31st January A D 1881.

Monday January 31st 1881.

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had. viz:

The State of Texas. vs F. L. Busch et al. And now on this 31st day of January A. D. 1881, came the plaintiff by its attorney and the defendant F. L. Busch though duly served with process failed to appear and the defendants W. Westhoff H. Paepcke and D. A Ragan appeared by their attorney and the parties thereupon announced themselves ready for trial, and thereupon came on to be heard the demurrer of the defendants Westhoff. Paepcke. and Ragan to plaintiffs original petition. Which having been by the court duly considered it is considered ordered and adjudged by the court that said demurrer be overruled, and thereupon the parties announced themselves ready for trial on the merits and neither party demanding a jury the court proceeded with the trial of said cause, and the court having heard the pleadings the evidence and argument of counsel in said cause and having duly considered the same it is considered adjudged and ordered by the court that the plaintiff The State of Texas, do have and recover of and from the defendants F. L. Busch William Westhoff. D. A. Ragan and H. Paepcke the sum of Two thousand = and Seven hundred and forty 9⅟100 dollars. ($2740.95) together with all costs in this behalf expended for all which let execution issue. and it further appearing to the court that the defendant F. L. Busch is the principal in the official bond sued on in this cause and that said defendants. W. Westhoff. D. A. Ragan and H. Paepcke executed said bond as sureties. and as such are entitled to the benefit of the Statute in such case made and provided. it is therefore further considered adjudged and ordered by the court that the Sheriff levy the execution issued on this judgment first upon the property of said F. L. Busch subject to execution before a levy shall be made upon the property of said sureties or of either of them. and it is further considered adjudged and ordered by the court that in case said sureties or any of them shall make any payment on this judgment by reason of their suretyship on said official bond. this judgment shall not thereby be discharged but shall remain in full force against said F. L. Busch and shall be prosecuted to execution for the use of said sureties or of any of them making such payment to the amount of the same, and it is further ordered by the court that execution may issue on behalf of the officers of this court for all costs in this behalf incurred.

The State of Texas. vs H. P. Garrington et al. On this the 31st day of January A. D 1881, came the plaintiff and defendants by their attorneys. and announce themselves ready for trial and waive a jury and submit the matters in controversy as well of fact as of law to the court. and the pleadings evidence and

No 5568. Texas Point F. L. Busch and his sureties W. Westhoff H. Paepcke and D. A. Ragan

Rec'd on this 31, 1881 the within & foregoing Transcript from the District Court of Jefferson County Texas and filed same day and date with the District Clerk of said County

Oscar Holmes Atty for State

No 5507.

January 31st 1881.

argument of Counsel having been heard and fully understood, it is considered ordered adjudged and decreed by the court that the plaintiff, The State of Texas do have and recover of and from the defendants. H. P. Garrington. Maria W. Perry Wm B. McElvany and J. W. Riddle, the sum of Four hundred and twenty two and 25/100 dollars. ($422.25) with interest thereon at the rate of eight per centum per annum together with all costs in this behalf expended for which execution may issue

15504. The State of Texas. vs J. A. Hardin et al, On This the 31st day of January A.D. 1881 came the plaintiff by Attorney and suggested to the Court the death of the defendant E. T. Seale, and dismissed this cause as to the said deceased defendant, and announced ready for trial as to the balance of the defendants, and the balance of said defendants appeared by Attorney. and announced ready for trial. and a jury being waived by the parties the matters in issue were submitted to the court and the Court after hearing the pleadings evidence and Argument of Counsel is of opinion that the law is with the plaintiff, it is therefore ordered adjudged considered and decreed by the Court, that the plaintiff the State of Texas do have and recover of and from the defendants, J. A. Hardin. Solomon Wright. Sharod Wright. A. Wright. George. L. Rich and E. W. Brown the sum of twenty five hundred and seventy three 08/100 ($2573.08) dollars with interest thereon from this date until paid at the rate of eight per centum per annum and all costs in this cause expended for which execution may issue, It further appearing to the court that the defendants Solomon Wright. Sharod Wright. A. Wright. George, L. Rich and E. W. Brown are sureties on the official bond of the defendant J. A. Hardin, It is therefore ordered by the court that the Sheriff shall first levy the execution issued upon this judgment upon the property of the principal J. A. Hardin if a sufficiency of his property can be found in Travis County Texas. subject to execution before the same shall be levied upon any of the property of said sureties, It is further ordered by the Court that the said sureties shall have a judgment over against the said principal for whatever amount they or either of them may pay upon this judgment, and that if one of said sureties shall be required to pay more than his pro rata share of this judgment then it is further ordered that he shall have judgment against his co-sureties herein for their contributive portion, and that execution shall issue in favor of said sureties or any of them to carry out the terms of this judgment.

Court adjourned till tomorrow morning 9 o'clock

Febuary 1st 1881

Court met pursuant to adjournment. Present same as on first day. And there being no minutes to be recorded of this date Court adjourned till tomorrow morning 9 o'clock.

Febuary 2nd 1881.

Court met pursuant to adjournment, Present same as on first day Whereupon the following proceedings were had viz:

15564. John Hancock & Lewis Hancock. vs R. Kaumache et al. It is ordered by the court that the judgment by default heretofore taken in this cause as

Febuary 2nd 1881.

to the defendants Deals be and the same is hereby set aside.

J. T. Chandler vs H. C. Cain & Annie Hillsman. It is ordered that 5523.
Plaintiff have leave to file 1st Supplemental petition.

Andrew Batte. vs Ross & Harris. On this the 31st day of January A.D. 1881. 5560.
the above entitled and numbered cause coming on to be heard in open court in its regular order for trial and both parties the plaintiffs and the defendants by their counsel announced ready for trial upon the questions of law in the case as presented by the demurrers. Whereupon the defendants by their counsel presented their General and special demurrers to plaintiffs original petition to the court and after hearing the same and argument thereon and fully understanding the same the court overruled the said demurrers to which ruling the defendants by their attorney excepted. Whereupon the plaintiff by his counsel presented his general and special demurrers contained in his First Supplemental petition to the original Answer of defendants, and the Court after hearing the same and argument thereon and fully understanding the same overruled said demurrers to which ruling plaintiff by his attorney excepted, Whereupon the said said plaintiff by his attorney John Dowell Esq and the defendants by their attorneys Mrs. Hancock & Watt announced ready for trial. Whereupon came a jury of twelve good and lawful men of Travis County Texas to-wit: J. P. Rodney and eleven others who were empannelled and sworn according to law, who after hearing the pleadings evidence and argument of counsel and having received the charge of the Court retired to consider of their Verdict and after due deliberation thereof on 2nd day of February A.D. 1881 returned into open Court the following Verdict to-wit: "We the Jury find for the plaintiff One hundred and Fifty dollars. J. P. Rodney Foreman" as their Verdict in this cause. Whereupon it is ordered adjudged and decreed by the Court that the plaintiff in this cause Andrew Batte do have and recover of and from the defendants in this cause Ross & Harris a firm composed of John Ross and R. L. Harris as partners and members thereof the Sum of One Hundred and Fifty ($150.00) dollars and all costs in this behalf expended. For all of which Execution will issue

Court adjourned till tomorrow morning 9 O'clock.

Febuary 3d 1881

Court met pursuant to adjournment. Present same as on first day Whereupon the following proceedings were had viz:

John & Lewis Hancock vs R. Rammacher et al. Upon motion of defendant J. R. 5564
Billingsly's atty in this case, it is ordered by the court that the judgment by default heretofore entered in this case against said Billingsly be and the same is hereby set aside.

Myra M. Campbell vs August S. Kinchloe et al. It is ordered by the court 5425
that Tom Murrah and J. B. Barron be appointed in the place and stead of Wm Von Rosenberg and Joseph Spence who were heretofore appointed with Dennis Corwin by the court as Commissioners to partition the land in this case the said Von Rosenberg & Spence having been excused by the court.

It was this day ordered by the Court that Joe H. Stewart Esq Fine
an attorney of this court be and he is hereby fined in the sum of $50.00 Fifty vs
dollars. for contempt of court and that the State of Texas do have J. H. Stewart

Febuary 3d 1881

and recover of and from the said Joe H. Stewart the said sum of ($50.00) fifty dollars and costs and that the clerk of this court issue a capias for the collection of said fine. against said Stewart,
Court adjourned till tomorrow morning 9 O'clock.

Febuary 4th 1881

Court met pursuant to adjournment, Present same as on first day Whereupon the following proceedings were had viz:

Joe H. Stewart. vs Int & G. N. R. R. Co. } And now on this day this cause coming on for trial the parties came by attorneys & announced ready for trial, and a jury having been demanded thereupon came a jury of twelve good and lawful men of Travis county to wit: Jno. W. Blue and eleven others who being duly elected tried impannelled and sworn according to law after hearing the evidence and argument of counsel retired under the charge of the court to consider of their verdict and after deliberation returned into court the following verdict to wit: "Jury Room, Austin Tx Feby 4th 1881, We the jury find for the plaintiff in the sum of Fifteen hundred and twenty five dollars damages. Jno. W. Blue Forman" It is therefore ordered adjudged and decreed by the court that the plaintiff Joe H Stewart do have and recover of and from the defendant the International and Great Northern Rail Road Company the sum of ($1525.00) Fifteen hundred and twenty five dollars together with all costs of this suit for which execution shall issue.

W. P. Bullery et al vs Jonpt Taylor. } Upon motion of plaintiffs attorney John Dowell Esq it is ordered by the court that plaintiff have leave to withdraw the original petition filed in this case,

James E. Boulden Exect vs. L. B. Giles et al. Upon motion of Pffs Atty it was ordered that plaintiff have leave to file first amended petition & further leave given to plaintiff to file 1st supplemental petition.

John Rooney vs. Henry Kammacher & Wm M. Wilson. It was this day ordered that plaintiff have leave to file first amended petition & that deft have leave to file first supplemental answer:

James E. Boulden Exec. vs L. B. Giles. Both parties being this day present in open court came on to be heard the defendants demurrer & exceptions to plaintiffs petition & the court having duly considered said demurrer & exceptions, overruled the same to which ruling the defendant excepted, and thereupon the plaintiffs exception to the defendants answer were by the court overruled and the said plaintiff excepted to such ruling.

John Rooney vs Henry Kammacher & William M Wilson
Now on this day this cause coming on to be heard the plaintiff as well as the defendants appeared in person and by counsel and both parties having announced ready for trial a Jury of twelve good and lawfull Jurors of Travis County Texas to wit H. Clay Eanes and eleven others wereduly

empannelled and sworn to try said Cause and after hearing the evidence and argument of Counsel and receiving the charge of the Court retured to the Jury room and after due deliberation returned into Court the following verdict to wit "We the Jury find for the plaintiff the sum of $3000.00 Tho H. Clay Caves forman" and said verdict having been read by the clerk of said Court in the presence of the Court and in the presence and hearing of said Jury whereupon the Court asked said Jury "is this your verdict" to which said Jurors each for himself responded in the affermative. It is therefore ordered decreed & adjudged by the court that the plaintiff John Rooney do have and recover of and from the defendants Henry Kammacher & William M. Nelson the sum of Three thousand (3000) dollars with interest thereon from the date hereof at eight per cent per annum together with all costs of Court in this behalf expended for which Execution may issue

Whereupon Court adjourned till tomorrow morning 9 o'clock

February 5th A.D. 1881

Court met pursuant to adjournment present same as 1st day whereupon the following proceedings were had to wit-

James E Boulden Ex. Vs S B Giles et al V5381

On this day the above entitled cause being called for trial the parties appeared by their attorneys and announced ready. Whereupon came a Jury of twelve good and lawfull men who being empannelled and sworn in the manner required by law and who after hearing the pleadings evidence argument of Counsel & Charge of the Court retired to consider of their verdict and afterwards on the same day returned into open Court the following verdict to wit " Austin Texas Feb. 5th 1881 " We the Jury find in favor of the defendant S B Giles. J W. McKnight forman" V55

It is therefore considered ordered decred and adjudged by the Court that the plaintiff take nothing by this suit and that the defendants Samuel B Giles A.D McGinnis & Nancy A McGinnis do go hence without day and that they each recover from the said plaintiff all the costs of this suit for which execution may issue. It appearing to the Court that this is a suit for partition brought by the plaintiff James E Boulden as executor of the last will and testament of James E Boulden deceased against the defendants Samuel B. Giles A.D McGinnis & Nancy A McGinnis for the partition of five hundred & fifty acres of land situated in Travis County State of Texas and known & described as follows to wit.: two certain tracts of land both being part of the M Castro league the first of said tracts of land Containing Three hundred & fifty acres and being bounded as follows to wit Beginning at a stake 431 3/4 varas S 60° E from the centre of the McCastro league thence S 30° W 2916 varas to a stake thence

S 60° E 677½ varas thence N 30° E 2916 varas thence N 60° W 677½ varas said tract being bounded on the East by the Stephen Boyce tract. The second of said tracts of land containing two hundred acres of land bounded as follows to wit: Beginning at the centre of the M Castro league thence S 60° W 451 3/4 varas thence S 30° W 2500 varas thence N 60° W 451 3/4 varas thence N. 30° E 2500 varas to the place of beginning. and it further appearing to the Court that the defendants A D McGinnis & Nancy A McGinnis filed disclaimer to any interest in either of said two tracts of land and that the defendant Samuel B. Giles is in possession thereof. It is therefore Considered ordered adjudged & decreed by the Court that the defendant Samuel B Giles do have and recover of and from the said plaintiff James E Boulden Exr as aforesaid and the defendants A D McGinnis and Nancy A McGinnis the title to the two above described tracts of land and that he be forever quieted in his possession thereof.

Whereupon Court adjourned till Monday Morning 10 Oclock.

Febuary 7th 8th 9th 1881.

Court met each day pursuant to adjournment. Present same as on first day. and this being no Civil minutes to be recorded of the above dates Court adjourned till tomorrow morning 9 Oclock.

Febuary 10th 1881.

Court met pursuant to adjournment. Present same as on first day Whereupon the following proceedings were had viz:

5563. J. C. T. Philps vs Wesley Johnston & Upton Swingley } In this case appeared the plaintiff by his attorney, and the defendants failing to appear in person or by attorney: and it appearing to the court that the defendants, Wesley Johnston and Upton Swingley have been legally served with process in this cause; and it further appearing to the court that both of said defendants have filed their answers admitting the charges and allegations in plaintiffs petition to be true: and after hearing the evidence in the case, and it appearing that the allegations in the petition are true. it is ordered adjudged and decreed by the Court that the defendant Wesley Johnston is entitled to and is the legal and equitable owner of an undivided two ninths (2/9) of Lot No one (1) in Block No 83 in the City of Austin in the County of Travis and State of Texas fronting on Congress Avenue in said City of Austin. That the estate of John Philps dec'd is the legal and equitable owner of an undivided three ninths (3/9) of said lot and improvements. and that the plaintiff J. C. T. Philps is the legal an equitable owner of an undivided interest of Four ninths (4/9) of said lot and improvements: and it further appearing to the court that the parties have a right to a partition of said lot and improvements. It is therefore adjudged and decreed by the Court that the plaintiff do have partition as prayed for. and that partition be made allotting to each owner his interest in severalty

Febuary 10th 1881

and it is further ordred by the court that Joseph Harvell. Ed Covary and E. F. Moore be and they are hereby appointed Commissioners to inspect said lot and improvments and if in their judgment it can be divided between said parties without prejudice to either party then to partition the same and report their action to the present term of this court. but if they find that said property cannot be divided, then they will so report to this term of the Court. Court adjourned till tomorrow morning 10 O'clock.

Febuary 11th 1881

Court met pursuant to adjournment. Present same as on first day. and there being no business transacted of this date court adjourned till tomorrow morning 10 O'clock.

Febuary 12th 1881.

Court met pursuant to adjournment. Present same as on first day, whereupon the following proceedings were had viz:

Ernst Friedrich August Matusczahl. Ex parte. - This day came on to be heard the petition of Ernst Friedrich August Matusczahl a resident of Travis County Texas to change his name to be hereafter "E. F. A Martin" And the court being fully satisfied by the introduction of documentary proof and by the evidence of witnesses that the petitioner is the identical person he represents himself to be to wit: Ernst Friedrich August Matusczahl born on the 9th day of August A.D 1852 in the town of Corsburg in the Kingdom of Prussia, the son of Gottfried Conrad Matusczahl and of Christiana Friederika Matusczahl. formerly Bloedorn, and the court being further of the opinion that the desired change of name would be for the benefit of petitioner; it was ordered adjudged and decreed by the court that his name be changed as desired, and that his lawful name shall hereafter be Ernst Friedrich August Martin. and further ordred that petitioner pay all costs herein accrued for which execution may issue. √5586.

The State of Texas vs R. H. Peale Et al. } On this the 12th day of Febuary A.D. 1881. Came the plaintiff and the defendants by their attorneys and both parties announced ready for trial and waive a jury and submit the matters in controversy as well of fact as of law to the court. and the pleadings evidence and argument of counsel having been heard and fully understood it is considered ordered adjudged and decreed by the court that the plaintiff the State of Texas do have and recover of and from the defendants R. H. Peale. J. A. Weaver J. P. Elliott and L. E. Harley the sum of Two thousand one hundred and ninety five & 68/100 Dollars with interest thereon from this date at the rate of eight per cent per annum together with all costs in this behalf expended and that plaintiff have his execution. And it appearing to the court that the defendant R. H. Peale is the principal in the official bond sued on in this cause, and that the said defendants. J. A. Weaver. J. P. Elliott and L. E. Harley executed √5566, Ex Docket No 5 - p 89 √552 √553

said bond as suities and as such suities are intitled to the benefit of the Statute in such cases made and provided, it is therefore further ordered adjudged and decred by the court that the Shiff levy the execution issued by virtue of this judgment first upon the propuity of the said R. H. Beale subject to execution and situate in the county of Travis before a levy shall be made upon the propuity of said suities or of any of them, provided so much propuity of the said R. H. Beale subject to execution shall be found in said Travis county as will be sufficient to make the amount of said execution, otherwise the levy thereof to be made on the propuity of the said R. H Beale that may be found if any and upon so much of the poopuity of said suities as may be necessary to make the amount of said execution. And it is further ordered adjudged and decred by the court that in case said suities or any of them shall make any payment which is applied on this judgment by reason of their suityship on said official bond this judgment shall not be discharged by such payment but shall remain in full force and be procedded to execution for the use of said suities or any of them making such payment to the amount of such payment and interest thereon. And it is further ordered, adjudged, and decred by the court that in case this judgment is paid by the said or any of them, and one or more of said suities fails to pay his proportionate part of this judgment and in consequence of such failure one or more of said suities is compelled to pay more than his proportionate part of said judgment then execution may issue against the said R. H. Beale for the use of the suity or suities who has paid more than his proportionate part of said judgment for the whole amount paid by him and interest thereon and also against his Co-suities for their poopportionate part of the excess so paid by him and interest thereon. And it is further ordered that execution may issue on behalf of the officers of the court against all of said defendants for all costs in this behalf incurred.

Ed W. Shands. vs Millin Wallace. } Both parties being this day present in open court came on to be heard plaintiffs motion to set aside the judgment of non suit heretofore taken in this cause and to reinstate the same. Which motion being fully considered by the court and fully understood was granted. and ordered that said cause be reinstated upon the docket of this court. And further ordered by the court that the plaintiff pay all costs of this term of the court for which execution may issue.

Andrew Ballew. vs Ross v. Harris } Both parties being this day present in open court by attorneys the plaintiff by attorney withdraws his motion for a new trial in this cause heretofore filed. and coming on to be heard the defendants motion for a new trial in this behalf. and the same having been duly considered and fully understood by the court said motion was by the court overruled to which ruling of the court the defendant then excepted and gave notice in open court of appeal to the Supreme Court.

Court adjourned till Monday Morning 10 oclock

Monday Feb'y 14th 1881.

Court met pursuant to adjournment. Present same as on first day Whereupon the following proceedings were had viz:

Mary A. Lively & husband vs J. W. Hannig. Set for March 14th 1881 5-5-78.

Court adjourned till tomorrow morning 9 O'clock.

Feb'y 15th 1881.

Court met pursuant to adjournment. Present same as on first day, and thereupon no civil minutes to be recorded of this date court adjourned till tomorrow morning 9 O'clock.

Feb'y 16th 1881

Court met pursuant to adjournment. Present same as on first day, Whereupon the following proceedings were had viz:

Myra M. Campbell vs August D. Kinchloe et al } It is ordered by the court upon the suggestion of Plaintiffs attorney that J. E. Campbell and Jno. B. Lubbock, with James. B. Barron heretofore appointed, be and the same are hereby designated and appointed Commissioners to partition the property in this cause Dennis Corrigan and Tom Murrah two of the commissioners heretofore appointed by the court being unable to serve. 5425-

Court adjourned till tomorrow morning 9 O'clock

Feb'y 17th 1881

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings were had viz:

J. C. T. Phelps vs Upton Donnigsby et al. } In the above stated cause the Commissioners appointed to partition the property described in the pleadings according to the order, judgment and decree of this court having reported that said property cannot be divided without injury to the interest of all parties in said property, and the court being satisfied that said report is correct. It is therefore ordered adjudged and decreed by the court that Henry E. Shelley be, and that he is hereby appointed a Special Commissioner to proceed to sell at the Court House door on the 1st Tuesday in June after advertising the same (20) twenty days in (3) three public places the aforesaid Lot No 1 in Block 83, in the City of Austin Travis County Texas, to the highest bidder. for one third cash and the balance payable in one and two years from date of sale with interest at six per cent per annum until paid. It is further ordered that the said Commissioner pay out of the one third cash received by him on the sale of said property all the costs of this suit including his Commissions fee, and that he return into Court the balance of said cash to be divided between the parties to this suit according to their respective interest: and that he make a deed to the purchaser of said property, retaining a Vendors lien on said property to secure the deferred payments with power to release it when the money is paid in full: and from time to time as the deferred payments shall be collected the said Commissioner shall return 5-5-63

Febuary 17th 1881.

the same to be divided in accordance with the interests respectively of the parties as as entained in the original decree, commissions fixed at on per cent for selling and collecting and paying over the proceeds.

Court adjourned till tomorrow morning 9 Oclock.

Febuary 18th 1881

Court met pursuant to adjournment, Present same as on first day Whereupon the following proceedings were had Viz:

The State of Texas, } On this day came on to be heard the defendants motion
vs } to correct the judgment final in this case, and it appearing
Wm Poe et al. } to the court that this motion is based upon an alleged
parol agreement, it was ordered by the court that this motion be and the same is hereby overuled,

The State of Texas, } On this day came on to be heard the defendants
vs } motion to correct the judgment final in this case and
Wm Poe et al } it appearing to the court that this motion is based upon an alleged parol agreement, it was ordered by the court that this motion be and the same is hereby overuled,

Wm D. Rolfe } On accordance with the following agreement of
vs } counsel on this day filed in this court viz: The State
L. J. Du Poe } of Texas, County of Travis SS. In the District court of Travis County. William D. Rolfe vs L. J. Du Poe et al. No 5409. Whereas the Hon A. S Walker Judge of the 16th Judicial District of the State of Texas having been of counsel in this cause is disqualified from as Judge. It is therefore agreed that Jno A. Green a practicing attorney of this court may act as Judge in this cause and he is by us selected for that purpose Feby 18. 1881. A. W. Terrell, Shirks & Reed Attys for the plaintiff. Joe H. Stewart; Carleton & Morris for deft.

The Honorable John A. Green did qualify as Special Judge in this case by taking the following oath of office viz: Oath of office:

I, John A. Green do solemnly swear that I will faithfully and impartially discharge and perform all the duties incumbent upon me as Special Judge of the District Court of Travis County appointed for the trial of the cause Wm D. Rolfe Supt &c. vs L. J. Du Poe et al according to the best of my skill and ability agreeably to the Constitution and laws of the United States and of this State: and I do further solemnly swear that since the adoption of the Constitution of this State. I, being a citizen of this State, have not fought a duel with deadly weapons, within this State nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons nor have I acted as second in carrying a challenge, or aided, advised, or assisted any person this offending: and I further more solemnly swear, that I have not directly nor indirectly, paid, offered or promised to pay, contributed nor promised to contribute any money or valuable thing, or promised any public office or employment as a reward for the giving or withholding a vote at the election at which I was elected. So help me God. — Jno A. Green

Sworn to and subscribed before me, this 18th day of Febuary 1881

Fibuary 18th 1881

Hallmann &Hk. Dist Court Travis Co Texas. (L. S)
And thereupon it was ordered by the court that defts L J. Du Pre have leave to file 3d amended original answer, and Miriam Du Pre has leave to answer as intervenor, and further ordered by the court that this case be set for trial for tomorrow the 19th inst 2 oclock P M.
Court adjourned till tomorrow morning 10 oclock

Fibuary 19th 1881

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

Jos H. Stewart
vs
Int & Great Northern R. R Co } The motion of defendants for a new trial in this case having been submitted to the court upon the 12th day of Fibuary A.D. 1881 of this term, of the court and the same having been duly considered and fully understood said motion was by the court overruled. To which ruling of the court defendants by counsel excepted and gave in open court notice of appeal to the Supreme Court. 1H 973.

James E. Boulden Ex
vs
D. D. Giles et al } The motion of plaintiff for a new trial in this case having been submitted to the court upon the 14th day of Fibuary 1881 of this term of the court and the same having been duly considered and fully understood said motion was this day by the court overruled. To which ruling of the court Plaintiff by counsel excepted and gave notice in open court of Appeal to the Supreme Court. on this day 1538

Court adjourned till Monday Morning 10 Oclock.

Fibuary 21.. 22.. 23d 1881.

Court met each day pursuant to adjournment. And there being no civil minutes of the above dates to enter. Court adjourned the 23d inst till tomorrow morning 10 oclock.

Fibuary 24th 1881,

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had,

The State of Texas
vs
Alexander Coker et al } Upon motion of Plaintiffs attorney, and it appearing to the court that this suit has been settled and all costs paid, it is ordered by the court that this case be and the same is hereby dismissed. 1536

Wm S. Ridge Supt &c.
vs
L. J. Du Pre & Wife } Hon Jno A. Green Special Judge presiding— On this Fibuary 19th 1881. this case being again called for trial it was ordered by the court that plaintiff have leave to file 1st amended Supplemental petition and defendant and intervenor has leave to file 1st Supplemental answer, and thereupon came on to be heard defendants demurrer to plaintiffs amended original petition. which after being heard and fully understood said demurrer was by the court overruled. to which ruling of the court 1409.

Fbuary 24th 1881.

defendants exception, and then came on to be heard Defendants and Intervenors exceptions to plaintiffs amended 1st Supplemental petition, which being heard and fully understood said exception were by the court overruled. Thereupon both parties announced themselves ready for trial, and a jury of twelve good and lawful men of Travis County were empannelled and sworn according to law, who after hearing the pleadings evidence and argument of counsel and being duly charged by the court retired to consider of their verdict; and on this 24th day of Fbuary 1881. said jury returned into open court and stated to the court that they were unable to agree upon a verdict in this case, it was therefore ordered by the court that a mistrial be entered herein and said jury discharged.

Court adjourned till tomorrow morning 9 O'clock

Fbuary 25th and 26th 1881.

Court met each day pursuant to adjournment. Present same as on first day. and there being no civil minutes to be recorded of the above dates. Court adjourned till Monday morning 9 O'clocks.

Fbuary 28th and March 1st 1881.

Court met each day pursuant to adjournment. Present same as on first day and there being no civil minutes to be recorded of the above dates court adjourned till Thursday morning March 3d 9 o'clock.

March 3d 1881.

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

5562. The State of Texas, vs G. W. M. Duck et al } Upon motion of Plaintiffs attorney and it appearing to the satisfaction of the court that this case has been settled and all costs paid it is ordered that the same be and is hereby dismissed.

Court adjourned till tomorrow morning 9 O'clock

March 4th 1881

Court met pursuant to adjournment. Present same as on first day and there being no civil minutes to be recorded of this date court adjourned till tomorrow morning 9 o'clock.

March 5th 1881

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

409. 5540. Jane Miller vs George Miller } This cause being this day called for trial came the plaintiff by atty. and E. T. Moore Esq was appointed by the court to represent the absent defendant who has answered and waived service in this behalf. and no jury having been demanded the cause was tried by the court; on the merits; the said parties submit the matters in controversy as well of law as of fact to the court and the pleadings evidence and argument of counsel having been

March 5th 1881

heard and fully understood by the court and it being found by the court that the material facts alleged in plaintiffs petition are true. it is considered ordered adjudged and decreed by the court that the bonds of matrimony heretofore existing between the plaintiff Jane Miller and the defendant George Miller be and the same are forever dissolved and that the plaintiff Jane Miller pay all costs in this behalf expended for which execution may issue. Court adjourned till Monday morning 10 oclock

Monday March 7th 1881

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

It is ordered by the court that the jury Commissioners now in session draw a panel of twenty four men to serve as jurors for the week commencing March 14th 1881 order for special jury

Anne Sims vs Thomas Sims } This cause being called for trial came the plaintiff by her attorney and announced ready for trial. and the defendant although duly served with process came not and thereupon the court appointed D. W. Doom Esq to represent the absent defendant, who announced ready for trial. and no jury having been demanded by either party the matters in controversy as well of law as of fact was submitted to the court and the pleadings and evidence having been heard and fully understood by the court. it is the opinion of the court that the material facts alledged in plaintiffs petition are true. it is therefore ordered adjudged and decreed by the court that the bonds of matrimony heretofore existing between the plaintiff Anne Sims and the defendant Thomas Sims be and the same are forever dissolved. V-372.

The State of Texas vs J. F. Stindeback et al } On this the 8th day of March A D 1881 came the plaintiff by her attorneys and the defendants J. F. Stindeback. W. Stiffarm A. W. Barr after being duly cited as required by law having failed to appear and answer in this behalf but wholly made default. Wherefore the plaintiff ought to recover against the said defendants by damages by occasion of the premises. and the defendants W. Diebitt and Henry Wendler having filed their answer and appeared by their attorney both parties announced themselves ready for trial and waived a jury and submit the matters in issue as well of fact as of law to the court. and the pleadings evidence and argument of counsel having been heard and fully understood by the court it is considered ordered adjudged and decreed by the court that the plaintiff the State of Texas do have and recover of and from the defendant J. F. Stindeback the sum of V-3498.

Six thousand five hundred and eighty and 50/100 dollars with interest thereon from this date until paid at the rate of eight per cent per annum together with all costs of suit for which execution may issue: and that the said plaintiff the State of Texas do have and recover of and from the defendants W. Dietert W. Steffner A. W. Barr and Henry Wendler jointly and severally the sum of Three thousand dollars ($3000.00) with interest thereon from this date until paid at the rate of eight per cent per annum together with all costs of suit for which execution may issue. It is further ordered adjudged and decreed that this judgment and execution issued thereon shall be discharged and satisfied as against all the defendants upon the payment of the said sum of six thousand five hundred and eighty & 50/100 dollars and the interest which may have accrued thereon and costs of suit and shall be discharged and satisfied as against said defendants or any of them upon the payment by them or any of them of the amount with interest and costs of suit for which judgment is herein rendered against them or any of them so that the said plaintiff shall not recover from all the defendants any greater sum than the said sum of Six thousand five hundred and eighty and 50/100 dollars and the interest which may accrue thereon and costs nor from any of the defendants any greater sum than the amount of the judgment rendered herein against him and the interest which may accrue thereon and costs of suit. And it further appearing to the court that the defendant J. F. Studebach is the principal in the official bond and on in this cause, and that the said defendants W. Dietert, W. Steffner A. W. Barr and Henry Wendler executed said bond as sureties, and as such sureties are entitled to the benefit of the Statute in such cases made and provided it is therefore further ordered adjudged and decreed by the court that the Sheriff levy the execution issued by virtue of this judgment first upon the property of the said J. F. Studebach subject to execution and situate in the County of Travis before a levy shall be made upon the property of said sureties or any of them provided so much property of the said J. F. Studebach subject to execution shall be found in said Travis County as will be sufficient to make the amount of said execution otherwise the levy thereof to be made on the property of the said J. F. Studebach that may be found, if any, and upon so much of the property of said sureties or of any of them as may be necessary to make the amount of said execution against them. And it is further ordered, adjudged and decreed by the court that in case said sureties or any of them shall make any payment which is applied on this judgment by reason of their suretyship on said official bond this judgment shall not be discharged by such payment but shall remain in full force and be prosecuted to execution against the said J. F. Studebach for the use of said sureties or any of them making such payment to the amount of such payment and interest thereon. And it is further ordered adjudged and decreed by the court that in case this judgment is paid by the said sureties or any of them, and on

March 8th 1881

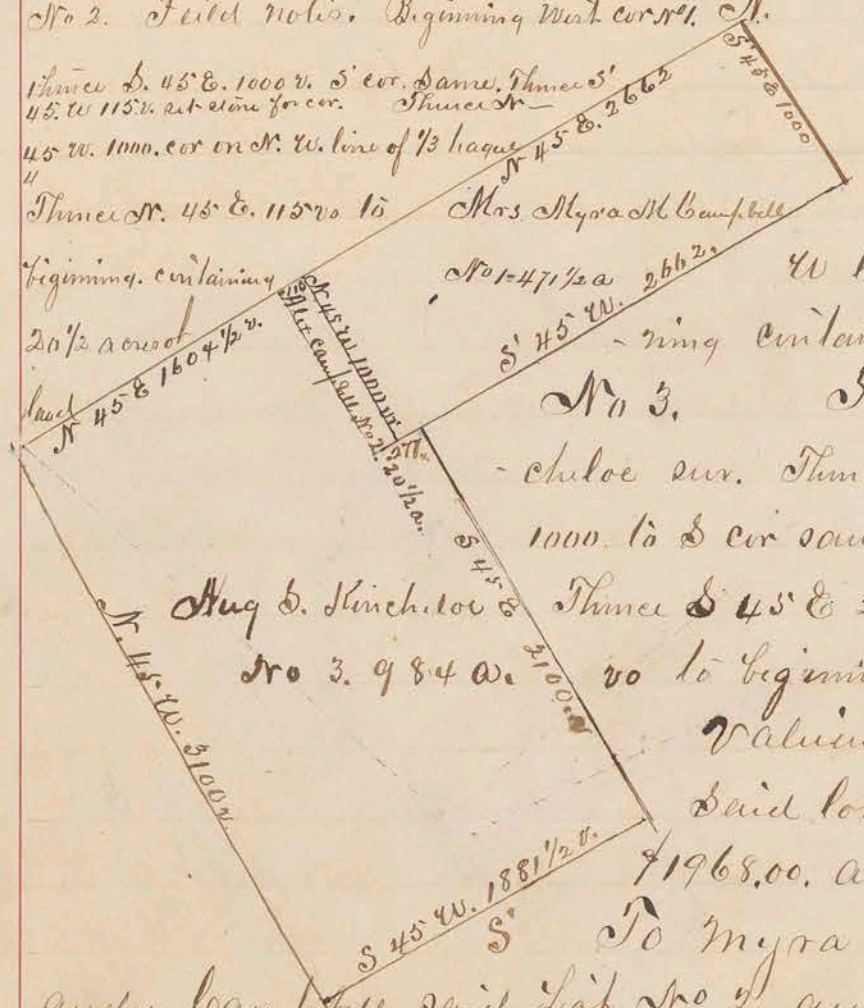
or more of said suitors fails to pay his proportionate part of this judgment and in consequence of such failure one or more of such suitors is compelled to pay more than his proportionate part of said judgment this execution may issue against the said J F. Shuckbach for the use of the suitors or suitor who has paid more than his proportionate part of said judgment for the whole amount paid by him and interest thereon and also against his co suitors for their proportionate part of the excess so paid by him and interest thereon. And it is further ordered that execution may issue on behalf of the officers of this court for all costs in this behalf incurred.

Myra. M. Campbell et al vs August. S. Nicholoc et al } Now on this the 5th day of March A D 1881 comes the plaintiffs by their attorney and move this court to confirm the report of John E. Campbell and John. B. Lubbock Commissioners appointed by this court to partition the real estate discribed in the decree rendered in this cause on the 6th day of January A.D. 1881 among the parties thereto and said Commissioners having on the 26th day of January 1881 filed their report of said partition, which is as follows, to wit: Myra. M. Campbell et al vs Aug. S. Nicholoc et al. In the District Court of Travis County State of Texas. To the Hon A. S Walker Judge of said Court.

The undersigned Commissioners appointed by your Honor to make partition of the following tract of land viz: one third of a league lying in the County of Travis and State of Texas granted by the State of Texas to Augustus Nicholoc by letters patent No 198 vol 6 dated September 14th 1847 particularly discribed as follows viz: Commencing on the west boundary line of No 1 at a stake from which a mesquite tree inches in diameter marked X bears South 12° West 15 varas, another 6 inches in diameter bears South 78° West 10 varas: Thence South 45° West 250 varas to a branch, runs North East 1881 7/10 vars to a stake from which a mesquite tree South 3° East 30 varas, another tree south 43° East 6 varas; Thence North 45° West 3100 varas to a stake and mound. Thence North 45° East 4381 7/10 varas to a stake and mound on No 2 made for H. W. Glasscock assigne. Thence South 45° East 1000 varas to the North corner of No 1. Thence South 45° West 2500 varas to the North West corner of No 1. Thence South 45° East 2100 varas to the beginning between Myra M Campbell Alexander Campbell and Augustus. S. Nicholoc. beg leave to report that in obedience to the order contained in the writ of partition issued in the above entitled cause they went upon said land and after due examination and view of the same subdivided the same into three several tracts as represented on the following plat, said lots or tracts being numbered respectively "1" "2" & "3" and described by mets and bounds with the field notes and number of acres marked thereon viz:

5425; Exec. Book No 5 page 96

March 8th 1881.



No 2. Field notes. Beginning West cor No 1. N.

No 1 Field notes. Beginning at N cor of A. Kinchloe 1/3 league cor. Thence S 45 E. 1000 v. E cor same. Thence S 45° W 2662. vs to Ste line for corner, Thence N 45° W 1000 v cor on N. W line said 1/3 league. Thence N 45° E 2662 v to beginning containing 47 1/2 acres of land.

No 3. Field notes. Beginning at W. cor of Aug Kinchloe cor. Thence N 45° E. 1604 1/2 to W cor No 2. Thence S 45° E. 1000 to S cor same. Thence N 30 E 277. vs to E cor 1/3 league cor, Thence S 45° E 2100 to an E cor same. Thence N 45° W 3100 vs to beginning, containing 984. acres of land,

Valuing said lot 1 at the Sum of $943.00. Said lot No 2 at $141.00. and said lot No 3 at $1968.00. and allotting the same as follows. Viz:

To Myra M. Campbell said lot No 1. to said Alexander Campbell said Lot No 2. and to said Augustus S. Kinchloe said Lot No 3. having in such subdivision and allotment given due consideration to the situation. quantity and advantages of each of said lots. and the relative value of the same, They further report that in this judgment said subdivision and allotment is an equitable and just division of said land between the parties interested thein in proportion to their several interests as declared in the decree of the Hon District Court of Travis County bearing date the 6th day of January 1881. and having fully performed their duty in this regard said Commissioners hereby submit their report and ask that they be discharged with an allowance of reasonable compensation. Jno E. Campbell

Jno B. Zubbock Comrs.

Sworn to before me by Jno E. Campbell and Jno B Zubbock on the 26th day of Febuary A D 1881. E Hallmann Clk D.C. T. C.,

And the Court having duly considered the same doth adjudge and decree that the same be in all things confirmed, The Court doth further order and decree that the title to lot No 1 as described in said report be declared fully vested in Myra. M. Campbell, the title to lot No 2. as described in said report in Alexander Campbell and the title to Lot No 3. as described in said report in Augustus. S. Kinchloe, The Court doth further order and decree that each and all of said parties be divested of all right title and interest in all parts of said land except the particular tracts or lots decreed to them severally as aforesaid. except as to the life estate of the said Myra. M. Campbell in said lots No 2. and 3 which remains vested in her as the same was vested prior to this decree, The Court doth further order and decree that the costs of this suit be paid by the several parties thereto in proportion as follows viz: Myra. M. Campbell Seven thirty fourths, Alexander Campbell one thirty fourth and August. S. Kinchloe Sixteen thirty fourths.

√5523.

Decree. dock No 5 page 97

J. T. Chandler vs H. C. Cain and Annie Hillsman

On this day came the parties, the plaintiff J. T. Chandler in person and by his attorneys. Chandler and McGregor, and the defendants. H. C. Cain and Annie Hillsman in person and by their attorneys

March 8th 1881.

J. W. Robertson and severally announced themselves ready for trial. and thereupon came a jury of twelve good and lawful men to wit: J. W. Berry and eleven others who being duly elected empanelled and sworn according to law, after hearing the pleadings, evidence, argument of counsel and charge of the court retired to consider of their verdict, and thereafter the said Jury returned into open court the following verdict to wit: "We the Jury find verdict for defendant. March 8th 1881, J. W. Berry Foreman" and the same being by the court in all things approved and ordered to be filed, it is thereupon considered ordered and adjudged by the court that the plaintiff J. T. Chandler take nothing by his said suit, and that the said defendants do have and recover of the said plaintiff all their costs in this behalf expended. 155
And it further appearing to the court that the levy upon and sale of the premises in controversy by the Sheriff of Travis county by virtue of an execution in favor of F. W. Chandler and against Warren J. Hill issued by Joseph Lee a Justice of the Peace for precinct No 3. of Travis county upon a judgment rendered by said Justice of the Peace on De- cember 19th 1879. was unauthorized by law and that the Sheriffs deed to plaintiff in pursuance of said sale and dated the 6th day of April A D 1880. and recorded in the records of deeds of Travis County in Book No 46 on pages 542. + 543. is null and void as against the defendant Annie Hilleman, and that said deed and the record thereof cast a cloud upon her superior title to said premises, it is therefore considered ordered and adjudged by the court that said Sheriffs deed and the record thereof be and the same is hereby cancelled and held for naught. It is further considered ordered adjudged and decreed by the court that the plaintiff J. T. Chandler, and all other persons claiming or asserting title to the premises in controversy under and by virtue of said Sheriffs sale and deed, which said premises are described as follows; "Lot No 4. in Block 67 in Division E. of the out lots of the City of Austin Travis County Texas, and described as follows: Beginning at the S. W. corner of Lot No 5. on North Avenue. Thence N. 19° E. 128 feet to the N W. corner of said lot No 5. Thence N 71° W 46 feet, a Stake, the N. E. corner of Lot No 3. Thence S 19° W 128 feet. a Stake, the S. E. corner of said lot No 3. and on North Avenue. Thence S 71° E. 46 feet to the place of beginning be and they and each of them are hereby perpetually enjoined from hereafter in any manner asserting or claiming any interest title or possession of the aforesaid premises by virtue of said Sheriffs sale and deed, and that the said defendant Annie Hilleman be and she is hereby forever quieted in her title and possession of said premises.
It is further ordered and adjudged by the court that the defendants and the officers of court do have and recover of the plaintiff J. T. Chandler, and J. H. Coleman and H. E. Shelley the sureties on his cost bond filed in this cause all their costs in this behalf expended for which execution may issue, 5498
The State of Texas vs. J. F. Studebach et al on this the 7th day of March 1881 it is ordered by the court that the clerk have leave

March 8th 1881

to amend citation. and plaintiff leave to file amended original petition. and on this the 8th day of march defendants Dist Clerk and Wendler have leave to file amended original answer.

Court adjourned till tomorrow morning 10 o'clock.

March 9th 1881

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings were had viz!

5582. Emma Fillmann & L. Fillman, vs C. A. Denny. } Upon motion of Plaintiff's attorney's Messrs Shelley and Carrington and it appearing to the court that this suit has been settled and costs paid it is ordered that the same be and is hereby dismissed

Wm Bray vs F. E. Tullis et al } This cause coming on to be heard upon the motion 1352.51. to reinstate filed herein on March 8th 1881. and it appearing to the Court by the Court from the agreement in writing filed herein on February 18th 1881 signed by all the attorneys in this cause that said cause was dismissed on the fifth day of October A D 1880 by and through a mistake, And it further appearing to the court by said agreement in writing that all parties hereto have agreed that this cause be reinstated. Wherefore it is ordered adjudged and decreed by the Court that this said cause be and the same is hereby reinstated upon the docket; and that the costs according to said written agreement abide the final result of the cause,

Court adjourned till tomorrow morning 9 o'clock

March 10th 1881.

Court met pursuant to adjournment. Present same as on first day Whereupon the following proceedings were had viz:

5034 D. W. Baker vs Nicholas Jurotsman. Continued.
5267 Laura A. Ormond vs Charles J. Ormond. Continued.
5272 M. B. Davis vs Lilia L. Davis. Continued
5363 Bertram & Moller vs Asa Frary & Co. Continued
5368 W. A. D. Carrington vs Charles Dodge Continued
5374 Amelia Brichta vs Harry Gilman Set for March 24. 1881
5386 Ed Christian vs A. W. Caldwell et al. Continued
5395 L. Schoolfield vs Caroline Townsend et al. Set for March 25th 1881
5399. R. A Chadwick vs E. Rawn. Upon motion of plaintiffs attorney it is ordered by the Court that this cause be and the same is hereby dismissed and that the plaintiff R. A. Chadwick pay all costs in this behalf expended for which execution may issue

3427 Henry Jones vs George W. Reese. Set for March 17th 1881
3443 Mary A Swisher vs John M. Swisher & A Lorraine continued
3443 Mary A. Swisher vs John M. Swisher & J. M. Lillon Continued
3448 Mary A. Swisher vs John M. Swisher & Joseph Harrell. Continued
3449 Thomas T. Kemp et al. vs George King. The death of plaintiff Amelia Thompson suggested and cause continued;

March 10th 1881.

Mary A. Smith vs. James M. Smith and E. W. Shands. Continued 3454.
The State of Texas vs Int & G. R. R. Co. alias the International R. R. Co. 3466.
Plaintiffs leave have to file amended original petition and cause set for April 6th 1881.
Robt Cruzbaur vs Wm Smyth et al. Continued 5469.
Elsie Quirk et al. vs Howlin Jenkins. Continued 5479.
John E. & Wm Wallace vs Benjamin Cage et al. Continued 5494.
The State of Texas vs H. F. Eutaw et al. Set for March 28th 1881 5518.
Larkin Samuels vs Ellen Samuels. Continued 5533.
The State of Texas vs The H. & T. C. R. W Co. Set for April 7th 1881 5543.
Jacob E. Crawford vs Hannah Crawford. Continued. 5556.
D. L. Cross et al vs Ella Carlin et al Continued 5559.
Charles G. Jones vs Cora E. Shepherd et al. It is ordered by the Court that Wm Blackwood Guardian of Wm Frazier adjudged insane, be allowed to make himself party defendant and cause set for trial for March 24th 1881. 5565.
The State of Texas vs J. M. Wyatt et al. Set for March 28th 1881. 5567
M. C. Hamilton vs L. D Hill & S. A. Hill. Continued for service. 5573.
M. E. Cunningham et al. vs Jas. A. Chandler et al. Set for April 5th 1881 5579.
The State of Texas. vs W. B. Middleton et al. Set for the first Monday in April 1881. 5585.
John & Lyris Hancock vs R. Naumachie et al. Continued 5564.
The State of Texas vs Western Union Telegraph Company. On this the 10th day of March A.D. 1881. Came the parties by their attorneys and then came in to be heard the application of plaintiff to require the defendant its agent or attorney to produce and file a report under oath showing the number of full rate messages and the number of messages of less than full rate transmitted over defendants telegraph lines in the State of Texas during the months of October. November and December A D 1879. and January Febuary. March. April. May and June A. D 1880. and the same being considered and it being admitted by defendant that it is a corporation chartered and doing the business of telegraphing during the said months in the said State as alleged by plaintiff and that it is within its power to make such report; it is ordered by the court that defendant by its agent or attorney make produce and file the report asked for by plaintiff for the inspection of the Court or show cause why it shall not do so. to which ruling of the court defendant by its counsel excepted. and thereupon in obedience to said order filed the report required supported by the affidavit of Lora C. Baker the Superintendent of defendants business in Texas. and thereupon the defendant pleaded and urged the demurrer and exceptions by it filed, and after argument the said demurrer and exceptions were by the court overruled to which ruling of the court defendant excepted. And both parties being present in court by their attorneys announced themselves ready for trial and waive a jury and submit the matters in controversy as well of fact as of law to the court and the pleadings evidence and argument of counsel having been heard and fully understood, it is considered ordered adjudged and decreed by the court

574
Orders docket page 90

March 10th 1881.

that the plaintiff the State of Texas do have and recover of and from the defendants The Western Union Telegraph Company the Sum of Two thousand three hundred and five & 91/100 dollars with interest from this date until paid at the rate of eight per cent per annum together with all costs in this behalf expended and that plaintiff have her execution, Whereupon defendants by its Counsel excepts to the conclusions of law found by the court, and this judgment rendered on the conclusions of fact found by the court and in open Court gives notice of appeal to the Supreme Court of the State of Texas.

Joe. H. Stewart
vs
Henry. T. Eubanks
Columbus Eubanks
Eliza A. Hollenbeck
A. E. Habilehk-o
D. S. McLendon

Now on this 9th day of March A D 1881, come the plaintiff and defendants by their respective attorneys and both parties announce ready for trial. Whereupon, all the pleadings herein being read to the court and the issues of law and fact submitted to the court. Without the intervention of a jury, the court is of opinion that the partition as herein prayed for should be granted: the following facts having been found,

1st That plaintiff is a resident citizen of Travis County Texas and that defendant A. E. Habilehk is also a resident citizen of Travis County Texas,

2d That citation and service have been had according to law,

3d That the lands sought to be partitioned and in plaintiffs petition described, copies of the patents to which are filed among the papers of this cause- are as follows- (640) Six hundred and forty acres situated in Callahan County, patented November 4th 1874. by patent No 584 Volume 3- (320) Three hundred and twenty acres situated in Callahan County patented November 14th 1874. by patent No 16, Volume 15- (960) Nine hundred and Sixty acres situated in Coleman County patented November 14th 1874, by patent No 15, Volum 15.- (640) Six hundred and forty acres situated in Brown County, patented August 7th 1849. by patent No 383, volum 5; (1476) Fourteen hundred and seventy six acres situated in Atascosa County, patented June 28th, 1875. by patent No 145; Volume 21, Each and every of said described tracts having been patented by the State of Texas to George Eubanks or the heirs of George Eubanks,

4th That George Eubanks, the Grand father of Henry T. Eubanks, Columbus Eubanks and Eliza A. Hollenbeck was killed in the Texas revolution of 1836,

5th That George Eubanks left as him, one son, Thomas Eubanks, that Thomas Eubanks died having a Widow, Sarah A. Eubanks, and three children, said Henry T. Eubanks, Columbus Eubanks, and Eliza A Hollenbeck (formerly Eliza A. Eubanks) that said Sarah A. Eubanks has sold and transferred, by deed, all of her interest in the lands sought to be partitioned to her children, said Henry T. Eubanks, Columbus Eubanks and Eliza A Hollenbeck,

6th Power of Attorney from said Henry T. Eubanks, Columbus Eubanks

54 13.
(Exec. docket No 5 page 96)

March 10th 1881.

and Eliza A. Hollenbeck, (joined by her husband L. A. Hollenbeck) couples each a half interest to Joe H. Stewart, plaintiff and D. G. McLayden, one of defendants, and that said plaintiff and said D. G. McLayden, have complied with the terms of such power of attorney, and have performed all things necessary to be done in the interest of the owners touching such lands, and that the lands sought to be partitioned are all the lands that the said heirs of Geo. Eubanks are entitled to in this State,

7th Deed from plaintiff to defendants A. & Habicht to one half of plaintiffs interest in the lands sue sought to be partitioned. said deed conveying to said Habichts one eighth (1/8) of the whole of said lands,

8th That plaintiff is entitled to one eighth (1/8) - said A. E. Habichts to one eighth (1/8) said D. G. McLauden one fourth (1/4), and the said Henry T. Eubanks, Columbus Eubanks and Eliza A Hollenbeck to the other one half of the lands sought to be partitioned,

It is therefore considered, ordered, adjudged and decreed by the court that the above described lands be set apart, allotted and partitioned among the parties hereto as follows to Wit: one eighth 1/8 to Joe H. Stewart, the plaintiff, one eighth (1/8) to A. E. Habichts - said 1/8th to plaintiff and 1/8th to the defendant A. E. Habichts, to be allotted together - one fourth (1/4) to defendant D. G. McLauden, and one half (1/2) to be allotted together to defendants Henry T. Eubanks, Columbus Eubanks and Eliza A Hollenbek,

It is further ordered that F. M. Maddox, Rector M. Thompson and R. H. Hamm be and they are hereby appointed Commissioners to make partition of the lands herein described in accordance with this decree and the law: that writ of partition issue and that certified copies of this decree accompany such writ and that such writ and copies of such decree be duly served upon such commissioners, and it is further ordered that such writ of partition be made returnable during the present term of this court; ordered that Jno. B. Rector Esq having been appointed by the court to represent defendants Henry T. Eubanks, Columbus Eubanks, Eliza A Hollenbeck and D. G. McLauden be allowed a fee of ($50.00) Fifty dollars, for professional legal services herein rendered said defendants and that said fee be taxed as costs against said Henry T. Eubanks, Columbus Eubanks, Eliza A. Hollenbeck & D. G. McLauden. Further ordered that all costs incurred and to be incurred be divided among the parties hereto proportionately to the respective interests of the parties and that execution may issue against the parties respectively for their proportion of the same,

The State of Texas vs Thomas M. Childers, et al. This cause being called for trial on this 7th day of January 1881. came the State by her attorney, but the defendants came not but wholly made default and it appearing to the court that the said defendant Thomas M. Childers as principal with E. H. Childers, J M. Childers W. J. Bankston, F M Childers, R. J. Childers, Z. Middleton, N. Middleton and Wilson Phillips as surities did on the 11th day of November 1878 enter into an appearance bond payable unto the State of Texas in the penal sum of ($500.00) five hundred dollars payable jointly and severally conditioned that the

March 10th 1881

said principal should well and truly make his personal appearance before the Honorable District Court of Travis county at the court house thereof at the city of Austin Texas to be begun and holden on the 3rd Monday after the 1st Monday in January 1879. and then remain from day to day and from term to term of said court until discharged by due course of law to answer the State of Texas upon an indictment in said court filed wherein he is charged with having committed the felony of "swindling by acquiring money of higher value than ($20.00) twenty dollars by means of fraudulent representations, with the intent to appropriate said money to his said Thomas. M. Childers use" And it further appearing to the court that at the January term 1880 of said Court and on the 9th day of February 1880, the aforesaid cause being called for trial the said defendant Thomas. M. Childers failing to appear, the said appearance bond was declared forfeited and judgment nisi entered of record against the said principal and said sureties, And it further appearing to the court that writs of Scire facias was duly issued against each of said sureties and had been duly served upon the sureties F. M. Childers J. M. Childers N. Middleton, Wilson Phillips Z. Middleton and W. J Bankston. summoning them to appear before this court on the first monday in January 1881. then and there to show cause why the aforesaid judgment nisi should not be made final and absolute against them, but that the said surety R. J. Childers had not been served with said writ of Scire facias, and the death of said R. J. Childers being suggested, (as shown by the sheriffs return) it was upon motion of the County attorney ordered by the court that this cause be and is hereby dismissed as to the said R. J. Childers, and it was further ordered adjudged and decreed by the court that the said judgment nisi be and the same is hereby made final and absolute as against the said Thomas M. Childers. F. M. Childers. J. M. Childers. N. Middleton. Wilson Phillips. Z. Middleton and W. J. Bankston, and that the State of Texas do have and recover of and from the said Thomas. M. Childers. as principal and of and from F. M. Childers. J. M. Childers, N. Middleton, Wilson Phillips Z Middleton and W. J. Bankston as sureties the said sum of ($500.00) five hundred dollars, jointly and severally together with all costs of this suit for which let execution issue.

873. The State of Texas } This cause being called for trial on the 7th day of January
vs 1881. came the State by her Attorney but the defendants
Wm Crowder. et al } came not but wholly made default and it appearing to the court that the said defendant Wm. A. Crowder as principal with Thos. G. Martin and Ed. S. Lyell as sureties, did on the 4th day of August 1880 enter into an appearance bond payable unto the State of Texas in the penal sum of ($100.00) one hundred dollars payable jointly and severally, conditioned that the said principal should well and truly make his personal appearance before the Honorable District Court of Travis County Texas at the court house thereof in the city of Austin on the first Monday in October 1880 and then remain from day to day and from term to term of said court until discharged by due course of law to answer the State of Texas upon an indictment in said Court filed wherein he is charged with

March 10th 1881.

"Theft of property of value over $20.00 Twenty dollars" And it further appearing to the court that at the October term A.D. 1880 of said court and on the 8th day of November 1880 the aforesaid cause being called for trial the said defendant Wm. Crowder failing to appear, the said appearance bond was declared forfeited and judgment nisi entered of record against the said principal and said sureties, And it further appearing to the court that writs of Scire facias had been properly issued against both of said sureties and had been duly served upon the sureties Thomas G. Martin and Ed. D. Lyell summoning them to appear before this court on the first Monday in January 1881, then and there to show cause why the aforesaid judgment nisi should not be made final and absolute against them, and it was further ordered adjudged and decreed by the court that the said judgment nisi be and the same is hereby made final and absolute against the said William Crowder, Thos. G. Martin and Ed. D. Lyell, and that the State of Texas do have and recover of and from the said William Crowder as principal and of and from Thos. G. Martin and Ed D. Lyell as sureties the said Sum of ($100.00) one hundred dollars jointly and severally together with all costs of this suit for which let execution issue.

The State of Texas. } This cause being this the 7th day of January 1881 called for trial came the State by her county attorney
vs } but the defendants came not but wholly made de-
Wm Crowder et al } fault; and it appearing to the court that the said defendant William Crowder as principal with J. E. Tracy Ed. D. Lyell and Thos G. Martin as sureties did on the 4th day of August 1880 enter into an appearance bond payable unto the State of Texas in the penal sum of ($400.00) Four hundred dollars. jointly and severally, conditioned that the said principal should well and truly make his personal appearance before the Honorable District Court of Travis County at the court house thereof at the city of Austin on the first Monday in October 1880, and there remain from day to day and from term to term of said court until discharged by due course of law to answer the State of Texas upon an indictment in said court filed wherein he is charged with having committed the felony of "Theft of a cow". And it further appearing to the court that at the October term 1880 of said court and on the 8th day of November 1880 the aforesaid cause being called for trial the said defendant William Crowder failing to appear the said appearance bond was declared forfeited and judgment nisi entered of record against the said principal and said sureties, And it further appearing to the court that writs of Scire facias had been properly issued against all of said sureties and had been duly served upon the sureties J. E. Tracy Ed. D. Lyell and Thos G. Martin Summoning them to appear before this court on the first Monday in January A.D. 1881 then and there to show cause why the aforesaid judgment nisi should not be made final and absolute against them. And it was further ordered adjudged and decreed by the court, that the said judgment nisi be and the same is hereby made final against

Of 74.

Austin Dec. 27th 1882. Dallas
For value rec'd I am hereby transfer this judgment to

March 10th 1881

the said William Crowder. J. E. Tracy. Ed. S. Lyell and Thos. G. Martin and that the State do have and recover of and from the said William Crowder as principal and of and from J. E. Tracy, Ed S. Lyell and Thomas G. Martin as suritis the said sum of ($400.00) four hundred dollars jointly and severally together with all costs of this suit for which let execution issue.

Wm Blackwood & Wm Frazier vs T. & P. Wright

13410. 24 docket 5 page 118.

In the above entitled and numbered cause this day came Wm Blackwood one of the plaintiffs and made known to the court that since the institution of this suit his co. plaintiff Wm Frazier had become insane and had been so adjudged and that he the said Blackwood had been by the Hon the county court of Travis County Texas duly appointed guardian of the person and estate of said Frazier and as guardian of said Frazier asked to be permitted to proceed with the said cause; both in his own right and as guardian of the said Frazier. Whereupon it was ordered by the court that he be permitted to become party and he so made himself party as guardian &c and said cause being this regularly called for trial, came the plaintiff and defendant respectively by their attorneys and both parties announced ready for trial. The demurrer and exceptions of the defendant to plaintiffs petition were this presented to the court and all overruled, to which defendant excepted- Then came on to be heard the exceptions of the plaintiff to defendants 1st amended original answer. Which being fully understood by the court were all overruled, to which plaintiff excepted. the cause thus proceeding to trial and no jury having been demanded, it was submitted to the court both upon the law and facts and the court having heard the pleadings and evidence of both parties, is of opinion that the law is with the plaintiff, and finds that the defendant is indebted to the plaintiff in the full and just sum of Eight hundred and ninety four 50/100. ($894.50) dollars due at this date as principal and interest on the contract and debt sued on in this case, and further finds that said debt is secured by a Mechanics lien on the North west quarter of Block No 38 of the city of Austin, in said County and State and all the improvements thereon situate; Wherefore it is ordered adjudged and decreed that the plaintiff do have and recover of and from the defendant the full and just sum of Eight hundred and ninety four 50/100 dollars and interest thereon at the rate of 12% per annum from this date until the same be paid, that being the rate of interest Stipulated in the note and contract sued on, and it is further ordered that the said Mechanics lien on the North west quarter of Block No 38 in the city of Austin and all the improvements thereon situate, be and the same is hereby foreclosed. And said property is ordered to be sold to satisfy said debt and interest due thereon; And it further appearing to the satisfaction of the court that the defendant is further indebted to the plaintiff in the sum of ($89.40) Eighty nine 40/100 dollars

Satisfied in full Dec 27th 1882. Assignment under transfer this case to Blackwood & Frazier for Ex Parte Ed Cordova. P. DeCordova Atty of Record

July 2, 1883

Not value rec'd are hereby
P. de Cordova.

March 10th 1881

due as Attorneys fee as in the said note Stipulated, it is ordered adjudged and decreed that plaintiffs do have and recover of and from the defendant the further sum of $89.25 Eighty nine & 25/100 dollars together with all costs of suit for which execution may issue

Court adjourned till tomorrow morning 9 O'clock.

March 11th 1881

Court met pursuant to adjournment. Present Same as on first Whereupon the following proceedings were had viz:

The State of Texas } vs W. A. Griffin et al } This case having this day been called for trial came the County Attorney on behalf of the State and announced ready for trial, but the defendant W. A. Griffin came not but wholly made default, and the defendant E. M. Daggett the surety of the defendant W. A. Griffin having by his attorneys Miss Hancock and West filed his answer in this case the Court proceeded with the trial of said cause. And it appearing to the Court that the defendant W. A. Griffin as principal with the said E. M. Daggett as surety did on the 3d day of December A. D. 1879. enter into a recognizance payable unto the State of Texas in the penal Sum of ($400.00) four hundred dollars, payable jointly and severally, conditioned that the said principal W. A. Griffin should personally and truly make his personal appearance before the Honorable District Court of Travis County at the Court House thereof in the city of Austin on the first Monday in January A. D. 1880. and then remain from day to day and from time to time of said Court until discharged by due course of law, then and there to answer the State of Texas upon an indictment in said Court filed, said indictment being numbered 5575. Wherein the said W. A. Griffin is charged with "forgery of an instrument in writing with the intent to defraud" And it further appearing to the Court that on the 21st day of June 1880. and at the May term of said District Court the said cause No. 5575. having been called for trial and the said defendant W. A. Griffin then failing to appear the said recognizance was declared forfeited and that judgment nisi was then entered of record against the said W. A. Griffin as principal and against the said E. M. Daggett as surety for the amount stipulated in said recognizance to wit: for the sum of ($400.00) four hundred dollars, and the Court having heard the pleadings of the plaintiff and defendant E. M. Daggett and having duly considered the same did then adjudge and decree that the said judgment nisi be and the same is hereby made final and absolute, and that the State of Texas do have and recover of and from the said W. A. Griffin as principal and of and from E. M. Daggett as surety the said Sum of ($400.00) four hundred dollars jointly and severally and all costs of this suit for which execution may issue

Sf. 69

Sf

The State of Texas } vs W. A. Griffin et al } This cause having this day been called for trial came the County Attorney in behalf of the State and announced ready for trial, but the defendant W. A. Griffin came not but wholly made default, and the defendant E. M. Daggett the surety of the defendant W. A. Griffin having by his attorneys Messrs Hancock and West filed his answer in this cause, the Court proceeded with the trial

Sf 70.

March 11th 1881.

of said cause. And it appearing to the court that the defendant W. H. Griffin as principal with the said E. M. Daggett did on the 3rd day of December A.D. 1879 enter into a recognizance payable unto the State of Texas in the final sum of ($400.00) four hundred dollars, payable jointly and severally, conditioned that the said principal W. H. Griffin should write and truly make his personal appearance before the Honorable District court of Travis County at the court house thereof in the city of Austin on the first Monday in January A.D. 1880. and there remain from day to day and from time to time of said court until discharged by due course of law, then and there to answer the State of Texas upon an indictment in said court filed, said indictment being numbered 5576. Whein the said W. H. Griffin is charged with "forgery of an instrument in writing with the intent to defraud". And it further appearing to the court that on the 21st day of June 1880. and at the May time of said District Court the said cause No. 5576 having been called for trial and the said defendant W. H. Griffin then failing to appear the said recognizance was declared forfeited and that judgment nisi was then entered of record against the said W. H. Griffin as principal and against the said E. M. Daggett as surety for the amount stipulated in said recognizance to wit: for the sum of ($400.00) four hundred dollars, and the court having heard the pleadings of the plaintiff and defendant E. M. Daggett and having duly considered the same did order adjudge and decree that the said judgment nisi be and the same is hereby made final and absolute, and that the State of Texas do have and recover of and from the said W. H. Griffin as principal and of and from E. M. Daggett as surety the said sum of ($400.00) four hundred dollars jointly and severally and all costs of this suit for which execution may issue.

The State of Texas vs W. H. Griffin et al } On the 17th day of January 1881. it was ordered by the court and with the consent of the parties to this cause, that the judgment final by default herein for record in this cause on the 7th day of January A.D. 1881 be and the same is hereby set aside and defendants allowed to answer. And this case having on this the 11th day of March A.D. 1881. was again called for trial came the State by her county attorney and announced ready for trial. But the defendant W. H. Griffin came not but wholly made default. and it appearing to the court that the defendant E. M. Daggett the surety of the defendant W. H. Griffin had by his attorneys Munn Hancock & West filed his answer in this case the court proceeded with the trial of said cause. And it further appearing to the court that said defendant W. H. Griffin as principal with the said E. M. Daggett as surety did on the 3rd day of December 1879. enter into a recognizance payable unto the State of Texas in the penal sum of ($400.00) four hundred dollars payable jointly and severally, conditioned that the said principal W. H. Griffin should write and truly make his personal appearance before the Honorable District court of Travis county at the court House thereof in the city of Austin on the first Monday in January A.D. 1880 and there remain from day to day and from time to time of said court until discharged by due course of law, then and there to answer the State of Texas upon an indictment filed in said court, said indictment being numbered 6003 on the

March 11th 1881

docket of said Court. Whereas the said defendant W.A. Griffin is charged with making and forging a certain false and forged instrument in writing purporting to be the act of another person to wit: the act of one Thomas Kenny, relating to and affecting an interest in land situated in the State of Texas, to wit: a certain power of Attorney coupled with an interest from the said Thomas Kenny to Barnes Parker and said W.A. Griffin to procure the interest of said Kenny in a certain Bounty Warrant, and which said false and forged instrument bears date on the 25th day of July 1872. which said false and forged instrument is numbered 4268. issued by H.B. W. Hockley as Secretary of War of the Republic of Texas on the 7th day of Sept 1838. for 940 acres of land - and also in the same indictment of which said false and forged instrument in writing is set out a true copy dated October 7th 1872. with the intent to defraud. lawful authority and with the intent to defraud." And it further appearing to the court that on the 8th day of November 1880. and at the October term of said court the said cause No 6003 having been called for trial and the said W.A. Griffin then failing to appear the said recognizance was declared forfeited and that judgment nisi was then entered of record against said W. A. Griffin as principal and against the said E. M. Daggett for the amount stipulated in said recognizance (to wit ($400.00) four hundred dollars, and the court having heard the pleadings of the parties and having duly considered the same did order adjudge and decree that the said judgment nisi be and the same is hereby made final and absolute, and that the State of Texas do have and recover of and from the said W.A. Griffin as principal and of and from the said E. M. Daggett the said sum of ($400.00) four hundred dollars and all costs of this proceeding for which execution may issue. S/76.

The State of Texas. } On the 17th day of January 1881 it was ordered
vs } by the court and with the consent of the parties to
W. A. Griffin et al } this cause that the judgment final heretofore rendered in this cause on the 7th day of January A.D. 1881. be and the same is hereby set aside and the defendants allowed to answer. And on this the 11th day of March A.D. 1881. said cause being again called for trial came the State by her county Attorney and announced ready for trial. but the defendant W A. Griffin came not but wholly made default. and it appearing to the court that the defendant E. M. Daggett the surety of the defendant W.A. Griffin had by his attorneys Messrs Hancock & Clark filed his answer in this case the court proceeded with the trial of said cause. And it further appearing to the court that the said defendant W A. Griffin as principal with the said E. M. Daggett as surety did on the 3d day of December 1879. before this court enter into a recognizance payable unto the State of Texas in the final sum of ($800.00) eight hundred dollars payable jointly and severally. conditioned that the said principal should well and truly make his personal appearance before the Honorable District court of Travis County at the Court house thereof in the city of Austin on the first Monday in January A.D. 1880. and then remain from day to day and from time to time of said court until discharged by due course of law. then and there to answer the State of Texas upon a charge founded upon a bill of indictment then filed. said indictment being numbered on the docket of said court 6033. in which said indictment the said W.A. Griffin is charged with falsely making and forging a certain false and forged instrument in writing affecting an interest in lands in the State of Texas, to wit: a transfer and conveyance (of a certain Headright land certificate No 1469

Report of Jury con

March 11th 1881

26 for 1476 acres of land in the State of Texas issued to one Daniel D Brown by the Board of land Commissions of Jackson county Texas on the 19th day of January AD1838) from Daniel D. Brown transferred and conveyed to one James P. Lindsey, and which said false and forged instrument in writing bears date on the 5th day of May AD1858. without lawful authority and with the intent to defraud. and also in the same indictment of knowingly uttering publishing and using as true a certain false and forged instrument in writing to wit: the aforesaid false and forged transfer and conveyance from Brown to Lindsey on the 12th day of may 1873. with the intent to defraud, and it further appearing to the court that on the 8th day of November 1880 and at the October term of said court the said cause No 6033 having been called for trial and the said W. A. Griffin then failing to appear the said recognizance was declared forfeited and that judgment nisi was then entered of record against said W. A. Griffin as principal and against the said E. M. Daggett for the amount stipulated in said recognizance to wit (800.00) Eight hundred dollars. and the court having heard the pleadings of the parties and having duly considered the same did order adjudge and decree that the said judgment nisi be and the same is hereby made final and absolute. and that the State of Texas do have and recover of and from the said W. A. Griffin as principal and of and from the said E. M. Daggett the said sum of (800.00) Eight hundred dollars and all costs of this proceeding for which execution may issue.

Court adjourned till tomorrow morning 9 O'clock

March 12th 1881.

James A. Link
vs
Austin City R. R. Co. } 4699.

The motion of plaintiff for a new trial in this cause coming on to be heard. and argument of counsel for both parties being heard, and said motion being considered and fully understood by the court; it is ordered by the court that said motion be overruled, to which ruling of the court the plaintiff by attorney excepted and gave notice in open court of appeal to the Supreme Court.

Report of Jury Comrs

On the 7th day of March 1881, came into open court. F. E. Smith. W. D. Mathis and John Owens heretofore appointed as jury commissioners for the present term of this court, were by the court duly empannelled and sworn as jury commissioners instructed as to their duties and ordered to select a Venire for the Grand Jury and Six Venires of petit jurors to serve during the next May term of this court, and said jury commissioners were further ordered by the court on the 8th day of March that they draw a panel of twenty four men to serve as jurors for the week commencing on the 14th day of March AD1881, and on this same day said commissioners returned into open court the Venire of twenty four names of persons drawn to serve as jurors for the week commencing on the 14th day of March 1881 of this term of this Court, which the court delivered to the Clerk after administering to said Clerk the oath required by law, and directed that the writ issue forthwith.

On this the 9th day of March 1881, came into open court the jury commissioners empannelled at a former day of this term of court and delivered to the court the Venire prepared by them for the Grand Jury, and Six Venires petit jurors for the next May term of this court, said jury commissioners

March 12th 1881

were thereupon discharged, and the Court administered to the Clerk of this Court and to the Clerk of the County Court the oath required by law as to the safe Keeping of such jury lists.

Court adjourned till Monday Morning 14th inst. 10 Oclock.

Monday March 14th 1881

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had. viz:

Mary F. Linly & husband vs. J. W Haning. Continued by consent. 5578

Joseph Harrell vs Thomas Smith & E. Smith. Continued by consent. 5473.

Court adjourned till tomorrow morning 9 oclock.

March 16th 1881

Blackwood & Frazier. vs T. & P. Wright. On this the 16th day of March 1881. the motion for a new trial of the defendant in this behalf coming on to be heard, and said motion having been submitted and duly considered and fully understood was by the Court overruled, to which ruling of the Court the defendant by counsel in open court excepted and gave notice in open Court of appeal to the Supreme Court. 5410.

Court adjourned till tomorrow morning 9 Oclock.

March 17th 1881

Court met pursuant to adjournment. Present same as on first day. whereupon the following proceedings were had. viz:

E. C. Bartholomew vs J. A. Bennett & wife. Continued 5485

W. The Ayers vs W. C. Walsh Comr &c Continued 5530

Court adjourned till tomorrow morning 9 Oclock

March 18th 1881

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

J. T. Chandler vs H. C. Cain & Annie Hillsman. On this day the motion for a new trial in this behalf of the plaintiff coming on to be heard and said motion having been submitted and duly considered and fully understood was by the court overruled. to which ruling of the court the plaintiff by counsel in open court excepted and gave notice of appeal to the Supreme Court. 5523

Court adjourned till tomorrow morning 10 oclock.

March 19th 1881

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

M. A. Taylor vs T. C. Wood & wife. On this the 19th day of march 1881 the motion of the defendants for a new trial in this behalf coming on to be heard, and said motion having been submitted, duly considered and fully understood by the court said motion was overruled, to which ruling of the court the defendants by Counsel excepted and gave notice in open court of appeal to the Supreme Court. 5520

March 19th 1881

5252. M. P. King vs R. E. King. On this the 19th day of March 1881, the motion of the plaintiff to reinstate this case on the docket of this court coming on to be heard, and the same having been considered and fully understood by the Court was by the Court overruled. To which ruling of the Court the plaintiff excepts and gives notice of Appeal to the Supreme Court.

3451. John Rooney vs Krumacher & Wilson. On this the 19th day of March 1881 the motion of the defendants for a new trial in this behalf having been submitted on the 14th day of February 1881 and argued by the respective counsel of the parties, and the same having been duly considered and fully understood by the court said motion was this day overruled. To which ruling of the court defendants by counsel excepted and gave notice of Appeal to the Supreme Court.

3427 (4 D.S. p 93)

Henry Jones vs Geo. M. Krause. } On this the 19th day of March A.D. 1881 came the parties by their attorneys and this cause coming on to be heard the defendants excepting to the plaintiffs amended original petition on the ground of the want of jurisdiction in the Court and the same having been considered it is ordered by the court that the same be overruled, to which ruling of the court defendant excepts. And this cause coming on to be heard the defendants general demurrer to the plaintiffs amended original petition which having been considered it is ordered by the court that the same be overruled to which ruling of the court defendants excepts. And thereupon both parties announced themselves ready for trial and waive a jury and submit the matters in controversy as well of fact as of law to the court. And the pleadings evidence and argument of counsel having been heard and fully understood it is considered ordered adjudged and decreed by the court that the plaintiff Henry Jones do have and recover of and from the defendant Geo. M. Krause the sum of Two hundred and sixty two & 50/100 dollars ($262.50) with interest thereon from this date until paid at the rate of ten per cent per annum, to-gether with all costs in this behalf expended. And it further appearing to the Court that the note upon which this suit is brought and upon which this judgment is rendered was executed by said defendant on the fifth day of January A.D. 1877. to secure the payment of the purchase money for the following described tract of land situated in the county of Hays in the State of Texas: One hundred and fifty eight acres of the John Barton survey on Bartons creek in Hays county bounded thus: Beginning at the N.E. corner of a sub-division of Barton land made for Burton 394 varas S 60° E. from the N.W. corner. Thence S 60° E. 807 vrs with the North line of Barton survey to the N.E. corner of this survey containing 158 acres. Thence S 30 W 1288 varas to the middle of Bartons creek. Thence up the creek with its meandus to the mouth of the branch running between the house of Burton and Smith and to the corner made for Burton in the middle of the creek at the mouth of said branch. Thence up the middle of said branch to a point opposite the lower corner of Bartons Garden Slave fence. Thence N 30° E 710 varas to the place of beginning, and therefore that said note was and comes with it a lien on said tract of land to secure its payment: it is therefore ordered adjudged and decreed by the court that the plaintiffs

March 19th 1881.

Vendors lien as it existed upon the 5th day of January A D 1877. and up to this time upon the above described tract of land be and the same is hereby foreclosed, and that the Clerk of this court do issue an order of sale directed to the Sheriff or any Constable of Hayo county in the State of Texas directing him the said officer to seize levy upon and sell the above described tract of land as under execution in satisfaction of this judgment: that he apply the proceeds of such sale to the payment and satisfaction of the said sum of Two hundred and Sixty two & 15/100 dollars together with all interest that may be due thereon and the costs of this suit: and if the land shall sell for more than sufficient to pay off and satisfy said sums of money, then the said officer is hereby directed to pay over the excess to the said defendant: but if the proceeds of such sale be insufficient to satisfy this judgment interest and costs, then to make the money or any balance thereof remaining unpaid out of any other of the property of said defendant as in case of ordinary executions: and in case of the failure to make the whole amount of this judgment interest and costs after the sale of the said tract of land, out of the property of the defendant by virtue of said order of sale then that the plaintiff shall have his execution for the balance remaining unpaid. It is further ordered that execution issue for the use of the officers of court against each party respectively for the costs by him in this behalf incurred.

Court adjourned till Monday morning 9 o'clock.

Monday March 21st 1881

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings were had viz:

Bertram and Moeller, vs Asa Frary & Co } On this day the continuance heretofore entered in this cause was set aside by agreement of the parties to this cause, and cause called for trial. Whereupon upon sworn affidavit of defendants attorney said cause was again continued by the court- ~~continuance~~ charged to defts. ✓5363.

Court adjourned till tomorrow morning 10 oclock.

March 22d 1881

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings were had viz:

F. J. Alexander vs Annie E. Alexander } This cause being now called for trial comes the plaintiff in his own proper person and by attorney and announces ready for trial. And it appearing to the court that the defendant had waived the issuance and service of citation and entered her appearance in this cause and consented that this cause might be tried at the present term of this court the same as if citation had been duly served on her personally more than five days before the first day of the present term of this court and neither party having demanded a jury this cause is now submitted to the court for trial and decree. And the Court after hearing the petition ✓5605.

March 22nd 1881

and the evidence in the cause does find that the material allegations in the petition are true, and that the plaintiff ought to have his divorce, It is further ordered adjudged and decreed by the Court that the bonds of matrimony heretofore existing between the plaintiff Newton. J. Alexander and Annie. E. Alexander formerly Annie E. Sherwood be and they are hereby forever dissolved and the said Newton. J. Alexander and Annie. E. Alexander are forever divorced from each other, It is further ordered that the plaintiff pay all costs of this proceeding, for which execution may issue.

Court adjourned till tomorrow morning 10 oclock

March 23d 1881.

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz: Time being no civil minutes to be minded of this date Court adjourned till tomorrow morning 10 oclocks,

March 24th 1881,

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

Joe. H. Stewart
vs
Henry. T. Eubanks
Columbus Eubanks
Eliza A. Hollenbeck,
D. G. McLendon &
A. E Habitcht

No 3413

Now on this 24th day of march A D 1881, came the parties by their respective attorneys and the report of the Commissioners appointed herein having been duly made and filed herein on March 16th A D 1881, Which report is made, and figures following! No 3413. Joe H. Stewart vs Henry T. Eubanks et al. In District Court Travis County Texas, January Term 1881, To the Hon A. S. Walker Judge of the District Court of Travis County Texas, Your Commissioners duly appointed herein under an order of the District Court of Travis County Texas, at its present term would respectfully report as follows to wit!

1st That they have made an allotment and partition as required by the order and decree of the Court and writ of partition herein;

2nd That the lands set out and described in said order and decree and to be allotted and partitioned herein were valued by us as follows, to wit;

The 640 acre tract in Callahan County, patented November the 4th 1874, by patent No 584 Vol 3 at the rate of one dollar per acre,

The 320 acre tract in Callahan County, patented Nov 14th 1874. by patent No 16 Vol 15: at the rate of one dollar per acre,

The 640 acre tract in Brown County patented August 7th 1849. by patent No 383 Vol 5th at the rate of one dollar and fifty cents per acre,

The 960 acre tract in Coleman County patented November 14th 1874 by patent No 15: Vol 15: at the rate of one dollar per acre,

The 1476 acre tract in Atascosa County patented June 28th 1875: by patent No 145: Vol 21. at the rate of fifty cents per acre,

3rd That the several tracts or parcels were allotted and divided as hereinafter stated in Subdivisions 6th 7th & 8th,

4th That said Lands were divided by us into three shares, one of said shares containing one half, and each of the two Shares containing one

each,
5th That the value of each share so made by us is as follows. That allotted and set apart to Henry T. Eubanks, Columbus Eubanks and Eliza A. Hollenbeck (together) being one half is $1820.00,
That allotted and set apart to D. G. McLendon (being one fourth) is $900.00
That allotted and set apart to Joe H. Stewart and A. E. Habicht (together) being one fourth is $898.00) and the entire value of each lands so allotted is $3618.00
6th That the following tracts and parcels of said lands were by us set apart and allotted to Joe H. Stewart and A. E Habicht together to wit: The 1476 acre tract situated in Runnels County, patent No 145. Vol 21, also the North half of the 320 acre tract situated in Callahan County patent No 16. Vol 15; said North half containing 160 acres more or less,
7th That the following tracts and parcels of said lands were by us set apart and allotted to D. G. McLendon, to wit:
The 640 acre tract situated in Callahan County, patent No. 584 Vol 3.
The South half of the 320 acre tract situated in Callahan County patent No 16 Vol 15; said south half containing 160 acres more or less.
One hundred acres out of the North East corner of the 960 acre tract in Coleman county patent No 15 Vol 15; said 100 acre tract to be in a square,
8th That the following tracts and parcels of said land were by us set apart and allotted to Henry T. Eubanks, Columbus Eubanks and Eliza A. Hollenbeck together, to wit:
The 640 acre tract situated in Brown County, patent No 383 Vol 5;
Also 860 acres out of the 960 acre tract in Coleman County patent No 15 Vol 15; this said 860 acres being that part of said 960 acre tract left after setting apart the 100 acres of same to said D. G. McLendon,
9th We believe the above and foregoing is a fair, just and equitable valuation, allotment and division of the lands described,

F. M. Maddox,
R. M. Thompson
R. H. Hamna-

Sworn to before me this 16th day of March 1881. J Hallmann Clk. D. C. T. & Texas. By James. P. Hart Dpty.
And it is hereby considered, ordered adjudged and decreed by the court that the said report of said Commissioners be and is in all things approved and confirmed. Further ordered:-
1st That the legal and equitable title be fully divested out of Joe H Stewart D. G. McLendon and A. E. Habicht to the following described tracts or parcels of land to wit: The 640 acre tract situated in Brown County patented August 7th 1849, by Patent No 383, Vol 5, also. 860 acres out of the 960 acre tract situated in Coleman County, patented November the 14th 1874. by patent No 15: Vol 15:- this said 860 acres being that part of said 960 acre tract left after setting apart 100 acres of same to said D. G. McLendon, and that the legal and equitable title to last described

March 24th 1881.

640 acre and 860 acre tracts or parcels of land be fully vested in said Henry. T. Eubanks. Columbus Eubanks and Eliza A. Hollenbeck, their heirs. executors, administrators and assigns,

2d That the legal and equitable title be fully divested out of said Henry. T. Eubanks. Columbus Eubanks. Eliza A. Hollenbeck. Joe H Stewart and A. E. Habicht to the following discribed tracts or parcels of land, to-wit:- The 640 acre tract situated in Callahan County. Patented November 4th 1874, by patent No 5-84. Vol 3. Also the South half of the 320 acre tract situated in Callahan County patented November 14th 1874. by patent No 16- Vol 15- said South half containing 160 acres more or less. Also one hundred (100) acres out of the North East corner of the 960 acre tract in Coleman County patent No 15; Vol 15. said 100 acres to be in a square, and that the legal and equitable title to last discribed 640, 160, and 100 acre tracts or parcels of land be fully vested in said S. G. McLendon, his heirs. Executors, administrators and assigns,

3d That the legal and equitable title be fully divested out of said Henry. T. Eubanks. Columbus Eubanks. Eliza A. Hollenbeck and S. G. McLendon to the following discribed tracts or parcels of land, to-wit:

The 1476 acre tract situated in Atascosa County patented June 28th 1875; by patent No 145; Vol 21. also the North half of the 320 acre tract situated in Callahan County patented November 14th 1874. Patent No 15; Vol 15. the said North half containing 160 acres more or less. and that the legal and equitable title to last discribed tracts or parcels of land (last said 1476 and 160 acre tracts) be fully vested in said Joe H. Stewart and A. E. Habicht their heirs. Executors, Administrators and assigns,

4 That titles to the respective lands as herein vested in the respective parties shall operate as fully and effectually as the deeds of conveyance from such respective parties could vest the same. and shall have the same force and effect as full warranty deeds of conveyance from the parties hereto to each other respectively. Each and every of said discribed tracts having been patented by the State of Texas to George Eubanks or to the heirs of George Eubanks,

5th Further ordered that Henry. T. Eubanks. Columbus Eubanks and Eliza A Hollenbeck shall pay one half of all costs incurred herein and his thirds of the attorneys fee of $50.00. allowed herein! That S. G. McLendon shall pay one fourth of all costs incurred herein and one third of the attorneys fee of $50.00. allowed him. That Joe. H. Stewart and A. E. Habicht shall pay one fourth of all costs incurred herein but shall pay no part of said attorneys fee allowed herein. Further ordered that each of the Commissioners herein be allowed the sum of five dollars each for their services herein which shall be taxed as costs- Further ordered that Execution may issue against the respective parties for their part of all costs incurred as herein set forth- the said ($50-00-) fifty dollars attorneys fee being taxable as part of said costs,

March 24th 1881

Amelia Brichta vs Harry Gilman. Continued by consent. 5374
L. Schoolherr vs Caroline Townsend et al. Set for April 4th 1881 5395
Charles S. Jones vs Cora E. Shufford et al Set for March 28th 1881 5565

Court adjourned till tomorrow morning 10 oclock.

March 25th 1881

Court met pursuant to adjournment. Present same as on first day, and there being no civil minutes to be recorded of this date court adjourned till tomorrow morning 10 oclock.

March 26th 1881.

Court met pursuant to adjournment. Present same as on first day Whereupon the following proceedings were had. viz:

John E. & Wm Wallace. } Now at this day this cause coming on to be heard
vs } came the parties by their attorneys, and after hearing 5494.
Benjamin Cage et al } the pleadings and the evidence shewing all the facts relative to the issue joined herein, and this cause being thereupon submitted for the consideration of the court, the Court finds from the evidence, that Sarah House did on or about the 22d day of February 1848, make, execute, acknowledge and deliver to Wm B. Wallace, now deceased, the father of Applicants John E. & Wm Wallace, a certain deed of conveyance in words and figures substantially as follows:

The State of Texas } Know all men by these presents that I Sarah House, widow and
County of Travis } sole heir of James House deceased, for and in consideration of his services and money paid out in locating, surveying and getting the patent to the hins of James House, deceased for one league and one labor of land No 14 in sec No 9. in Bexar District. have bargained sold and conveyed in fee, and by these presents, do bargain sell and convey in fee unto William B. Wallace of Travis County State of Texas, the North half of said league and labor of land situated and described as follows: Beginning at the East Bank of the Colorado river at a Stake the North West corner of said survey No 14 from which a Live oak bears North 8° E five varas another bro South 8° W six varas, thence East 9592 varas to a Stake for the N. E. corner of said survey No 14. from which a mesquite bears South 10° E 7 varas. a Live Oak bro N orth 30° E 15 varas thence South 1335 varas! thence West parallel with the lower and upper lins of said survey to the bank of the Colorado River! thence up the Colorado River with its meanderings to the place of beginning. To have and to hold the above described tract of land together with all and singular the rights and appurtenances thereto in anywise belonging unto the said William B. Wallace his hins or assigns forever hereby warranting to forever defend the title hereby conveyed unto the said William B Wallace his hins or assigns against the claim of every person whomsoever lawfully claiming or to claim the said tract of land. Witness my hand and seal for seal this 22d day of Febuary 1848. (Acknowledgment) Sarah House (seal)
And the court further finds that said deed of conveyance has been lost in Travis County as alleged by the said applicants. Wherefore it is hereby ordered adjudged and decreed by this court that the copy of said deed of conveyance herein set out be and the same is hereby substituted in lieu and for the said lost original deed of conveyance and that a copy of this decree duly

March 26th 1881.

certified by the Clerk of this court be delivered to the officials to serve all the uses and purposes of the said original deed of conveyance; and that the costs herein be taxed against the plaintiff. March 28th 1881.-

3565. Charles G. Jones vs Cora E. Shepherd et al. } In this case come now the parties to this suit: the plaintiff by his attorneys, Walton Green & Hill, the defendants, Cora E. Shepherd and her husband Wm D. Shepherd by their attorneys Jones & Trigg, the defendants Annie B. McDonell and her husband A. McDonell by their attorney J. W. Robertson, the defendant Pearl Conner an infant by her guardian Wm D Shepherd, and the defendant Wm Frazier an insane person now in the State Lunatic Asylum by his guardian Wm Blackwood, and the said parties announced themselves ready for trial and the said cause was submitted to the court without the intervention of a jury, and thereupon the said defendants waived their exceptions to the petition of the plaintiff, And it appearing that all the parties defendant had been duly served with the process of the court and had appeared and answered in this cause, and that all the parties in interest in the estate of John A. Conner and his wife, Selina Conner are before the court; it is by the consent and agreement of all the parties to this suit and upon the evidence submitted adjudged and decreed by the court, That the said Charles G. Jones the plaintiff in this case have partition as against the defendants of the property purchased by him out of Blocks No. Sixty-one and Sixty-two in the City of Austin in Travis County Texas, as alleged in his petition and shown by the deed of Page McDonnell administrator of the estate of John. A. Conner to him dated October 1st 1880, to wit of all the right title and interest of the estate of John A. Conner in and to lots, one, two, three, four, five and six in Blocks Sixty one, and in lots one and eight in Block Sixty two, and the said Charles G. Jones having in open court proposed to take as his interest in the said property embraced in his said deed to be free from all claims or charges other than his fair proportion of the costs of this suit from the defendants or any of them lots one and eight in Blocks number Sixty two and lots four and five in Block number Sixty one and agreed to relinquish all claim to any other portion of the said property in said blocks sixty one and sixty two to the defendants together with all rents accrued on said property to entry of this decree, and the parties defendant by themselves their attorneys and guardians consenting thereto, and this court being satisfied that the said proposition is fair and equitable towards the defendants, and that it is for the interest of the infants the said Pearl Conner and for the said Wm Frazier it is ordered adjudged and decreed accordingly and that the said lots numbered one and eight in block sixty two and lots four and five in block sixty one in the city of Austin in Travis County Texas be adjudged and decreed to the plaintiff Charles G. Jones free from all claims or charges by the defendants or either of them, except the proportional share of said Jones in the costs of this suit. It is further adjudged and decreed that the remainder of the said property to wit: lots one two three and six in Block sixty one be set apart to the defendants in this suit as hereinafter directed - And it appearing to the court that Salina Conner wife of John A. Conner died intestate

March 28th 1881.

in the year 1872. and John H. Conner died without being again married and intestate in the year 1879. That the said Selina at her death left the following children who were all the children also of said John H. Conner viz: the defendants Cora E. Shepherd. Nina B. McDowell and Pearl Conner, also Julick G Hicks. who married Edward A. Hicks. Martha J. who in her - married with Fahey. now a widow. Carrie T. Cotton widow of Cotton died. and David H. commonly known as Jack Conner.

That at the death of said Selina Conner the said Selina and her husband John H. Conner were in possession claiming as a homestead the whole of block sixty one from Lots one to eight inclusive and ~~block~~ Lots one and eight in block sixty two in the City of Austin aforesaid, that the said John H. Conner as surviving husband continued to claim and occupy the said property as his homestead until his death in the month of November 1879. That at the March term of the County Court of Travis County 1880 in the matter of the administration of the Estate of John H. Conner the said County court set aside for the use of Pearl Conner the minor child of said John H. Conner the said homestead saving and reserving the right of the plaintiff Charles G. Jones to sell so much thereof as would satisfy the liens thereon established in said Court in his favor.

It further appears to the Court that the said David H. Conner is dead and left no issue. and further that by reason of advancements made to him as decreed by this Court in the case of Cora E. Shepherd and others vs John H. Conner he was no interest in the property here mentioned. That the interest owned in the said property by Martha J. Fahey and by Carrie T. Cotton had been sold to the defendant H. McDowell, and the interest owned in said property by Julick G. Hicks had been sold to the defendant Wm Frazier and all the persons interested in the estate of John H. and Selina Conner are before the Court of which the said defendants Cora E. Shepherd owns one Sixth. Nina B. McDowell owns one Sixth. Pearl Conner one Sixth; the defendant H McDowell in right of Martha J. Fahey and Carrie T. Cotton owns two sixth and the defendants Wm Frazier in right of the share of Julick G. Hicks owns one Sixth.

And it appearing to the Court that the defendants between themselves desire partition of the remainder of the said Homestead property after setting apart the portion of Charles G. Jones to wit: lots one. two. three. Six. seven and eight in Block sixty one in the City of Austin in Travis County Texas aforesaid. and that said defendants have consulted and agreed to a partition thereof at this time saving and reserving the right of the said Pearl Conner to the use and occupation of said property by her guardian and that they have consulted that the said Pearl Conner shall have the use and profits from the same until she shall arrive of age or marry.

It is therefore ordered adjudged and decreed. that the said lots. one. two, three. six. seven and eight in Block Sixty one in the City of Austin aforesaid be partitioned among the defendants to this suit as follows. To Cora E. Shepherd one Share. Nina B. McDowell one Share. Pearl Conner one Share H McDowell two Shares and William Frazier one Share. and it is ordered that Dennis Connin. Wm Von Rosenberg and J. J. Walker

March 28th 1881

be appointed Commissioners to divide and set apart the said shares to the parties respectively according to the value of the same and that they make their report to the next term of this court.
It is further ordered and adjudged that the said Pearl Conner the minor aforesaid have the use possession and enjoyment of all of said property through her Guardian until she shall arrive of age or marry, at which time the other parties defendant may take possession of the parts severally allotted to them,
It is further adjudged and decreed that the said Charles G. Jones pay one half the costs in this case up to and including the entering of this decree and that the remainder of the costs be adjudged against the defendants according to their several interests for which Execution may issue, all other matters including the entering of the decree of partition between the heirs of John H. & Salina Conner are reserved until the further decree of this court.

5518 The State of Texas, vs. H. T. Eubanks et al. Set for April 2nd 1881
5567 The State of Texas vs J. W. Wyatt et al. Set for April 4th 1881.

Court adjourned till tomorrow morning 9 o'clock.

March 29th 30th 31st and April 1st 1881

Court met pursuant to adjournment and there being no minutes of the above dates to be recorded Court adjourned till tomorrow morning 10 o'clock.

April 2nd 1881

Court met pursuant to adjournment. Present same as on first day, Whereupon the following proceedings were had. viz:

5518. The State of Texas. vs H. T. Eubanks et al.: Plaintiff has leave to file 1st amended original petition and cause continued for service on H. C. Dutton.

3427. Henry Jones vs George. W. Rose. On this day the motion of the defendant for a new trial in this behalf coming on to be heard, and the same having been duly considered and fully understood was by the Court overruled. to which ruling of the court the defendant excepts and gives notice of Appeal to the Supreme Court.

5311 James. P. Randle et al. vs James. W. Morphis 1881. and said motion having been duly considered and fully understood by the court was on this the 2nd day of April 1881 overruled, to which ruling of the Court the defendant by Counsel excepted and gave notice of Appeal to the Supreme Court.

The motion of the defendant for a new trial in this behalf having been argued and submitted to the court on the 26th day of March

Court adjourned till Monday morning 10 o'clock

Monday April 4th 1881

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings were had viz:

5395 L. Schoellkopf vs Caroline Townsend et al. Continued by consent.
5567 The State of Texas vs J. W. Wyatt et al. Continued by consent

April 4th 1881.

The State of Texas,
vs
E. W. Fay, A. M. Monlich
E. W. Corey, J. W. Embree
T. E. Smith

This cause having been called for trial on the 2nd day of April A.D. 1881. came the County Atty on behalf of the State, and the defendants A. M. Monlich, E. W. Corey, J. W. Embree and T. E. Smith, Sureties on the appearance bond of the defendant E. W. Fay, appeared by their attorneys Messrs Walton Gouin & Rice, and thereupon came on to be heard the motion of the defendants to quash the writs of Scire Facias issued in this case, which motion was by the court overruled, to which ruling of the court defendants by counsel excepted, Thereupon both parties announced themselves ready for trial, And it appearing to the court that the said defendant E. W. Fay as principal with the said A. M. Monlich, E. W. Corey J. W. Embree and T. E. Smith as sureties did on the 23d day of August A.D. 1880 enter into an appearance bond payable unto the State of Texas in the penal sum of ($3000.00) Three thousand dollars, payable jointly and severally, conditioned that the said E. W. Fay should well and truly make his personal appearance before the Honorable District Court of Travis County at the Court House thereof in the City of Austin on the first Monday in October A. D. 1880. and then remain from day to day and from time to time of said Court until discharged by due course of law then and there to answer the State of Texas upon a bill of indictment then pending against him in said Court, Said indictment being numbered on the docket of said Court 5535; Wherein he is charged with the crime of falsely making a certain false and forged instrument in writing affecting an interest in lands in the State of Texas. to wit: a power of attorney to sue and convey land situated in the State of Texas, from one Joseph B. Haynes of the City of St Louis, County of St Louis and State of Missouri. to one E. W. Fay, dated on the 24th day of December 1875: With lawful authority and with the intent to defraud, and which said appearance bond was approved by the Sheriff of Travis County Texas on the 25th day of August A.D. 1880, And it further appearing to the court that on the 18th day of November A.D. 1880. the said cause No 5535 having been set for trial on said day by the agreement of Counsel of the respective parties in open court, and the said E. W. Fay then failing to appear the said appearance bond was declared forfeited, and that Judgment Nisi was then entered of record against said E. W. Fay as principal and against the said A. M. Monlich, E. W. Corey, J. W. Embree and T. E. Smith as sureties for the amount stipulated in said bond to wit: ($3000.00) Three thousand dollars, and the court having heard the pleadings and evidence of both parties and the argument of Counsel thereon, and having duly considered the same, did on this the 4th day of April A.D. 1881. order adjudge and decree that the said judgment Nisi be and the same is hereby made final and absolute for the sum of ($750.00) Seven hundred and fifty dollars, and all costs of suit: and that the balance of said judgment Nisi be remitted, vacated and held for naught: and that the State of Texas do have and recover of the said E. W. Fay as principal, and of and from the said A. M. Monlich, E. W. Corey, J. W. Embree and T. E. Smith as sureties the said sum of ($750.00) Seven hundred and fifty dollars, and all costs of this proceeding for which execution may issue. to which defendants excepted gives notice of appeal. Thereupon court adjourned till tomorrow Morning 9 o'clock.

372.

April 5th and 6th 1881

Court met pursuant to adjournment. Present same as on first day, and there being no civil minutes to be recorded of either of the above dates. Court adjourned till tomorrow morning 9 Oclock.

April 7th 1881.

Court met pursuant to adjournment. Present same as on first day, Whereupon the following proceedings were had viz:

✓5466 The State of Texas. vs The D. & G. N. R. R. Co. Continued by consent.

✓5543. The State of Texas. vs The A. & T. C. R. R. Co. It appearing to the court that the following agreement of the parties to this cause had been filed in this case. to wit:

The State of Texas } In District Court of Travis County Texas. May term
vs #5543 } A. D. 1881. It is agreed between J. H. McLeary Attorney
A. & T. C. R. R. Co. } General on the part of the plaintiff and G. Goldthwaite Esq Attorney for defendant that the defendant shall pay all costs in this behalf incurred, the plaintiff shall on such payment dismiss said cause. Austin Texas. March 30th 1881. J. H. McLeary Atty Gen. for plaintiff. Geo. Goldthwaite atty

It is therefore ordered by the court in accordance with said agreement that the State of Texas do have and recover of the defendant the Houston & Texas Central Rail Road Company all costs in this behalf incurred for which execution may issue.

✓5494 John E. & Wm Wallace. vs Benjamin Cage et al. It was this day ordered by the court that (No. 10) Ten dollars be taxed in this cause against the plaintiff for R. J. Hill Esq. attorney appointed by this court to represent absent defendants.

✓5579. M. E. Cunningham &c. vs James A. Chandler et al. Continued by consent.

The State of Texas vs W. B. Middleton et al. On the 4th day of April 1881. it was ordered by the court that defendants have leave to file 2nd amended original answer and plff. have to file amended 1st supl. Petition, Court adjourned till to-morrow morning 10 oclock.

April 8th & 9th 1881.

Court met each day pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

The State of Texas, } It is ordered by the court that E. T. Moore
✓5595 vs } County Atty of Travis County be permitted and
D. M. Strayhorn et al } he is required to represent the State in this case. His directions as to process therein will be obeyed by the subordinate officers of this court. To this order the Atty General excepts and gives notice of appeal. Court adjourned till tomorrow morning 10 Oclock.

April 12th 1881

Court met pursuant to adjournment. Present same as on first day

April 12th 1881.

Whereupon the following proceedings were had viz!

Fredrick Saelzer. Ex parte. Be it remembered that at the District Court for the County of Travis and State of Texas. held at the court house thereof in the city of Austin on the 12th day of April A D 1881. Fredrick Saelzer a native of Germany exhibited a petition praying to be admitted to become a citizen of the United States! And it appearing to the court that he had declared on oath before the clerk of said court on the day and date aforesaid that it was bona fide his intention to become a citizen of the United States and to renounce forever all allegiance and fidelity to any foreign prince, potentate State or Sovereignty whatsoever and particularly to the Emperor of Germany of whom he was a subject. and the said Fredrick Saelzer having on his oath declared and also made proof thereof by competent testimony to the satisfaction of the court that on the 4th day of May 1870 he enlisted as a soldier in the Army of the United States and was on the 4th day of May 1875 honorably discharged from such service and that he had resided in the United States of America more than one year immediately preceding his application to be a citizen and that during said period he had 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 having declared on oath before the said court that he would support the Constitution of the United States. and that he did entirely and absolutely and forever renounce and abjure all allegiance and fidelity to every foreign prince, potentate State and Sovereignty whatsoever; and particularly to the emperor of Germany of whom he was before a subject and that he entirely renounced and relinquished any title or order of nobility to which he is now or hereafter may be entitled, and having in all respects complied with the laws in regard to Naturalization, Thereupon the said court admitted the said Fredrick Saelzer to become a citizen of the United States, and ordered all the proceedings aforesaid to be entered on the records of said court

The State of Texas } On this the 11th day of April A D 1881. came the parties
vs } by their attorneys and plaintiff counsel having suggested
W. B. Middleton et al } in open court the death of W.B. Middleton the principal in the bond sued on. and of A G. Rogers one of the sureties say the plaintiff will no further prosecute this suit against the said W.B. Middleton and A.G. Rogers defendants. Wherefore this cause is discontinued as to the said W.B. Middleton and A. G. Rogers. And then came on to be heard the General and Special demurrers of the defendants to the plaintiffs amended original petition which having been considered by the court it is ordered that all of said demurrers be overruled to which ruling of the court defendants except. And then came on to be heard the demurrers of the plaintiff to defendants second amended original answer which having been considered by the court it is ordered that all of said demurrers be overruled. to which ruling of the court the plaintiff by its counsel excepts. And thereupon both parties having announced ready for trial. came a jury of good and lawful men to wit: J. P. Rodney and eleven others who being duly impannelled and sworn according to law. and having heard the pleadings evidence and argument of counsel after due deliberation returned into court the following special verdict

April 12th 1881.

in answer to the special issues submitted to them by the court as follows;
What amount of money is shown by the testimony, the certified statement testimony as above stand from the Comptrollers to be due the State upon Middletons account for the year 1876?
Ans. Fifty eight hundred and sixty eight dollars. & 37/100. ($5868.37.)
2. Was Middleton indebted to the State on May 2. 1876. upon his accounts for 1874 & 1875: as Sheriff or tax Collector of Linn County?
Ans. Yes.
3. Had Middleton collected and spent taxes due the State on his account in the Comptrollers office for the year 1874 & 1875. or rather of the years prior to 2d May 1876? If so how much? How much did Middleton collect on the Tax rolls for 1874 & 1875: after May 2. 1876 and before his death? How much of amounts of said Tax lists for 1874 & 1875: came to the hands of Powell the successor of Middleton after his death?
Ans. Yes.— for the year 1874- $3809.41. and for 1875 $1694.79 making $1350420 less the delinquents of 1875 (unknown) collected after May 2d 1876 and before his death $1065.00. and $108.00 reached Powells hands.
4. Did Middleton on Dec 8. 1876. pay to the State $4361.90. if so. from what source was the money obtained by Middleton? - What disposition was made of said payment? that is how was it applied. Was any directions given by Middleton as to its application?
Ans. Yes. Middleton paid $4361.90 from taxes of 1876. except the sum of $210.00 collected on previous rolls.— Applied to summons of 1874 $1500.00
" Ed Poll Tax 361.90
" Rev. " Tax " 1875 2500.00
x No directions given as to its application
5th Did Middleton Jan 3. 1877. return the School Fund draft No 111 for $4758.90 drawn on him?
From what source were the funds obtained which were paid for or on account of this draft? (give date and amount of each payment on this. & by whom & how made)
How was this draft when returned credited &c &c to account of what years was this amount applied?
Was any direction given by Middleton for the application of this draft as a payment?
Ans. Yes.

W. B. Middleton paid	Dec	23. 76		$356.74
" " "	"	Jany 13. 77		700.00
" " "	"	Feby 5 - "		600.00
" " "	"	" 16 "		200.00
H. B. Powell "	"	Apl 3 "		393.67

and cleared from taxes of 1876. " "
for taxes of 74 & 75 H. B. Powell paid Apl. 3. 77. 65.00
W. B Middletons Admrs. pd. County Scrip rec'd. over $2315.41
Nt over 2315.41
1221.33
for taxes of 1876 —
W. B. Middletons admr. paid county scrip rec'd for taxes on rolls

April 12th 1881

Amts from other page $ 2815.41
1221.93
$1221.93

of 1874 & 1875;

$4758.07

Thes last two amounts was paid about May 15th 1877.
$2497.05 was applied to taxes of 1874 & 2261.02 was applied to taxes of 1875. No instructions as to what accounts they showed be applied.
6. Did Carrington for Middleton on Aug 15th 1876 pay the State $300.00 from what source was this funds obtained? How was this funds applied? Was any direction given by or for Middleton as to the application of this payment?
Ans. Yes. Carrington paid for Middleton $300.00 Aug 15 1876. as money advanced on taxes of 1876. & applied to taxes of 1875; no directions as to application.
7 Was the item of $200. charged as error in receipt of Powell properly chargable to Middletons account for 1875; & not to his account for 1876?
Ans. The $200.00 error charged to Middleton showed be charged on roll of 1875;
8. Did the comptroller at the date of the transactions referred to in issues 4-5 & 6 know from what source the funds there paid was obtained?
Ans. No.

J. P. Rodney Forman.

A. J. Walker Judge 16 Dist & C.

And it being the opinion of the court that the defendants are entitled to credit on the account sued on by plaintiff for the following amounts found by the jury viz! Four thousand one hundred and fifty one & 70/100 dollars paid on the 8th day of December A.D. 1876! Three hundred and fifty six & 74/100 dollars paid the 23d day of December A.D. 1876. on school certificate No 111! And Two hundred dollars error in receipt of A. B. Powell charged on account in suit which should have been charged to Middletons account for the year 1875; and these amounts in the aggregate Four thousand seven hundred and eight & 64/100 dollars being deducted from Five thousand eight hundred and Sixty eight & 37/100 dollars the amount found by the jury to be due the State on the account sued on, leaving one thousand one hundred and fifty nine & 73/100 dollars, it is ordered adjudged and decreed by the court that the plaintiff the State of Texas do have and recover of and from the defendants. D. C. Carrington. R. B. Coleman. W. P. Evans. W. M. Evans. A. B. Powell. A. A. Thompson. W. L. Rogers and A. W. Landers jointly and severally the said sum of one thousand one hundred and fifty nine and 73/100 dollars principal. and the further sum of Three hundred and ninety seven & 04/100 dollars interest in all one thousand five hundred and fifty six & 77/100 dollars together with all costs in this behalf expended. and that plaintiff have his execution. And it appearing to the court that the said defendants against whom this judgment is rendered are all sureties in the Official bond sued on, it is ordered adjudged and decreed by the court that in case this judgment is paid by the said sureties or any of them, and one or more of said sureties fails to pay more than his proportionate part of this judgment and in consequence of such failure one or more of said sureties is compelled to pay more than his proportionate part of said judgment then execution may issue for the use of the sureties or surety who has paid more than his proportionate part

April 12th 1881.

of said judgment against his Co. sureties for their proportionate part of the costs so paid by him and in their favor. And it is further ordered that execution may issue in behalf of the officers of this court for all costs in this behalf incurred. To the above judgment rendered by the court on the verdict of the jury the plaintiff by its counsel excepted, and defendants also by their counsel excepted.

5395. The State of Texas. vs S. M. Strayhorn. et al. Upon motion of the Attorney General and it appearing to the court that the defendant S. M. Lessone was improperly made a party to this suit. It is ordered that this suit be dismissed as against said defendant S. M. Lessane.

5311 James. P. Randle et al. vs James M. Morphis ~~et al.~~ } On the 7th day of April A. D 1881. Plaintiffs motion for a new trial in this behalf coming on to be heard and the same being duly considered by the court said motion was overruled. to which ruling of the court Plaintiffs by attorney in open court excepts and gives notice of appeal to the Supreme Court

5378. The State of Texas. vs W. B. Middleton et al. On the 11th day of April A.D 1881 defendants motion to enter judgment for defendants in this case coming on to be heard and the same being duly considered and fully understood by the court was overruled.

5597. The State of Texas. vs Geo W. Loflin et al, It is ordered by the court that E. T. Moore County Attorney be permitted and he is required to represent the State in this case, His directions as to process thereon will be obeyed by the subordinate officers of this court; To this order the Atty General excepts and gives notice of appeal. Court adjourned till tomorrow morning 10 o'clock,

April 13th & 14th 1881

Court met pursuant to adjournment. Present same as on first day and there being no civil minutes to be recorded Court adjourned till Saturday morning the 16th inst 10 o'clock,

Saturday April 16th 1881

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings were had viz:

5599. The State of Texas vs P. W. Herbert et al. It is ordered by the court that E. T. Moore County Attorney be permitted and he is required to represent the State in this case. His directions as to process thereon will be obeyed by the subordinate officers of this court. To this order the Attorney General excepts and gives notice of appeal,

5603 The State of Texas. vs M. L. Durham et al. It is ordered by the court that E. T. Moore County Attorney be permitted and he is required to represent the State in this case. His directions as to process thereon will be obeyed by the subordinate officers of this court. To this order the Attorney General excepts and gives notice of appeal.

5607 The State of Texas vs J. T. Wilson et al. It is ordered by the court that E. T. Moore County Attorney be permitted and he is required to represent the State in this case., His directions as to process thereon will be obeyed by the subordinate

April 16th 1881

offices of this court. The Attorney General excepts and gives notice of appeal.

The State of Texas vs Jose Ma Villareal et al. It is ordered by the court that E. T. Moore County Attorney be permitted and he is required to represent the State in this case. His directions as to process thereon will be obeyed by the subordinate officers of this court. The Attorney General excepts and gives notice of appeal. 5614

The State of Texas vs Jose Ma. Villareal et al. It is ordered by the court that E. T. Moore County Attorney be permitted and he is required to represent the State in this case. His directions as to process thereon will be obeyed by the subordinate officers of this court. The Attorney General excepts and gives notice of appeal. 5615

The State of Texas vs John. J. McComm et al. It is ordered by the court that E. T. Moore County Attorney be permitted and he is required to represent the State in this case. His directions as to process will be obeyed by the subordinate officers of this court. The Attorney General excepts and gives notice of appeal. 5617

The State of Texas. vs P. P. Meadows. et al It is ordered by the court that E. T. Moore County Attorney be permitted and he is required to represent the State in this case. his directions as to process thereon will be obeyed by the subordinate officers of this court. The Attorney General excepts and gives notice of appeal. 5621

The State of Texas vs A. B. Mason et al. It is ordered by the court that E. T. Moore County Attorney be permitted and he is required to represent the State in this case. His directions as to process thereon will be obeyed by the subordinate officers of this court. The Attorney General excepts and gives notice of appeal. 5622

The State of Texas. vs John. M, Ellkins et al. It is ordered by the court that E. T. Moore County Attorney be permitted and he is required to represent the State in this case. His directions as to process thereon will be obeyed by the subordinate officers of this court. The Attorney General excepts and gives notice of appeal. 5623

The State of Texas. vs Pinto Gingales et al. It is ordered by the court that E. T. Moore County be permitted and he is required to represent the State in this case. His directions as to process thereon will be obeyed by the subordinate officers of this court. The Attorney General excepts and gives notice of appeal. 5596

The State of Texas vs W. A. Whatley et al; It is ordered by the court that E. T. Moore County attorney be permitted and he is required to represent the State in this case. His directions as to process thereon will be obeyed by the subordinate officers of this court. The Attorney General excepts and gives notice of appeal. 5604

The State of Texas. vs A. Blumtzer et al It is ordered by the court that E. T. Moore County attorney be permitted and he is required to represent the State in this case. His directions as to process thereon will be obeyed by the subordinate officers of this court. The Attorney General excepts and gives notice of appeal. 5609

The State of Texas vs J. W. Stockley et al. It is ordered by the court that E. T. Moore County attorney be permitted and he is required to represent the 5610

April 16th 1881

State in this case. His directions as to process thereon will be obeyed by the subordinate officers of this Court. The Attorney General excepts and gives notice of Appeal.

614 5611. The State of Texas vs Alden McIlvain et al. It is ordered by the Court that E. T. Moore County attorney be permitted and he is required to represent the State in this case. His directions as to process thereon will be obeyed by the subordinate officers of this court. The Attorney General excepts and gives notice of Appeal.

615 5620. The State of Texas vs A. H. McGown et al. It is ordered by the Court that E. T. Moore County attorney be permitted and he is required to represent the State in this case. His directions as to process thereon will be obeyed by the subordinate officers of this Court. The Attorney General excepts and gives notice of Appeal.

5598 The State of Texas vs N. A. Morris et al. It is ordered by the Court that E. T. Moore County attorney be permitted and he is required to represent the State in this case. His directions as to process thereon will be obeyed by the subordinate officers of this Court. The Attorney General excepts and gives notice of Appeal

617 5592. B. H. Jaynes Sims vs Leander Brim et al. On the 11th day of April A.D. 1881. the motion of plaintiff to compel the Sheriff to serve process in this case by making copies of the original citation and delivering one to each of the defendants after argument of counsel thereon was submitted to the court, and on this the 12th day of April 1881. the court after due deliberation granted said motion, and ordered that the Sheriff proceed and make such service.

622 5592. B. H. Jaynes Sims vs Leander Brim et al. It is ordered by the court that Jno. R. Peel. Esq plaintiffs attorney be allowed to go on cost bond as surety in this case.

5591 B. H. Jaynes Sims vs R. F. Campbell et al. It is ordered by the court that Jno. R. Peel. Esq be allowed to go on cost bond as surety in this case.

623 5635 The State of Texas Oscar Samosky. Ex parte.

Travis County. } Be it remembered that at the District Court for the County of Travis held at the Court House thereof in the City of Austin on the 16th day of April A.D. 1881 Oscar Samosky a native of Germany exhibited a petition praying to be admitted to become a citizen of the United States: and it appearing to the court that he had declared on oath before the Clerk of the Circuit Court within the City and Parish of New Orleans Louisiana on the day of A.D 1871. that it was bona fide his intention to become a citizen of the United States and to renounce forever all allegiance and fidelity to any foreign prince, potentate State and sovereignty whatsoever, and particularly to William King of Prussia of whom he was at that time a subject, and the said Oscar Samosky having on oath declared, and also made proof thereof agreeably to law. to the satisfaction of the court. that he had resided one year and upwards within the State of Texas, and within the United States of America upwards of five years both periods immediately preceding his application and that during said period of five years he had 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 have declared on oath before the said court that he would support the constitution of the United States and that he did absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince potentate, State and sovereignty whatsoever and particularly to the

April 16th 1881

King of Panama of whom he was before a subject; and having in all respects complied with the laws in regard to Naturalization, the said Court admitted the said Oscar Samuels to become a citizen of the United States. and ordered all the proceedings aforesaid to be entered on the records of said court; Court adjourned till Wednesday the 20th inst. 10 oclock A. M.

April 20th 1881

Court met pursuant to adjournment. Present same as on first day thereof when the following proceedings were had viz:

The State of Texas vs W. H. Griffin et al. The motion of the defendant E. M. Daggett to set aside the judgment final heretofore rendered in this cause coming on to be heard and the same being duly considered and fully understood by the court, said motion was by the court overruled. Sf 69.

The State of Texas. vs W. H. Griffin et al. The motion of defendant E. M. Daggett to set aside the judgment final heretofore rendered in this cause and to grant a new trial thereof coming on to be heard. and the same being duly considered and fully understood by the court said motion was by the court overruled. Sf 70.

The State of Texas vs W. H. Griffin et al. The motion of the defendant E. M. Daggett to set aside the judgment final heretofore rendered in this cause and grant a new trial thereof coming on to be heard. and the same being duly considered and fully understood by the court: said motion was by the court overruled. Sf 75.

The State of Texas. vs W. H. Griffin et al. The motion of the defendant E. M. Daggett to set aside the judgment final heretofore rendered in this cause and to grant a new trial thereof coming on to be heard and the same being duly considered and fully understood by the court: said motion was by the court overruled. Sf 76

The State of Texas vs W. B. Middleton et al. The motion of the defendants for a new trial in this behalf coming on this day to be heard, and the same having been duly considered and fully understood by the court. said motion was by the court overruled, to which ruling of the court the defendants by counsel excepted and gave notice in open court of Appeal to the Supreme Court. 5-375

The State of Texas vs W. B. Middleton et al. The motion of the plaintiff for a new trial in this behalf coming on this day to be heard. and the same having been duly considered and fully understood by the court, said motion was by the court overruled. to which ruling of the court the plaintiff by counsel excepted and gave in open court notice of appeal to the Supreme Court 5-375

R. F. Campbell vs George Newton. On this the 20th day of April A.D. 1881. came R. F. Campbell plaintiff by his attorney and E. Hallmann Clerk of this Court by his attorney and thus came on to be heard the motion of the said plaintiff against the said E. Hallmann Clerk as aforesaid to retax the costs in this case, and the said motion and the evidence and argument of counsel thereon having been heard and fully understood and because it is the opinion of the court that it was not the duty of the said E Hallmann as Clerk as aforesaid to make out the copy 5509

April 20th 1881

of citation to be served on the defendant in this cause, but that it was the duty of the Sheriff who executed said citation to serve the defendant with a copy of said citation and to provide himself with a copy to be served on said defendant, and therefore that said E Hallmann clerk as aforesaid was not entitled to any fee ~~for making~~ for making the copy of citation to be served and that was served on said defendant, it is ordered adjudged and decreed by the court that the motion of R. F. Campbell plaintiff against the said E. Hallmann clerk as aforesaid to retax the costs in this case be and the same is hereby sustained and that the item charged in the bill of costs in said cause of seventy five cents, for making copy of original citation in favor of the said E. Hallmann clerk as aforesaid be and the same is hereby stricken out and that the costs of said motion to relax costs be taxed against the said E Hallmann clerk as aforesaid. To which ruling of the court the said E Hallmann clerk as aforesaid excepts and in open court gives notice of appeal to the Supreme Court of the State of Texas. Court adjourned till Saturday the 23d inst 10 A. M.

Saturday April 23d 1881

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings were had viz:

5638 E. A. Simms. Ex parte. E. A. Simms having made application before the District Court of Travis County at the January term thereof 1881 for a permanent license to practice as an Attorney and Counsellor at law in the District and all inferior courts in the State of Texas, and the said E. A. Simms having produced before the Court his license issued to him by the Circuit Court of Coosa County Alabama as an attorney at law to practice law in all the courts of Law and Equity in the State of Alabama, except the Supreme Court. and having been introduced to the court by M G. Shelley and D. W Doom Esqrs. (two attorneys of this bar.) as a man of good moral character. and the said E. A. Simms having taken the oath as required by law. It was ordered by the Court that his name be enrolled as an attorney of this court. and that he be admitted and authorized to appear plead and practice as an attorney and counsellor at law in all the District and inferior courts of the State of Texas, and that a license issue to him accordingly,

Court adjourned till Monday 25th April 1881 10 oclock A.M.

April 26th 1881

Court met pursuant to adjournment. Present same as on first day — Whereupon the following proceedings were had viz:

5564. John & Lewis Hancock. vs Kannacher & Wilson. By agreement of counsel on file in this case the judgment by default heretofore taken against the defendant Frederick Jourdan was by the court set aside and defendant allowed to answer. Court adjourned till tomorrow morning 10 oclock,

April 27th 1881.

Court met pursuant to adjournment. Present same as on first

April 29th 1881.

day. Whereupon the following proceedings were had viz:
Minerva Hugle vs Martin Hugle. This cause being called for trial 5628
came the plaintiff by attorneys and announced ready for trial, and it
appearing to the court that the defendant had waived the issuance
and service of citation and entered his appearance in this cause
and consented that this cause might be tried at the present
term of this court the same as if citation had been duly served
on him personally more than five days before the first day of
the present term of this court and neither party having demanded a
jury this cause is submitted to the court for trial and there, and
the court after hearing the petition and the evidence in this cause
does find that the material allegations in the petition are true
and that the plaintiff ought to have the divorce. It is therefore
ordered adjudged and decreed by the court that the bonds of matrimony
heretofore existing between the plaintiff Minerva Hugle formerly Minerva
Phillips and Martin Hugle be and they are hereby forever dissolved
and the said Minerva Hugle and Martin Hugle are forever divorced
from each other. It is further ordered that the defendant pay
all costs of this proceeding for which execution may issue.
Court adjourned till tomorrow morning 10 oclock.

April 29th 1881

Court met pursuant to adjournment. Present same as on first day
whereupon the following proceedings were had viz.
W. A Saylor. } And now at this day come the above named parties and it
vs } appearing to the Court that on the 15th day of May 1880 5470.
John. M. Smishe. } the said above named parties entered into an agreement to Encroach Vol 5 page 96.
submit all matters of difference between them set out in said agreement to
arbitration and that they agreed to select and did select. Frank G. Glenn
and A N Shipley as arbitrators which said agreement for arbitration was
duly filed in this court on the 18th of May 1880. and is in substance as
follows: "The State of Texas, County of Travis. Be it known that we W. A.
Saylor as plaintiff and John. M. Smishe as defendant they unable to agree
the proper mode and manner of settling our co-partnership matters in certain
Government contracts for furnishing grain to the Posts of Fort Brown. Ringgold
Barracks and Fort Griffin during the years 1876, 1877. and 1878. and the proper
distribution of the money collected by W. A. Saylor on the judgment obtained
in the court of claims against the United States growing out of the Fort
Brown and Ringgold Barracks contracts, and which said amount now in
dispute exceeds the sum of one thousand ($1000.) dollars, We do hereby agree
to submit all matters in controversy to arbitration, in accordance with
the laws of the State governing arbitration. Said arbitrators shall state the
proper account between us, and we hereby agree to abide by and be governed
by their decision. The said W. A. Saylor plaintiff hereby selects Frank
G. Glenn as his said arbitrator and the said John. M. Smishe hereby
selects A. N. Shipley as his said arbitrator. Witness our hands and
Seals this Fifteenth day of May A D 1880.- W. A. Saylor. Jno. M Smishe-

April 29th 1881.

And it further appearing to the court that on the 21st day of June 1880. the said arbitrators made their award in said cause and on the 22nd day of June 1880 filed the same in this court when both it and the said agreement for arbitration remain — and that said award is as follows:

State of Texas, } To the Clerk of the District court of Travis County Texas, the
Travis County } undersigned arbitrators. elected as such under articles of agreement made and entered into on the 15th day of May A D 1880, between W. A. Saylor and Jno. M. Swisher. which agreement is on file in the office of the District Clerk of Travis county. Providing for and having in view the settlement of certain differences existing between the said parties, beg leave to report as follows to wit: After being duly sworn we met at the office of Jones and Trigg in the City of Austin and proceeded to the investigation of the said causes of difference: both parties appearing in person and by counsel and we having heard all the evidence either party wished to adduce. We find and award as follows to wit: That the said John. M. Swisher is justly legally and honestly indebted to the said W. A. Saylor in the sum of Seventeen hundred and thirty four dollars and forty cents ($1734.40) and We further award That the note given by Jno M Swisher to the First National Bank of Austin Texas for Six thousand dollars dated November 25th A.D. 1878. due five months after date and having a credit of five thousand dollars indorsed thereon September 5th 1879. said note being owned by deed of Trust in the property of the said W A Saylor. said W. A Saylor having all the rights of assignee thereof: leaving the balance due said W A. Saylor on September 1st A D 1879 over and above the said note and account in favor of Four hundred and Eighty four dollars and forty cents. The said note and account interest and the said sum of Four hundred and Eighty four dollars and forty cents making the sum total of Seventeen hundred and Thirty four dollars and Forty cents. Which was due said W A Saylor on the First day of September A D 1879. We further adjudge that the said Jno. M. Swisher shall pay all the costs of this arbitration, including Eighty dollars to the Arbitrators or Forty dollars to each of them. Witness our hands this 21st day of June A D 1880. F. W. Glenn. — A. S. Paisley.

And it further appearing that on the 6th day of October 1880 the said above named plaintiff W. A. Saylor made in open court a Motion to have said award made the judgment of the court, and on a subsequent day of the court. on the 13 day of January 1881 the said above named defendant John. M. Swisher made an Motion to set aside said award, and the said two Motions coming on to be heard. and both parties having appeared and announced themselves ready for trial on both said Motions and after hearing the evidence of both parties and the argument of counsel and also of the parties themselves. It is ordered by the court that the Motion of the said defendant J. M. Swisher to set aside said award be and the same is hereby refused and it is further ordered by the court that the Motion of the said plaintiff W. A Saylor to have said award made the judgment of the court be and the same is hereby granted: but it appearing from the evidence before the court which was the same evidence that was before the arbitrators and from the evidence

This judgment is paid and satisfied in full — W. A. Saylor, by J. W. Glenn, Atty.

Aprie 29th 1881.

of the arbitrators themselves that after arriving at the then conclusion in said matter of award that in the computation of the sum of items making up the over-draft charge that by mistake or inadvertance items were counted therein not included by them under their decision therein, to the amount of $378.10 excess of what the arbitrators had decided it to be and that the amount included by and duly awarded by them is $295.$\frac{35}{100}$.- It is therefore considered by the court that the said award be affirmed and confirmed. and it is ordered adjudged and decreed by the court that the said note heretofore given by the said defendant John. M. Swisher to the First National Bank of Austin Texas for Six thousand dollars dated November 25th A.D.1878 and due five months after date and having a credit of Five thousand dollars endorsed thereon September 5th 1879, said note being owned by a bona fide holder be and the same is hereby decreed to be the property of said plaintiff W. A Saylor by being the assignee of the said note and having all the rights of assignee thereof. and that the right and title to the said note be fully vested in said W A Saylor. It is further considered by the court that in addition to said note above described the said John. M. Swisher is further justly indebted by said award to the said W A Saylor in the further and additional sum of two hundred and ninety-five $\frac{35}{100}$ ($295.35) dollars. It is therefore considered by the court that the said W. A. Saylor do have and recover on said award of the said Jno. M Swisher the said sum of two hundred and ninety five $\frac{35}{100}$ dollars ($295.35) and it is also adjudged that the said J. M. Swisher pay all the costs of this suit in this behalf expended in this arbitration and also the further sum of Forty dollars costs to each of the above named arbitrators. for all of which above named amounts execution may issue, and that the costs of this court be equally divided between the parties. To which judgment of the court the defendant excepts and gives notice of appeal to the Supreme Court. The said plaintiff W A Saylor. having in open court requested the presiding Judge to State in writing the conclusions of fact found by him seperately from the conclusions of law. the same is this day accordingly done, and the Clerk of this court is hereby ordered to file said written statement of the Judge as of this date in said case and that it constitute a part of the record of the same. It is further ordered that the parties be allowed ten days after the adjournment of court to make up the statement of facts in this case.

John. M. Swisher
vs
W. A. Saylor

And now on this day the said above named cause coming on to be heard and both parties having announced ready for trial and waived a jury and submitted the matters of law and of fact to the court. the said case having been heard on the pleadings and the evidence adduced and now it is the opinion of the court that on the law and on the facts the judgment should be for the said defendant W. A Saylor. It is therefore ordered adjudged and decreed that the Injunction heretofore granted in this case be dissolved. that the said plaintiff take nothing by his said suit and that plaintiffs suit be dismissed and that said defendant go hence without day and that he have and recover of the said plaintiff John. M. Swisher all the costs in this behalf expended for which execution may issue, To which judgment of the court the plaintiff excepts and gives notice of appeal to the Supreme Court

5477
(Exe docket no 5 page 97.)

April 29th 1881

It is further ordered that the parties be allowed ten days from the adjournment of this court to prepare the Statement of facts.

Court adjourned till tomorrow morning 10 oclock

April 30th 1881

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings were had viz:

3494 John. E. & Wm Wallace vs. Benjamin Cage et al. The defendants in this case by attorney in open court give Notice of Appeal from the judgment of court heretofore rendered in this cause to the Supreme Court.

3375. The State of Texas, vs W. B. Middleton et al. It is ordered by the court that the parties to this cause have ten days from the adjournment of court in which to prepare and file a Statement of facts in this case.

3451 John Rooney vs Kammacher & Wilson. It is ordered by the court that the parties to this cause be allowed ten days in which to file a Statement of facts in this cause.

The State of Texas, } The foregoing minutes having been read in open court Travis County. } and found correct are hereby approved, and ordered that they stand as a part of the minutes of the present term of this court and that this court now stand adjourned until the next regular term thereof.

April 30th 1881

A. S. Walker
Judge 16. District

May 2nd 1881.

The State of Texas. } Be it remembered that at a term of the Hon District
County of Travis } Court of Travis County begun and holden at the Court
House thereof at the City of Austin on the 2nd day of May 1881. that
being the first Monday in said month. and the time fixed by law for the
meeting of said Court and the Hon A. S. Walker Judge of the 16th Judi-
cial District of the State of Texas, presiding and E. Hallmann Clerk
of said Court and Ed Creary Sheriff of said County being present the
following proceedings were had viz:

3441 Rachel J. Harris &al vs Albert C. Jones et al. Cont by consent.

3629 A. J. Burke vs Carl. Kuit & John Lindstrum. It is ordered by the Court that J. M. Silliman be and he is hereby allowed to file petition making himself party plaintiff in this cause

Thereupon Court adjourned till tomorrow 10 oclock A M.

May 3d 1881

Court met pursuant to adjournment. Present same as on first day
Whereupon the following proceedings were had viz:

3643. Machias Grim. } The State of Texas } Be it remembered, that at the Dis-
Ex parte } Travis County } trict Court for the County of Travis

May 3d 1881

aforesaid held at the Court House thereof in the city of Austin on the 3d day of May A.D. 1881, Mathias Dreiss a native of Germany, exhibited a petition praying to be admitted to become a citizen of the United States: and it appearing to the said Court that he had declared on oath before the Clerk of said Court on the day and date aforesaid that it was bona fide his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, State or sovereignty whatsoever, and particularly to the King of Bavaria of whom he was a subject: and the said Mathias Dreiss having on his oath declared and also made proof thereof by competent testimony to the satisfaction of the Court that he had resided within the United States of America three years next preceding his arriving at the age of twenty one years, and continued to reside therein to the time of making his application: that including the three years of his minority he had resided within the limits and under the jurisdiction of the United States five years and upwards: and that during the three years next preceding it had been bona fide his intention to become a citizen of the United States and it appearing to the satisfaction of the Court that during the said period of five years he had behaved as a person 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 Petitioner having declared on oath before said Court that he would support the Constitution of the United States and that he did absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince potentate, State and sovereignty whatever and particularly to the King of Bavaria of whom he was before a subject: Thereupon the Court admitted the said Mathias Dreiss to become a citizen of the United States and ordered all the proceedings aforesaid to be recorded in the records of said Court.

The State of Texas, vs John M. Elkins et al } On this 3d day of May A.D. 1881, came the State of Texas, plaintiff, by E. T. Moore County Attorney of the County of Travis, and suggests to the Court that D. A. St Clair one of the defendants is dead, and was never served with citation in said cause, and that plaintiff will not further prosecute this suit as to the said D. A St Clair Wherefore this suit is discontinued as to him. And the other defendants John. M. Elkins, C. M. Mann and G. K. Elkins by their attorney having filed their agreement in writing that the plaintiff should have judgment against them for the sum of Three thousand eight hundred and fourteen & 61/100 dollars amount shown to be due on stalement of account by the Comptroller of Public Accounts filed with said agreement with interest and costs of suit: and the said E. T. Moore County Attorney as aforesaid having on behalf of said plaintiff asked judgment accordingly, it is considered ordered adjudged and decreed by the Court that the State of Texas plaintiff do have and recover of and from the defendants John. M. Elkins C. M. Mann and G. K Elkins jointly and severally the said sum of Three thousand Eight hundred and fourteen & 61/100 ($3.814.61) principal and the further sum of Two hundred and fifty four & 30/100 ($254.30) dollars interest, in all Four thousand & Sixty eight & 91/100

5423, 2nd book W.S. page 91.

May 3d 1881

(#1068.91) dollars together with all costs in this behalf expended for which execution may issue. And it further appearing to the court that the defendant John M. Elkins is the principal in the official bond sued on in this cause, and that the said defendants C. M. Mann and G. W. Elkins executed said bond as sureties and as such sureties are entitled to the benefit of the Statute in such case made and provided, it is therefore further ordered adjudged and decreed by the court that the Sheriff levy the execution issued by virtue of this judgment first upon the property of the said John M. Elkins subject to execution and situate in the County of Travis before a levy shall be made upon the property of said sureties or either of them, provided so much property of the said John M. Elkins subject to execution shall be found in said Travis County as will be sufficient to make the amount of said execution, otherwise the levy thereof to be made on the property of the said John M. Elkins that may be found, if any, and upon so much of the property of said sureties as may be necessary to make the amount of said execution, And it is further ordered adjudged and decreed by the court that in case said sureties or either of them shall make any payment which is applied on this judgment by reason of their suretyship on said official bond, this judgment shall not be discharged by such payment but shall remain in full force and be prosecuted to execution for the use of the sureties or surety making such payment to the amount of such payment and interest thereon. And it is further ordered adjudged and decreed by the court that in case this judgment is paid by the said sureties or either of them and one of said sureties fails to pay his proportionate part of said judgment and in consequence of such failure the other one of said sureties is compelled to pay more than his proportionate part of said judgment then execution may issue against the said John M. Elkins for the use of the surety who has paid more than his proportionate part of said judgment for the whole amount paid by him and interest thereon and also against his co-surety for his proportionate part of the excess so paid by him and interest thereon. And it is further ordered that execution may issue in behalf of the officers of the court for all costs in this behalf incurred.

Mary A. Smisher
vs
James M. Smisher et
Joseph Harris

On this day this cause coming on to be heard it was ordered by the court that defendant Harris all have leave to file an amended answer, and came the plaintiff and the defendant Joseph by their respective attorneys, but the defendant James M. Smisher having failed to answer in this behalf but wholly made default, and the parties announcing themselves ready for trial submit the matters in controversy as well of fact as of law to the court, and the court having heard the pleadings evidence and argument of counsel is of the opinion that the plaintiff cannot recover and

Filed eighth day of June 1881 this suit is settled by direction of counsel for plaintiff. Release of defendants on payment of costs. Dismissed and so entered this 23d day of June 1881 at 9 o'clock A.M. Witness my hand and official signature. No 5422 District Court Travis County, Texas. E. T. Moore County & District Clerks

On the 7th day of June 1881 this suit is settled by direction of counsel for plaintiff. Release of defendants on payment of costs. Dismissed and so entered this 23d day of June 1881 at 9 o'clock A.M. Witness my hand and official signature. No 5422 District Court Travis County, Texas. E. T. Moore County & District Clerks

5448

May 3d 1881

that the defendant Joseph Harrell ought to recover on his answer and plea claiming title to himself to the lot of land and for. It is therefore ordered adjudged and decreed by the court that the plaintiff take nothing by the said suit. and it is further ordered adjudged and decreed by the court that the title of the defendant Joseph Harrell in and to the lot of land as described in the plaintiffs petition to wit: Lot 2. Block 19 in what they call a part of Swisher addition to the city of Austin and being a part of lot 81. be and the same is hereby established and confirmed as against the plaintiff Mary. A. Swisher and the defendant James. M. Swisher and that the said Harrell be and he is hereby forever quieted in his title and possession of said lot of land. It is further ordered that the said defendant Harrell recover of the plaintiff all his costs in this behalf expended for which execution may issue.

Thomas. F. McKinney vs A. M. Cox. Passed to end of the docket; ✓2931.
Giles H. Burdett vs W. B. Burdett Continued ✓3030.
Eubaka Gonzales vs The State of Texas. Continued ✓3140.
Juan Vila Gutiorz vs The State of Texas Continued ✓3187.
Manual Bustamento vs The State of Texas Continued ✓3189
Manual Ramirez vs The State of Texas. Continued ✓3190.
Pedro Gutierz vs The State of Texas Continued ✓3191.
Gabriel Duras et al vs The State of Texas. Continued ✓3192.
Julian Zapalaja vs The State of Texas Continued ✓3196
Candalaria Ramirez vs The State of Texas Continued ✓3202.
Trinidad Villareal vs The State of Texas Continued ✓3361
Victoria Juarez vs The State of Texas Continued ✓3362
Seraphio Garza vs The State of Texas Continued ✓3364.
Salvador Cardenas vs The State of Texas Continued ✓3365
Juan Rodriguez Sais vs The State of Texas Continued ✓3366.
John Ireland vs John Hancock. C. S. West et al. Continued by consent ✓3396
Geo. W. Paschal vs Central R. R. Co & Austin City: Continued to make parties ✓3720.
Chandler, Carlton & Robertson vs Geo. W. Henry, W. P. de Normandie Garnishee ✓3934.
passed to end of docket;
M. D. Miller vs F. M. Randle & Emanuel Nolda. Continued for service ✓4007.
F. Sluser & Son vs J. T. Jackson Continued ✓4016.
Lomis & Christian vs Dyson & Brook et al. It is this day ordered by the ✓4329
Court that this case be and the same is hereby dismissed for want of prosecution and that the plaintiffs Lomis & Christian pay all costs in this behalf expended for which execution may issue.
James. M. Levy vs George. L. Robertson et al. Passed to end of docket ✓4430.
John. C. Duval vs Robert Craig Cannon et al. Passed to end of docket ✓4795.
Charles Krohn vs Thomas. F. Purnell Continued ✓4815
Ethel Coopwood et al. vs. William Alexander Continued ✓4828.
J. R. Dixon vs The H. & T. R. R. Co. Continued by consent. ✓4887
The State of Texas. vs B. Bonn et al Continued ✓4900.
W. B. Bush vs James. B. Barron, By consent of the parties hereto ✓4930.
it is ordered by the court that this case be and the same is hereby dismissed and that the plaintiff W. B. Bush pay all costs in this behalf

May 3d 1881

defendants for which execution may issue.

4972.	John. H. Hamilton vs W. R. Hamilton et al	Continued,
5024	L. W. Ballew vs Nicholas Jerolomon.	Passed to end of docket.
5074	Richard Gilclark vs J. B. Gilclark.	Continued
5105	Ellen Kimball et al vs Louisa Johnson et al.	Continued
5205	E. W. Shands vs Milton Wallace,	Set for trial May 12th 1881
5246	C. T. Garland vs C. W. Garland.	Continued for service.
5249	F. W. Chandler Adm vs Loomis & Christian.	Passed to end of docket.
5251	Wm Bray vs T. E. Tullis et al	Passed to end of docket;
5267	Laura H Ormond vs Charles J. Ormond.	Continued
5272	M. B. Davis vs Lilia. L. Davis.	Continued
5292	James F Johnson vs W. W. Lang,	Continued
5313	Hilma Henninger vs John Henninger	Continued
5319	P. Woolfolk vs Alfred Woolfolk.	Passed to end of docket.
5323	James Lockwood vs Fredrick Jourdan,	Continued for service
5356	Desha Punkin. Ex parte.	Continued
5363	Bertram & Moeller vs Asa Feary & co.	Set for May 12th 1881.
5368	W. H. D. Carrington vs Charles Dodge	Continued
5371	J. E. Cearley vs P. C. Wells.	Continued for service.
5374	Amelia Bichler vs Harry Gilman,	Continued
5383	Becky Pickett vs Lee Pickett.	Continued for service
5386	Ed Christian vs A. W. Caldwell.	Continued
5389	M. C. Hamilton vs James F. Ellison	Continued
5395	L. Schoolcher. vs Caroline Tomaud et al	Continued for service on minor defendants.
5420	Henry Brooks vs Jacob H. Effright et al	Continued
5431	W S. Carruthers. vs R. W Crawford	Continued for service,
5441	Rachel J. Harris et al. v. Albert C. Jones et al.	Continued for service.
5443	Mary A Smisher vs James. M. Smisher & A Lorraine.	Passed to end of docket.
5445	Mary. A. Smisher vs James. M. Smisher & J. M Lillon	Passed to end of docket
5446	Mary A Smisher vs James. M. Smisher & John Kyle.	Passed to end of docket.
5447	Mary A Smisher vs James M. Smisher. Bryan & Campbell.	continued by consent.
5449	Thomas. J. Kemp et al vs. George Kemp,	Passed to end of docket;
5452	Mary A. Smisher vs James M. Smisher & R. F Campbell.	continued by consent,
5453	Mary A. Smisher vs James. M. Smisher & James Haig,	Passed to end of docket.
5454	Mary A Smisher vs James. M. Smisher & E. W. Shands,	Passed to end of docket.
5455	Mary A. Smisher vs James. M. Smisher & Isabella Haigler et al	Passed to end docket;
5456	Mary A Smisher vs James. M. Smisher & Patrick Toner.	Passed to end of docket;
5457	Mary A Smisher vs James M. Smisher. Haig & Craven.	Passed to end of docket;
5458	Mary A Smisher vs James M. Smisher & Wm Bright.	Passed to end of docket.
5459	Mary A Smisher vs James M. Smisher & Jacob Schmidt.	Passed to end of docket.
5466	The State of Texas vs T. & G. N. R. R. Co.	Passed to end of docket;
5468	A. Saidie Pilligrini vs Foreter Ludlow & Co.	Continued for service,
5497	The State of Texas. vs Charles Kerber et al.	Set for May 31st 1881
5500	Lucy A. Field et al vs Thomas A Field et al.	Passed to end of docket.
5501	The State of Texas vs Charles Kerber et al.	Set for May 31st 1881
5513	The Aultman & Taylor Co. vs Wm A Shropshire & Wife	Set for June 3d 1881

May 3rd 1881

The State of Texas vs H. T. Eubank et al. This case upon motion of Plaintiffs being called and costs paid it is ordered by the court that the same be and is hereby dismissed. 55-18

Larkin Samuels vs Ellen Samuels. Continued for service 55-33

Jacob E. Crawford vs Henrietta Crawford Continued 55-56

D. L. Crow et al vs Ella Carlo et al. Passed to end of docket 55-59

J. C. T. Phelps vs Ulin Swingley et al. Passed to end of docket 55-63

Charles J. Jones vs Cora E. Stafford et al Passed to end of docket 55-65

The State of Texas vs J. M. Wyll et al. Set for May 30th 1881 55-67

The State of Texas vs Henry Hamilton et al. Continued for service 55-69

The State of Texas vs Henry Hamilton et al Continued for service 55-70

Filiciano Lara vs Jesusa Lara, Continued for service 55-71

Mary F. Lively & husband vs J. W. Haning, Passed to end of docket 55-78

M. E. Cunningham et al. vs Jas. A. Chandler et al Set for May 7th 1881 55-79

Francis O. Goodall vs Jno F. Goodall et al, It was this day ordered by court that Ed W Shands Esq be and he is hereby appointed guardian ad-litem of the minor defendants Minnie F. Hattie M. Mattie V. Alonzo F. Edie F and Julia F. Goodall 55-88

The State of Texas vs Jas W. Loftin et al. Set for June 1st 1881 55-97

The State of Texas vs P. W. Herbert et al, set for June 3rd 1881 55-99

The State of Texas vs W. L. Durham et al. Set for June 2nd 1881 56-3

Catherine Louisa Reising vs Theresa Maria Pitts, It is ordered by the Court that S. A Posey Esq be and he is hereby appointed guardian ad litem for Henriette Hofheinz 56-42

Court adjourned till 10 morrow morning 10 oclock.

May 4th 1881

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

M. E. Cunningham et al vs James A. Chandler et al. Set for June 15th 1881 55-79

The State of Texas vs I & G. N. R. R. Co. It is ordered by the court that defts have leave to file 1st amended original answer, & case set for May 30th 1881 54-66

Frank Smith vs L. H. Mayer & I. & G. N R. R. Co. This case having been reported settled it is ordered by the court that the same be and is hereby dismissed 55-74

Francis O. Goodall, vs Minnie L. Goodall et al } Now on this the 4th day of May 1881 comes Francis O. Goodall the plaintiff in person and by James B. Goff Esq his attorney and it appearing that the defendants Minnie L. Goodall, Hattie M. Goodall, Mattie V. Goodall Alonzo F. Goodall and Edie F. Goodall have been duly served with citation and Edward W. Shands their guardian ad litem by the court duly appointed having filed his answer and also appearing and submit the cause to the court on the pleadings and evidence, and the court having heard the evidence and duly considered the same doth find that plaintiff Francis O. Goodall is the owner of an undivided half of the parcel of ground in the plaintiffs petition described viz: A parcel of land in the city of Austin county of Travis and State of Texas and in the original lot 55-88

v 55-7 Ex Doc p. 101.

May 4th 1881.

No. 20. Division C. Biginning at a stake 27. feet south of the Northern boundary line of said lot No 20 and 86¼ feet East of the Western boundary line of the same which is F. M. Finchums N. E. corner running thence Eastward parallel with the Northern boundary line of said lot No 20 118¾ feet to a stake, thence Southward 138 feet parallel with F. M Finchums East line to a stake, thence Westward to F. M. Finchums S. E. corner and thence Northward 138 feet to the place of biginning and being the East half of lot 47, all of lots 45 and 46. in Block 4 of the subdivision of said lot No 20, and Minnie L. Goodale, Hallie M. Goodale. Mattie V. Goodale, Alonzo F. Goodale & Edie F. Goodale and Julia F. Goodale having the remaining half undivided part of the same, and the Court doth order and decree that said parcel of land be partitioned between said parties plaintiff and defendants according to their said rights so found as aforesaid and that the Commissioners hereafter named do proceed to make partition of the same according to said findings having due regard to Quality. Quantity and advantages of each share, provided the same is in their judgment susceptible of a fair division, and that if said Commissioners shall on due investigation be of the opinion that the same cannot be so partitioned with justice to said parties that they report such fact to this court, and the Court doth appoint the following parties as Commissioners to make said partition viz; Joseph Nash. W. B. Walker and John R. Billingsley and doth order that the Writ of partition do issue commanding said commissioners to make said partition and that the same be made returnable during the present term of this court;

Court adjourned till tomorrow morning 10 o'clock.

May 5th 1881

Court met pursuant to adjournment, Present same as on first day, and then being civil minutes to be recorded of this date court adjourned till tomorrow morning 9 o'clock tomorrow morning,

May 6th 1881

Court met pursuant to adjournment, Present same as on first day whereupon the following proceedings were had viz;

M. C Hamilton
vs
L. D. & S. A. Hill

Now on this day this case being regularly called for trial on the docket of this court the plaintiff appeared by his Attorneys and announced ready for trial and moved for a judgment final by default and for a decree foreclosing the Vendors lien on the tract of land described in plaintiffs petition and it appearing to the court that the defendants L. D. Hill and S. A. Hill had been regularly served with process more than five days before the first day of this court and had failed to file an answer in this case within the time required by law but had wholly made default it was ordered that the motion of plaintiff be granted, and it further appearing to the court that the plaintiffs cause of action is on the promissory note signed by defendants L. D Hill and S. A Hill on which there is now due Seven hundred and Sixty three 85/100 dollars it is therefore ordered and adjudged that the plaintiff M. C. Hamilton have and recover of the defendants

V 355/85 Ex Docket p. 101.

May 6th 1881

L. D. Hill and S. A. Hill judgmnt for the sum of Seven hundred and Sixty three 85/100 dollars with interest thereon at the rate of ten per cent per annum and for his costs in this behalf sustained. And it further appearing to the court that the notes sued on in this case were given for the balance of the purchase money for the tract of land described in plaintiffs petition and that the deed conveying said land to said L. D. Hill and S. A Hill retained a vendors lien on said land to secure said notes and also described in said notes, It is therefore ordered and decreed that the Vendors lien be and is hereby foreclosed on the following described tract of land situated in Travis County State of Texas to-wit:- In Webbs prairie part of the survey of land partitioned by Probate Court of Travis County between Widow and heirs of Joseph Duly January term 1857. the plat and field notes of which are recorded in Minute Book B. Probate proceedings p.p. 513. to 517. the land here conveyed being 18 acres off of the North end of the 48½ acre tract set off to Milam Duly, designated as lot No 3.. Beginning at N.E. corner of subdivision No 2, the N.W. corner of this, at a stake in N line of a 331 acre tract. Thence S 47½° 333 vrs to stake for the N.E. corner of this and subdivision No 2. Thence S 37° West with the west line of subdivision No. 4 306 varas to stake in line of No. 3 & 4. Thence N 47½° W. 333 vrs more or less to N. W. boundary line of subdivision No 3. Thence N 37 E. 306 vrs. to beginning, and that an order of sale be issued directed to the Sheriff of Travis County directing him to sell said land as under execution and out of the procedes of sale after the paymnt of the costs due he pay off this judgmnt and the balance if any he pay to the defendants L. D Hill and S. A. Hill. It is further ordered that in case said lands do not sell for an amount sufficient to satisfy the costs and this judgmnt that plaintiff have execution against defendants L. D Hill and S. A. Hill for the balance due on this judgmnt.

Anna. L. Blackburn, dec vs M. L. Patton et al — Now on this day this cause being regularly called on the docket came the plaintiffs by their attorneys and dismissed this suit as against Richard McAdams without prejudice and announced ready for trial and moved for a judgmnt final by default against M. L. Patton and for a decree foreclosing Vendors lien on the tract of land described in plaintiffs petition, and it appearing to the court that defendant M. L. Patton had been regularly served with process and a certified copy of plaintiffs petition more than five days before the first day of this court and that he had failed to file an answer in this cause within the time required by law but wholly made default it was ordered that plaintiffs motion be granted, and it appearing to the court that plaintiffs cause of action is on the promissory notes signed by defendant M. L. Patton on which there is now due the sum of Five hundred and Three 99/100 dollars. It is therefore ordered and adjudged that plaintiffs in the right of Anna. L. Blackburn have and recover judgmnt against the defendant M. L. Patton for the sum of Five hundred & Three 99/100 ($503.99) dollars with interest thereon at the rate of ten per cent per annum and for all costs in this behalf sustained, And it further appearing to the court that the notes sued on in this case were given for the balance of the purchase money

May 6th 1881

of the tract of land described in plaintiffs petition and that a vendors lien was retained in the deed conveying said land to said M. L. Patton and described in said note. It is therefore ordered and decreed that the vendors lien on the following tract of land described in plaintiffs petition be and is hereby foreclosed, situated in the County of Ellis State of Texas, a part of the Rafeal de la Pena grant to wit: The fractional south half of section number Thirteen (13) East of the Base line and South of Red Oak Creek of the subdivision of said Pena grant according to the Map of said subdivision now on record in deed records of said Ellis county; and that an order of sale be issued and directed to the Sheriff of Ellis county directing him to sell said lands as under execution, and out of the proceeds of said sale he pay off this judgment and his costs and the balance if any he pay to the defendant. It is further ordered and adjudged that in case said tract of land does not sell for enough to satisfy this judgment that plaintiff have execution against M. L. Patton for the balance due on this judgment.

√5479. Elzie Quarles et al vs Houston Joakum. Passed until next call of docket.

√5580 Octavio Roessler vs Anthony B. Roessler. Set for trial this day 2. P. M.

√5581 Nancy J. Driskill et al. vs Jno. W. Day et al. It is ordered by the court that J. W. Smith Esq be and he is hereby appointed guardian ad litem to represent the minor defendants Cora Day, Ada B. Day, Caroline B. Day Elizabeth B. Day John Wylie Day and Lydda Emmerson, and cause passed to end of entire civil docket.

√5583. Bales Reed & Cooley, vs Julius Levy, & co. } By agreement of the parties it was this day ordered by the court that the attachment proceedings in this cause be set aside and cause continued, and further ordered by the court that the plaintiffs Bales Reed & Cooley and their sureties on their attachment bond towit: Charles Wolf, J. D. Davis and B. Mudasky pay all costs of said attachment proceedings in this behalf for which execution may issue.

6 30. √

√5585 Mary Gomez vs Alexander Gomez, Continued for service

√5587 M. L. Stewart vs Mattie A. Stewart Continued

√5590 William Dillon vs W. D. Miller et al. Continued by operation of law.

√5593 F. H. Arlitt vs Bertha O. Kelly & husband. Continued pending negotiations

√5595. The State of Texas vs D. M. Strayhorn et al. Set for May 30th 1881.

√5598 The State of Texas vs N. A Morris et al. Upon motion of plaintiffs attorney stating that this case has been settled it is ordered by the Court that same be and is hereby dismissed costs having been paid.

√5606 Michael Argyle. vs Wm Duly & Mat Sheeny. Continued for service on Duly.

√5613 R. E. White vs Robt J. Pace et al. Continued

√5614 The State of Texas vs Jose ma Villareal et al. Set for July 1st 1881

√5615 The State of Texas vs Jose ma Villareal et al Set for July 1st 1881

√5616 John Todd vs D. T. Kingsbury et al. Set for May 10th 1881.

√5639 George Pfluger vs Samuel Stauffer et al. It is ordered by the Court that Shultz and Smith have leave to withdraw the answer filed by them through inadvertence in this cause, and cause continued

√5640 Wm. M. Samuels. vs Samuel Stauffer et al It is ordered by the court that Shultz and Smith have leave to withdraw the answer filed by them through inad-

May 6th 1881

-verlance in this cause. and cause continued by consent. alias citation ordered for defendant Cartright.

Catherine Louisa Russig vs Thomas Maria Pitts. Dct for June 24th 1881 $56.42

The State of Texas, vs John. J. McCowen et al. } On this 6th day of May A D 1881. came the State of Texas, plaintiff by her attorney E. T. Moore County Atty of Travis County Texas and the said defendants John. J. McCowen. J. J. Martin A. J. Hart. E. A. Martin and A. F. Martin after being duly cited according to law having failed to appear and answer in this behalf but wholly made default. Wherefore the said plaintiff ought to recover against the said defendants her damages by occasion of the premises and no jury having been demanded by the plaintiff or by the defendants or any of them and the pleadings and evidence having been heard and fully understood it is considered ordered adjudged and decreed by the court that the said plaintiff the State of Texas do have and recover of and from the said defendants John. J. McCowen. J. J. Martin A. J. Hart E. A Martin and A. F. Martin jointly and severally the sum of one thousand and sixty one and 77/100 ($1021.77) dollars together with all costs in this behalf expended for all of which execution may issue, And it further appearing to the court that the defendant John. J. McCowen is the principal in the official bond sued on in this cause, and that the said defendants J. J. Martin A. J. Hart. E. A. Martin and A. F. Martin executed said bond as sureties, and as such sureties are entitled to the benefit of the Statute in such cases made and provided. It is therefore further ordered adjudged and decreed by the court that the Sheriff levy the execution issued by virtue of this judgment first upon the property of the said John. J. McCowen subject to execution and situate in the County of Travis before a levy shall be made upon the property of said sureties or any of them provided so much property of the said John. J. McCowen subject to execution shall be found in said Travis county as will be sufficient to make the amount of said execution otherwise the levy thereof to be made on the property of the said John. J. McCowen that may be found, if any, and upon so much of the property of said sureties as may be necessary to make the amount of said execution. And it is further ordered adjudged and decreed by the court that in case said sureties or any of them shall make any payment which is applied on this judgment by reason of their suretyship on said official bond this judgment shall not be discharged by such payment but shall remain in full force and be prosecuted to execution for the use of the County or sureties making such payment to the amount of such payment and interest thereon and all costs. And it is further ordered adjudged and decreed by the court that in case this judgment is paid by the said sureties or any of them and one or more of said sureties fails to pay his proportionate part of said judgment and in consequence of such failure one or more of said sureties is compelled to pay more than his proportionate part of said judgment then execution may issue against the said John. J. McCowen for the use of the county who shall have paid more than his proportionate part of said judg-

Ex. Doc. No 6 pag. 98 ✓561

Rec'd on this 2nd day of May 1881 a payment of $952 - E. T. Moore Co Atty. There was $55.25 due) to the County being interest on the day before Judgment was rendered) If this payment was made before Judgment was rendered the Co. Atty would receive $1.00 for such amount. This payment rendered the Co. Atty not entitled to any fee.

J. of P.

J 55.8 Ex. Docket p. 27

-mount for the whole amount paid by him and intirest thereon, and also against his co sureties for their proportionate part of the costs so paid by him and intirest thereon. And it is further ordered that execution may issue on behalf of the officers of the Court for all costs in this behalf incurred.

The State of Texas, vs J. J. McBrewster et al. } In this cause the County Attorney of Travis County having made a motion sustaining the right of the Attorney General to appear and represent the State in this cause in this Court and the Court having sustained said plea and motion of said County Attorney to which ruling of the Court the Attorney General at the time excepted and saved his bill of exception thereto.

And now on this 6th day of May 1881 this cause coming on to be heard defendants made no answer whereupon final judgment was and ought to be entered for the plaintiff, which judgment contains and includes therein the aforesaid ruling of the Court to which exception was saved by the Attorney General as aforesaid and to so much of said final judgment, as makes final in all things the proceedings and rulings of the Court in this cause and especially as regards the ruling of this Court ordering and requiring the County Attorney to represent the State herein, and taking from the Attorney General of the State of Texas the right to represent the State in this cause in this Court: the Attorney General claiming the right to act on behalf of the State, now here in open Court gives notice of appeal to the Supreme Court and asks that the same be entered of record, It is therefore considered by the Court that said appeal be allowed from the judgment of the Court in this case so far as the ruling of the Court is concerned on the motion of the County Attorney and to which exception was saved by the Attorney General.

No. 78. The State of Texas. vs. John Kalgren. In this case on this day it is ordered by the Court that the judgment nisi heretofore entered against the defendant John Kalgren be set aside and held for naught and that said defendant go hence without day and this case be and the same is hereby dismissed.

John Todd vs D. O. Cloud } On this the sixth day of May A.D. 1881 this docket being upon the regular call for the purpose of taking judgments by default and this cause being duly reached and Plff. John Todd asks judgment by default this being an answer in which plaintiff insists is insufficient upon the ground that garnishee does not answer but one of the Statutory interrogatories, and upon the ground that taking the answer as a whole, Garnishee D. O. Cloud shows himself liable for Three hundred ($300.00) dollars, and this cause was passed for regular call of docket after the demand for judgment by default and the cause thereafter on same day being duly and regularly reached upon the regular call of the docket for trial and thereupon plaintiff announced ready for trial and submitted the answer to the consideration of the Court as insufficient in law, and the Court after having taken said answer under advisement and consideration ~~now upon the seventh (7th)~~ day of ~~May A.D. 1881~~ is of the opinion that plaintiff John Todd ought to recover judgment for the said sum of Three hundred ($300.00) Dollars by reason of the premises

May 6th 1881

Whereupon it is ordered adjudged and decreed that plaintiff John Todd do have and recover of and from defendant Garnishee D. O. Cloud the said sum of Three Hundred ($300.00) dollars. But that said D. O. Cloud shall be allowed to deduct and retain from said Three Hundred dollars the sum of $5.00 Five dollars a reasonable Atty's fee in preparing and filing said answer and out of said Three Hundred ($300) dollars the cost of this case of John Todd vs D. O. Cloud Garnishee No 5589, shall be paid. Whereupon execution may issue in favor of said John Todd and against said D. O. Cloud for the sum of Two hundred and ninety five ($295.00) dollars and no more.

Court adjourned till tomorrow morning 9 o'clock

May 7th 1881

Court met pursuant to adjournment: Present same as on first day Whereupon the following proceedings were had Viz:

B. H. Jaynes Pltf
vs
R. F. Campbell et al Defts

On this day May 7th 1881 came the plaintiff by his atty and ask judgment by default thereof against J. W. Hanning and Joseph Spence, and it appearing to the Court that the said parties were duly served with citation the 23d day of April A.D. 1881, and said defendants having failed to appear plead or answer it is ordered by the Court that judgment by default be and is hereby ordered against the said defendants J. W. Hanning and Joseph Spence and that a writ of inquiry be awarded thereof. 5591/

B. H. Jaynes Pltf
vs
Leander Brown et al Defts

On this day May 7th 1881 came the plaintiff by his atty and ask judgment by default thereof against John Hildinger and R. J Hill, and it appearing to the Court that the said parties were duly served with citation on the 23d day of April A.D. 1881 and said defendants having failed to appear plead or answer, it is ordered by the Court that judgment by default be and is hereby ordered against the said defendants John Hildinger and R. J Hill and that a writ of inquiry be awarded thereof. 5592/

Alice Johnson Pltf
vs
Tobe Johnson Deft

This cause being called for trial came the plaintiff by his atty and announces ready for trial and it appearing to the Court that the defendant had been duly served with citation more than five days before the present term of this court, and said defendant having failed to appear the cause proceeded to trial and neither party having demanded a jury the cause was submitted to the Court upon the pleadings and evidence of plaintiff, and the Court after hearing the pleadings and evidence in this cause does find that the material allegations in the petition are true and that the plaintiff ought to have her divorce It is therefore ordered adjudged and decreed by the Court that the bonds of Matrimony heretofore existing between the plaintiff Alice Johnson and deft Tobe Johnson be and they are hereby forever dissolved and said parties are forever divorced from each other. It is further ordered that plaintiff pay all costs of this proceeding for which execution may issue. 5636/

Octavia Roessler.
vs
Anthony R. Roessler.

In this cause came the plaintiff by her attorney and the defendant by his attorney. When the defendant by attorney presented to the Court his answer 5580

May 7th 1881

to plaintiffs petition When the defendant by leave of court filed a trial amendment Whereupon the court overruled defendants demurrer to plaintiffs petition and the parties announced themselves ready for trial. and neither party having demanded a jury the cause was submitted to the court who after hearing the pleadings the evidence and argument of counsel found that the allegations of plaintiffs petition are true, Whereupon it is considered ordered adjudged and decreed by the court that the divorce in plaintiffs petition prayed for be granted and that the bonds of matrimony heretofore existing between the said plaintiff Octavia Rossler and the said defendant Anthony. R. Rossler be and the same are hereby dissolved. And it appearing to the court from the evidence adduced that the said defendant Anthony. R. Rossler is not a proper person to have the care and custody of the minors Josephine Rossler and Edward. D. Rossler, and it further appearing to the court from the evidence that said plaintiff Octavia Rossler is a proper person to have the care and custody of said minors, it is further considered ordered, adjudged and decreed by the court that said plaintiff do have the sole custody care and control of the persons of said minors during their minority. It is further ordered and adjudged that plaintiff pay all costs in this behalf expended for which execution may issue.

5971

✓5607. The State of Texas. vs J. F. Wilson et al. It is ordered by the court that plaintiff have leave to file 1st amended original petition

3-92✓

B. H. Jaynes Exrs } vs Leander Bonn et al } ✓ 58-92. On this the 7th day of March 1881. came on to be heard the motion of D. F. Waddell one of the defendants in this cause to sever. and both parties being present by attorneys said motion was submitted to the court who after hearing the argument of counsel and duly considering the same overruled said motion to which ruling of the court defendant excepts.

36✓

Mary. C. Wardlow } vs Thomas Wardlow } ✓ 5508. On this 7th day of May A.D. 1881 came the plaintiff by atty and the defendant having been cited by publication and the print time being the time at which the said defendant is required to answer by law, and the said defendant having failed to make an appearance or file an answer in this cause and the first five days of the term having elapsed and the court having appointed D. W. Doom an attorney of the court to defend this suit in behalf of the said defendant, the said plaintiff by her attorney and the said D. W. Doom on behalf of the said defendant having announced ready for trial and no jury being demanded by either party the cause is tried by the court, and the pleadings evidence and argument of counsel having been heard and fully understood the court finds the material facts alleged in plaintiffs petition as to the marriage of plaintiff and defendant, and as to the fact that defendant had left plaintiff for three years with intention of abandonment on him. It is therefore considered. ordered. adjudged and decreed by the court that the bonds of matrimony heretofore existing between the plaintiff Mary. C. Wardlow and the defendant Thomas Wardlow

5-80-

May 7th 1881

It and the same is hereby dissolved and set aside: that the said D. W. Doom be and he is hereby allowed the sum of twenty ($20) dollars as compensation for services rendered by him in this cause to be taxed as part of the costs of the suit; that the plaintiff do have and recover of the defendant all costs of this suit and that execution issue therefor, And it is further ordered adjudged and decreed by the court that in case execution against defendant for costs of suit is returned not satisfied and no property found that execution may issue in favor of the said D W Doom and officers of the court against the plaintiff Mary C. Wardlow for the said sum of twenty dollars attorneys fee allowed the said D. W. Doom and for all costs by said plaintiff in this behalf in-curred Court adjourned till Monday morning 9 o'clock

Monday May 9th 1881

Court met pursuant to adjournment. Present same as on Saturday Whereupon the following proceedings were had viz:

Dollie Ritchie vs The T & P. R. R. Co & The D & G. N. R. R Co — Plaintiff has leave to file 1st supplemental petition and came the parties by attorneys and came on to be heard the exceptions of the plaintiff to the plea in abatement filed by the defendant the T & P R. R. Co. and being heard the court overruled the exceptions of plaintiff to so much of the plea as sets up a misnomer and the plaintiff is allowed leave to correct the misnomer by amendment, and as to the exceptions of plaintiff to the plea in abatement of the said defendant the T & P R. R. Co attacking the jurisdiction of the court for the reason that the facts come up upon the trial on the merits with the burden of proof upon the plaintiff as part of his case, the court sustains the exceptions thereto, without prejudice to the defendants as to the matters contained in the plea as a defense upon the final hearing on the merits to which the defendant excepts. The demurrer and special exceptions of the defendants overruled to which they except. The correction as to name of the deft is allowed to be made upon the original petition the defendant not objecting, and case set for trial Friday 13th May 1881 — $600

Ann E. Davis & husband vs The T. & P. R. R. Co. & The D & G. N. R. R. Co. — Plaintiff has leave to file 1st supplemental petition and came the parties by attorneys and came on to be heard the exceptions of the plaintiff to the plea in abatement filed by the defendant the T & P R. R. Co and being heard the court overruled the exceptions of plaintiff to so much of the plea as sets up a misnomer, and the plaintiff is allowed leave to correct the misnomer by amendment, and as to the exceptions of plaintiff to the plea in abatement of the said defendant the T & P R. R. Co. attacking the jurisdiction of the court for the reason that the facts come up upon the trial on the merits with the burden of proof upon the plaintiff as part of his case the court sustains the exceptions thereto, without prejudice to the defendant as to the matters contained in the plea as a defense upon the final trial on the merits. to which defendants except. The demurrer and special exceptions of the defendants overruled. to which they except. The — $602

May 9th 1881

correction as to the name of the defendant is allowed to be made upon the original petition the defendant not objecting, and case set for trial Friday May 13th 1881

5591 B. H. Jaynes Exrs. vs R. F. Campbell et al Continued
5592 B. H Jaynes Exrs vs Leander Brown et al Continued
5594 Solomon Lee vs Ellen Lee Continued
5596 The State of Texas vs Benito Gonzales et al Continued for service.
5609 The State of Texas vs N. Blumberg et al set for June 27th 1881
5610 The State of Texas vs J. W. Stockley et al set for June 27th 1881.
5619 Annie E. Fagin vs James Fagin. Continued to perfect service.
5626 Shakespeare Smith & Co. vs W. B. Caroline Continued for service
5634 R. B. Humphill by &c. vs William Humphill et al. It is ordered by the court that T. E. Smith be and he is hereby appointed guardian ad litem for Wm Humphill a minor, deft in this cause.

Court adjourned till tomorrow morning 9 o'clock.

May 10th 1881

Court met pursuant to adjournment: Present same as on first day whereupon the following proceedings were had Viz:

5386 Ed Christian vs A. W Caldwell et al } And now on this day the plaintiff by his attorneys comes and asks that the continuance in this cause be set aside, and because it appears to the court that the continuance was entered here at a former day of this term on account of the fact that the papers in the cause had been mislaid and could not be then found: It is ordered that the continuance be set aside. It is further ordered by the court that plaintiff have leave to file a trial amendment, and it appearing to the court that defendant B. M. Odom is dead and that his estate is in solvent, on application of plaintiff this suit is dismissed as to said Odom: and it further appearing to the court that the other defendants A. W. Caldwell, M. W Townsend, and D. J. Murchison have been duly cited to appear and answer the plaintiffs petition and that they have failed so to appear and answer it is further ordered that judgment by default be and is hereby entered against them: and the plaintiff by attorney announced ready for trial and the court after hearing the pleadings and evidence and fully understanding the matters involved in the suit is of opinion that under the testimony the law is with the plaintiff: It is therefore ordered adjudged and decreed by the court that the plaintiff Ed Christian do have and recover of and from defendant A W. Caldwell the sum of Eleven hundred and eighty dollars and seventy five cents ($1180.75) in Gold that being the principal and interest due from said defendant Caldwell to the plaintiff to this date on the demand and on which sum shall bear interest at the rate of eight per cent per annum from this date until paid for all of which execution shall issue. And the said defendants M. W. Townsend and D. J. Murchison being co sureties with said plaintiff on the note described in the petition and suit

May 10th 1881

plaintiff having paid the said note as by him alleged: it is further ordered adjudged and decreed by the Court that said plaintiff Christian do have and recover of and from said W. W. Townsend one third of said sum of $1180.75. And also from said D. J. Murchison one third of said sum of $1180.75: that is from each the said Townsend and the said Murchison the sum of $393.58. with interest thereon from this date at eight per cent per annum as contribution to said Christian for the money paid by him on the note described in the petition the said Townsend and Murchison being co sureties with said Christian for said Caldwell on said note as aforesaid, and for which sum execution shall issue against said Townsend and Murchison respectively. And it is further ordered that said Townsend and Murchison shall each have this execution against said defendant Caldwell for whatever money shall be paid by or collected from them respectively under this judgment, And it is further ordered that whatever sum of money may be collected from said Caldwell under this judgment shall inure as a credit to the extent of one third thereof in favor of each the said Townsend and Murchison on the recoveries herein against them: and that whatever sum may be collected from each the said Townsend and Murchison shall be a satisfaction pro tanto so far as the said plaintiff is concerned of the recovery herein against said Caldwell. It is further ordered that the plaintiff recover from said Caldwell, Townsend and Murchison all the costs of this suit for which execution shall issue.

The State of Texas vs. J. T. Wilson et al. Set for May 11th 2 oclock P.M. 5607.

Julia A. Thompson vs Felix E. Smith et al. Passed to end of docket 5608.

John Todd. vs D. G. Kingsbury & J. T. Blanks } Now on this the 11th day of May A.D. 1881. this cause having been set down for trial on this day came on to be heard the above entitled and numbered cause, and the plaintiff John Todd and the defendant J. T. Blanks appearing in person and by attorneys announced themselves ready for trial. Whereupon the defendant Blanks presented his plea in abatement to the court which being considered by the court it was ordered and adjudged by the court that the same be overruled and held for naught to which ruling and judgment of the court the defendant Blanks by his attorney excepted. The defendant Blanks then presented his General demurrer and special exceptions to plaintiffs petition to the Court which being considered by the court it is ordered by the court that said general demurrer and special exceptions be and the same are hereby overruled and held for naught to which ruling and judgment of the court the defendant Blanks by his attorneys excepted, And it further appearing to the court that the defendant D. G. Kingsbury had been regularly cited to appear and defend this cause and that he came not but wholly made default. Wherefore the defendant John Todd ought to recover as against the defendant D. G. Kingsbury by virtue of the premises, and the Plaintiff John Todd and the defendant J. T. Blanks having waived a jury submitted the cause 5616. & Book 5 page 131

May 10th 1881

to the Court who after hearing the evidence adduced and argument of counsel is of the opinion that the law of the case is with the Plaintiff John Todd, and that said promissory note sued on was given as a part of the purchase money of and now holds and retains the vendors lien upon a one (1/2) half undivided interest in and to the following described tract piece or parcel of land lying in Caldwell County in State of Texas on the waters of Peach Creek about 18½ miles from Lockhart S 74° E. being the same land patented to the heirs of Daniel W. Cloud dec'd on the 21st day of September 1870. Beginning at the S. W corner of League No 36 from which a P.O 14 in in dia vrs S. 23° W 7 vrs also 20 in dia vrs N 73° E. 8 vrs. Thence with the S. line of said league S. 65° E. 124 vrs to a Stake on the E bank of Alum Fork of Peach Creek from which a P.O. mkd X vrs N 47½ E. 13 vrs. a Pek J vrs N 16° W 10 vrs Thence N 25 E 900 vrs to a corner from which a P.O. vrs S. 73° W. 6 vrs & a do N 22½ W 8 vrs Thence N 65 W. 435 vrs to a Stake and corner. Thence N 25 E. 3114 vrs to a stake and corner. Thence N 65 W. 805 varas to a stake in the West line of said league from which a P.O. brs N. 88 E. 18 vrs and a Pek Jack 11 in in dia brs N 49 W 13 vrs. Thence with said line south 25 W. 4014 vrs to the place of beginning containing 640 acres of land, And it further appearing to the court that to secure the payment of said promissory note in writing plaintiff John Todd has and holds a general lien upon the whole of the above and fully described tract piece or parcel of land. And it further appearing to the court that under and by virtue of an execution and order of sale issued on the 7th day of December A.D. 1880. Which said execution issued upon and by virtue of a judgment obtained in this court on the 16th day of October 1880 in cause No 5428 wherein John Todd was plaintiff and S. G. Knigebury et ux were defendants, the defendant J. T. Banks at a sale thereunder became on the First Tuesday in February A.D 1881 the purchaser of said land subject however to the payment of the promissory note upon which this present suit is founded and with notice of the vendors lien and general lien now claimed by plaintiff John Todd to secure the payment of said note now sued upon. It is therefore ordered adjudged and decreed by the court that plaintiff John Todd do have and recover of and from the defendant S. G. Knigebury the sum of Two hundred and Twenty nine 30/100. ($229.30) dollars his principal debt and interest with 8 per cent interest thereon from the date of the rendition of this judgment until paid for which execution may issue. It is further ordered adjudged and decreed by the court that for the payment and satisfaction of this judgment that Plaintiff John Todds vendors lien upon the one (1/2) half undivided interest in and to said above fully described tract piece or parcel of land as it existed on the said Fifteenth (15th) day of July A.D 1879 be and the same is hereby foreclosed. It is further ordered adjudged and decreed by the court that for the payment and satisfaction of this judgment that plaintiffs John Todds general lien upon the

May 10th 1881

whole of said above fully described tract piece or parcel of land as it existed on the said Fifteenth (15th) day of June A.D. 1879. be and the same is hereby foreclosed, And it is further ordered adjudged and decreed by the court that for the purpose of carrying into effect this judgment and decree that an execution and order of sale do issue against said S. G. Kingsbury directed to the Sheriff or any Constable of Caldwell County Texas Commanding said officer to seize levy upon advertise and sell as under execution the above fully described tract piece or parcel of land. And if the proceeds of such sale be insufficient to satisfy this judgment then to make the money or any balance thereof remaining unpaid out of any other property of the defendant S. G. Kingsbury as in case of ordinary executions, And if said land should sell for more than enough to pay off and satisfy this judgment interest and costs then and in that event the balance over shall be by said officer paid unto said deft J. F. Blanke, And it is further ordered adjudged and decreed that the defendants S. G. Kingsbury and J. F. Blanke pay all costs in this behalf expended for which execution may issue. To which judgment of the court the defendant J. F. Blanke by his attorneys at the time in open court excepted and gave notice of Appeal to our Supreme Court. ✓ 574

Court not pursuant to adjournment. Court adjourned till tomorrow morning 9 o'clock ✓ 574

May 11th 1881

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz;

Thomas F. Kemp et al. vs George King. Set for June 11th 1881 5449 ✓ 574

John Sauls vs J. C. Flinn. on May 9th— Set for May 27th 1881 5488

Court adjourned till tomorrow morning 9 o'clock.

May 12th 1881

Court met pursuant to adjournment; Present same as on first day whereupon the following proceedings were had viz;

Balis. Reed and Cooley vs Jno. O. Johnson Assignee Claimant } The plaintiffs in attachment having abandoned their claim to the property seized this suit upon motion of Plaintiffs attorney is ordered by the court to be and the same is hereby dismissed. and further ordered that plaintiffs pay all costs in this behalf expended—for which execution may issue. 5646 ✓ 574

Sarah Rainey vs Jack Rainey } On this 12th day of May A.D. 1881 the above entitled and numbered cause coming on to be heard in open court in its regular order for trial and the plaintiff appearing in person and by her attorney and announced ready for trial and the defendant though duly cited failed to appear and wholly made default and the court having ordered plaintiff to proceed with the trial and after hearing the pleadings evidence and argument of counsel in the cause and duly considering the same it was adjudged by the court that the decree of divorce be granted as prayed for in plaintiffs petition, 5612 ✓ 574

May 12th 1881

Whereupon it is ordered adjudged and decreed by the court that the bonds of matrimony heretofore existing between the plaintiff Sarah Rainey and Jack Rainey as man and wife be separated and that they no longer sustain the said relation of husband and wife to each other and this is the decree of divorce of such. that the costs of this cause be and are taxed against the plaintiff and she shall pay the same for the collection of which execution may issue.

Court adjourned till tomorrow morning 9 oclock

May 13th 1881

Court met pursuant to adjournment, Present same as on first day. Whereupon the following proceedings was had viz:

5745 Mary A. Swisher vs James M. Swisher & J. M. Lillon. Upon motion of plaintiffs attorney it is ordered by the court that this cause be and the same is hereby dismissed. and further ordered that plaintiff pay all costs in this behalf expended for which execution may issue.

5753 Mary A. Swisher vs James M. Swisher and James Haig. upon motion of plaintiffs attorney it is ordered by the court that this cause be and the same is hereby dismissed and that plaintiff pay all costs in this behalf expended for which execution may issue.

5756 Mary A. Swisher vs James M. Swisher & Patrick Tour. Upon motion of plaintiffs attorney it is ordered by the court that this cause be and the same is hereby dismissed and further ordered that plaintiff pay all costs in this behalf expended for which execution may issue.

5757 Mary A. Swisher vs James Haig and George Craven, Upon motion of plaintiffs attorney it is ordered by the court that this cause be and the same is hereby dismissed. and further ordered that plaintiff pay all costs in this behalf expended for which execution may issue

5759 Mary A. Swisher vs James Haig & J. P. Schneider, Upon motion of plaintiffs attorney it is ordered by the court that this cause be and the same is hereby dismissed. and further ordered that plaintiff pay all costs in this behalf expended for which execution may issue.

5741 McDaniell & Co. vs H. T. Hall. Upon motion of plaintiffs attorney it is ordered by the court that this cause be and the same is hereby dismissed and further ordered that plaintiffs pay all costs in this behalf expended for which execution may issue.

5600 Lollie Ritchie vs The T & P. R. R. Co. & The D. & G. N. R. R. Co. It is ordered by the court that the defendant The Texas and Pacific Ry Co. have leave to file separate answer. and further ordered that the exceptions of defendants to Plaintiffs depositions be sustained and that said depositions be suppressed, and this cause continued.

5602 Ann E. Davis & husband vs The T & P. R. R. Co & The D. & G. N. R. R. Co — It is ordered by the court that the defendant the Texas & Pacific Ry Co. have leave to file separate answer. and further ordered that the exceptions of the defendants to the depositions taken by plaintiff be sustained

May 13th 1881

and that said depositions be and the same are hereby suppressed and this cause continued

The State of Texas vs N. B Mason et al	Continued for service.	✓5622
Emma Miller vs Frederick Miller.	Set for May 27th 1881.	✓5576
The State of Texas vs A H McGown et al.	Continued for service	✓5620.
The State of Texas vs D. B. Meadows et al.	Passed to end of entire civil docket.	✓5621.
R. F. Campbell vs R. S. Willis et al	Continued	✓5624
Jurge Thomas vs Earlie Thomas.	Continued	✓5625
Louisa Dibble vs Heinrich Dibble	Continued	✓5632.
F. J. S. Thompson vs J. D. Sayre et al	Continued	✓5633
A. L. Townsend vs D. F. Smith.	Passed to end of entire docket	✓5637.
Perham & Moeller. vs Asa Frary & Bro	This cause coming on to be heard came the parties in person and by their attorneys and announced themselves ready for trial and no jury having been demanded the mains of fact as well as of law were submitted to the court and after hearing the evidence and argument of counsel it is considered ordered adjudged and decreed by the court that the plea ~~in abatement~~ to the jurisdiction ~~of the Court~~ of the defendant is not well supported, and the same is therefore disregarded and overruled, and the demurrer and exceptions of defendants are overruled, and it is further considered ordered adjudged and decreed by the court that the plaintiffs R. Perham and H. W. Moeller do have and recover of and from the defendants Asa Frary and Charles E. Frary the sum of ($1288.04) twelve hundred and eighty-eight-04/100 dollars with interest thereon from this date together with all costs in this behalf expended for which execution shall issue.	✓5363 Ex Docket 5. p. 100.	✓5376

Court adjourned till tomorrow morning 9 o'clock.

May 16th 1881.

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings were had. viz:

Carleton & Robertson vs Pinckney Trigg	Continued	✓4935 ✓173
T. L. Wynn vs Edward Green	Continued	✓4975
G. Conn vs C. R. Johns & co . .	Hon A. S. Walker disqualified in this case.	5036,
The State of Texas vs Mrs Livingston et al.	Continued	✓5366,
D. Weinberger & Wife vs H. & T. C. R. R. Co.	Continued	✓5392,
D. Weinberger Guardian &c. vs H. & T. C. R. R. Co.	Continued	✓5404,
Wm. B. Posey et al vs Elbert Bacon et al.	Continued	✓5439,
Joseph Harris vs Thomas Smith et al	Continued	✓5473,
E. C. Barthelomew vs Joel A Burnett et al	Continued	✓5485
John T. Allen vs A H. Belo & Co.	Continued	✓5521,
Oscar Obrien vs Dennis Corwin et al	Continued	✓5522,
D. The Ayers vs W. C. Walsh Com &c.	Continued	✓5530,
Joel M. Martin vs J. A. Wynn et al.	Continued	✓5561
John Hancock et al vs R. Kammacher et al	Continued	✓5564
The State of Texas vs S. M. Strayhorn et al by previous written agreement set for May 30th		5595

May 16th 1881

5611 The State of Texas. vs Alden McIlvane et al. By agreement of the parties this cause is withdrawn from the jury docket and names its place on the non jury docket: and cause set for trial May 25th 1881. Further ordered that plaintiff have leave to withdraw the jury fee paid by him in this cause.

5631 Amos Iron Works. vs Jno A. Webb. et Bro. Continued.

Court adjourned till tomorrow morning 9 o'clock.

May 17th 1881

Court met pursuant to adjournment. Present same as on first day. and there being no civil proceedings to be recorded of this date Court adjourned till tomorrow morning 9 o'clock.

May 18th 1881

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings was had viz:

5374 Amelia Pickla vs Harry Gilmore. Ordered by the Court that the continuance heretofore entered in this cause be set aside & cause set for trial June 17th 1881,

Court adjourned till tomorrow morning 9 o'clock

May 19th 1881

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings was had viz:

3466. The State of Texas vs T. & P. R. R. Co. Continued by defts and case set for Wednesday October 5th 1881.

Court adjourned till tomorrow morning 9 o'clock.

May 20th 1881.

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings was had viz:

1733. P. L. Hoffkins et al. vs Amos. Morrill } The Hon A. S. Walker. Judge of the 16th Judicial District of the State of Texas having been of counsel for the defendant Amos Morrill is disqualified to try this case which fact being certified to his excellency the Governor of said State. D. R. Fisher Esq was appointed by O. M. Roberts Governor of said said State as special Judge to try and determine the said case of P. L. Hoffkins et al vs Amos Morrill. and Commissioned as follows:

"In the name and by the authority of the State of Texas,

To all to whom these presents shall come- Greeting:

Whereas. it has been made known to me. in the manner prescribed by law that A. S Walker Judge of the 16th Judicial District. is disqualified from trying the following cause now pending in the District Court of Travis County in the State of Texas. numbered and entitled as follows. No 1733. P. L. Hoffkins et al vs Amos Morrill - Now. therefore. I. O. M. Roberts, Governor of Texas. having full confidence in the integrity and ability of Dave R. Fisher of Travis County. do by virtue of the authority vested

May 20th 1881.

in me by the laws of this State. hereby appoint the said Sam. R. Fisher the being a person named in the law, Special Judge to try and determine the above specified cause! And I hereby give and grant to him the said Sam. R. Fisher all the rights. powers. privileges and emoluments appertaining to said appointment.

In testimony Whereof. I have to sign my name and cause the seal (L.S.) of State to be affixed at the City of Austin. the 18th day of May A.D. 1881.

O. M. Roberts
Governor of Texas.

By the Governor.
T. H. Bowman.
Secretary of State.

And said S. R. Fisher having signified his acceptance of said appointment. the Constitutional oath of office was duly administered to him as follows,

"I. Samuel. R. Fisher do solemnly swear that I will faithfully and impartially discharge and perform all the duties incumbent upon me as Special District Judge for the trial of the following cause pending in the District Court of Travis County Texas. viz No 1733. P. L. Hopkins et al vs Amos Morrell. according to the best of my skill and ability. agreeably to the Constitution and laws of the United States and of this State! and I do further solemnly swear that since the adoption of the Constitution of this State. I. being a citizen of this State. have not fought a duel with deadly weapons. within this State. nor out of it: nor have I sent or accepted a challenge to fight a duel with deadly weapons. nor have I acted as second in carrying a challenge. or aided advised or assisted any person thus offending! and I further more solemnly swear that. I have not directly nor indirectly paid. offered or promised to pay. contributed nor promised to contribute, any money or valuable thing or promised any public office or employment as a reward to obtain my appointment. So help me God.

S. R. Fisher.

Sworn to and subscribed before me this 20th day of May A.D. 1881
C. Hallmann clk D.C. Travis
By James P. Hart Deputy.

In District Court Travis County Texas. May Term A.D. 1881.

May 20th 1881.

Present and presiding the Hon S. R. Fisher Special Judge in case No 1733 of P. L. Hopkins et al. vs Amos Morrell. C. Hallmann Clerk and Ed Cleary Sheriff.

P. L. Hopkins et al. vs Amos Morrell. } And now on this 20th day of May 1881. came the parties plaintiff P. L. Hopkins Lillie J. Hopkins. Minnie M. Hopkins. Laura Hopkins & Maud Hopkins Osmond D. Hopkins Jas A. McArthur Altina McArthur. Mary E. Hopkins. Walter J. Hopkins by this Attorney H. G. Shelley and the defendant Amos Morrell by his Attorneys Hancock and West and neither party demanding a jury the matters in controversy as well of fact as of law were submitted to the court. and the pleadings having been read and

1733.

May 20th 1881.

the evidence adduced, and the argument of counsel having been heard and fully understood, It is considered ordered adjudged and decreed by the court that the plaintiffs take nothing by this suit and that defendant this cause is on their cost bond 10 Wit: W.H. Randolph, B.F. Carter, John H. Robinson esqr. & D. Walker Amos Morrell go hence without day, and that he recover of the plaintiffs his costs in this behalf expended for which execution may issue. It is further ordered that execution issue in favor of the officers of this court against each party respectively for the costs by him in this behalf incurred.

The forgoing order in case No 1733. of P. L. Hopkins et al vs Amos Morrell having been examined by me and found correct they are hereby approved. this 20th day of May A D 1881.

E. R. Fisher,
Special Judge in case No 1733. of Hopkins vs Morrell.

Court adjourned till tomorrow morning 9 oclock.

May 21st 1881.

Court met pursuant to adjournment. Present same as on first day, and there being no civil minutes to be recorded of this day Court adjourned till Monday morning 10 oclock

Monday May 23d 1881.

Court met pursuant to adjournment. Present same as on first day Whereupon the following proceedings were had. viz:

✓3365. Salvador Cardenas, vs The State of Texas } Upon motion of plaintiffs attorney it is ordered by the court that this case be and the same is hereby dismissed, and further ordered that plaintiff Salvador Cardenas and his surety on his cost bond to wit- Jno. L. Haynes pay all costs in this behalf expended for which execution may issue

✓5593 F. H. Arlitt vs Bertha O. Kelly & John Kelly } Upon motion of plaintiffs attorney it is ordered by the court that this case be and the same is hereby dismissed, and further ordered that plaintiff F. H. Arlitt pay all costs in this behalf expended for which execution may issue,

✓5485. E. C. Barthelomew vs Joel A. Bennett & wife. It is ordered by the court that the continuance heretofore entered in this case be set aside and cause set for trial for May 30th 1881.

A. Schoen. Ex parte. Declaration of intention to become a citizen.

✓5648 The State of Texas, } A. Schoen being duly sworn according to law, in County of Travis } the District Court of said County, doth declare that he was born in the year A D 1843. in the Grand Duchey of Hesse Kingdom of Germany Whence he emigrated in the year 1865 to the United States of America and has selected the State of Texas as the place of his intended settlement and he further declares that it is bona fide his intention to become a citizen of the United States and of the State of Texas. and renounce forever all allegiance and fidelity to any foreign Prince, Potentate, State or Sovereignty Whatsoever and particu-

May 23rd 1881.

-larly to the Grand Duke of Hesse of whom he was a subject.
Court adjourned till tomorrow morning 9 oclock,

May 24th 1881.

Court met pursuant to adjournment. Present same as on first-
day and this being no civil proceedings to be recorded of this date Court
adjourned till tomorrow morning 9 oclock,

May 25th 1881

Court met pursuant to adjournment. Present same as on first
day whereupon the following proceedings were had viz:

Solomon Lee. } And now on this the 25th day of May AD1881, this cause coming on to be heard in its regular order for trial and the plaintiff appearing in person and by attorney announced ready for trial but the defendant failing to appear although duly cited Wholly made default and the Court having instructed the plaintiff to proceed with the trial which he did and after hearing the pleadings evidence and argument of counsel in the cause and duly considering the same it was considered and determined that the facts stated in plaintiffs petition are true and that the decree of divorce be granted. Whereupon it is ordered adjudged and decreed by the court that the bonds of matrimony heretofore existing between the plaintiff Solomon Lee and the defendant Ellen Lee as husband and wife be and is hereby separated and that said Solomon Lee and Ellen Lee shall no longer be husband and wife, That the plaintiff Solomon Lee and the sureties on his cost bond to Wit: Wylie Sampson pay all costs in this behalf expended for which let execution issue. 3594,

John Sales. } Upon motion of plaintiffs attorney it is ordered
vs } by the court that this case be and the same
J. C. Flinn } is hereby dismissed. and that plaintiff have leave to withdraw his title papers filed herein. and further ordered that plaintiff and the surety on his cost bond viz: D. A. Snyder pay all costs in this behalf expended for which execution may issue. 5488

The State vs Aldus McIlvain Sal. Set for 26th May 1881 5611.

F. J. A. Thompson. } Upon motion of plaintiffs attorney it is
vs } by the court that this case be and the same
J. D. Sayers et al. } is hereby dismissed, and further ordered that plaintiff pay all costs in this behalf expended for which execution may issue 5633

Martin L. Stewart } And now on this the 25th day of
vs } May AD1881 the same being a day of said term, this cause being called for trial whereupon came the plaintiff by attorney, and it appearing to the satisfaction of the court that the defendant Mattie A. Stewart had been duly and legally served with notice as required 5581.

May 25th 1881

by the Statute, and it also further appearing that the said defendant
also accepted service in her own proper person of the citation and copy of
petition in this cause, and neither party demanding a jury thereupon the
plaintiff by attorney announced ready for trial and the defendant failing
to appear and answer or demur to plaintiffs petition although duly cited
to do so. Thereupon the court proceeded to hear the pleadings and evidence
submitted by the plaintiff in manner and form as provided by law,
and having duly considered the same, Whereupon it was considered
by the court that the allegations of the plaintiffs petition are sustained
by the evidence and that the same are true. It is therefore ordered
adjudged and decreed by the court that the bonds of matrimony here-
-tofore existing between the plaintiff M. L. Stewart and the defendant
Mattie A Stewart formerly Mattie A. Thompson be and the
same are hereby dissolved severed and annulled, And it further
appearing to the satisfaction of the court that no claim was set
up by the defendant Mattie A. Stewart for alimony or to any part
or interest in and to the estate of said plaintiff M. L. Stewart and
that said plaintiff was willing to convey to and settle upon said
Mattie A. Stewart the following described property, to wit: Lots
numbered three (3) four (4) - seven (7) and eight (8) in Block number three
(3) And Lots number four (4) - five (5) - six (6) - nine (9) and Ten (10) in
Block number four (4). and Lot number Eight (8) in Block number
five (5) all situated in Robinsons and Sherwoods addition to the
city of Charlotte in the county of Eaton and in the State of
Michigan. It is therefore adjudged and decreed by the court that
the title to the foregoing described property be and the same is hereby
vested in said Mattie A Stewart free from all claim or right of
the said plaintiff, and said property if held, to be in full satis-
-faction for all claims whether of dower interest or otherwise in and
to any and all other property and estate of said M. L. Stewart,
It is further ordered that the plaintiff pay all costs in this behalf
incurred for which execution may issue on behalf of the offices
of Court, all of which is ordered adjudged and decreed on
this the 25th day of May A D 1881.

Court adjourned till tomorrow morning 9 O'clk,

May 26th 1881

Court met pursuant to adjournment: Present same as on first
day- Whereupon the following proceedings were had. Viz:

5632 Louisa Dubbe vs Heinrich Dubbe } On this day this cause being regularly called for trial came the plaintiff by her attorney and also in person and announced ready for trial. But the defendant failed to appear although duly cited but wholly made default, and the court having instructed the plaintiff to proceed with the trial and after hearing the pleadings read the evidence and arguments of counsel and having duly considered the same it was considered by the court that the material facts as stated in plaintiffs petition

May 26th 1881

are true and that the decree of divorce as prayed for ought to be granted. Whereupon it is ordered by the court that the bonds of matrimony heretofore existing between the plaintiff Louisa Dubbe and the defendant Heinrich Dubbe be and the same are forever dissolved. And it is further ordered by the court that the plaintiff Louisa Dubbe have full charge care and custody of the two children viz! Malinda Dubbe and Wilhelmina Dubbe the issue of said marriage free from the interference of all person whomsoever. Further ordered that the plaintiff pay the costs of this proceeding for which execution may issue,

Court adjourned till tomorrow morning 9 o'clock,

May 27th 1881,

Court met pursuant to adjournment: Present same as on first day whereupon the following proceedings were had viz!

Emma Milde vs Fredericks Milde. Continued 3376.

Court adjourned till tomorrow morning 9 O'clock,

May 28th 1881,

Court met pursuant to adjournment; Present same as on first day whereupon the following proceedings were had viz!

The State of Texas, vs Alden McIlvane et al } This cause being called for trial the parties appeared by their attorneys and announced ready and no jury being demanded by either party the matters in issue were submitted to the court, and the court after hearing the pleadings evidence and argument of counsel is, of opinion the law and facts are with the plaintiff. It is therefore considered ordered adjudged and decreed by the court that the State of Texas the plaintiff herein, do have and recover of and from the defendants Alden McIlvane R. F. Tankersley, Asa Frary and Wm D. Vick the sum of Two thousand two hundred and three 60/100 ($2203.60) dollars (that being the amount due on the bond sued on in this cause on the 5th day of Dec 1879. the date of the approval of the new bond filed in this cause by the sureties, the court holding that the approval of the new bond on that date relieved the sureties on the old bond for all acts of the Sheriff after the approval) with interest thereon from this date at the rate of eight per cent per annum until paid and all costs in this behalf expended for which execution may issue. It is further ordered and decreed by the court that the State of Texas do have and recover of and from the said Alden McIlvane the principal in the bond sued on in this cause the further sum of eighteen hundred and eighty two 91/100 ($1882.91) dollars with interest thereon from this date at 8 per cent per annum for which let execution issue - It appearing to the court that the defendants R. F. Tankersley Asa Frary and Wm D. Vick are sureties for the defendant Alden McIlvane on the bond sued on in this cause it is therefore ordered and adjudged by the court that the said sureties have judgment over and that execution may issue in their favor against their said principal for whatever amount of

Rec'd mandate from Supreme Court $621.70 in favor of Plaintiff E. T. Moore Co Atty.

May 28th 1881

this judgmnt they or either of them may pay, duly except & give notice of appeal.

F. W. Chandler Admr. of Estate of J. C. Peirce decd vs Loomis & Christian

5249

On this case appeard the plaintiff and defendants by their attorneys and announced themselves ready for trial. After hearing the evidence introduced by plaintiff and defendants and the arguments of counsel and the same having been fully considered by the court. It is ordered adjudged and decreed by the court that the plaintiff do have and recover of and from defendants Simon Loomis and Edward Christian under the firm name of Loomis and Christian the lots and pieces of land sued for in this action to wit: Lot No 9 (nine) in out lot no (4) four in Division "A" in the city of Austin Travis Co Texas and also Lots Nos. 2 & 3 in out Lot No 8 in Division "D" in said city of Austin Travis Co Texas. It is further ordered, adjudged and decreed by the court that the defendants Loomis and Christian are by virtue of this judgment and decree hereby divested of all right title, interest or claim in or to said lots of land and the title thereof is fully vested in the plaintiff F. W. Chandler as administrator de bonis non of the estate of J. C. Peirce deceased, for the use and benefit of said estate, and that a writ of possession do issue for the same. It is further adjudged by the court that the plaintiff do have and recover of the defendants Loomis & Christian costs of this suit and the cost incurred 7 days for which execution may issue, and further ordered that plaintiff have leave to withdraw his title papers in this case.

376.

611

Perham & Moller vs Asa Frary & Bro.

5363

The defendants motion for a new trial in this behalf coming on to be heard, and the same having been submitted and fully considered by the court said motion was overruled. to which ruling of the court the defendants by counsel in open court excepted and gave notice of appeal to the Supreme Court;

Court adjourned till Monday morning 9 o'clk.

Rec'd mdt #8621 to 8796 in cash and Judgment #5396 in cash February Clean-

Monday May 30th 1881

Court met pursuant to adjournment: Present same as on first day, whereupon the following proceedings were had viz:

The State of Texas vs S. M. Strayhorn et al

5-5-95

This case having been set for trial for this day came the parties. the plaintiff by his attorney and defendants who had been served with by their attorneys and thereupon came on to be heard the defendants plea in abatement. Which said plea after due consideration by the court was held insufficient; and this came on to be heard defendants motion to dismiss which being duly considered was ~~duly~~ by the court overruled. to which ruling of the court the defendants who are sureties by their attorneys except: It is further ordered by the court that plaintiff have leave to file first amended original petition and that this case be continued for service on the principal in this case S M. Strayhorn.

Court adjourned till tomorrow morning 9 o'clk.

May 31st 1881.

Court met pursuant to adjournment: Present same as on first day, Whereupon the following proceedings were had. viz:

The State of Texas. vs Charles Norbert et al. Continued by defendants and ordered by the court that all costs to this date be taxed against defendants for which execution may issue, on behalf of officers of court. 3497.

The State of Texas. vs Charles Norbert et al. Continued by defendants and ordered by the court that all costs to date be taxed against defendants for which execution may issue on behalf of officers of court. 3501.

The State of Texas. vs J. W. Wyatt et al. Set for June 1st 1881. 10 o'clock 3567.

Court adjourned till tomorrow morning 9 o'clock,

June 1st 1881,

Court met pursuant to adjournment; Present same as on first day and this time no civil minutes to be recorded of this date. Court adjourned till tomorrow morning 9 o'clock,

June 2nd 1881,

Court met pursuant to adjournment; Present same as on first day whereupon the following proceedings were had viz:

The State of Texas vs P. W. Norfleet et al. Rest for June 16th 1881 3599.

The State of Texas vs M. L. Durham et al. It is ordered by the court that plaintiff have leave to file amended original petition, and the death of M. L. Durham the principal in this case being suggested and the fact being admitted by his sureties. it is ordered by the Court that this case be dismissed as to the said Durham and cause continued on affidavit of defendants. 3603

Annie Cannon vs George Cannon. This cause being called for trial came the parties by their attorneys and announced ready for trial and no jury having been demanded by either party the matters of fact as well as of law were submitted to the - and the court after hearing the pleadings and the evidence adduced and argument of counsel doth find that the material allegations as set out in plaintiffs petition are true, It is therefore considered ordered adjudged and decreed by the court that the bonds of matrimony heretofore existing between the plaintiff Annie Cannon formerly Annie Robinson and the defendant George Cannon be and the same are hereby forever dissolved. It is further ordered by the court that the defendant George Cannon pay all costs in this behalf incurred for which execution may issue. 3651.

The State of Texas vs Gus. W. Loftin et al. On this the 2nd day of June A D 1881 came the State of Texas plaintiff by her attorney E. T. Moore county attorney of Travis county Texas and the defendants as follows. Gus. W. Loftin as principal. Thos. Brown. James F. Brown D. Cunningham J. W. Hanna. W. T. Murrah J. C. Montgomery and S. W. Terry as sureties on the bond dated February 11th 1879 by their attorneys, and Gus W. Loftin as principal, James Henderson. S. W. Terry. Thos Brown. W. T. Murray and D Cunningham 3597

Received June 17th 1881 of James Henderson S. W. Terry Thos Brown and W. T. Murray and D. Cunningham

June 2nd 1881.

as sureties on the bond dated August 22d 1879. by their attorneys and all of said defendants by their attorneys having waived their pleas of misjoinder of parties, and the parties plaintiff and defendants having announced ready for trial and neither the plaintiff nor any of the defendants having demanded a jury and the cause being submitted to the court. and the pleadings and evidence having been heard and fully understood and the Court having found from the evidence that Jas W. Loflin is indebted to the State of Texas in the sum of Forty one hundred and eighty dollars and Seven cents of which the sureties on the bond dated February 11th 1879. is responsible for ($1502.66) Fifteen hundred and two & 66/100 dollars and the sureties on the bond dated August 22d 1879 is responsible for ($2677.41) Twenty Six & Seventy seven & 41/100 dollars It is therefore ordered adjudged and decreed by the Court. that the plaintiff the State of Texas do have and recover of and from the principal and sureties on the bond dated February 11th 1879 to wit: Jas. W. Loflin as principal and Theo Brown. James F. Brown. D. Cunningham. J W. Hanna W.T. Murrah. J. C. Montgomery and D.W. Terry as sureties the sum of Fifteen hundred and two & 66/100 ($1502.66) dollars with interest thereon from this date at the rate of eight per cent per annum and for all all costs in this behalf expended for which execution may issue, and it is further ordered adjudged and decreed by the court in addition to the above that the plaintiff. the State of Texas, do have and recover of and from the principal and sureties on the bond dated August 22d 1879 to wit: Jas. W. Loflin, and James Henderson. D.W. Terry Theophilus Brown. W. T. Murray and D Cunningham, the sum of two thousand Six hundred and Seventy Seven 41/100 ($2677.41) dollars with interest thereon from this date at the rate of eight per cent per annum, and for all costs in this behalf expended for which execution may issue, And it further appearing to the court that the defendant Jas W. Loflin is the principal in both the official bonds sued on in this case and that the other defendants are only sureties on said bonds and as such sureties are entitled to the benefit of the Statute in such cases made and provided it is therefore ordered adjudged and decreed by the court that the Sheriff levy the execution issued by virtue of this judgment first upon the property of the said Jas. W. Loflin subject to execution and situated in the County of Travis before a levy shall be made upon the property of said sureties or any of them, provided so much property of the said Jas. W. Loflin subject to execution shall be found in said Travis county as may be sufficient to make the amount of said execution otherwise the levy thereof to be made on the property of the said Jas W. Loflin that may be found. if any and upon so much of the property of said sureties as may be necessary to make the amount for which judgment is herein rendered against them respectively. And it is further ordered adjudged and decreed by the court that in case said sureties or any of them shall make any payment which is applied on this judgment

Received June 17. 1881 of Jas. Henderson Theophilus Brown and W.T. Murray through S.W. Perry on this judgment four hundred and ninety four & 50/100 Dollars, on bond dated Aug 22. 1879. E.T. Lawrence

Rec'd $1502.66 cash & $2677.80 Bond Coupons = E.T. Lawrence

S.W. Perry
J.A. Posey
Jno W. Glenn

June 2d 1881

by reason of this suretyship on said official bond this judgment shall not be discharged by such payment but shall remain in full force and be prosecuted to execution for the use of the suretis or surety making such payment to the amount of such payment and interest thereon. And it is further ordered adjudged and decreed by the court that in case the judgment herein rendered against the defendants Thos Bowen. James F. Bowen D. Cunningham J.M. Hanna. W. T. Murrah. J. C. Montgomery and S W. Terry who are suretis is paid by them or any of them and one or more of said suretis fails to pay his proportionate part of said judgment and in consequence of such failure one or more of said suretis is compelled to pay more than his proportionate part of said judgment this execution may issue against the said W. Loftin for the use of the surety who shall have paid more than his proportionate part of said judgment for the whole amount paid by him and interest thereon and also against his co suretis for their proportionate part of the excess so paid by him and interest thereon, And it is further ordered adjudged and decreed by the court that in case judgment herein rendered against the defendants James Henderson. S W. Terry. Thos. Bowen. W. T. Murray and D. Cunningham who are suretis is paid by them or any of them and one or more of said suretis fails to pay his proportionate part of said judgment and in consequence of such failure one or more of said suretis is compelled to pay more than his proportionate part of said judgment this execution may issue against the said Jno C Loftin for the use of the surety who shall have paid more than his proportionate part of said judgment for the whole amount paid by him and interest thereon, and also against his co suretis for their proportionate part of the excess so paid by him and interest thereon - It is further ordered that the officers of Court have execution for their cost.-

Court adjourned till tomorrow morning 9 oclock.

June 3d 1881.

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

E.C. Bartholomew vs J. W. Burrell et al } On the 30th day of May AD1881 this cause being called for trial the parties appeared by their attorneys and announced ready for trial whereupon came a jury of twelve good and lawful men who after being duly impannelled and charged as required by law and after hearing the evidence and argument of counsel retired to consider of their verdict on the 2d day of June AD1881. and whereas on the 3d day of June 1881. While the said jury had said cause under consideration before they had arrived at any conclusion thereon the said parties by their attorneys and in person $84.85

June 3d 1881.

made known to the court that they had agreed upon a basis of settlement of the matters in suit and by consent ask the court to withdraw said cause from the consideration of the said jury, and thereupon the said jury was discharged, and thereupon the said parties by consent that judgment be ordered by the court for plaintiff E. C. Barcholomew for all of lot No(12) twelve and a part of lot No(11) eleven in Block No(174) one hundred and seventy four in Austin city Texas, with the improvements thereon, and that the defendants Joel M. and Julia A Bunnell have the balance of said lot No(11) eleven with the improvements thereon,

It is therefore considered adjudged and decreed by the court that the plaintiff E. C. Barcholomew do have and recover of and from the defendants Joel M. and Julia A Bunnell the title and possession to lot No(12) twelve in Block No(174) one hundred and seventy four with all the improvements thereon situated in Austin City Texas, and so much of lot No(11) eleven in said Block No(174) one hundred and seventy four on the west side thereof as will be cut off from said lot No 11 by a line running parallel with division line between said lots No 11 and 12. through its full length and so far from the west side of said lot No 11 as will be necessary to include the shed room and back gallery attached to the rock house on said lot No 12. Viz

Cut off the west side of said lot No 11 in said block No 174 through its full length. Making the line of the west end of the old frame house on said lot No 11 continued the full length of the said lot No 11 and parallel with the division line between said lots Nos 11 and 12. in Block 174, the east line of that land recovered by the said plaintiff herein and the west line of that recovered by the defendants herein, and it is further ordered and decreed that all the right and title of the said defendants J M. and Julia A Bunnell in said lot No 12. and part of lot No 11 be divested out of them and vested in the said plaintiff E. C Barcholomew It is further considered ordered and decreed by the court that the said defendants Joel M. and Julia A. Bunnell do have and recover of and from the plaintiff E. C. Barcholomew the title and possession to the balance of said lot No. 11 in Block 174 in Austin City Texas (not included in the above part of lot 11 which is decreed and adjudged to E. C. Barcholomew) and all the improvements thereon. and that the plaintiff be divested of that part of said lot No 11 and that the title and possession thereof be forever vested in said defendants Joel M. and Julia A. Bunnell free from all claims of plaintiff and that said defendants have their writ of possession for said part of lot 11 herein decreed to them, It is further ordered by the court that each party in this cause do pay the costs incurred by such party or at his or her instance for which execution may issue. Court adjourned till tomorrow morning 9 o'clock.

June 6th 1881.

Court met pursuant to adjournment. Present same as on first day and there being no Civil minutes to be entered of this date court adjourned till Monday morning at 10 oclock.

Monday June 6th 1881

Court met pursuant to adjournment. Present same as on first. Whereupon the following proceedings were had viz:

Jos. M. Martin. vs James A. Winn & P. P. Cluff. } Upon motion of plaintiffs attorney and by consent of the parties to this suit it is ordered by the Court that this cause be and the same is hereby dismissed at plaintiffs costs, for which execution may issue. 3561.

B. H. Jaynes Sons vs R. F. Campbell et al. The motion of the plaintiff to retax the costs in this cause having been heretofore submitted and fully understood by court said motion was by the court this day refused - and further ordered that no costs be taxed for this motion or order. 3591

B. H Jaynes Sons vs Leander Brown et al. The motion of the plaintiff to retax the costs in this cause having been heretofore submitted considered and fully understood by court said motion was this day by the Court refused. and further ordered that no costs be taxed for this motion or order. 3592.

Court adjourned till tomorrow morning 9 oclock.

June 7th 1881.

Court met pursuant to adjournment. Present same as on first day Whereupon the following proceedings were had viz:

The Aultman & Taylor Co. vs Ben H. Shropshire & Wife } On this the 7th day of June A D 1881 came the plaintiff and defendants by their attorneys and this cause coming on to be heard defendants application for a continuance of this cause which after being duly considered was by the court overruled. to which ruling of the court defts except. It is further ordered by the court that defts have leave to file amend original answer. and Plff have to file 1st supplemental petition and defts have to file 1st supplemental answer. and plaintiffs have to file trial amendment to petition. and defts motion to strike out Plffs trial amendment to petition overruled to which defts except. 3513.

The Aultman & Taylor Co. vs Ben H. Shropshire & Wife } On this 7th day of June A D 1881. came the plaintiff and defendants by their attorneys and this cause coming on to be heard the defendants demurrer to the plaintiffs original petition on the ground that said petition shows that the court has no jurisdiction of the subject matter of the suit which having been considered it is ordered by the court that said demurrer be overruled to which ruling of the court defendants except. and this cause coming on to be heard the defendants general demurrer to plaintiffs original petition which

3513 Ex Book 5. page 102.

June 7th 1881.

having been considered it is ordered by the court that said demurrer be overruled to which ruling of the court defendants excepts. and then came on to be heard the plaintiffs general demurrer to the defendants amended original answer which having been considered it is ordered by the court that said demurrer be overruled to which ruling of the court plaintiff excepts. And thereupon plaintiff announced ready for trial on the facts and the defendants presented their application for a continuance of the cause until the next term of this court which having been considered by the court that said application for a continuance be overruled to which ruling of the court the defendants excepts. and thereupon the parties waive a jury and submit the matters in controversy as well of fact as of law to the court and the pleadings. evidence and arguments of counsel having been heard and fully understood it is considered ordered adjudged and decreed by the court that the defendants plea to the jurisdiction of the court be overruled to which ruling of the court defendants excepts and it is further considered ordered adjudged and decreed by the court that the plaintiff the Aultman and Taylor Company do have and recover of the defendants Ben A. Throgmorton the sum of four hundred and eighty nine & 47/100 dollars with interest thereon from this date at the rate of twelve per cents per annum and the further sum of forty eight & 40/100 dollars for attorneys fee with interest thereon from this date at the rate of eight per cent per annum together with all costs in this behalf expended, and that the said plaintiff take nothing as against the defendant Matilda A. Throgmorton who is shown to have been a married woman at the time of the execution of the notes sued on. and that she the said Matilda A. Throgmorton recover of the said plaintiff all costs in this behalf expended and that she have her execution therefor. And it further appearing to the court that the plaintiff The Aultman and Taylor Company has a lien to secure the payment of the notes upon which this judgment is rendered on the following described property to wit: One Aultman-Taylor Separator, complete, with the straw stacker, belts and all fixtures with or belonging to same: also one Truck wagon under same: Also one Aultman-Taylor horse power, complete, with the Truck wagon. Pumps. Tumbling Rods. Brace Rods and all fixtures with or belonging to same, Also one Aultman-Taylor Farm Engine complete, It is therefore considered ordered adjudged and decreed by the court that the plaintiffs said lien on the said property be and the same is hereby foreclosed: and that the clerk of this court do issue an order of sale directed to the Sheriff or any Constable of Blanco County in the State of Texas, directing him the said officer to seize levy upon and sell the above described property as under execution in satisfaction of this judgment: that he apply the proceeds of such sale to the payment and satisfaction of this judgment with all interest that may be due thereon and the costs adjudged against the said Ben A. Throgmorton: and

June 7th 1881.

if the said property shall sell for more than sufficient to pay off and satisfy this judgment in hint and said costs, then the said officer is hereby directed to pay over the excess to the said defendant Ben N. Throckmorton: but if the said property cannot be found or the proceeds of such sale be insufficient to satisfy this judgment in hint and said costs, then to make the money or any balance thereof remaining unpaid out of any balance thereof remaining unpaid out of any other property of the said Ben N. Throckmorton subject to execution as in case of ordinary executions, and in case of the failure to make the whole amount of this judgment in hint and said costs out of the said property upon which said lein is foreclosed or out of the other property of the said Ben N. Throckmorton subject to execution by virtue of said order of sale then that the plaintiff shall have execution against the said Ben N. Throckmorton for the balance of this judgment in hint and said costs remaining unpaid,

And it is further ordered adjudged and decreed by the court that the deed of Trust set up and relied upon by plaintiff so far as it attempts to incumber and fix a lein upon the following tract of land situated in said County of Blanco Texas and on the South bank of the Rio Blanco being a part of the H. Eggleston league and is described as follows to wit: Beginning at the N.W. corner of a survey purchased by Louis Capt of J. C. Talley containing fifty acres on the South Bank of Rio Blanco and the N East corner of said survey from which described a Black Walnut 4 in in dia bro S 84° W 10 vrs, thence up the Blanco to a point from which a line running parallel with Capts line 111 vrs to a Black Jack about 10 in in diameter marked X on North and South sides standing on the line South of the Callahan Spring branch on the line supposed to be about 400 yards from the Rio Blanco: thence from the Black Jack at right angles to the Eastern boundary of J. H. Callahan's line: then with the Callahan line and Capts line across the Spring branch to the beginning corner on the bank of the Rio Blanco, said tract supposed to contain 111 acres more or less. be and the same is hereby declared null and void, the said tract of land having been on the 18th day of May A.D. 1878 the date of the execution of said deed of trust and still is a part of the homestead of defendants and the said deed of trust as to said tract of land is hereby set aside and shall be held for naught and the said defendants are hereby quieted in their title to and their possession and occupancy of said tract of land as a part of their homestead - It is further ordered that execution issue for the use of the officers of court against the said plaintiff and the sureties on his cost bond and said Ben N Throckmorton respectively for the costs respectively incurred by the said plaintiff and the said Ben N. Throckmorton.

Court adjourned till tomorrow morning 9 o'clock.

June 8th 9th 10th 1881

Court met each day pursuant to adjournment. Present same as on first day whereupon there being no civil matters to be recorded of which

June 11th 1881.

of the above date court adjourned till tomorrow morning 9 o'clock.

June 11th 1881

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

1654. 4 Book 5 p. 114

Anna C. Travis vs J. C. Miller et al

On this the eleventh day of June A.D. 1881 came the parties to the above entitled cause and announced themselves ready for trial and waive a jury and submit the matters in controversy as well of fact as of law to the court; and the pleadings evidence and argument of counsel having been heard and fully understood it is considered ordered adjudged and decreed by the court that the plaintiff Anna C. Travis do have and recover of the defendants J. C. Miller and Evaline A. Miller the sum of one thousand Six hundred and twelve & 66/100 dollars with interest from this date until paid at the rate of twelve per cent per annum with all costs in this behalf expended. And it further appearing to the court that one of the notes upon which this suit is brought and upon which this judgment is rendered was executed by said defendants on the 24th day of November A.D. 1875. to secure the payment of the purchase money for the following described lot of land to wit: Lot No four (4) in Block No one hundred and Seventy three (173) of the city of Austin in the County of Travis and State of Texas according to the plat of said City of Austin together with a deed of trust of the same date on the said lot to enforce the payment of said note and that the vendors lien and the said deed of trust on said lot to secure the payment of said note still remain in full force and effect. And it further appearing to the court that the other two notes upon which this suit is brought and upon which this judgment is rendered were executed by defendants at the time of the dates of said notes respectively for material furnished and labor performed in the erection of a dwelling house and in the construction of other improvements on said lot and that Mechanics liens were fixed and secured in the manner required by law on said lot dwelling house and other improvements situate on said lot to secure the payment of said notes, and that the said Mechanics liens still remain in full force and effect. It is therefore ordered adjudged and decreed by the court that the plaintiffs said Vendors lien on said lot and Mechanics liens on said lot dwelling house and other improvements situate on said lot be and the same are hereby foreclosed and that the Clerk of this Court do issue an order of sale directed to the Sheriff or any Constable of Travis County in the State of Texas directing him the said officer to seize levy upon & sell the above described lot dwelling house and other improvements situate on said lot as under execution in satisfaction of this judgment; that he apply the proceeds of such sale to the payment and satisfaction of the said sum of one thousand Six hundred and twelve & 66/100 dollars together with all interest that may be due thereon,

June 11th 1881.

and the costs of this suit and if the said lot dwelling house and other improvements situate on said lot shall not be sufficient to pay off and satisfy said sum in interest and costs then the said officer is hereby directed to pay over the excess to the said defendants. But if the proceeds of such sale be insufficient to satisfy this judgment in interest and costs due to make the money or any balance thereof remaining unpaid out of any other property of the defendant J C Winter as in case of ordinary executions and in case of failure to make the whole amount of this judgment in interest costs out of the said property upon which the Vendors and Mechanics liens are hereby foreclosed or out of the other property of the defendant J. C. Winter by virtue of said order of sale then that the plaintiff shall have his execution against the said J. C. Winter for the balance remaining unpaid as in other cases,

And it further appearing to the court that at the time of the execution of each of the promissory notes upon which this suit is brought and this judgment is rendered the defendant Evaline A Winter was a married woman it is ordered adjudged and decreed by the court that the plaintiff take nothing as against the said Evaline A Winter further than the foreclosure of the said Vendors and Mechanics liens and that this judgment shall not affect her personally nor affect or constitute a claim against her seperate property other than the property upon which the said Vendors and Mechanics liens are hereby foreclosed. It is further ordered that execution issue for the use of the officers of court against the plaintiff and against the defendant J. C. Winter respectively for the costs incurred by them respectively in this behalf

Court adjourned till Monday morning 10 o'clock.

Monday June 13th 1881

Court met pursuant to adjournment; Present same as on first day Whereupon the following proceedings were had viz:

A. J. Burke vs Carl. Kuhl & John Lindheimer } This day this cause came on for trial and came the parties plaintiff defendants and intervenor by attorney and announced themselves ready for trial and no jury being demanded the matter in controversy as well of fact as of law was submitted to and tried by the court; and it appearing to the court that J. M Dillman is a proper party to this suit he is permitted to intervene herein, and the pleadings of the parties and the evidence having been considered and understood by the court It is therefore ordered adjudged and decreed by the court that the plaintiff A. J. Burke do have and recover of and from the said Karl. Kuhl and John Lindheimer the sum of Thirteen hundred and Seventy Six 73/100 ($1376.73) dollars in Gold coin, together with interest at the rate of 8 per centum per annum from the date thereof until paid and costs of suit; and it is further ordered, adjudged and decreed that the said intervenor J. M. Dillman do have and recover of and from the said defendants Carl Kuhl and

5829. 24 Do. 5 p. 114

Transfer of A. J. Burke to Austin College filed Nov 6, 1895. Of date Nov 8, 1881.

Transfer from Austin College to E. M. Pease of date Nov 29, 1881, filed Nov 6, 1895

Transfer from J. M. Dillman to E. M. Pease of date Nov 3, 1881, filed Nov. 6, 1895.

June 13th 1881

John Lindstrom the sum of Six hundred and Eighty three + 26/100 ($683.26) dollars Gold Coin together with interest at the rate of 8 per centum per annum from the date hereof until paid and costs of suit; and it further appearing to the Court that the writ herein was duly served upon the defendant A. J. Burke in this cause and the same duly served upon the intervenor the said J. M. Dillman more than ten days before the first day of this term of this Court; and the said defendant A. J. Burke having failed to appear and answer herein; and the said intervenor J. M. Dillman having appeared and filed his intervention herein; and the said defendant A. J. Burke having been duly cited by publication to appear and answer herein; and

June 13th 1881.

Comes Henry E. Shelley Special Commissioner appointed by this Court on the 17th day of February 1881. to sell a part of lot No one in Block No Eighty three fronting on Congress Avenue in the city of Austin Travis County Texas. (the said part sold being all of said lot No 1 in Block 83 which was owned by J. C. T. Phelps the estate of John Phelps and Wesley Johnston the parties to said suit;) before the court house door of said Travis County and reports to this court that in obedience to the order judgment and decree of this court he did advertise said property in which conformity to the orders of this court, and that he did on the first Tuesday in June 1881, it being the 7th day of said month within the hours prescribed by law sell said property to the highest bidder according to the terms of said decree, and that Wesley Johnston bid the sum of $15.400.00 dollars, for said property which was the highest and best bid made for said property and the same was struck off to him and this Commissioner now takes in open court the sum of $5.133.33⅓ dollars it being one third of the amount that said property sold for and the note for the balance of said purchase money, and asks that he may be permitted first to pay all costs due the officers of court and other allowed fees and commissions which have accrued in this case, and 4/9 of the remainder to the plaintiff J. C. T. Phelps and 3/9 to the defendant Upton Swingley and 2/9 to the defendant Wesley Johnston; and for an order judgment and decree of this court confirming the act of this Commissioner and for all such other orders and decrees as the nature of this report may require. Henry E. Shelley
Special Commissioner

Sworn to before me by Henry E. Shelley Special Comr. this 7th June AD1881. E. Hallmann clk By Hart Dpy.

And the foregoing report having been examined by the court and found to be in all things just and correct it is therefore ordered adjudged and decreed by the court that the same be and it is hereby in all things confirmed, and that the title of the parties to this suit to the property in question by virtue of this judgment and decree is divested out of the said parties and the same vested in the said Wesley Johnston subject to the terms and conditions of said sale. It is further ordered adjudged and decreed by the court that said Commissioner first pay out of the cash payment for said property all the costs of the officers of court and his commissions as fixed by this Court and the remainder he shall divide between the parties as follows to-wit: To the plaintiff J. C. T. Phelps 4/9-
To defendant Upton Swingley 3/9
" " Wesley Johnston 2/9. - and file receipts for all amounts so paid out by him in this court-

The State of Texas } This day this cause came on to be
vs } heard and the matters in controversy
J. T. Wilson et al- } as well of fact as of law were submitted to and heard by the court- and it appearing to the court that-

½ 60/.

June 13th 1881

the said defendant J. T. Wilson has departed this life. It is ordered by the court that this suit be dismissed as to the said J. T. Wilson, and the said plaintiff and the said defendants J. H. Carrithers. W. Metcalf and D. L. Cunningham duly came and appeared by their attorney and announced themselves ready for trial, and the pleadings and the evidence being heard considered and understood by the court. It is further ordered adjudged and decreed that the plaintiff the State of Texas, do have and recover of and from the said defendants J. H. Carrithers W. Metcalf and D. L. Cunningham the sum of one hundred and twenty four and 4/100 ($124.04) dollars with 8 per centum per annum interest from date hereof, and all costs of suit in this behalf expended for which let execution issue.

The State of Texas } On this the 13th day of June A.D. 1881. came the
vs } State of Texas plaintiff by her attorneys. E. T.
J. M. Wyatt et al. } Moore County attorney of Travis County Texas and D. W. Doom and the defendants J. M. Wyatt A. H. Adams, Geo H. Krohne W. F. Thomas, W Stevens, F. Glaspie, W A Lyon and J. W. Ryan by their attorneys Hancock & Wash and thereupon said plaintiff by attorney suggests to the court that the defendant John W. Tooley has not been served with citation and has filed no answer in this cause and that the defendants W. B. Hill and Sam Lawrence are dead and were never served with citation in this cause and says he will not further prosecute this suit against said defendants John W. Tooley W. B. Hill and Sam Lawrence Whereupon this cause is discontinued as to them. and this cause coming on to be heard the plea in abatement and general and special demurrers of the other defendants thereto before named to the plaintiffs original petition and the same having been considered it is ordered adjudged and decreed by the court that the said plea in abatement and general and special demurrers be and the same are hereby each and all of them overruled. to which ruling of the court the said defendants except. and thereupon the said plaintiff and the said defendants announce ready for trial and have a jury and submit the matters in controversy as well of fact as of law to the court and the pleadings evidence and argument of counsel having been heard and fully understood it is considered ordered adjudged and decreed by the court, that the plaintiff the State of Texas do have and recover of the defendants J. M. Wyatt A. H. Adams Geo H. Krohne. W. F. Thomas W Stevens F. Glaspie. W A Lyon and J W Ryan. jointly and severally the sum of one thousand two hundred and twelve 30/100 dollars ($1212 30/100) with all costs in this behalf expended for all of which execution may issue, And it further appearing to the court that the defendant J. M. Wyatt is the principal in the official bond sued on in this case and that the said defendants A. H. Adams. Geo H Krohne. W. F. Thomas W Stevens F Glaspie W. A. Lyon and J. W. Ryan executed said bond as sureties and as such sureties are entitled to the benefit of the statutes in such

June 13th 1881

cases made and provided, it is therefore further ordered adjudged and decreed by the court that the Sheriff levy the executions issued by virtue of this judgment first upon the property of the said J. M. Wyatt subject to execution and situate in the County of Travis before a levy shall be made upon the property of said sureties or any of them provided so much property of the said J M Wyatt subject to execution shall be found in Travis County as will be sufficient to make the amount of said execution, otherwise the levy thereof to be made on the property of the said J. M. Wyatt that may be found, if any, and upon so much of the property of said sureties as may be necessary to make the amount of said Execution. And it is further ordered adjudged and decreed by the court that in case said sureties or any of them shall make any payment which is applied on this judgment by reason of their suretyship on said official bond this judgment shall not be discharged by such payment but shall remain in full force and be prosecuted to execution for the use of the sureties or surety making such payment to the amount of such payment and interest thereon. And it is further ordered adjudged and decreed by the court that in case this judgment is paid by the said sureties or any of them and one or more of said sureties fails to pay his proportionate part of said judgment and in consequence of such failure one or more of said sureties is compelled to pay more than his proportionate part of said judgment then execution may issue against the said J. M. Wyatt for the use of the surety who shall have paid more than his proportionate part of said judgment for the whole amount paid by him and interest thereon and also against his co sureties for their proportionate part of the excess so paid by him and interest thereon. And it is further ordered that execution may issue on behalf of the officers of the court for all costs in this behalf incurred—

Catherine Louisa Russig et al. } On this the 11th day of June 1881 came
vs } the parties plaintiff and defendant by
Theresa Maria Petri et al. } their respective attorneys. the infant
Hemilla Hoffheintz. } represented by S. A. Posey Esq. the duly appointed
guardian ad-litem of said infant, and no jury having been demanded
by either of the parties hereto. Matters of fact as well as of law were there-
upon submitted to the court for its determination and consideration.
and the court having heard the pleadings evidence argument of counsel
found that the plaintiff Catherine Louisa Reissig joined him by her
husband Adolph Reissig, and the defendants, Theresa Maria Petri
joined him with her husband Gerhard Petri and Charles Hoffheintz
and the said Hemilla Hoffheintz are the only heirs at law of Henry
Hoffheintz deceased, and that the said Catherine Louisa, Theresa
Maria, Charles and Hemilla are each entitled in severalty to
one fourth of the following described real and personal property
belonging to the estate of said Henry Hoffheintz, to wit:
1. Lot No. one (1) in Block No 35 of the city of Austin Texas Valued (together

v 3-64½

June 13th 1881.

mich the improvements thereon) at the sum of Eight hundred dollars.
2. Lot number two in Block No 35 of the City of Austin Texas valued (together mich the improvements thereon situated) at the sum of Four hundred Dollars.
3. One hundred and Six and two thirds acres of land in Gonzales County Texas, of the following discription and value, a part of a Survey of 463 acres of land patented to Baldwin Andrews by title patent # 601- Vol 42, dated May 31st 1875. Valued at $100.
4 Eighty eight and one half acres of land situated in Jack District Texas. said 88½ acres of land being a part of a survey of one labor of land patented to John. D. Nash by Virtue of duplicate A. R. No 82/159 issued by the commissioner of the General Land office Sept 15-1874 by title patent No 59. Vol 21. valued at $65.00
5 Four town lots in the City of Austin Texas and discribed & known as lots No 5. 6. 7- & 8. in Block No 6. out Lot No 45 Division B. valued at $58.
7- That the personal property of the estate of the said Henry Hoffheintz deceased consists of the sum of Twelve hundred and fifty one 00/100 dollars in money, a small assortment of dry goods and groceries. which together mich the store shelving and fixtures thereon the same are placed are of the aggregate value of $613.25 sundry Notes and accounts due and owing to the estate of the said Henry Hoffheintz deceased of the estimated aggregate value of $345.00 and bricks thereon are various and sundry other small articles of personal property of the estimated value of $103.75,
It is therefore ordered adjudged and decreed by the court that each of the parties last aforesaid is entitled to one fourth of said property and that each do have and recover in severally one fourth thereof: and the court now here appoints. W. Von Rosenberg, James Ford and C. F. Rumpel commissioners to partition and allot said real and personal property to and among the said parties entitled thereto according to their respective interests. in a fair and equitable manner mich regard to value and make report thereof as required by law to this court within five days after this notification of their appointment or as soon thereafter as practicable: and if any of the aforesaid real property be not susceptible of a fair and equitable division that said commissioners report such fact to the court in accordance mich the law in such case made and provided. It is further ordered that the clerk of this court issue forthwith a writ of partition to the Sheriff or any Constable of Travis County commanding such officer to notify each of said commissioners of his appointment as such and that a certified copy of this decree accompany such writ—

Court adjourned till 10 o'clock tomorrow morning

June 15th 1881.

Court met pursuant to adjournment. Present same as on former day whereupon the following proceedings were had viz:

June 15th 1881.

M. E. Cunningham et al. vs James A. Chandler et al. } In this case the same having been set for trial for this date, and the attorneys for defts being absent, plaintiffs consent to continue - It is therefore ordered by the court that this case be continued as upon application of defts. Court adjourned till tomorrow morning 9 oclock. 5579

June 16th 1881.

Court met pursuant to adjournment, Present same as on first day whereupon the following proceedings were had viz: The State of Texas v. P. W. Herbst et al. Reset for trial July 6th 1881. 5599

Court adjourned till tomorrow morning 9 oclock.

June 17th 1881.

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings were had viz:

Cathrine Louisa Reisig et al. vs Theresa Maria Pitts et al } And now on this 17th day of June 1881 came on to be heard the motion of L. A. Posey guardian ad litem of Hamilla Hoffheintz a minor defendant in this cause to reform the decree of partition rendered herein on the 11th day of June 1881, and it appearing to the court that all parties at interest have had due notice of said motion, and it further appearing from the pleadings in this cause and from evidence adduced before the court that Henry Hoffheintz died in the City of Austin Texas on the 25th day of November A.D. 1880 having real and personal estate as described in the petition and said decree of partition of June 11th 1881, and leaving surviving him Julia Louisa Hoffheintz his widow, and the plaintiff Cathrine Louisa Reisig and defendants Theresa Maria Pitts, Charles Hoffheintz and Hamilla Hoffheintz his children by a former marriage, That on the 11th day of March 1881 the said Julia Louisa Hoffheintz sold all her interest and rights as surviving wife of said Henry Hoffheintz in the property belonging to said estate to said Cathrine Louisa Reisig, Charles Hoffheintz and Theresa Maria Pitts for the sum of $869.30 - That it is advantageous to the estate of said minor Hamilla Hoffheintz for her to be allowed to participate in the purchase of the claim and interest of said Julia Louisa Hoffheintz in proportion to her interest in said property and the remaining heirs of said Henry Hoffheintz died, according thereto; It is therefore considered ordered and adjudged by the Court that said decree of 11th of June 1881 be and the same is hereby amended and reformed so that the Commissioners appointed in said decree, to make partition be and they are hereby directed in making partition of said property to have regard to the amounts paid out by said parties respectively for the purchase of said claim and interest from said Julia Louisa Hoffheintz so as to equalize the shares to be allotted to each of the several parties and that said Commissioners ascertain what compensation ought to be made by the said Hamilla Hoffheintz to make her an equal owner under said purchase, and to whom the same ought to be made 5642

June 17th 1881

for equity of partition according to the justice and equity of the cause, and allot and award each compensation accordingly.

5374. Amelia Porchia vs Harry Gilman. Continued by defendant

Court adjourned till tomorrow morning 9 oclk.

June 20th 1881

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had. viz:

5600 Lelia Richen vs The T & Pacific R. R. Co & The D. G. N. R. R. Co. Plaintiff has leave to file 1st amended original petition before the next term of this court.

5602. Ann E. Davis & Husband vs The T & P. R. R. Co. & The D. & G. N. R.R Co Plaintiffs have leave to file 1st amended original petition before the next term of this court.

5608. Julia A. Thompson, vs Filix E. Smick et al } And now on this May 6th 1881. in this cause came the plaintiff Julia A. Thompson by attorney, and it appearing to the court that the defendants Filix E. Smick, Mrs Mary Hughs, Mrs. P. J. Walker B. Franklin Walker, Mrs. Ruth Hughs and Blooming. B. Hughs had each been cited according to law to appear and answer this suit; and that each of said defendants although cited for the time required by law had failed to appear and had wholly made default: Whereupon it is ordered adjudged and decreed by the court that said defendants each be forever precluded and estopped from answering this suit: and that plaintiff have and recover judgment against said defendants by default and that a writ of inquiry as to them be and is hereby awarded, and it appearing to the court that defts Alexander L. Hughs, Stone-wall Jackson Hughs and Calvin Lee Hughs are minors it is ordered and adjudged that John. B. Costa Esq an attorney of this court be and he is hereby appointed guardian ad litem for each and all of said minors in this suit: and it appearing further to the court that deft Alfred. C. Hughs has not been served it is ordered and adjudged that alias citation issue for said defendant Alfred. C. Hughs and that this cause be continued,

Court adjourned till tomorrow morning 9 oclock

June 21st 1881

June 22nd 1881

June 23rd 1881

June 24th 1881

Court met each day pursuant to adjournment. Present same as on first day - but there being no civil minutes to record of either of the above dates Court adjourned till tomorrow morning 9 oclock.

June 25th 1881

Court met pursuant to adjournment. Present same as on first day, whereupon the following proceedings were had viz:

The State of Texas } On this day came on to be heard the defendants motion 5567.
vs for a new trial in this behalf and the same
J. W. Wyatt et al. } having been considered by the court and fully understood said motion was by the court overruled, to which ruling of the court the defendants by attorney in open court excepted and give notice of appeal to the Supreme Court

The State of Texas. } On this 25th day of June 1881 this cause 5610
vs being called for trial Mrs Kate Timon the surviving wife and
J. W. Stockley et al. } administratrix of Hugh Timon died by leave of the court made herself a party defendant, filed her written appearance herein and alleged the death of her said husband to have been on the 12th day of January A.D. 1880 Whereupon the State of Texas by its attorney dismissed this suit as to J. W. Stockley A. P. Rachael and John Wilder not served and announced ready for trial as to James Mahoney and Mrs Kate Timon the other two defendants herein and the said defendants appeared by their agent and attorney in fact Peter Timon and announced ready for trial. a jury being waived the matters in issue were submitted to the court, and the court after hearing the pleadings evidence and argument of counsel is of opinion that the law is with the plaintiff. It is therefore considered ordered, adjudged and decreed by the court that the State of Texas the plaintiff herein do have and recover of and from the defendants Mrs Kate Timon administratrix aforesaid and James Mahoney the sum of three hundred and forty six 72/100 ($346.72.) dollars with interest thereon from this date until paid at the rate of eight per cent per annum together with all costs of this suit, for all of which execution may issue. But the execution as against Mrs Kate Timon is to be levied upon the assets of the estate of H Timon decd, It appearing to the court that said James Mahoney was one of the sureties on the bond sued on, of the said Hugh Timon decd. It is therefore ordered that he have judgment over against the said Mrs Kate Timon the surviving widow and administratrix for whatever amount of this judgment he may be required to pay, and that execution issue in his favor therefor against the said Mrs Kate Timon be collected out of the assets of the estate of H Timon decd.

Rec'd three hundred & forty six 72/100 Dollars in full payment of this judgment - E. Timon Co Atty.

The State of Texas } On this 25th day of June 1881 this cause 5609.
vs being called for trial, Whereupon the State
A. Blumtzer et al. } by its attorney announced ready for trial as to the defendants John Timon and A Blumtzer and dismissed the said suit as to the defendant Pat C. Brennan who was not served, and the said defts John Timon and A. Blumtzer having appeared by their agent and attorney in fact Peter Timon and announced ready for trial, a jury being waived the matters in issue were submitted to the

June 25th 1881

Court. and the court after hearing the pleadings evidence and argument of counsel is of opinion that the law is with the defendants. It is therefore ordered adjudged and decreed by the court that the defendants have and recover from the plaintiff the State of Texas all costs in this behalf expended for which execution may issue.

Court adjourned till Monday Morning 9 oclock

Monday June 27th 1881

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings was had. Viz:

5611. The State of Texas vs A. McIlvain et al } In this case this day came into open court E. T. Moore County Attorney, and acknowledged that he had received from Wm. S. Vick and R. F. Tankersley in equal proportions the sum of two thousand two hundred and seventeen 8/100 dollars being the principal and interest to the 27th June 1881 of the judgment rendered in this court in the above named case against William S. Vick. R. F. Tankersley and Asa Frary de entibus in the bond of A. McIlvain as Collector of Tom Green County. which judgment was rendered on the 28th may 1881 for the sum of two thousand two hundred and three 60/100 dollars also came into court E. Hallmann Clerk of said court and acknowledged that he had received from said Wm. S. Vick and R. F. Tankersley the full amount of the costs in said case amounting to thirty nine 90/100 dollars, Whereupon it is ordered that satisfaction of the said judgment and costs against the said sureties of said McIlvain be entered of record,

Court adjourned till tomorrow morning 9 oclock,

June 28th 1881

Court met pursuant to adjournment. Present same as on first day. and there being no civil minutes to be recorded of this date court adjourned till tomorrow morning 9 oclock,

June 29th 1881

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings was had viz:

X 5-5-88. Francis O. Goodale. vs Julia F. Goodale et al. } Now comes the several parties viz: Francis O. Goodale Plaintiff by James B. Goff Esq his atty and the defendants by Edward W. Shands their guardian ad litem appointed by the Court and the report of the Commissioners therein appointed to make partition of the land and premises in the petition described being filed and submitted and said Commissioners having reported that a subdivision of said premises cannot be made into two or more parcels without injury to the same and that a fair and equitable division of said premises cannot be made among the

June 29th 1881.

parties hereto, and the Court having considered said report and found the same to be correct doth approve the same and the Court doth further order and decree that said premises be sold by the Sheriff of Travis County as under execution on the following terms viz: one half of the purchase money to be paid in cash at the date of the sale and one half of the same on twelve months time the deferred payments to be secured by a note of the purchaser bearing 10% interest the vendors lien to be reserved in the deed and set forth in said note. It is further ordered that a report of the sale be made forthwith after the same shall be made—

Court adjourned till tomorrow morning 10 o'clock

June 30th 1881

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

R. B. Humphries by his next friend }
vs } On this day the above cause 3634.
William Humphries et al } came on to be heard, the plaintiff
appearing by counsel and the defendants John. A. Coleman and
Dora. E. Coleman in person, and the minor defendants William
Humphries by his guardian ad litem Thos. E. Snud Esq. and
it appearing to the court that the plaintiff R. B. Humphries and
the defendants William Humphries and Dora. E. Coleman are
the legal owners of that certain tract of land in the City of
Austin Travis County Texas particularly described as Lots
Nos. Seven and eight in Block No Forty Six in Division E,
in said City each of said parties owning an undivided
one third interest, and it further appearing to the court that it
is for the interest of said parties that said land should be
partitioned between them. It is therefore ordered adjudged and
decreed by the court that the prayer of said parties for partition
be granted and that said land be partitioned between said
R. B. Humphries. William Humphries and Dora E Coleman,
each to receive one third thereof, and it is further ordered
that John. R. Costa. John. P. Kirk and F. Everett be
appointed Commissioners to partition said land under this
decree and that they make their report thereon forthwith.

Johann Probstle, } Declaration of intention to become a citizen.
Ex parte. } The State of Texas. County of Travis. — 3659

Johann Probstle being duly sworn according to law in the District Court of said county, doth declare that he was born in the year 1858. in the Kingdom of Bavaria whence he emigrated in the year 1881 to the United States of America and has elected the State of Texas as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen of the United States, and of the State of Texas, and renounces forever all allegiance and fidelity to any foreign power, poten-

June 30th 1881

=tate State and sovereignty whatsoever and particularly to the King of Bavaria of whom he was a subject.
Court adjourned till tomorrow morning 9 oclock

July 1st 1881

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings was had, viz:

The State of Texas.
vs
Jose Ma Villareal et al

On this the first day of July AD 1881. came the State of Texas plaintiff by the attorneys E. T. Moore County Attorney of Travis County Texas and D. W. Doom and the defendants by their attorneys Chandler and McGregor and both parties announced ready for trial and waive a jury and submit the matters in controversy as well of fact as of law to the court, and the pleadings evidence and argument of counsel having been heard and fully understood it is considered ordered adjudged and decreed by the court that the plaintiff, the State of Texas, do have and recover of the defendants, Jose Ma Villareal, Benito Ramirez Manual B. Garcia, Jose Ma Gutierrez and Leonardo Trevino jointly and severally the sum of one thousand three hundred and forty two ($1342,00) dollars together with all costs in this behalf expended for all of which execution may issue. And it further appearing to the court that the defendant Jose Ma Villareal is the principal in the official bond sued on in this cause and that the said defendants Benito Ramirez, Manual B. Garcia, Jose Ma Gutierrez and Leonardo Trevino executed said bond as sureties and as such sureties are entitled to the benefit of the Statutes in such case made and provided, it is therefore further ordered adjudged and decreed by the court that the sheriff levy the execution issued by virtue of this judgment first upon the property of the said Jose Ma Villareal subject to execution and situate in the county of Travis before a levy shall be made upon the property of said sureties or any of them, provided so much property of the said Jose Ma Villareal subject to execution shall be found in said Travis county as will be sufficient to make the amount of said execution, otherwise the levy thereof to be made on the property of the said Jose Ma Villareal that may be found, if any, and upon so much of the property of said sureties as may be necessary to make the amount of said execution, and it is further ordered adjudged and decreed by the court that in case said sureties or any of them shall make any payment which is applied on this judgment by reason of their suretyship on said official bond this judgment shall not be discharged by such payment but shall remain in full force and be prosecuted to execution for the use of the sureties or surety making such payment to the amount of such payment and in that event thereon

√5615
Ex Book 5
p 100

34

89

July 1st 1881

And it is further ordered adjudged and decreed by the court that in case this judgment is paid by the said sureties or any of them and one or more of said sureties fails to pay his proportionate part of said judgment, and in consequence of such failure one or more of said sureties is compelled to pay more than his proportionate part of said judgment this execution may issue against the said Jose Mª Villareal for the use of the sureties who shall have paid more than his proportionate part of said judgment for the whole amount paid by him and interest thereon and also against his co sureties for their proportionate part of the excess so paid by him and interest thereon, And it is further ordered that execution may issue on behalf of the officers of the court for all costs in this behalf incurred.

N. N. Patterson vs Mary A. Patterson } Continued to perfect Service. 5531

A. L. Townsend. vs D. F. Smith. Continued on the 16th June 1881 by operation of law. 5837

The State of Texas vs Jose Mª Villareal et al } On this the first day of July A D 1881 came the State of Texas plaintiff by her attorney E. T. Moore County Attorney of Travis County Texas and the defendants by their attorneys Chandler and McGregor and both parties announce themselves ready for trial and waive a jury and submit the matters in controversy as well of fact as of law to the court and the pleadings and evidence having been heard and fully understood it is considered ordered adjudged and decreed by the court by the consent of both parties given in open court that the plaintiff the State of Texas do have and recover of the defendants Jose Mª Villareal, Manuel Mª Uribe Antonio Lopez and Leonardo Trevino jointly and severally the sum of Two thousand nine hundred and three & 50/100- ($2903.50) dollars together with all costs in this behalf expended for all of which execution may issue. And that the plaintiff the State of Texas do have and recover of the defendants Nicolas Gutierrez Ramirez and Antonio Ramirez Flores jointly and severally the sum of Two thousand five hundred ($2,500.00) dollars together with all costs in this behalf expended for all of which execution may issue, It is further ordered adjudged and decreed by the court that this judgment and execution thereon shall be discharged and satisfied as against all the defendants upon the payment of the said sum of Two thousand five hundred and three 50/100 dollars and the interest which may have accrued thereon and costs of suit; and shall be discharged and satisfied as against said defendants or any of them upon the payment by them or any of them of the amount and interest and costs of suit for which judgment is herein rendered against them or any of them, so that the said plaintiff shall not recover from all the defendants any greater sum than the said sum of Two thousand five hundred and three & 50/100 dollars and the interest which may accrue thereon

5614 Ex Docket No 5 p. 100

Ex Docket No 5 p. 101

July 1st 1881.

and costs of suit nor from any of the defendants any greater sum than the amount of the judgment rendered herein against him and the interest which may accrue thereon and costs of suit. And it appearing to the court that the defendant Jose Ma Villareal is the principal in both the official bonds sued on in this cause and that the other defendants are only sureties on said bonds and as such sureties are entitled to the benefit of the Statute in such case made and provided it is therefore further ordered adjudged and decreed by the court that sheriff levy the execution issued by virtue of this judgment first upon the property of the said Jose Ma Villareal subject to execution and situate in the said County of Travis before a levy shall be made upon the property of said sureties or any of them provided so much property of the said Jose Ma Villareal subject to execution shall be found in said Travis County as will be sufficient to make the amount of said execution, otherwise the levy thereof to be made on the property of the said Jose Ma Villareal that may be found if any, and upon so much of the property of the said sureties as may be necessary to make the amount for which judgment is herein rendered against them respectively. And it is further ordered adjudged and decreed by the court that in case said sureties or any of them shall make any payment which is applied on this judgment by reason of their suretyship on said official bonds this judgment shall not be discharged by such payment but shall remain in full force and be prosecuted to execution for the use of the sureties or surety making such payment to the amount of such payment and interest thereon. And it is further ordered adjudged and decreed by the court that in case this judgment is paid by the said sureties or any of them and one or more of said sureties fails to pay his proportionate part of said judgment and in consequence of such failure one or more of said sureties is compelled to pay more than his proportionate part of said judgment then execution may issue against the said Jose Ma Villareal for the use of the surety who shall have paid more than his proportionate part of said judgment for the whole amount paid by him and interest thereon and also against his co sureties for their proportionate part of the excess so paid by him and interest thereon. And it is further ordered that execution may issue in behalf of the officers of the court for all costs in this behalf incurred.

Court adjourned till tomorrow morning 10 o'clock

July 2nd 1881

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings were had—

R. A. Smith Admr. vs T. J. Barnes et al

Now on this day this cause being called for trial both the plaintiff and defendants appeared by counsel and announced them—

Ex Docket 5644 p. 101

July 2nd 1881

-selves ready for trial and no jury having been demanded by either party the Court proceeded to hear the pleadings evidence and argument of counsel. The Court having heard the defendants demurrer to plaintiffs petition and having considered the same ordered that said demurrer be overruled, and it further appearing to the Court the defendants was indebted to the plaintiff on a promissory note as alleged in the petition in the sum of Eleven hundred and Seventy five 84/100 ($1175 84/100) dollars, principal and interest on said note. It is therefore ordered adjudged that the plaintiff R. A Smith as Administrator of the estate of James. B. Morris deceased for the benefit of said estate do have and recover from the defendants T. J. Barnes F. W. Chandler and James. A. Chandler the sum of Eleven hundred and Seventy five & 84/100 dollars with interest from this date at the rate of ten per centum per annum and for all costs in this behalf expended for which execution may issue, and it further appearing to the Court that T. J. Barnes had at the time of the execution of said note executed a mortgage to plaintiff on the tract of land hereinafter described to secure the payment of said note, and it further appearing to the Court that the plaintiff had and held a Vendors lein to secure said note, and it further appearing to the Court that the defendant F. W. Chandler had since the execution and delivery of said note and mortgage and with a full knowledge of the same and plaintiffs Vendors lein purchased the interest of said T. J. Barnes in said tract of land It is therefore decreed by the Court that the mortgage and Vendors lien in favor of the plaintiff for the benefit of said estate be foreclosed on the following described tract of land viz: situated in Caldwell county State of Texas out of the grant of Emily Jane Labor to Esther Berry. Beginning at a stake set for West corner of the Carter 1578 acre survey from which an Elm 6 in dia brs. S 22° W 6 vrs. Thence S 30° E 712½ vrs a stake from which a Post Oak 11 in dia mkd. X brs N 5° E 3½ vrs do same size mkd old chips brs S 30° E 9 vrs. Thence N 60° E 6250 vrs a stake on the East line of the Esther Berry grant; Thence N 30° W 712½ vrs a stake for Wm Ellersons East corner. Thence S 60° W with Ellersons line 6250 vrs to the place of beginning containing 788 9/10 acres and that the Clerk of this Court issue an order of sale directed to the Sheriff of Caldwell county commanding him sell said tract of land as under execution and that out of the proceeds of said sale he first pay the costs incurred in this suit and the executing said order of sale and that next he pay to the plaintiff or his successor in office the amount on said judgment and the balance if any to F W Chandler, If the proceeds of said sale are not sufficient to satisfy said judgment the plaintiff have execution for the balance that may be due—

5249

2931

3939

3443

3024

520

525

5319

5440

5744

5744

5744

5745

5745

5746

5747

5750

5752

5756

5760

5760

R. W Parlin } In the matter of R. W. Parlins appli- 5760
Ex parte } -cation to remove his disabilities as a

July 2nd 1881

minor. This day this cause came on to be heard in open court. and it appearing to the court after hearing the application of said minor to remove his disabilities said, That said application was drawn to as the law requires and that service of said application had been accepted by D. M. Porter the Father of the applicant, and it further appearing to the court after hearing the evidence introduced in this cause that it would be advantageous to said minor in property to have his disabilities as a minor removed. It is therefore ordered adjudged and decreed by the court that the disabilities of R. W. Porter as a minor be removed, and that he be deemed and held of full age for all legal purposes, It is further ordered that said R. W. Porter pay all costs in this behalf incured, for which let execution issue,

5249 F. W Chandler Admrs. vs Loomis & Christian } By consent of parties it is ordered by the court that they have leave to withdraw from the files papers without leaving copies

Court adjourned till tomorrow morning 9 o'clock.

July 5th 1881.

Court met pursuant to adjournment. Present same as on first day, whereupon the following proceedings were had viz;

2931. Thomas F. McKinney vs A. M. Cox. Continued

3934 Chandler, Carlisle & Robertson vs G. W. Story, determandei Garnishee. Continued

4430 James M. Long. vs George L. Robertson et al Continued

3024 S. W. Baker vs Nicholas Jerolman Continued

5205 E. W. Shands vs Millon Wallace. Continued

5251 William Bray vs T. E. Tullis Continued

5319 P. Wolfsfeld vs Alfred Wolfsfeld. Continued

5443 Mary A Smith vs James M. Smith & A Lovaine Continued

5446 Mary A Smith vs James M. Smith & John Kyle Continued

5449 Thomas T. Kemp et al vs George Kemp Continued

5455. Mary A. Smith vs Isabella Hayden et al Continued

5458 Mary A Smith vs James Smith & George Bright Continued.

5469 Robert Craigbaur. vs Wm Smyth et al. Continued

5479 Elsie Quarterl et al. vs Houston Goodman. Continued

5500 Lucy A. Fields et al. vs Thomas A. Fields et al Continued

5528 Herman Schmidt vs Cardozo & Morris. Continued.

5568- Charles. S. Jones vs Cora. E. Shepherd et al Continued

5601 H. J. Doughty vs W. T. Lee Continued

5606 Michael Nagle vs Wm Duffy & Mat Slattery } Now on this day comes the plaintiff by his attorney in open court and gave the court to understand that he would no further prosecute this suit but desired to dismiss the same. Whereupon it is ordered that the said cause be dismissed, and that plaintiff take nothing by this suit and that he pay all costs in this behalf expended — for which execution may issue.

Court adjourned till tomorrow morning 9 o'clock

July 6th 1881.

Court met pursuant to adjournment. Present same as on first day, and there being no civil minutes to be recorded of this date Court adjourned till tomorrow Morning 9 oclock.

July 7th 1881.

Court met pursuant to adjournment. Present same as on first day, whereupon the following proceedings were had viz:

E. B. Hancock, Thad. A. Thompson, J. H. Raymond Jr. Ex parte

The following committee was this day appointed by the Court to examine and pass upon the application of E. B. Hancock Thad A Thompson and J H Raymond Jr. for license to practice law. viz: Jno A. Green Esq, J. W. Robertson Esq and D.W. Dorn Esq, said examination to take place 10 A.M, 8th inst. in open court. Court adjourned till tomorrow morning 10 oclock 3662 ✓56

July 8th 1881.

Court met pursuant to adjournment. Present same as on first day, whereupon the following proceedings were had. viz:

E. B. Hancock, Thad. A. Thompson, J. H Raymond Ex parte.

The examination of the above named parties post poned by order of court until Tuesday 12th July 1881. 10 A.M. Court adjourned till tomorrow morning 10 oclock 3662

July 9th 1881.

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

Ford W. Burlson, Ex parte. Applicant for removal of disabilities of Minorage

And now on this day the petition of Ford W. Burlson, a minor to have his disabilities of minority removed coming on to be heard, and the same being by the court duly considered and fully understood, and it appearing to the court that said minor is an orphan without father living, and that said minor is now over twenty years of age and is sufficiently matured to be entrusted with the management of his estate and that it would be for the interest of said minor, and that it would be advisable and will be advantageous to said minor in person and property to have his disabilities as a minor removed: and the County Judge of Travis County Texas E. T. Fulmore having been served with a copy of said petition and the court having appointed Thos. E. Smith Special Guardian for said minor in this proceeding and said County Judge and special Guardian having made no objections to the prayer of said minor being granted: and the said Special Guardian in his answer herein, having confirmed the averments averred by said minor for the removal of the disabilities of said minor. It is therefore ordered adjudged and decreed by the court that the prayer of said petitioner be granted, and that the disabilities of said 3664 ✓56

July 9th 1881.

petitioner Ford Wm. Burkson as a minor be and the same are hereby removed and that said petitioner shall be deemed and held from this time for all legal purposes of full age and shall be held responsible and shall have all privileges and advantages as if he were of full age (save and except he shall not vote until he arrives at the full age of twenty one years) and said Minor shall have the right to take charge of and manage and control his estate and the full right of the control of his person.

R. B. Humphill by next friend
vs
Wm Humphill et al

On this day came on to be heard the report of the Commissioners heretofore appointed by the court to partition between R. B. Humphill Wm Humphill and Dora E. Colman Lots Nos. Seven and Eight in Block No Forty six in Division E. of the Lots of the lots of the city of Austin and said Commissioners having reported that said lots are not susceptible of partition in kind and having recommended a sale thereof for the purpose of partition and the court being of the opinion that said report is in all things true and correct. It is therefore considered ordered adjudged and decreed by the court that said report be adopted and approved by the court and it is further ordered adjudged and decreed by the court that said above described lots be sold for cash on the first Tuesday in October 1881, and the parties at interest to wit; R. B. Humphill, William Humphill acting by his guardian ad litem T. E. Sneed and Dora E. Colman having moved the court to appoint John. P. Kirk Esq a Special Commissioner to make said sale, and the reasons for said appointment being satisfactory to the court, the said Kirk is hereby appointed said special Commissioner to make said sale and he is hereby ordered to make the same on the day and in the manner hereinbefore stated after giving legal notice of the time time and place of sale as under execution, and that said Kirk report his action under this decree at the next term of this court for confirmation or rejection. It is further ordered that Thos. E. Sneed the guardian ad litem for William Humphill be allowed the sum of Twenty five ($25.00) dollars for his services herein to be taxed as part of the costs of this suit.

Wm Von Rosenberg
Ex parte

Wm Von Rosenberg having made application before the District Court of Travis County at this the May term A.D. 1881 for a permanent license to practice as an attorney and counsellor at law in the District court and all inferior courts of the State of Texas, and the said Wm Von Rosenberg having produced before the court his license to practice as an attorney at law in all the courts of Tennessee, and also the certificate of the County Judge of Travis County showing that he is a man of good moral character and honorable deportment, and the said Wm Von Rosenberg having taken the oath required by law, it is ordered by the court that his name be enrolled as an attorney

July 9th 1881

of this court, and that he be admitted and authorized to appear plead and practice as an attorney and counsellor at law in all the District and Junior courts of the State of Texas and that a licence issue to him accordingly.

Mary A. Swisher vs James. M. Swisher. Isabella Haigler et al ✓5435
Upon motion of plaintiffs attorney it is ordered by the Court that the continuance heretofore entered in this case be set aside and this cause dismissed at plaintiffs cost. for which execution may issue

Mary A. Lively et al vs J. W. Harris. Continued by consent. ✓5578

P. S. Nussbaum et al. vs Charles. C. Thorne. Upon motion of Plaintiffs ✓5850
attorney it is ordered by the Court that this cau be and the cause is hereby dismissed at plaintiffs costs.

Catharine Louisa Reissig et al. vs Theresa Maria Petri et al } On this day came the parties by their attorneys. the infant defendant ✓5642
Hermilla Hoffheintz by D. A. Posey Esq guardian ad litem appointed to represent the interests and rights in this cause and the same coming on to be heard the motion of plaintiffs to confirm and order recorded the report of the commissioners heretofore appointed to make partition of interest among the plaintiffs and defendants in this cause, and it appearing to the court that said report of the said Commissioners is in all respects regular and is a just equitable and fair apportionment of interests quality and quantity regarded to and amongst the several parties to this cause and that said report is acceptable to and accepted by the several parties at issue in this cause as a just and proper assignment to them severally of their several rights in and to the subject matter of this suit. it is considered by the Court ordered adjudged and decreed - that the said report of the Commissioners of partition said cause, as hereafter follows, be and the same is hereby in all things approved and confirmed, and that title is hereby decreed to vest in the said plaintiffs and defendants, and each of said defendants in severalty in and to the said property set apart and apportioned to them individually in and by said report of said Commissioners in partition. Viz:

Catharine Louisa Reissig et al vs Theresa Maria Petri et al } #5642. We William Von Rosenberg. James Ford and C. F. Rumpel Commissioners appointed by a decree of the District Court of Travis County made in the above cause on the 11th day of June 1881 and amended on the 17th day of June 1881 to make partition and division of certain land and personal property in the pleadings and decree in said cause mentioned and described do hereby report to the court that after obtaining all necessary information relating to said property. We did. by virtue of the power and pursuant to the directions of said decree proceed to make and did make partition of all of said land and property described in said decree between the parties plaintiff and defendant in the manner following. that is to say: We first valued and appraised said property at the valuation placed

July 9th 1881

Claim in the petition as follows.

1. Lot No 1 Block 35 Austin City Texas and improvements	$1800.00.
2 " " 2 " 35 " " " " " "	400.00
3. 10 2/3 acres of the Baldwin Hudnall survey of land Gonzales Co Texas	100.00
4 88 1/2 acres of the John D. Wash survey of land in Jack Land Dist	65.00
5 Lots 5.6.7.& 8 Blk 6. out lot 45 Div B. Austin City Texas	58.00
6. Money on hand	1251.60
7 Dry Goods. Groceries. Shelving & fixtures	618.98.
8 Notes and accounts	345.00
9 miscellaneous property	103.75
Making in all	$4737.33

Which we divided into four equal parts Quality and Quantity relatively considered and set apart to each party entitled to receive under said decree $1184.34

That finding the sum of $869.30. mentioned in said decree as paid to the widow Julia Louisa Hoffknight for her interest in said property. was paid out of the $1251.60 cash on hand above referred to, We divided said sum of $869.30 into 4 equal parts. Charging each party with the sum of $217.33.

Of said property we did set apart and allot to Plaintiff Catherine Louisa Ressig.

Lots 1 & 2 Block 35 Austin City Texas	$2200.00
88 1/2 acres of land in Jack Land Dist	65.00
1/3 interest in Notes and accounts	115.00
Miscellaneous Property	21.80
Cash paid Julia Hoffknight	217.32
In all	$2619.22.

Subject to the compensation to be deducted and paid by her as follows.

To Theresa Maria Pehl	$726.11	
" Charles Hoffknight	145.12	
" Amelia Hoffknight	563.66	$1434.89
leaving the amount she is entitled to		$1184.33

We also allotted and set apart to the defendant Charles Hoffknight the following property with the compensation above directed to be paid him by Plaintiff Catherine Louisa Ressig to wit

Lots 5-6-7.& 8. Blk 6 out Lot 45. Div B. Austin Texas	$38.00
Merchandise Shelving & Store fixtures	613.98
1/3 of Notes and Accounts	115.00
Miscellaneous property	34.90
Money paid Julia Louisa Hoffknight	217.33.
Compensation from plff Catherine Louisa Ressig	145.12
making the amount due him	$1184.33

To Deft Amelia Hoffknight We allotted and set apart in money on hand $382.30

Miscellaneous property 21.05

Cash paid to Widow Julia Louisa Hoffknight 217.32.

July 9th 1881.

Compensation from Plff Cathrine Louisa Rissiq $563.66
Dow all as her Share $1184,33
To defendant Thyssa Maria Petri we did set apart and allot.
Miscellanous property $25.90
106 2/3 acres of land in Gonzales county Texas 100 00
1/3 interest in notes and accounts 115,00
Compensation from plff Cathrine Louisa Rissiq 726.11
Cash paid Widow Julia Louisa Hoffmeitz 217,33
Making portion set apart to her $1184,34,
That in making said partition the same could not be made equal between the parties without prejudice to their rights and interests except by the payment of compensation as above directed, and in view of the fact that defendant Henrietta Hoffmeitz is a minor, we recommend that the plaintiff Cathrine Louisa Rissiq have the privilege of paying said sum $566 66 at once or at the expiration of twelve months from this date, by paying 12 per cent per annum interest until paid. Further that the time of payment by plaintiff Cathrine Louisa Rissiq of compensation to Charles Hoffmeitz and to Thyssa Maria Petri may be made a matter of agreement between said parties and so entered on the decree. We believe our services are reasonably worth the sum of nine dollars, making three dollars to each of your Commissioners, and respectfully ask that the same may be allowed,

W. Von Rosenberg,

Sworn to and subscribed before me by W Von Rosenberg June 18th 1881
D Hallmann clk D.C.T.C. By Hark Dep.

C J Rummel

Sworn to and subscribed before me by C J Rummel this 20th day of June 1881. D Hallmann clk D.C.T.C By Hark Dep.

And it further appearing to the court that the said defendant Henrietta Hoffmeitz is a minor, as hereinbefore stated, and that the sum of $563.60 due by the plaintiff Cathrine Louisa Rissiq to said minor Henrietta Hoffmeitz is compensation for her interest as an heir in and to the estate of her father the late Henry Hoffmeitz deceased, is by the terms of said report permitted to be paid by plaintiff at any time within one year from the date of the entry of this decree with 12% interest per annum from said date until date of payment: it is therefore considered ordered and decreed by the court that a vendors lien is hereby expressly retained to secure payment of said debt in behalf of said infant defendant Henrietta Hoffmeitz, and it further appearing to the court that valuable services have been rendered to the interest of said infant defendant Henrietta Hoffmeitz by S A. Perry Esq Attorney at Law, her guardian ad litem. it is ordered that the sum of $25. be taxed as part of the costs in this case, as a reasonable compensation for said professional services rendered, It is further ordered that execution issue in behalf of the officers of the court for the costs incurred in this case.

The State of Texas. } This day this cause came on to be heard, and it appearing to the court that the county defendants herein
vs } had not been served with process this case was ordered
B. B. Meadows et al. } 562 1/

July 9th 1881

Rec'd $1092.39 on this judgment E. T. Moore Co Atty

$400.00 has been paid by Crumbaker and is a credit on this judgment

by the court to be dismissed as to said county defendants, and it further appearing to the court that principal in the official bond sued on in this case had accepted service and by written agreement filed herein agreed that judgment might be rendered on the first day of July A.D. 1881. for such amount as might be found due from him in this case. and said plaintiff being represented by E. T. Moore Esq the county atty. the matters of fact as well as of law was submitted to and heard by the court and the pleadings and evidence having been heard and understood by the court. it is ordered adjudged and decreed by the court that the plaintiff, the State of Texas do have and recover of the said principal B. B. Meadows the sum of ($1945.60) one thousand nine hundred and forty five 60/100 dollars and all costs of suit; with interest on said principal sum at the rate of eight per cent per annum from this date until paid for all which execution may issue

Setting of the docket for October Term 1881.

Ordered.

1. That the non jury civil docket be taken up on Tuesday October 4 - 1881.

2. The civil jury docket for the October Term 1881 will be taken up the 4th Monday of the term - 24th October and may continue three weeks

3. The criminal docket will be taken up on the 7th Monday of the Term, Nov 14th 1881. and to continue four weeks or until disposed of,

4. Motions will be heard on Saturday,

5. After the criminal docket a second call of the civil docket will be made of cases passed to end of docket or otherwise

Court adjourned till Monday morning 10 o'clock.

Monday July 11th 1881.

Court met pursuant to adjournment. Present. Same as on first day, Whereupon the following proceedings were had. viz:

5581

Nancy E. J. Dinkins et al. }
vs
John W. Day et al. }

And now on this day this cause coming on to be tried leave was granted to plaintiffs to file a trial amended petition and thereupon the plaintiffs, defendant John W. Day and the minor defendants to wit Elizabeth B. Day Addie B. Day Caroline B. Day Cora Day, John Wylie Day and Lizzie Emerson by their Guardian ad litem James W. Smith Esq (heretofore appointed by the court to represent said minor defendants in this suit) appeared and announced themselves ready for trial, the other defendants to wit: Samuel L. Dinkins and his wife Laura J. Dinkins and Andrew D Emmerson thought having been duly cited to appear and answer the petition of the plaintiffs came not but wholly made default; and the parties not having demanded a jury the cause both as to law and fact was submitted to the court, and after having the pleadings and the evidence the court finds as follows.:

621

1st That Jesse Day and Sarah Day acquired the land on which the vendors lien is sought in this case to be foreclosed and hereafter described during their

July 11th 1881.

courtesy by curtesy title, that is to say they acquired a part of said land as a pre-emption and the remainder by purchase during the marital relation between said Jesse and Sarah Day thus making said property community property between said Jesse and Sarah Day,

2. That after said property was so acquired to wit: in the year 1860 said Jesse Day departed this life intestate leaving said Sarah Day as his surviving Widow, and the following named children to wit; the plaintiffs Nancy E. J. Dinkins, Emma English and Sarah Ann Day and W H Day Charles. P. Day, James M Day, Albert J. Day, Joseph F. Day, Addison. B. Day and defendant John. W. Day as his only heirs at law,

3- That at the death of said Jesse Day one half of said property vested in the said Sarah Day, the surviving Wife of the said Jesse, by virtue of the Community interest therein, and that the other one half of said property vested by descent in said ten children of said Jesse Day in equal parts share and share alike.

4- That in 1866 one of said children of Jesse Day and Sarah Day to wit Addison B. Day died intestate, without marriage or issue, leaving his said Mother Sarah Day and his said three sisters and six brothers as his only heirs at law, and that one half of the interest of said Addison B. Day in said property passed by descent to his said Mother Sarah Day and the other half of the interest of said Addison. B. Day in said property passed by descent to his said three sisters and six brothers in equal parts share and share alike, and that after the death of said Addison. B. Day there was vested in the said Sarah Day the fractional part undivided of $\frac{189}{360}$ in said property and there was vested in the said Nancy E. J Dinkins Emma English Sarah Ann Day, W H Day, Charles. P. Day, James. M. Day Albert J. Day, Joseph. F. Day and the defendant John W Day each the fractional part undivided of $\frac{17}{360}$ in said property,

5th That on the 16th day of January 1877. said Sarah Day, Nancy E. J Dinkins, Emma English (the last two being joined by their husbands, Jesse, L. Dinkins and J. C. English) Sarah Ann Day, W H Day, Charles. P. Day James. M. Day Albert J. Day and Joseph. F. Day, by deed of that date conveyed said property to defendant John. W. Day in which deed it is recited that the consideration for said conveyance was six thousand dollars, and that of said sum four thousand dollars is recited in said deed to have been paid in cash and the balance secured to be paid by the three promissory Notes sued on in this case with the Vendors lien reserved for their payment

6, That while said deed of conveyance appears on its face and by its terms to be a sale by all of the said Vendors or grantors them to said defendant John. W. Day of said property for said sum of Six thousand dollars yet in fact it was clearly made to appear to the court and the court so finds that said deed of conveyance was a gift by the said Sarah Day of her said undivided interest of $\frac{189}{360}$ in said property to the said John W Day and that said deed of conveyance was a gift by the said W.H. Day, Charles. P. Day, James. M. Day. Albert J. Day and Joseph. F. Day to said John. W. Day of their respective interests of $\frac{19}{360}$. each in said

July 11th 1881

propuly, and that the only part of said propuly acquired by purchase by said John W. Day under said deed of conveyance was the three interests of said Nancy E. J. Dinkins Emma English and Sarah Ann Day of 19/360 each,
7th That the wife of said John W. Day to wit: Elizabeth Ann Day was living at the date of said conveyance to wit: on the 16th January 1877 and she died 26th August 1877 intestate: that John W. Day acquired 19/360 of said propuly by descent from his said father Jesse Day in 1860. and by descent from his said brother Addison B. Day in 1866: and that on the 16th day of January 1877. the said John W. Day acquired by gift 189/360 of said propuly from his said mother Sarah Day and on the same day the said John W. Day acquired by gift 25/360 of said propuly from his said five brothers making 307/360 of said propuly acquired by said John W. Day by descent and by gift and in which part of said propuly the said Elizabeth Ann Day had no interest as community propuly at the date of her death which could descend to the children or their descendants,
8. That the only part of said propuly which was acquired by purchase by said John W. Day during the lifetime of his said wife was the 5/360 thereof conveyed by said Nancy E. J. Dinkins Emma English and Sarah Ann Day in the deed aforesaid, that the amount agreed to be paid for same the interest was two thousand dollars, during the note said in this case. that no part of said sum had been paid during the lifetime of said Elizabeth Ann Day: that since the death of said Elizabeth Ann Day, said John W. Day has paid on that one of said notes made payable to Emma English the sum of $70.00 out of his own separate individual means: that there remains now due on said three notes principal and interest to this date the sum of $2827 10/100: that this sum with what has been paid by said John W Day is largely in excess and beyond the value of said interests so acquired by purchase from said Nancy E. J. Dinkins Emma English and Sarah Ann Day, that after the paymunt of community debts owing by said John W Day and Elizabeth Ann Day at the date of her death there was no community propuly left belonging to said John W, and Elizabeth Ann Day, with which to pay off the notes and so, and that said Elizabeth Ann had no separate estate at the date of her death and therefore the court finds that in the purchase of said 5/360 in said propuly from Nancy E. J. Dinkins. Emma English and Sarah Ann Day there was no community interest thereby acquired by or vested in said Elizabeth Ann Day which could descend to her children or to the descendants of her children
9 There was no administration on the estate of said Elizabeth Ann Day, no propuly to administer upon, and no necessity for administration on her estate,
10. There is now due Nancy E. J. Dinkins and Sarah Ann Day the sum of $965 20/100 each. and there is due Emma English $895 70/100 on the respective notes sued on and each of said parties have the vendors lien on the said land hereafter described to secure the payment of said sums to them respectively. said notes sued on having been given

July 11th 1881

by said John W. Day to said Nancy E. J. Dinkins, Emma English and Sarah Ann Day as the purchase money for their respective interests in said tracts of land. It is therefore ordered adjudged and decreed by the court that said John W. Day is the owner in his own separate and individual right of the land hereinafter described (being the same property which has been referred to throughout in the foregoing findings by the court) subject only to said vendors lien, and that the said Elizabeth Ann Day acquired no interest therein as community property or otherwise during her lifetime, and that the descendants of said Elizabeth Ann Day to wit: Laura J. Dinkins, Elizabeth B. Day, Addie B. Day, Caroline B. Day, Cora Day, John Wylie Day, Andrew D Emmerson and Lizzie Emmerson now have no interest in said property through the said Elizabeth Ann Day by descent or in any other manner,

And it is further ordered adjudged and decreed by the court that Nancy E. J. Dinkins and Sarah Ann Day do each have and recover of and from defendant John W. Day the sum of $965 70/100 and that said Emma English do have and recover of and from the said John W Day the sum of $895 00 being the amounts due them respectively on said notes and on each of said sums to draw interest at the rate of ten per cent per annum from this date, and that said John W. Day pay all the costs of this suit,

And it is further ordered adjudged and decreed that said plaintiffs each have the vendors lien on the land hereinafter described to secure the payment of the sums them adjudged to them respectively and that said lien be foreclosed, all of which tracts of land are situated in Hays County Texas and are described as follows: Viz:

First tract: In Hays county containing three hundred and twenty (320) acres and granted to Jesse Day decd. by Patent dated November first 1859. as a pre emption, Beginning at the N. E. corner of another survey of 320 acres made for Jesse day. Thence N 45° E. 300 vrs to a stone mound on the South line of M Hunt survey. Thence West 5635 varas to a stone mound from which an Elm 6 in dia brs S 15° W. 5 varas, Thence S. 45° E. 665 varas to a stone mound from which a Live oak 11 in dia brs S. 5 E. 20 varas, Thence East 2521 varas to a stone mound from which a grove of timber brs S 72 E. Thence N 45° W 365 varas to the N. W. corner of said Days survey. Thence East 2688 varas to the place of beginning. To be taken out of this tract 33 acres conveyed to D A Gormy.

Second tract: In Hays county on the waters of Plum Creek and adjoining the tract first above discribed situated about ten miles North 23° E from the town of San Marcus containing 320 acres and granted to the said Jesse Day as assignee on the twenty third day of September 1854 by Letters Patent of that date issued by virtue of Toby Scrip No 669. Beginning at a stake and mound in prairie the N. W. corner of survey No 20 on the East line of survey No 19, Thence N 45° E. 1575 varas branch of Plum Creek 1880 varas another, 1900 varas to a stone mound from which a bunch of Dog wood bushes brs N 66° W. 50 varas, a grove of timber brs N 2½ E. Thence W 25 vrs branch of Plum Creek 2570 varas, another 2688 varas to a stone mound from which a Live oak brs S 34° W 170 varas, an Elm brs S 41°

July 11th 1881.

W. 167. varas, Thnce S. 45° E. 230 varas. Branch, 1900 varas to the place of beginning;

Third tract. All the land situated in said County of Hays and included and embraced in a certain deed of conveyance from C. R. Johns to the said Jesse Day dated Date Feby 18th 1857, and recorded in the record of deeds in Hays County in Book C. pages 478 & 479 thin having been conveyed by said deed from said Johns with certain reservations and exceptions thin mentioned the following two tracts of land Towit:- 320 acres in Hays County granted to Richard Mills by Patent dated October 6th 1845; being survey No 18. situate on the East side of the Rio Blanco, Beginning at the North corner of survey No 17, Thnce N. 45 W at four hundred varas intersected the South boundary line of survey No 1 at a stone mound, Thnce West 1600 varas with the south boundary line of survey No 1 to its South West corner, Thnce South 2000 varas intersecting the North west boundary line of survey No 16 at a stake and mound, Thnce N 45° E. 2300 varas with the north west boundary line of surveys Nos: 16 & 17 to the place of beginning; And also a tract of land containing (577) five hundred and seventy seven acres in Hays County made by A M. Lendsey 1st Hundred and by virtue of a certificate No 162 4 class issued to John. A. Connor being survey No 190 situated on the Rio Blanco about nine miles North from the town of San Marcos, Beginning at a stone mound 600 varas west from the North East corner of survey No 18 made for Richard Mills from which a Live Oak 15 in dia brs S. 20° E 3 varas and a do 14 in dia brs West 16 varas. Thnce North at 660 varas a stone mound from which a Live Oak 18 in dia brs N 41° W 7 varas, a do 17 in dia brs N 53° W 7 varas, Thnce West at 300 varas. Halifax at 1947 varas intersecting the East boundary line of survey No 13 at a stone mound from which a Live Oak 15 in dia brs N 2° W 80 vrs a do 8 in dia brs N 37° E 40 varas, Thnce S. at 315 vrs. dry branch runs S. W. at 690 varas a branch runs West at 1300 varas a stone mound and S. E. corner of survey No 13, Thnce West with the South line of No 13 at 140 varas a stone mound, Thnce S. 45° W at 1260 varas intersected the West corner of M. P. Elkin survey Thnce North the north line of said survey 1978 varas a stake and mound the West line of No 18, Thnce North with said West line at 1531 varas the N. W. corner of No 18, Thnce East to the place of beginning,

Fourth tract 331 acres of land in Hays County located by virtue of unlocated balance certificate No 1/254 of the 640 headright of Elijah H Moore and survey made for the heirs of Jesse Day as assignee, said 331 acres being situated about 9½ miles North from San Marcus and bounded as follows: Beginning at the N. W. corner of the Wm Dunbar survey stone mound for corner, Thnce N 330 varas to the N. W. corner of the John Cooper survey a stone mound on the South line of the Andrew Dunn survey from which a Live Oak marked X brs N 19 W 66 vrs and a do mkd X brs N 16½ W. 67 vrs, Thnce West with the lines of the A. Dunn, M B. Palm and John Buckam at 863 varas the S. W. corner of the Andrew Dunn and at 4294 varas to a stone mound in the channel of Halifax creek from which an Elm bears West 13½ varas and a live oak brs S 24½ E 37 varas both marked H X

July 11th 1881

Thnce South 1630 varas to a stone mound for the S. W. corner, Thnce East 3947 varas to the corner of the John A. Conner survey, Thnce N. 1300 vrs to the N. W. corner of the said John A. Conner from which a live oak mkd X Brs N 37° E 40 varas by call, (by measurement 32 varas) a do Brs N 2° W 80 varas by call (by measurement 74 varas) Thnce E. 1947 vrs to the N E Corner of the Conner and N. W. corner of the Wm Dunbar a live oak X Brs N 41° W 7 varas and a do Brs N 53. W 7 varas continue the line East in all 3947 vrs to a stone mound for the N. E. corner of the Wm Dunbar and place of beginning, And it is further adjudged and decreed that an order of sale do issue directed to the Sheriff of Hays County Texas Whre said land is situated, requiring said Sheriff to levy upon and sell said land as under execution and that said sheriff dispose of the procuds of said sale as follows: first to the payment of the costs of this suit; next to the payment to said plaintiffs the several sums herein adjudged to them with interest which may hereafter accrue thereon, and in case said land shall not sell for a sufficient amount to fully pay off said sums adjudged to said plaintiffs respectively then the procuds of such sale shall be divided prorata between said plaintiffs in proportion to the respective amounts adjudged to them and executions shall issue against said John W Day in favor of each of said plaintiffs for such sum as may remain unsatisfied by said procuds of said sale, and in case there be remaining in the hands of said Sheriff (should said sale be made) after the payment of the costs of this suit and the payments to said plaintiffs of the amounts herein adjudged to them respectively any balance of the procuds of said sale, said Sheriff is hereby directed and required to pay over such balance to the said John. W. Day or to his agent or attorney, And it is further ordered adjudged and decreed by the Court that in case the said John. W. Day shall pay off and fully satisfy the several sums herein adjudged against him without said sale being made of the land aforesaid, then he is hereby discharged and adjudged to be vested with full and complete title to said land free from any and all claims of the said children and descendants of his late wife Elizabeth Ann Day. And it is further ordered that the sum of twenty five dollars be and the same is hereby allowed to Jesse. W. Smith Esq for his services as Guardian ad litem for the minor defendants herein to be taxed and collected as part of the costs of this suit and paid over to him when collected.

Court adjourned till tomorrow morning 9 oclock

July 12th and 13th 1881

Court met each day pursuant to adjournment. Present same as on first day and there being no civil minutes to record of either of the above dates court adjourned till tomorrow morning 10 oclock

July 14th 1881

Court met pursuant to adjournment. Present same as on first-

July 14th 1881.

day whereupon the following proceedings were had. Viz.

5662 Thad A. Thompson } Ex parte.
J. H. Raymond Jr. } Thomas Thad. A. Thompson. J. H Raymond Jr. and
E. B. Hancock } E. B. Hancock having made application to and before the Hon District Court of Travis County Texas for license to practice as attorneys and counsellors at law and having filed the certificate as to their moral character and honorable deportment and that they are twenty one years of age as required by law, and the committee appointed by this court to examine said applicants as to their legal qualifications, having examined said applicants and having reported to this court that the said Thad. A. Thompson, J. H. Raymond Jr and E. B. Hancock are well and fully qualified to practice as attorneys and counsellors at law, it was this day ordered by the court that the said Thad. A. Thompson, J. H Raymond Jr and E. B. Hancock be and they are hereby admitted to practice as counsellors and attorneys at law in the District and all inferior courts of this State, and that the Clerk issue to each of them license accordingly.

John. C. Duval et al }
vs } Now on this day comes W. Von Rosenberg
#4795 Robert Cruz Saur et al } trustee heretofore appointed by this court in
this cause and submits to the court the following report viz:

John. C. Duval et al } District Court of Travis County.
vs #4795 } Hon R. S. Walker Judge.
Robert Cruz Saur et al } The decree of June 5th 1880 in the above stated
cause requires the undersigned Trustee to sell the property thereby set aside
to John. C. Duval and Florida G. Howard at private sale in one year from
the date of the said decree, and directs that at the expiration of that
time the trustee shall sell the remainder for cash at public auction,
one tract of land the most inferior, has been sold at private sale, which
sale has been confirmed at the last November term - after the entering
up of said decree June 5th 1880 the I. & G. N. Railroad has been extended
passed the lands in question. The uncertainty as to where the nearest rail-
-road station would be established was retarding the sale of the lands at
a value commensurate to the advantages in sight. it appeared almost
a sacrifice to sell without due consideration of the effect said Rail-
-road would necessarily have upon the value of lands situated so
eminently as these lands are. Only a short time since De Pen station
was established permanently, at a distance from 1½ to 3. Miles from
these lands. Under these circumstances your trustee respectfully represents that
an extension of time for private sale for 12 months longer will tend to realize
better prices for this property than by forcing the same off at public sale. and
respectfully asks a consideration of this matter and an extension of time
as stated if deemed justified. Respectfully submitted. Austin 6th June 1881,

W. Von Rosenberg trustee.

It is therefore ordered by the court that said report be approved. and fur-
-ther ordered that the authority of W Von Rosenberg trustee to sell at private
sale be extended Jany 1st 1882,

July 14th 1881.

The State of Texas. vs N. B. Mason Sal } Upon a statement of the account of the defendant N. B. Mason with the State made up and certified by the Comptroller showing that said defendant Mason is not indebted to the State, and all costs of Court having been paid. it is ordered by the Court that this suit be and the same is hereby dismissed, 5622.

Court adjourned till tomorrow morning 10 oclock

July 15th 1881

Court met pursuant to adjournment: Present same as on yesterday Whereupon the following proceedings were had. Viz:

B. H. Jayne Exrs vs R. F. Campbell Sal. It is ordered by the Court that the plaintiff have leave to file an Amended original petition in this case in Vacation. 5591

B. H. Jayne Exrs vs Lysander Brown Sal. It is ordered by the Court that the plaintiff have leave to file an Amended original petition in this case in Vacation. 5592

Phillipina Woolfolk vs Alfred Woolfolk } And now this day came the plaintiff by her attorneys Carlton & Morris and the said Alfred Woolfolk came not Whereupon the court appointed one D. W. Dorn Esq an Attorney of this Court to represent him Whereupon came on to be heard the motion of plaintiff to substitute the pleadings citation service and return of citation in this cause, and it appearing to the satisfaction of the court that the original papers pleadings citation service and return of citation have been lost and also that the plaintiff in the said motion has presented and filed substantial copies of said papers, It is therefore ordered adjudged and decreed that the said papers be and they are hereby substituted for and in lieu of said original papers, and the said plaintiff Phillipina Woolfolk by her attorneys Carlton and Morris, and Alfred Woolfolk by D W Dorn Esq his attorney appointed by the court having announced themselves ready for trial and submitted the matters in controversy as well of fact as of law to the court, and the court after having heard the pleadings evidence and argument of counsel considered that the allegations of the plaintiffs, It is therefore ordered adjudged and decreed by the Court that the bonds of matrimony heretofore existing between Phillipina Woolfolk and Alfred Woolfolk be and the same are hereby dissolved, It is hereby ordered that D. W. Dorn Esq be and is hereby allowed the sum of twenty dollars for his services in this cause ordered to be taxed as other costs in this cause. 5319

It is further ordered adjudged and decreed that the plaintiff do have and recover of and from the defendant all costs in this behalf expended.

Court adjourned till tomorrow morning 9 oclock

July 16th 1881.

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings were had viz:
The foregoing minutes having been read in open Court, examined and found correct. It is now ordered that the same stand as part of the minutes of the present term of this court. And it is further ordered that this court now stand adjourned until the next regular term thereof.
July 16th 1881.

A. S. Walker
Judge of the 16th Judicial District of Texas.

Monday October 3d 1881.

State of Texas } Be it remembered that at a term of the Hon
County of Travis } District Court of Travis County begun and
holden at the Court house thereof at the City of Austin on the 3d
day of October that being the first Monday in said month and the
time fixed by law for the holding of said Court and the Hon A. S.
Walker Judge of the 16th Judicial District of the State of Texas
presiding and E. Hallmann Clerk of said Court and Ed Conary
Sheriff of said County being present the following proceedings were
had viz:

James F. Johnson vs W. W. Langston et al. Plaintiff has leave to file 1st amended original petition. ✓5292.

Victoria C. Burke vs H. & T. C. R. R. Co Plaintiff has leave to file 1st amended original petition. ✓5514.

B. H. Jaynes Sons vs Leander Bonner et al, Defendant Don Wilson has leave to file amended original Answer. ✓5592

Ames Iron Works vs Jno A. Webb & Bro. Defendants have leave to file amended original answer, ✓5631.

Wm M. Saunders vs. Amanda Cartright & Samuel Stauffer. Plaintiff has leave to file first amended original petition ✓5640.

Louis Hancock Ex parte, It is ordered by the Court that Messrs West Robertson & Dunn be appointed a committee to examine the applicant Louis Hancock as to his qualifications to practice as an attorney at law the examination to take place at 10 oclock A.M. 4th October 1881. ✓5698.

Court adjourned till tomorrow morning 10 oclock.

October 4th 1881.

Court met pursuant to adjournment. Present same as on first day, whereupon the following proceedings were had viz:

Thomas F. McKinney	vs	A. M. Cox.	Continued to make parties ✓2931.
Abby Thompson	vs	A. H. Baines et al.	Continued ✓2955
Abby Thompson	vs	R. A. Rutherford	Continued. In Supreme Court. ✓2957.
Abby Thompson	vs	George Saunders	Continued ✓2958.
Abby Thompson	vs	H. L. Raney	Continued ✓2960
Giles A. Burdett	vs	W. B. Burdine et al	Passed to end of docket ✓3080.
Eubalta Gonzales	vs	The State of Texas.	Continued by consent ✓3140.
Juan Vela Guiterrez	vs	The State of Texas.	Continued by consent ✓3187.
Manual Baptiamito	vs	The State of Texas	Continued by consent ✓3189.
Manal Ramirez	vs	The State of Texas	Continued by consent ✓3190
Pedro Gutierrez	vs	The State of Texas	Continued by consent ✓3191.
Gabriel Lopez et al	vs	The State of Texas	Continued by consent ✓3192.
Julian Lopeztegui	vs	The State of Texas	Continued by consent ✓3196.
Candelaria Ramirez	vs	The State of Texas	Continued by consent ✓3202
Trinidad Villareal	vs	The State of Texas	Continued by consent ✓3361.
Victoria Juarez	vs	The State of Texas	Continued by consent ✓3362
Seraphic Garza	vs	The State of Texas	Continued by consent ✓3364.
Juan Rodriguez Sais	vs	The State of Texas	Continued by consent ✓3366.
J. W. Linn et al	vs	The State of Texas.	Judge disqualified ✓3368

October 4th 1881.

3696 John Finland, vs John Hancock. C. D. West et al. It is ordered by the court that this cause be and the same is hereby dismissed and that defendants pay all costs in this behalf expended for which execution may issue.

3720. George W. Paschal vs Central R. R. Co. & Austin City. Continued to make parties.

3868. The State of Texas vs B. F. Scoggins, Geo. W. White Garnishee. It is ordered by the court that this cause be and the same is hereby dismissed on answer of the Garnishee herein filed, and further ordered that the plaintiff pay all costs in this behalf expended.

3934. Chandler Carleton & Robertson vs Geo W. Avery, W. P. de Normandie, Garnishee. Continued by consent.

4007 M. D. Pilley vs F. M. Rapalee & Emanuel Nolda. Continued for service.

4076 F. Shuler & Son vs. J. F. Jackson. Passed to end of the docket.

4430 James L. Long vs George L. Robertson et al. Passed to end of docket.

4795 John C. Duval et al vs Robert Cruger et al. Passed to end of docket.

4815 Charles Krohn vs Thomas F. Purnell, Passed to end of docket.

4828 Rufus Cogswell et al vs William Alexander Continued

4900 The State of Texas vs B. Bonner et al Passed to end of docket.

4917 C. F. Millett vs David V. Whiting et al. It appearing to the court that this case is improperly on the docket it is ordered that the same be and is hereby dropped from the docket.

4972 John H. Hampton vs W. R. Hampton et al. Passed to end of docket.

5024 S. W. Baker vs. Nicholas Jerolemon Continued

5074 Richard Gildart vs J. P. Gildart et al Passed for return &c to end of docket.

5105 Ellen Kimball vs Louisa Johnson et al. Continued

5205 E. W. Shands vs Milton Wallace. Set for Thursday Oct 6th 1881

5257 William Pray vs F. E. Fullis et al Passed to end of docket.

5267 Laura H. Ormond vs Charles J. Ormond, Passed to end of docket.

5272 M. R. Davis vs Letitia L. Davis Passed to end of docket.

5292 James F. Johnson vs W. W. Lang et al Passed to end of docket.

5313 Helena Hemminger vs John Hemminger Passed to end of docket.

5323 James Lockwood vs Fredrick Jordan. Continued

5371 J. E. Early vs P. C. Wills, Passed to end of docket.

5374 Amelia Brickla vs Harry Gilman. Set for Friday October 14th 1881.

5382 A Dychus for &c. vs Earl Texas Fire Insurance Company, It appearing to the court that this case had been settled it is ordered that same be now dropped from the docket.

5383 Bucky Pickett vs Lee Pickett. Continued for service.

5389 M. C. Hamilton vs James F. Ellison Continued by consent.

5420 Henry Brooks et al vs Jacob Espinght et al Continued

5431 W. S. Caraching vs R. W. Crawford Continued for service

5448 Rachel J Harris et al. vs Albert C. Jones et al. Set for Novem ber 3rd 1881.

5443 Mary A. Smith vs Smith & Lovejoy. Continued by consent.

5446 Mary A. Smith vs Smith & Hyde. Upon motion of plaintiffs Attorney it is ordered by the court that this case be dismissed and

October 4th 1881

that plaintiff Mary A. Smith pay all costs in this behalf expended for which execution may issue,

Mary A. Smith vs Smith Bryan & Campbell Continued by consent. #5447.

Thomas T. Kemp vs Jorge King Passed to end of docket #5449.

Mary A. Smith vs Smith & Campbell Continued by consent #5452.

Mary A. Smith vs Smith & Shands Passed to end of docket #5454

Mary A. Smith vs Smith & Bright. Upon motion of plaintiffs attorney it is ordered by the Court that this cause be and the same is hereby dismissed and further ordered that the plaintiff Mary A. Smith pay the all costs in this behalf expended for which execution may issue. #5458

A. Guido Pelligrini vs Forster Leighton & Co. Continued to perfect service #5468.

Elsie Quarlital vs Houston Goakum, Upon motion of plaintiffs atty it is ordered by the court that this cause be and the same is hereby dismissed. the same having been settled between the parties. It is further ordered by the court that the plaintiffs pay all costs in this behalf expended for which execution may issue, #5479.

The State of Texas vs Charles Kerbie et al. Set for October 7th 1881. #5497.

Lucy A. Field et al vs Thomas A. Field et al. Passed to end of docket for purpose of receiving report of commissioner. #5500.

The State of Texas vs Charles Kerbie et al, Set for October 7th 1881 #5501.

Oscar Obermiller vs Dennis Comm et al. It is ordered by the court in accordance with agreement on file that this cause be and the same is hereby dismissed at plaintiffs cost; It is therefore ordered by the court that plaintiff Oscar Obermiller and his sureties on his cost bond to wit E. S. Hughes and H. M. String pay all costs in this behalf expended for which execution may issue, #5522.

Herman Schmidt vs Cardwell & Morgis, Passed to end of docket #5528

Jacob Crawford vs Huguilla Crawford Continued #5556.

D. L. Cox vs Ella Carter et al Continued #5559.

J. C. F. Phiefs vs Wilson Swingley et al Continued #5563.

Charles J. Jones vs Cora E. Shipman et al, Passed for action on report of commissioners of partition, #5565.

Emma Milde vs Frederick Milde Set for Thursday October 13th 1881 #5576.

The State of Texas vs J. P. W. Herbert et al, Set for October 17th 1881 and Plaintiff has leave to file amended original petition #5599.

The State of Texas vs M. L. Denham et al Set for October 17th 1881 and Plaintiff has leave to file amended original petition #5603.

George Pflueger vs Samuel Stauffer et al Continued for service #5639.

R. A. Lane vs Wm. M. O'Leary Passed to end of the docket #5689.

R. B. Humphill by next friend vs William Humphill et al } On this day came on to be heard the report of John P. Kirk Special Commissioner heretofore appointed by the court to sell lots Nos seven and eight in Block No forty six in Division E. of the lots of the City of Austin said report being as follows viz: #5634.

R. B. Humphill vs Wm Humphill et al } In the District Court of Travis County Texas October term 1881. To Hon A. J. Walker Judge of said Court-

October 4th 1881.

The undersigned who was appointed by your Honor as Commissioner to sell lots Nos. Seven and Eight in Block No forty six in Division E. of the lots of the city of Austin for the purpose of having the proceeds arising from the sale thereof partitioned between R. B. Humphrie, William Humphrie and Dora E. Coleman as per a decree of this Hon Court would most respectfully submit the following report,

1st That under said decree the undersigned advertised said lots for sale at public vendue for cash on the First Tuesday in October 1881. at the court house door of Travis County Texas, Notice of said sale having been posted at three public places in Travis County, one of which was at the court house door for about forty days previous to the day of sale,

2nd That on said First Tuesday in October 1881 in pursuance of said decree and the notice given thereunder the undersigned offered said property for sale at public outcry for cash to the highest bidder, whereupon J D Fields bid the sum of Four thousand Five hundred and ten dollars therefor, which being the highest and best bid the same was struck off to him, and further I regard said sum as a fair and just price for said property,

3rd That it appears from the record of deeds of Travis County Texas, that on the 22nd day of August 1881. Dora E. Coleman joined by her husband J H. Coleman jr and R. B. Humphrie sold and conveyed to said J.D. Fields their interest in said property the same being a two thirds undivided interest therein,

4th That said Fields has paid to the undersigned the sum of Fifteen hundred and three & 33 1/3/100 dollars the same being the interest of the minor William Humphrie in the amount paid for said property, which said sum is now here paid into Court for the purpose of having the same decreed to the party entitled thereto, And he further says that he is informed that Jno H. Coleman jr is the guardian of the estate of said Wm Humphrie minor, Wherefore the undersigned prays that the report be accepted and confirmed and for an order of the Court directing the payment of all costs in this behalf incurred,

Jno R Kirk Commissioner

Subscribed and sworn to before me this the 4th day of October A.D 1881.

E Hallmann clk D.C.T.x.

By James P Stark Deputy.

And it appearing to the court that said sale was fairly and legally made and that the price received for said lots was reasonable, it is therefore considered ordered adjudged and decreed by the court that said sale be in all things confirmed, And it is further ordered that said Commissioner make a deed of conveyance to J D. Fields of all of the right title and interest of R. B. Humphrie William Humphrie and Dora E Coleman in and to said lots Nos. Seven and Eight in Block No forty six Division E. of the Austin City lots, and that the said Commissioner pay all costs in this behalf incurred to the parties entitled thereto and that he pay over to the Guardian of the estate of William Humphrie a minor his interest in the proceeds arising from the said sale of said lots less his prorata of the costs incurred,

October 4th 1881

Court adjourned till tomorrow morning 9 oclock.

October 5th 1881

Court met pursuant to adjournment, Present same as on first-day Whereupon the following proceedings Were had, viz:

The State of Texas vs T. & G. N. R. R. Co. Passed to end of the docket — 3466.
Mary A. Lindley et al vs J. W. Haning, Passed to end of docket — 3578.
M. E. Cunningham et al vs J. A. Chandler et al Passed to end of docket — 3579.
Pate Reed & Cooley vs Julius Levy & Co. Passed to end of docket — 3583.
Joe H. Stuart vs A. H. Polo & Co. Passed to end of docket — 3584.
Francis O. Goodall vs Jno F. Goodall et al, Passed to end of docket for report of sale, — 3588.
The State of Texas vs Benito Gonzales et al Continued for service — 3596.
Lottie Ritchie vs The T. & P. R. R. Co & T. & G. N. R. R. Co Passed to end of docket; — 3600.
Ann. E. Davis et al vs The T. & P. R. R. Co. & T. & G. N. R. R. Co Passed to end docket; — 3602.
The State of Texas. vs A. H. McGinn et al Cont for service — 3620.
R. F. Campbell vs R. S. Willis et al. Set for October 11th 1881. — 3624.
Jorge Thomas vs Easter Thomas. No Counsel appearing Cause cont — 3625.
Louis Hancock, Ex parte, Whereas Louis Hancock having made — 3698
Application to and before the Honorable District Court of Travis County Texas for permanent license to practice as an attorney and counsellor at law and having filed the certificate as required by law as to his moral character an honorable deportment; and the Committee appointed by this court to examine said applicant as to his legal qualifications having reported to this court after a thorough examination that the said applicant Louis Hancock is well and fully qualified to practice as an attorney and counsellor at law, it is therefore ordered by the court that the said Louis Hancock be and he is hereby admitted to practice as an attorney and Counsellor at law in the District and all inferior Courts of this State and that the Clerk issue him license accordingly.

John. C. Duval et al. vs R. Coy Lair et al } In this case came now the trustee W. Von Rosenberg appointed heretofore to sell the lands set apart to John. C. Duval and Florida S. Howard for the purposes of the trust declared and perpetuated in the former decree of this Court and made the following report; viz: October 1st 1881. Cause No 4795 District Court Travis County, State of Texas. The undersigned trustee appointed to sell the property set off to John C. Duval and Florida S. Howard respectfully reports: that acting under the authority of the decree of June 5th 1880 and July 14th 1881 said has been contracted to P. C. Braly of Lot No 1 being (288) two hundred and eighty eight acres more or less part of the A. M. Donnaman 1/3 league in Travis County at the price of $6.00 per acre, or $1728.00 ($528.00) five hundred and twenty eight dollars cash, and ($1200.00) twelve hundred dollars in Vendors lien note due the 1st of October 1884 bearing interest at the rate of ten per centum per annum from the 1st October 1881, said interest payable annually and prays that said sale be confirmed and that he be au- — 4795

October 5th 1881

thorized to execute the necessary deed and to trans for said Vendors his note to Geo. W. Sampson to be credited on his claim against said land at face value, which arrangement said Geo. W. Sampson was agreed to waiving what difference there may be because of his said claim draming twelve per centum interest. It is furthermore represented and submitted that by a resurvey of the South half of the H. M. Dorman ⅓ league an excess was found of a few acres, out of which excess it is suggested to authorize reserving twelve varas along the south line of the land sold for a public road and to so express in the deed to be made to P. C. Beaty, such a road is beneficial for this trust, as an outlet for 250 acres of said H. M. Dorman tract not yet sold, and is really a public necessity which at this opportunity can be carried out without loss: in as much as the amount realized by this sale is not diminished thereby. Respectfully submitted. W. Von Rosenberg Trustee,

Whereupon there being no objection to said report, and it appearing to the court that the sale as made by the trustee to P. C. Beaty of the two hundred and eighty eight acres of land therein mentioned out of the H. M. Dorman survey subject to the terms and conditions therein mentioned is a beneficial sale for the trust and that the price obtained is a fair price for the land sold, It is ordered and adjudged that the said report of the trustee be accepted as the basis of said sale and that the said sale be in all things confirmed to the purchaser upon his complying with the terms thereof, It is further ordered that upon the purchaser complying with the terms of the sale by the payment in cash of the sum of Five Hundred and twenty eight dollars, and by the execution of his note to said trustee for the sum of twelve hundred dollars payable October first 1884, bearing interest from date till paid at the rate of ten per cent per annum, the said interest being payable annually as the purchase money of said land, that the said trustee do execute to the said purchaser P. C. Beaty a deed to the said two hundred and eighty eight acres of land part of the H. M. Dorman third league in Travis County Texas, the same being known as subdivision marked B. on the plat accompanying the former decree of partition in this case, the said deed reserving for the use of the public and public benefit of the other lands unsold belonging to this trust, twelve varas in width off the south side of the tract here sold running the whole length of said tract, to be used and dedicated as a public road for the purposes and objects aforesaid, It is further ordered that said deed to the purchaser aforesaid retain the vendors lien for the purchase money, and that for the further enforcement of the same that the purchaser execute for the benefit of the deferred payment, a mortgage with power of sale or deed of trust, upon the usual terms stipulations and conditions and that the same be recorded in the proper county,

It appearing that George W. Sampson the principal beneficiary in this trust is willing to take the note of $1200.00 for the deferred payment upon said land in satisfaction pro tanto of his claim established herein: It is ordered that the said Trustee upon the said Sampson giving proper receipt

October 5th 1881.

thinfor is authorized to transfer the said notes and mortgage or deed of trust when taken to him the said Sampson, all other matters and remand till the further order of this court,

Victoria C. Burke vs H. & T. C. R. R. Co, Upon motion of plaintiffs Attorney it is ordered by the court that the motion filed by plaintiff in this cause on the 4th October be and the same is hereby dismissed. 5574.

H. J. Doughly } vs W. D. Lee } On this the 4th day of October AD 1881 this motion of the defendant W. D. Lee coming on to be heard to enter up judgment in accordance with the award of the arbitrators filed in this cause and it appearing to the court that said award was in words and figures as follows. viz: H. J. Doughly vs W. D Lee, In District Court Travis County Texas, We the Arbitrators in the above entitled and numbered cause having duly empaneled all matters and evidence submitted to us and having agreed upon our award do hereby find and award as follows, 5601.

1. We award, decide and find that the defendant W. D. Lee is indebted to the plaintiff H. J. Doughly in the sum of Five Hundred and one dollars and ninety eight cents and that the said W. D. Lee shall pay this amount to the said H. J. Doughly in Cash,

2. We award decide and find and give to said H. J. Doughly and W. D Lee a one half interest each in the following accounts, and notes due the firm of Lee and Doughly of which the said H. J. Doughty and W. D. Lee are equal partners, owning a one half interest each,—

Frank Birdsall	$2.25	Matilda Clark	3.00
Dan Ivy	3.80	A. Kamp	7.50
Robt Needham	6.75	A Billingsley	7.00
Jas Shackles	101.90	Hy Forster	9.65
A. J Blomquist	20.10	Bob Grabb	106.08
Wm Pickle	6.90	Charles Lamb	38.62
Robt Shackles	21.60	McGaha	4.00
T. Ruby & Alf Pouce	3.50	Winnie Williams	3.50
Wm Shackles	19.25	Dan McGregor	6.50
Jas Shackles	101.90	T. W. Myers	20.00
Albert Thomas	32.40	Bee Johnson	3.95
John Phillips	20.30	Jack Smith	6.50
Frank Brown	11.10	J. W. Earnest	8.55
R. Foster	59.06	Lee Edwards	10.20
Charley Crayton	34.70	John Scott	7.15
Hy Pickles	28.44	Jesse Edwards	3.40
Mrs Pickles	17.50	Dan Silas	10.50
W. E. Moore	60	Jim Shackles	433.00
J. W. Hampton	8.35	James Daniels	8.00
Alf Rainey	13.00	O. Blomquist	5.40
Joe Birdsall	10.67	P. Roland	12.05
John Halloway Sen	3.40	J. B. Harris	40.37
Ed Daniels	70.69	Rosco Davis	39.45
R. Mercer	127.60	Ben Nichols	52.36
Gonzales Santonio	2.80	J. W. Davis & Co note	379.00

October 5th 1881.

R. P. Walls,	35.35	Parm Daniels	183.31
Nils Tom	1,00	James Dietrick	172.87
Thos. Dietrick	8,55	N. Olson	9,50
F. Whitley	39,01	R. A. Landrum	217,50
Alonzo Johnson	73,81	Geo Lowber	8 50
Elijeo Garcia	18,25	J W. Davis & co a/c.	46.15
H.J. Smick	4,10	Frank Pearson	2.50
		F. Schmuning	25,92

3d We further award decide and find that the said H. J. Doughty and W. L. Lee owe the following persons the following sums of money viz:

Mrs K. P. Hanshaugh $208.35

Which are debts of said firm and they shall pay the same equally —

4. We award adjudge and decide that the said H. J. Doughty shall pay one half of the costs of this proceeding and the said W. L. Lee the other half.

John Dowell
Jno P Rodney Arbitrators

And that the same was in due form and correct and this time no objections thereto. Whereupon it is ordered adjudged and decreed by the court that said plaintiff and defendant be and are hereby given one half undivided interest in the above accounts and notes and that said award of the arbitrators be made the judgment of the court, and further ordered that execution may issue in behalf of the officers of the court for their costs against each party for one half the costs in this behalf expended.

Court adjourned till tomorrow morning 9 o'clock.

October 6th 1881

Court met pursuant to adjournment. Present same as on first day, and thereupon no civil minutes to be recorded of this date. Court adjourned till tomorrow morning 9 o'clock,

October 7th 1881

Court met pursuant to adjournment. Present same as on first day, Whereupon the following proceedings were had viz:

$364.50

M. C. Hamilton vs F. F. Pendley — Now on this day this cause being regularly called for trial the plaintiff appeared by his attorneys and announced himself ready for trial and it appearing to the court that the defendant had been regularly served with process more than five days before the first day of this term and that defendant had failed to make an answer to plaintiffs petition but had wholly made default, on motion of plaintiff the court rendered judgment against the defendant by default, and it appearing to the court that there is due to the plaintiff from the defendant the sum of Thirty six hundred and Eighty six 50/100 ($3686.50) dollars on the promissory note given by the defendant, It is therefore ordered and adjudged by the court that the plaintiff M. C. Hamilton have judgment against the defendant F. F. Pendley for the sum of Thirty six hundred and Eighty six 50/100 dollars with interest per centum per annum interest from this date together with all

October 7th 1881

costs in this behalf expended for which execution may issue,

The State of Texas } On the 7th day of October AD 1881. the above entitled
vs } cause being called for trial the defendants although they
Henry Hamilton et al } were duly served with process failed to answer but wholly
made default. and the plaintiff appeared by attorney and announced ready for trial
and no jury being demanded the matters in issue were submitted to the court,
The court after hearing the pleadings and evidence submitted by plaintiff is
of opinion that the defendants after deducting the four hundred ($400.00) dollars
paid January 7th 1881. are indebted to the plaintiff in the sum of ($1299.45)
one thousand two hundred and ninety nine 45/100 dollars, It is therefore consid-
ered adjudged and decreed by the court that the plaintiff the State of Texas
do have and recover of and from the defendants, Henry Hamilton, A. Mansfield
J. P. Dannforth and H. C. McKay the sum of twelve hundred and ninety
nine & 45/100 ($1299.45) dollars with interest from this date until paid
at the rate of eight per cent per annum and all costs in this cause
expended for which execution may issue. It appearing to the court that
the defendants A. Mansfield, J. P. Dannforth and H. C. McKay are sure-
ties for the defendant Henry Hamilton on the bond and cause in this
cause it is therefore ordered and decreed by the court that the said sure-
ty defendants shall have a judgment over against their said principal Henry
Hamilton for whatever sum of money they or either of them may have to
pay on this judgment and that execution may issue in the name of the
State of Texas in their favor against the said Henry Hamilton for the same,

The State of Texas } On the 7th day of October AD 1881. the above entitled
vs } cause being called for trial the plaintiff appeared by attorney
Henry Hamilton et al } and announced ready, but the defendants although they were
F. L. Hicks et al } duly served with process failed to answer but wholly made
default and no jury having been demanded the matters in issue were submitted to
the court, and the court after hearing the pleadings and evidence submitted in
the cause by plaintiff, is of opinion that the defendants are indebted to the plaintiff
in the sum of ($2881.32.) two thousand eight hundred and eighty one 32/100 dollars,
It is therefore considered ordered adjudged and decreed by the court that the
plaintiff the State of Texas, do have and recover of and from the defendants Henry
Hamilton, F. L. Hicks, A. Mansfield and H. C. McKay the sum of two
thousand eight hundred and eighty one & 32/100 ($2881.32) dollars with in-
terest from this date until paid at the rate of eight per cent per annum, together
with all costs in this cause expended for which execution may issue,
It appearing to the court that the defendants F. L. Hicks, A. Mansfield and
H. C. McKay are sureties for the defendant Henry Hamilton on the bond and
in this cause, it is therefore ordered and decreed by the court that the said
surety defendants shall have a judgment over against their said principal
Henry Hamilton for whatever sum of money they or either of them may have
to pay on this judgment and that execution may issue in the name of the
State of Texas in favor of said sureties against the said Henry Hamilton
for the same,

A. L. Pomroud vs D. F. Smith, W. J. Montgomery Intervenor, In this cause
appeared the plaintiff and intervenor by their attorneys and it appearing that the

Rec. from F. L. Hicks Four thousand & Thirty seven & 32/100 ($4037.32) Dollars full payment of Judgment & Costs in favor of State of Texas against Henry Hamilton et al rendered at this term of Court. This Oct 7th 1881. F. L. Hicks

$569
Ef Docks
p 103

$5570,
Ef Docks
p 103.

Exec. docket page

$5637.
1st order of sale Docket 5 page

October 7th 1881

defendant D. F. Smith has been legally served with process in this case both in the original suit and intervention, and it further appearing to the court that the defendant D F. Smith has failed to appear demur plead or answer either to the original plaintiffs petition or the petition of intervention within the time prescribed by law but wholly made default; It is therefore ordered adjudged and decreed by the court that the defendant be and he is hereby stopped barred and precluded from filing any demurrer plea or answer in this cause either to the original plaintiffs petition or the petition of intervention, and the plaintiff & intervenor announced themselves ready for trial this being no jury demanded after hearing the evidence introduced by the plaintiff and intervenor, It is ordered adjudged and decreed by the court that the plaintiff A. L. Tomsend do have and recover of and from the defendant D F. Smith the sum of Five hundred and seventy eight 25/100 ($578 25) dollars with interest at ten per cent per annum from this date until paid together with all costs of this suit that has accrued for or on account of the plaintiff A. L. Tomsend, It is further ordered adjudged and decreed by the court that the intervenor W. J. Montgomery do have and recover of and from the defendant D F. Smith the sum of Six hundred and forty & 87/100 dollars ($640.87) for his principal debt and interest up to this date with interest at ten per cent per annum from this date until paid together with the costs of this suit that has accrued for or on account of the intervention, And it appearing to the satisfaction of the court that the two notes upon which the foregoing judgment is rendered are given for the purchase money of two certain tracts of land situated in Lee County Texas the same being Lot No 20 and a part of lot No. 2 of the subdivision of a league and labor of land in the name of Hiram Donahoo as the original grantee, which league and labor of land was subdivided into small tracts in 1876 by James R. Pace surveyor, said lot No 20 containing 190 acres and the other being 33 acres off of the North end of No 2. of said subdivision of said Donahoo league, and it appearing to the court from the evidence that a vendors lien was retained upon the above described tracts of land to secure the payment of said notes and interest, It is therefore ordered adjudged and decreed by the court that the vendors lien be and the same is hereby foreclosed, and the Clerk of the court is hereby ordered to issue an order of sale directed to the sheriff of Travis county as commissioner to sell said land as under execution and the proceeds of said sale to be applied first to the payment of all costs of this suit the remainder to be applied prorata to the payment of the foregoing judgment in favor of the plaintiffs A. L. Tomsend & W. J. Montgomery, In the event that the proceeds of the sale of said land shall not be sufficient to pay off and discharge the full amount of this judgment and all costs then the plaintiff and intervenor have execution against the defendant D. F. Smith for the remainder.

Harvey Harrell et al
vs
A L. Aubrey. } On this day this cause coming on to be heard the plaintiffs appeared and announced ready for trial, but the defendant though duly cited failed to appear and answer in this behalf but wholly made default; and it appearing to the court that the plaintiffs claim is just and is proven by an instrument in writing, It is therefore ordered adjudged and decreed by the court that the plaintiffs Harvey Harrell, David Harrell, Joseph

$680
(Exec. docket No 5 page 116.)

October 7th 1881

Harrell Jr. and Clarence L. Harrell do have and recover of and from the defendant A. L. Autry the sum of Four thousand eight hundred and fifty two & 35/100 ($4852.35) dollars principal and interest to this date, with ten percent interest from this date together with all costs of this suit for which execution may issue.

Joseph Harrell vs C. M. Poole — On this day this cause coming on to be heard the plaintiff appeared and announced ready for trial, but the defendant though duly cited failed to appear and and answer in this behalf, but wholly made default; and it appearing to the court that the plaintiffs claim is just and is proven by an instrument of writing. It is therefore ordered adjudged and decreed by the court that the plaintiff Joseph Harrell do have and recover of and from the defendant C. M. Poole the sum of Four thousand and five [illegible] & 7/100. ($4005.70) dollars principal and interest to this date, with ten per cent interest from this date together with all costs of this suit for which execution may issue. ✓5683. (Exec. docket No 5, page 106)

The Milburn Wagon Company vs S. S. Perry — This day came the plaintiffs by their attorney, and the said defendant having failed to appear and answer in this behalf, but wholly made default. Whereupon the said Milburn Wagon Company ought to recover against the said S. S. Perry his damages by occasion of the premises, and it appearing to the Court that the cause of action is liquidated and proved by the instruments of writing, it is ordered that the Clerk do assess the damages sustained by said plaintiffs, and the said Clerk now here having assessed the damages aforesaid at the sum of ($1396.24) one thousand three hundred and ninety six 24/100 dollars principal and interest to this date, and the further sum of ($139.62) one hundred and thirty nine & 62/100 dollars as attorneys fees, it is therefore considered by the court that the said plaintiff do have and recover of the said defendant the sum of ($1926.24) one thousand three hundred and ninety six & 24/100 dollars with interest thereon at the rate of twelve per cent per annum from this date, and further ordered that the said plaintiff do have and recover of said defendant the further sum of ($139.62) one hundred and thirty nine & 62/100 dollars attorneys fees, together with all costs in this behalf expended, for all of which execution may issue. ✓5656 (Exec. docket No 5, page 104) ✓56

Francis G. Morris, vs William Bray & Francis B. Forster — This day came the plaintiff Francis G. Morris by his attorney and the defendant Francis B. Forster appeared and filed his answer disclaiming all interest in the tract of land sued for herein (the truth of which answer is admitted by the plaintiff) and the defendant William Bray though duly served with process having failed to appear either in person or by attorney but wholly made default, and it appearing to the satisfaction of the court that this is an action of trespass to try title to recover possession and title to the tracts of land in plaintiffs petition contained. It is therefore considered by the court that the plaintiff Francis G. Morris do have and recover of and from the defendants William Bray and Francis B. Foreter the tract of land described in plaintiffs pe- ✓5675

October 3rd 1881.

-tition, described and bounded as follows: situated in the county of Travis and State of Texas, Being a tract or parcel of land known as the Benjamin Allen survey No 73. situated on the waters of Wilbarger Creek a tributary of the Colorado River about 17¾ miles north 45° East of Austin City, Beginning at the N. W. Corner of the Juan Gambrano survey No 38. at a stake in prairie, Thence S. 60° E with the North line of said No 38. 475 varas a stake in the prairie, Thence S 80° E 722 varas a corner in prairie, Thence N 10° E 700 varas a corner in prairie, Thence N. 80° West 760 varas to a stake in prairie, Thence N 10° E 583 varas a corner in East line of No 33. and 32 1194 Varas, patented to John. S. Spence assignee of Benjamin Allen on the 12th day of March 1872. by patent No 102 Vol 14. Records, and containing 140 acres: for which the said plaintiff Francis G. Morris may have his writ of possession, It is further considered by the court that the defendant Francis B. Foster do have and recover of and from the plaintiff Francis G. Morris all his costs in this behalf expended, It is further considered by the court that the plaintiff Francis G. Morris do have and recover of and from the defendant William Bray all his costs in this behalf expended for which execution may issue,

5676 — Francis G. Morris vs William Bray & D M. Harrell — This day came the plaintiff by his attorney and the defendants William Bray and D. M. Harrell though duly served with process having failed to appear either in person or by attorney but wholly made default, and it appearing to the satisfaction of the court that this is an action of trespass to try title to recover possession and title to the tracts of land in plaintiffs petition contained, It is therefore considered by the court that the plaintiff Francis G. Morris do have and recover of and from the defendants William Bray and D. M. Harrell the tracts of land described in plaintiffs petition situated in the county of Travis and State of Texas, Being lots numbers three (3) Four (4) Five (5) Seven (7) Eight (8) nine (9) Ten (10) Eleven (11) and (12) twelve in Block number two (2) of the subdivision of out lot number Seventy five (75) of Division D. of the out lots of the City of Austin, as the same are marked and described on the map or plat of said subdivision of record in the county records of Travis County Texas, for which the said plaintiff Francis G. Morris may have his writ of possession, It is further considered by the court that the plaintiff Francis G. Morris do have and recover of and from the defendants William Bray and D M. Harrell all his costs in this behalf expended for which execution may issue,

L. Schoolherr, vs Caroline Townsend et al — It is ordered by the court that J. W. Smith Esq be and he is hereby appointed Guardian ad litem of the minor defendants, Elnora, Sarah M. Amanda E. Geo W. Charles. H. John A. & Melvin Townsend and came sit for Thursday the 13th day of October 1881.

5395

Bass Reed & Cooley vs Julius Levy & Co. — Upon motion of plaintiffs attorney it is ordered by the court that this cause be and the same is hereby dismissed, and further ordered that the

5583

October 7th 1881

defendants do have and recover of the plaintiffs and the county in their costs
bond &c viz: all costs in this behalf expended for which
execution may issue.

William Sutton vs M. D. Miller, Sophia W. Miller and Jas T. Harris — 5590.
It is ordered by the court that W. M. McGregor Esq be and he is hereby
appointed to represent the defendants served by publication in this case
and case set for Wednesday 12th day of October 1881.

The State of Texas vs W. A. Whatley et al Continued for service — 5604.

Wm M. Demyelus vs Amanda Cartright & Samuel Stauffer. Set for Nov 28th — 5640.

L. C. Klingenreich vs F. W. Chandler et al. Upon motion of plaintiffs attorney — 5647
it is ordered by the court that this case be and the same is hereby dismissed
at plaintiffs cost. It is therefore ordered that the defendants do have and
recover of the plaintiff all costs in this behalf expended for which execution
may issue

Mc Dannell & Co vs H. T. Hall, Passed to the end of the docket — 5649.

H B. Kinney vs Wm Thaimpt al, Set for October 14th 1881. — 5657 — 367

Jerstave Cook vs The State of Texas, Set for November 5th 1881. — 5658

William Poole vs The State of Texas Set for November 5th 1881 — 5661.

L. J. DuPoy vs John Caldwell et al Continued for service — 5667 — 563

Julian Pragle vs Cecil Pragle, Passed until 2 o'clock P.M. Oct 8th 1881. — 5668.

Cathrin Wagoner vs Joseph Wagoner, Continued to perfect service — 5677.

Forester & Co. vs James. B. Goff It is ordered by the court that the — 5678.
Clerk have leave and is ordered to amend the citation issued on the defen-
-dant in this case by changing the year in which the note was executed as
set out in said citation from the year 1881. to 1880, in accordance with petition

Joseph Herrell vs D. A. Baker Continued to perfect service — 5681

Florence Chemerorth vs John Chemerorth, Continued to perfect service — 5682.

Austin Home Building & Loan Association vs Francis B. Forshee, Plaintiff has leave to — 5687.
file 1st supplemental petition

John Dunlop natural guardian &c. vs Ed Creary et al Set for Wednesday Oct 12th 1881 — 5690.

J. N. Carey vs Augusta Carey Continued for service — 5692

Alcathia R. Holbit et al vs Henry Richie et al Continued for service — 5693.

W. H. Bell et al vs E. W. Shands Continued for service. — 5695.

W. H. Bell et al vs Ed Wilkerson Continued for service — 5696.

George Ella Diggs vs W. J. Montgomery, Passed to end of the docket — 5697.

Sarah E. Potts vs Charles A. Potts } Now on this day came on to be heard the above entitled cause and the plaintiff Sarah E. Potts announced ready for trial and it appearing to the court that the defendant Charles A. Potts had been duly served with process or citation more than five days before the first day of this term of court but wholly failed to appear and answer in the above entitled cause: and no jury having been demanded the matters of fact as well as of law in this cause were submitted to the court upon the trial of the above cause, And the court having heard the pleadings and evidence in said cause, and it appearing to the court that the facts stated by the plaintiff in her original petition are true: and that the defendant has been guilty of the cruel treatment to the plaintiff and outrages as set out in the plaintiffs original petition so as to render — 5673.

October 7th 1881.

the living of plaintiff and defendant together any longer as wife and husband is insupportable. It is ordered adjudged and decreed that the bonds of matrimony heretofore existing between Sarah E. Potts the plaintiff and Charles A. Potts the defendant be dissolved and that a divorce be granted the plaintiff from defendant and that the custody and education of Preston H. Potts minor child of plaintiff and defendant be granted and given to Sarah E. Potts the plaintiff and that the defendant be prohibited and enjoined from interfering with the custody and education of said Preston H. Potts as aforesaid, but the plaintiff is allowed to visit and see the said child at all reasonable times and plaintiff agree to pay costs. It is therefore ordered that plaintiff pay all costs of this suit for which execution may issue. Court adjourned till tomorrow morning 9 o'clock

October 8th 1881.

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

√3678 Forbis & Co. vs James B. Goff. Citation having been amended by leave of court the motion to quash is hereby overruled by the court to which ruling of the court the defendant excepts.

√3655. James McCally et al vs James E. Harber. And now on this day came on the motion of defendant to require the plaintiff to give security for costs in this case which motion being considered by the court was granted and ordered that plaintiffs attorney be notified.

√3591 R. H. Jaynes heirs vs R. F. Campbell et al. The defendant Mrs Eliza Hancock has leave to file 1st amended original answer.

√3608. Julia A. Thompson,

vs

Felix E. Smith, Mrs Mary Hughes, Blooming B. Hughes, Alexander L. Hughes Stonewall Jackson Hughes, Calvin Lee Hughes Alfred C. Hughes, Mrs Pete Hughes, Mrs P. J. Walker & B. Franklin Waller

E. Dock 5 page 105

For this case came the plaintiff by her attorney and also came the defendants Alexander L. Hughes, Stonewall Jackson Hughes and Calvin Lee Hughes by their attorney and guardian ad litem J. B. Costa Esq appointed as such by the court at a former term of this court, and Alfred C. Hughes came not but wholly made default as had all the other defendants (except Alexander L. Calvin Lee and Stonewall Jackson Hughes) at a former term of this court, and it appearing to the court that said defendant Alfred C. Hughes had been legally cited to appear and answer this suit for the time required by law and had failed to appear as aforesaid, it is ordered and adjudged by the court that said defendant Alfred C. Hughes be forever stopped from answering in this cause as had the other of said defendants with exceptions aforesaid at a former term of this court, and the plaintiff and defendants Alexander L. Stonewall Jackson and Calvin Lee Hughes by their attorneys and guardian ad litem announced themselves ready for trial, and a jury not having been demanded the matters and things in controversy in this suit were submitted to the court, and it appearing to the court that the plaintiffs demand is liquidated and due on a promissory note executed by A. A. Hughes deceased in his lifetime, and that there is due thereon principal and interest at this

October 8th 1881.

date the sum of Twelve Hundred and Thirty eight dollars (#1238^{00}) and that said note was bearing interest at the rate of twelve per cent per annum, and that there is due on said note by its terms the further sum of one Hundred and thirty three ^{80}/$_{100}$ dollars (#133.80) attorneys fee.
And it further appearing to the court that the payment of said sums of money are secured by a deed of trust on the real and personal property hereinafter described executed by said A. A. Hughes in his lifetime to said defendant Felix E. Smith as trustee, and it further appearing to the court that said property real and personal is assets in the hands of said defendants subject to the payment of said debt of said plaintiff, It is therefore ordered adjudged and decreed by the court that said plaintiff Julia A. Thompson do have and recover of and from said defendants to wit: Mary Hughes, Blooming B. Hughes, Alexander L. Hughes, Stonewall Jackson Hughes, Calvin Lee Hughes, Alfred C. Hughes, Mrs Bell Hughes Mrs P. J. Walker and her husband B. Franklin Walker, the sum of twelve hundred and thirty eight (#1238^{00}) dollars with twelve per cent interest thereon from this date until paid, It is further ordered adjudged and decreed by the court that said plaintiff do have and recover from said defendants the further sum of one Hundred and thirty three ^{80}/$_{100}$ dollars (#133^{80}) with interest thereon at the rate of eight per cent per annum until paid, It is further ordered adjudged and decreed that said plaintiff do have and recover from said defendants all costs in this behalf expended, It is further ordered and adjudged by the court that J. B. Costa Esq be allowed a fee of Twenty (#20^{00}) dollars for his services as attorney and guardian ad litem in this behalf and that the same be taxed as costs, And it is further considered ordered adjudged and decreed by the court that this judgment be satisfied and enforced against said defendants to the extent of said sums hereinafter described, And it is further considered ordered adjudged and decreed by the court that said plaintiff him be and the same is hereby foreclosed as against defendant Felix E. Smith the said trustee and all the others of said defendants in the following described property to wit; 1st one half undivided interest in and to Three Million Six Hundred and eleven thousand and Thirty Six Square Varas of land situated and described as follows, In Travis County on the waters of onion Creek a tributary of the Colorado River about 11 miles S. 74° W. of Austin known as survey No 68 by virtue of certificate No 588. issued by the Board of Land Commissioners of Bexar County July 9 1838, Beginning at a Stone mound the S.W. corner of survey No 34 and the N. W. corner of this survey, Thence South 60° East 1298 varas a stone mound, Thence S 30° West 2700 varas a cedar 2782 varas a stone mound from which a Cedar bears S 40° W. 100 varas a Red Oak brs S 50° E 5 varas, Thence N 60° West 1298 varas a stone mound from which a Live oak brs S. 50° E 15 vrs, Thence N 30° East 2782 varas the place of beginning. Bearings marked F. B. being the same back of land patented to R. M. L. M. A. de Tulle Aug 6th 1867.
2nd The following described personal property to wit: one bay horse mare

October 8th 1881

one horse named "Spanish Boy", one mare "Lady Lightfoot", one Stallion, "Jack Hughes, one mare "Carry Wirk", one horse "Joe Hughes" one horse "Reavour" one horse "Dave" one filly colt "Queen" one horse colt "Dan" one mare "Mary Midnight" one mare "Marcha Berry" and horse "Jeff", Also Thirty Five head of stock cattle about half of which are cows said stock cattle being branded as follows, about one half of them A H and the others C and said horses branded as follows "Dave" F W. Queen H H the remainder C except "Jack Hughes" he had no brand, also one Ox wagon and also the increase of said horses and cattle since March 14th 1877. And it is further considered ordered adjudged and decreed by the court that an order of sale issue to the Shiff of Travis County to levy upon and sell as under execution all of the aforesaid property to satisfy this judgment and all costs herein expended, Court adjourned till Monday morning 10 Oclock.

Octobr 10th 1881.

Court met pursuant to adjournment, Present same as on first day. Whereupon the following proceedings were had viz:

√5368 W H Carrington vs Charles Dodge. No counsel appearing. Continued

√5469 Robt Baumgaur vs Wm Smyth et al No counsel appearing. Continued

√5531 N. N. Pattison vs Mary A Pattison, Passed to end of docket;

√5585 Mary Young vs Alexander Young, No counsel appearing continued

√5591 B. H. Jaynes Adms vs vs R. F. Campbell et. No counsel appearing Continued.

√5592 B. H. Jaynes Adms vs Leander Brim et al. Passed to end of docket;

√5619 Annie E. Fagin vs James Fagin, Set for October 14th 1881.

√5652. Julius Zuber et al vs J T. Blount, No counsel appearing Continued

√5665 Thomas P. Hall vs vs James M. Hall. Plff has leave to file Amended original petition,

√5666 Wm Thaxton, vs James McCullough. (v. order of sale Ex Docket 6. page 103)

This cause being called for trial on this the 10th day of October A D 1881, the plaintiff appeared by attorney and announced ready for trial, the defendant although duly cited in such process as required by law, failed to appear but wholly made default; a jury not being demanded the matters in issue were submitted by plaintiff to the court, and it appearing to the court from the evidence submitted that plaintiff is the owner of the note sued on and that there is now due the plaintiff from the defendant on the said note sued on the sum of $284.90, as principal and interest; and the further sum of $28.49 as attorneys fee: and it further appearing to the court from the evidence submitted at the trial by plaintiff that the said note sued on was executed and given in part payment of Block No (5) five of out lot No forty five (45) Division B. of the out lots of Austin City in Travis County State of Texas, containing eight lots, and each lot being Sixty five (65) feet wide by 149 feet long said property being platted in Plat Book No 1 Travis County Texas on page No 3. It is therefore considered ordered adjudged and decreed by the court that the plaintiff Wm Thaxton do have and recover from the defendant James McCullough the sum of Three hundred and Thirteen and 39/100, ($313.39) dollars, with interest thereon from

October 10th 1881

this date until paid at the rate of eight per cent per annum and all costs in this behalf expended with a foreclosure of his vendors lien as it existed on the 21st day of August 1877 and at any time since then on the above discribed property, and that an order of sale shall issue to the Sheriff or any Constable of the said County of Travis directing him to seize and sell the said property above discribed as under and if the proceeds of such sale be insufficient to satisfy this judgment & costs execution in satisfaction of this judgment and costs, then to make the balance thereof remaining unpaid out of any other property of the said defendant as in case of ordinary executions but should plaintiff fail to collect all of this judgment under said order of sale it is ordered that he have execution for the amount remaining unpaid as in other cases.

Sarah Schuley vs Herman Schuley. No counsel appearing case continued. ✓3671

Sallie Hodge vs Andrew Hodge. Set for October 15th 1881 ✓3672.

E. Hallmann vs C. B. F. Hartkopf } On this the 10th day of October A D 1881 came the plaintiff E Hallmann by his attorney and the said defendant C. B. F. Hartkopf after having been duly cited according to law having failed to appear and answer in this behalf but wholly made default Whereupon the said E. Hallmann plaintiff ought to recover against the said defendant C. B. F. Hartkopf his damages by occasion of the premises, and the pleadings and evidence having been heard and fully understood by the court, and it appearing to the court from the evidence that the said defendant C. B. F. Hartkopf is indebted to the plaintiff E. Hallmann in the sum of one hundred and seventy six and 94/100 dollars and that the note sued on bears interest at the rate of ten per cent per annum and provides that if said note is collected by suit an additional ten per cent for attorneys fee is to be paid by said defendant, and it further appearing to the court from the evidence that said note was executed on the 21st day of August A D 1876 to secure the payment of a part of the purchase money for the following discribed tract of land to wit: Lot No 26 in an addition to Fort View subdivision of part of the Isaac Decker league containing ten acres of land as shown by a map of said subdivision of record in the deed records of Travis County Texas, said lot being part of the same tract sold by Wm R. Brown and wife to John C. Welsh the 15th day of June 1875.; ✓3674, The foregoing cause No 3674 E Hallmann vs C B F Hartkopf Suit for Debt was on July 31. 1882 D. W. Doom Atty for Pltff. ✓367 ✓368 ✓368 ✓369 ✓368

It is further considered ordered adjudged and decreed by the court that the said plaintiff E. Hallmann do have and recover of the said defendant C. B. F. Hartkopf said sum of one hundred and seventy Six 94/100 ($176.94) dollars principal and interest with interest thereon from this date at the rate of ten per cent per annum and the further sum of Seventeen 69/100 ($17.69) dollars for attorneys fee with interest thereon from this date at the rate of eight per cent per annum together with all costs in this behalf expended, And it is further ordered adjudged and decreed by the court that the plaintiffs vendors lien as it existed on the 21st day of August A D 1876 and up to this time upon the above discribed tract of land be and the same ✓36

October 10th 1881

is hereby foreclosed and that the Sheriff of this Court do issue an order of sale directed to the Sheriff or any constable of Travis County in the State of Texas directing him the said officer to seize levy upon and sell the above described tract of land as under execution in satisfaction of this judgment, that he apply the proceeds of such sale to the payment and satisfaction of the said sum of one Hundred and Seventy Six & 94/100 dollars with all interest that may be due thereon and the said sum of Seventeen & 6/100 dollars attorneys fee with all interest that may be due thereon and the costs of this suit and if the said land shall sell for more than sufficient to pay off and satisfy said sums of money interest and costs of suit then the said officer is hereby directed to pay over the excess to the said defendant: But if the proceeds of such sale be insufficient to satisfy the said sums (Writ to make the said sums of money interest and costs,) of money interest and costs, or any balance thereof remaining unpaid out of any other of the property of said defendant as in case of ordinary executions: and in case of the failure to make the whole amount of said sums of money interest and costs by virtue of said order of sale, then the plaintiff shall have his execution for the balance remaining unpaid. It is further ordered that execution issue for the use of the officers of court against each party respectively for the costs by him in this behalf incured.

5679 Richard J. Galloway vs Martha M. Galloway Passed to end of docket.
5684 Hezekiah Watkins vs Delphy Watkins. Continued
5688 Fannie M. Gibson vs L. H. Speer et al. Passed to end of docket.
5689 R. H. Lane vs Wm M. O'Leary, Passed to end of Jury docket.
5691 A. H. B. & L Assc. vs vs W. H. Randolph et al Set for October 19 1881.
5686 William Clark vs Miramie Clark } This day came the plaintiff by his attorney, but the defendant failed to appear and answer in this behalf. and no jury having been demanded the matters of fact as well as of law were submitted to the court, and the evidence having been heard and fully understood it is considered by the court that the allegations as set out in plaintiffs petition are true and that said plaintiff by reason of the facts is entitled to his divorce. It is therefore ordered considered and adjudged by the court that the bonds of matrimony heretofore existing between the plaintiff William Clark and the defendant Miramie Clark be and the same are hereby dissolved and that said parties be and they are hereby forever separated and divorced from each other.
5694 Rebecca Blakemore vs Thomas Blakemore. Set for Monday 17th October 1881.

Court adjourned till tomorrow morning 9 oclock

October 11th 1881

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:
5272. M. B. Davis vs Letitia L. Davis } Upon motion of plaintiffs attorney and suggesting the death of the defendant it is ordered by the court that this case be and the same is hereby dismissed. It is further ordered by the court that plaintiff M. B. Davis pay all costs in this behalf expended for which execution may issue.

October 11th 1881.

Larkin Samuels vs Ellen Samuels, Upon motion of plaintiffs attorney it is ordered by the court that this cause be and the same is hereby dismissed, It is further ordered by the court that plaintiff pay all costs in this behalf expended for which execution may issue. 5533

Sallie Hodge vs Andrew Hodge } Now on this day came on to be heard the above entitled cause, and the plaintiff announced ready for trial, and it appearing to the court that the defendant had been duly served with process according to law more than five days before the first day of this term but wholly failed to appear and answer in this behalf the court ordered the trial to proceed, and no jury having been demanded the matters of fact as well as of law were submitted to the court, and the court having heard the pleadings and evidence in said cause, and it appearing to the court that the facts stated in plaintiffs original petition are true It is therefore ordered adjudged and decreed by the court that the plaintiff have her divorce and that the bonds of matrimony heretofore existing between the plaintiff Sallie Hodge and the defendant Andrew Hodge be and the same are hereby dissolved, and that the plaintiff recover of and from the defendant all costs in this behalf expended for which execution may issue. 5672

Foster & Co vs James B. Goff. Continued 5678.

John Bunton Guardian &c. vs Ed Cleary et al. By consent of the parties to this cause it is ordered by the court that the setting of this cause be now set aside and cause passed to the end of the Civil docket. 5690.

Court adjourned till tomorrow morning 9 Oclock.

October 12th 1881.

Court met pursuant to adjournment, Present same as on first day whereupon the following proceedings were had viz:

The State of Texas } On this the 12th day of October A D 1881 came
vs } the State of Texas plaintiff by her attorneys E. T. Moore county attorney of Travis County and D. W. Doom, and the defendants Charles Kerber, F. Rooney, Thomas Johnson and Joseph Heid by their attorneys Walter Green & Hill and this cause
Charles Kerber et al } on to be heard the said defendants demurrer to plaintiffs original petition and the argument of counsel thereon having been heard and fully understood it is Ordered by the court that said demurrer be overruled to which ruling of the court the said defendants except and thereupon both parties announced ready for trial and waive a jury and submit the matters in controversy as well of fact as of law to the court, and the pleadings evidence and argument of counsel having been heard and fully understood it is considered ordered adjudged and decreed by the court that the plaintiff the State of Texas do have and recover of the said defendants Charles Kerber F. Rooney Thomas Johnson and Joseph Heid jointly and severally the sum of Three thousand two hundred and fourteen & 4/100 ($3214 43) Dollars with interest thereon from this date at the rate of eight per cent per annum, together with all 5491 2 D No 5 p 104.

October 12th 1881

costs in this behalf expended and that plaintiff have his execution. And it further appearing to the court that the defendants Charles Kerber is the principal in the official bond sued on in this cause and that the said defendants F. Rooney Thmas Johnson and Joseph Hurd executed said bond as sureties and as such sureties are entitled to the benefit of the Statute in such case made and provided it is therefore further ordered adjudged and decreed by the court that the Sheriff levy the execution issued by virtue of this judgment first upon the property of the said Charles Kerber subject to execution and situate in the county of Travis when a levy shall be made upon the property of said sureties or of any of them, provided so much property of the said Charles Kerber subject to execution shall be found in said Travis county as will be sufficient to make the amount of said execution, otherwise the levy shall be made on the property of the said Charles Kerber that may be found if any, and upon so much of the property of said sureties as may be necessary to make the amount of said execution. And it is further ordered adjudged and decreed by the court that in case said sureties or any of them shall make any payment which is applied on this judgment by reason of their suretyship on said official bond, this judgment shall not be discharged by such payment but shall remain in full force and be prosecuted to execution for the use of said sureties or any of them making such payment to the amount of such payment and interest thereon, And it is further ordered adjudged and decreed by the Court that in case this judgment is paid by the said sureties or any of them and one or more of said sureties fails to pay his proportionate part of this judgment and in consequence of such failure one or more of said sureties is compelled to pay more than his proportionate part of said judgment then execution may issue against the said Charles Kerber for the use of the sureties or surety who has paid more than his proportionate part of said judgment for the whole amount paid by him and interest thereon and also against his co sureties for their proportionate part of the excess so paid by him and interest thereon, And it is further ordered that execution may issue on behalf of the officers of this court for all costs in this behalf incurred, To which judgment defendants excepted and in open court give notice of Appeal to the Supreme court of Texas

The State of Texas, } On this the 12th day of October AD1881 came
vs } the State of Texas plaintiff by her attorneys E. T.
Chas Kerber et al } Moore County attorney of Travis County and
R. W. Doom, and the defendants Charles Kerber, Jesus Sabas and
Gregoria Garcia by their attorneys Walton Gouraud & Hill and then came on
to be heard the said defendants demurrer to plaintiffs original petition
and the argument of counsel thereon having been heard and fully un-
derstood it is ordered by the court that said demurrer be overruled
to which ruling of the court said defendants except, and then came
on to be heard the plaintiffs demurrer to that part of defendants amended
original answer filed on the 7th day of October AD1881 in which defen-
dants set up in offset against plaintiffs claim an account against
plaintiff in favor of the defendant Charles Kerber for one hundred and

October 12th 1881

fifty nine and 50/100 dollars and the argument of Counsel thereon having been heard and fully understood it is ordered by the Court that said demurrer be sustained and said plea of set off is hereby held insufficient and the same is stricken out. to which ruling of the court the said defendants except, and thereupon both parties announced ready for trial and waive a jury and submit the matters in controversy as well of fact as of law to the court, and the pleadings evidence and argument of Counsel having been heard and fully understood it is considered ordered adjudged and decreed by the court that the plaintiff the State of Texas do have and recover of the defendants Charles Kerbo Jesus Labas and Gorgonia Garcia jointly and severally the sum of Two thousand Seven hundred and thirty two and 20/100 ($2732.20) dollars with interest thereon from this date at the rate of eight per cent per annum together with all costs in this behalf expended and that plaintiff have his execution. And it further appearing to the court that the defendant Charles Kerbo is the principal in the official bond sued on in this case, and that the said defendants Jesus Labas and Gorgonia Garcia executed said bond as sureties and as such sureties are entitled to the benefit of the Statute in such cases made and provided, it is therefore further ordered adjudged and decreed by the court that the Sheriff levy the execution issued by virtue of this judgment first upon the property of the said Charles Kerbo subject to execution and situated in the County of Travis before a levy shall be made upon the property of said sureties or either of them provided so much property of the said Charles Kerbo subject to execution shall be found in said Travis County as may be sufficient to make the amount of said execution, otherwise the levy thereof to be made on the property of the said Charles Kerbo that may be found if any and upon so much of the property of the said sureties as may be necessary to make the amount of said execution. And it is further ordered adjudged and decreed by the court that in case said sureties or either of them shall make any payment which is applied on this judgment by reason of this suretyship on said official bond this judgment shall not be discharged by such payment but shall remain in full force and be provided to execution for the use of the sureties or surety making such payment to the amount of such payment and interest thereon. And it is further ordered adjudged and decreed by the court that in case this judgment is paid by the said sureties or either of them and one of said sureties fails to pay his proportionate part of this judgment and in consequence of such failure the other one of said sureties is compelled to pay more than his proportionate part of said judgment that execution may issue against the said Charles Kerbo for the use of the surety who has paid more than his proportionate part of said judgment for the whole amount paid by him and interest thereon and also against his co surety for his proportionate part of the excess so paid by him and interest thereon. And it is further ordered that execution may issue on behalf of the officers of this court for all costs in this behalf incurred. To which judgment said defendants excepted and in open court give notice of appeal to the Supreme Court of Texas. Court adjourned till tomorrow morning 9 o'clock

October 13th 1881.

Court met pursuant to adjournment. Present same as on first day Whereupon the following proceedings were had viz:

5895 L. Schoolcraft vs Caroline Townsend et al } On this the 13th day of October AD 1881 came the plaintiff L. Schoolcraft by his attorneys E. T. Moore and D. W. Doom and the defendants Caroline Townsend, William A. Meridith and Fannie Meredith by their attorney S. A. Posey. and the defendants Elmora Townsend, Sarah M. Townsend Amanda E. Townsend, Jorge W. Townsend, Charles W. Townsend, John H. Townsend and Melville Townsend who are minors by James W. Smith their guardian ad litem appointed by the court, and the defendant Dora Townsend after having accepted service of the plaintiffs petition and acknowledged himself a party in court having failed to answer in this behalf but wholly made default and no jury being demanded this cause is tried by the court without a jury and the pleadings evidence and argument of counsel having been heard and fully understood, and it appearing to the court that the said plaintiff and the said defendants are joint owners of the following described real estate situated in the county of Travis in the State of Texas consisting of a part of a 1280 acre survey of land originally granted to James O Rice and known on the map of Travis county Texas as survey No 31, Beginning on a stone mound on the south bank of the branch that passes between Giles Burdills and Williams Custards land, Thence S 31° E 807 vrs to a stone mound and N. E. corner of Williams Custards tract and also a corner of Lucas Munos survey No 55; Thence S 60 W crossing a drain of Walnut Creek 500 vrs to a stake in prairie, Thence S 30 W 760 vrs to the midst of Walnut Creek near the lower end of a rock bluff on the right bank, Thence up said creek with its meanders S 85 W 73 vrs N 62 degrees W 160 vrs S 40 W. 110 vrs S 51 W 60 vrs the mouth of a branch from the mth side of said creek, Thence up said branch with the meanders to a stake from which a White oak 15 inches in dia mkd X vrs N 78½ W. 12 vrs, Thence S. 30 W. 25 vrs crosses a drain 80 vrs another drain 160 vrs crosses another drain 485 vrs to a stone in prairie for a corner, Thence S 60 E 114 vrs a spring branch about 40 vrs below a Spring 124 vrs a stone mound from which Cotton wood 6 in in dia mkd X vrs N 10½ W. 22 vrs, Thence S 30 W 50 vrs to a stone in prairie for corner, Thence N 60 W. 124 vrs to a stone in prairie for a corner from which a Live oak 15 in in dia mkd X vrs N 56½ E 47 vrs, Thence S 30 W. 650 vrs. to a stone in the line of Applegate league, Thence S 60 E 1141 vrs with line of Applegate league to the place of beginning, containing two hundred and forty acres of land of the value of about forty eight hundred dollars;

That the plaintiff by purchase from three of the heirs of Sallie M Townsend deceased is the owner of three fourteenths in value of said real estate,

That the defendant Caroline Townsend as surviving wife of Allen B. Townsend deceased is the owner of an estate for life in one third of one half of said real estate, and by purchase from six of the heirs of Allen B. Townsend deceased and from one of the heirs of Sallie M. Townsend deceased is the owner of four fourteenths in value of said real estate besides the said

October 13th 1881

estate for life, That the defendant Fannie Mendick by her purchase to her mother Sallie M. Townsend deceased and by purchase from her other heirs of said Sallie M. Townsend deceased is the owner of three fourteenths in value of said real estate,

That the defendant Dora Townsend as heir of his father Allen B. Townsend deceased is entitled to one fourteenth of one half in value of said real estate after the termination of the said life estate of the said Caroline Townsend - That the said defendants Elnora Townsend, Sarah M. Townsend Amanda E. Townsend, George W. Townsend, Charles W. Townsend, John H. Townsend and Melville Townsend as heirs of their father Allen B. Townsend deceased are each entitled to one fourteenth of one half in value of said real estate after the termination of the said life estate of the said Caroline Townsend,

It is therefore considered ordered adjudged and decreed by the court by the court that the said real estate be divided and partitioned among the said joint owners thereof as follows: the said real estate shall first be divided into two parts equal in value, and that one of said parts be allotted to the parties claiming under the said Allen B. Townsend deceased, and that the other part be allotted to the parties claiming under the said Sallie M. Townsend deceased: that the part so allotted to the parties claiming under the said Allen B. Townsend deceased shall not be further partitioned at present it not being desired nor for the interest of the owners but shall remain together subject to the homestead rights of Mrs Caroline Townsend as surviving wife of the said Allen B. Townsend and of the children by said Allen B. Townsend and to the future action of the parties interested: and that the part so allotted to the parties claiming under the said Sallie M. Townsend deceased be and the same is hereby further partitioned between the joint owners thereof as follows: to the plaintiff L Schoshour three sevenths in value: to the defendant Caroline Townsend one seventh in value: and to the defendant Fannie Mendick three sevenths in value of said one half of said real estate, And it is further ordered and decreed that J. C. Maxwell, William Denson, and John E. Campbell who are competent and disinterested persons be and they are hereby appointed Commissioners to make said partition in accordance with this decree and the law, and report the same in writing and under oath to this court at its present term. And the Clerk of this court is hereby directed to issue a writ of partition with a certified copy of this decree as provided by law returnable on the first Monday in November A D 1881. It is further ordered adjudged and decreed that the sum of fifty five dollars be and the same is hereby allowed to James W. Smith for his services as guardian ad litem of the defendants who are minors to be taxed as a part of the costs of this suit: And it is further ordered adjudged and decreed by the court that the costs of this suit shall be paid by each party to whom a share is allotted in proportion to the value of such share,

James T. Johnson vs W. W. Laing et al. It is ordered by the court that Plff have leave to amend making L. W. Goodrich and A. B. Billingsley residing in Falls County defendants

October 13th 1881.

5576 Emma Milde vs Fredrick Milde. Continued by consent.
Court adjourned till tomorrow morning 9 Oclock.

October 14th 1881

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings was had viz:

5574 Amelia Brehla vs Hary Silman. Re set for 15th inst.

5624 R. F. Campbell vs R. S. Wills & Paul. Eckford. Set for October 19th 1881.

3684 Hezekiah Harkins vs Delphy Harkins } And now on this day this cause being called for trial came the plaintiff in person and by attorney and announced ready for trial, but the defendant came not; and it appearing to the court that the defendant had been duly and legally served with process according to law more than five days previous to the commencement of the present term of this court the court ordered the trial to proceed, and no jury having been demanded the matters of fact as well as of law were submitted to the court, and the court having heard the pleadings and evidence in said cause, and it appearing to the court that the facts stated in plaintiffs original petition are true. It is therefore ordered adjudged and decreed by the court that the plaintiff have his divorce, and that the bonds of matrimony heretofore existing between the plaintiff Hezekiah Harkins and the defendant Delphy Harkins be and the same are hereby dissolved and further ordered by the court that the defendant pay all costs in this behalf expended for which execution may issue.

5588 Mary Young vs Alexander Young } And now on this day this cause being called for trial came the plaintiff in person and by attorney and announced ready for trial, but the defendant came not and it appearing to the court that the defendant had been duly and legally served with process more than five days before the commencement of the present term of this court; the court therefore ordered the trial to proceed, and no jury having been demanded the matters of fact as well as of law were submitted to the court, and the court having heard the pleadings and evidence in said cause, and it appearing to the court that the material facts as alleged in plaintiffs original petition are true. It is therefore ordered adjudged and decreed by the court that the plaintiff have his divorce, and that the bonds of matrimony heretofore existing between the plaintiff Mary Young and the defendant Alexander Young be and they are hereby forever dissolved. And further ordered by the court that the defendant Alexander Young pay all costs in this behalf expended for which execution may issue.

5657 (Exec. docket No 5 page 109) A. B. Kinney vs William Thorin, Elizabeth Smith & Harry Vaughan } On this the 14th day of October A.D. 1881. this cause being the twelfth day of the term of the District Court for Travis County the above entitled and numbered cause being called for trial, thereupon came the plaintiff by Attorney and announced ready for trial, and the defendants having failed to appear and answer or demur to plaintiffs action but wholly made default; and the plaintiff having presented his cause of action as made by his petition, and the same being considered by the court. It is thereupon ordered and adjudged by the Court that the

October 14th 1881

plaintiff A B. Kinney do have and recover of and from the defendants William Thaizen, Elizabeth Smith and Harry Vaughan, the following described lots or parcel of land as sit out and described in plaintiffs petition to wit: Forty Six feet in width running back the whole length of lot number two in Block one hundred and forty three (143) in the City of Austin: Also lot number three (3) in Block twenty three (23) in said City of Austin according to the map or plat of said city on file in the Genral Land office of said State of Texas, together with all and singular the improvements thereon, and the possession thereof and all costs in and about this suit expended for which costs execution may issue, And it is further ordred by the court that a writ of possession be issued upon the demand of plaintiff directing the Sheriff to put the plaintiff in possession of the lots and premises herein above described. and the said defendants all and either of them is hereby restrained from interfering with the possession and enjoyment of said premises by the plaintiff under and by virtue of this judgment and decree.

R. E. White
vs
Robt J. Pace & wife

This day came plaintiff by his attorneys and the defendant Martha Ellen Pace being duly cited by copy of petition and citation having failed to appear and answer in this behalf but wholly made default, Whereupon the said plaintiff ought to have and recover all and singular his judgments and decrees against the said defendant Martha Ellen Pace, and the said Robt J. Pace having been duly cited in accordance with the Statute by Publication the court thereupon appointed D. W. Doom Esq attorney to represent the said defendant Robt J. Pace and then and there proceeded to the trial of said cause, and the pleadings evidence and argument of counsel having been heard and fully understood, and it appearing to the court that the cause of action is a suit in trespass to try title and to remove clouds from the title of the plaintiff R. E. White in and to a certain piece or parcel of land in plaintiffs petition described as follows to wit: All that tract or parcel of land containing fifty six acres more or less lying on Williamsons creek being part of league No seventeen (17) granted to Theodore Bissell and situated about six miles S. W. of the City of Austin in the county of Travis in the State of Texas, and beginning on a stone mound on the E. bank of branch and South East corner of John H. Pinkley. Thence South forty degrees West five hundred and seventy varas to a stone mound. Thence North 49° W 588 vrs to the upper point of a rock bluff on creek, Thence down the creek with meandus N 8° E 265 vrs N 50° E 42 vrs to Pinkley's line, Thence S 60° East to corner for Pinkley Thence N 45° East 194 vrs a stone mound. Thence S 60° E 698 vrs to the place of beginning,

J 561 3

And it further appearing to the court that the allegations as and singular as in plaintiffs petition contained are true and that said plaintiff in law and Equity is entitled to the title and peaceable possession of said land, and that all clouds should be removed from his title to the same: it is therefore ordred adjudged and decreed by the court that the plaintiff R. E. White do have and recover all and singular the rights, titles and interests of said defendants or either of them in and to said land, that all clouds on plaintiffs title to the same be removed, that he be quieted in his enjoyment and possession of the same: that the title to said land be divested out of said defendants

October 14th 1881

verdict of them and that the same be vested in the plaintiff R. E. White his heirs and assigns forever, and the said plaintiff being in possession of said land since his said purchase of the same that no writ of possession do issue, and that plaintiff have judgment for his costs for which execution may issue. It is further ordered by the court that a fee of $20.00 twenty dollars be allowed W. W. Woods Esq to be taxed as costs in this case for all which execution may issue.

Annie E. Fagin vs James Fagin — This day this cause being called for trial came the plaintiff in person and by attorney and announced ready for trial, and it appearing to the court that the defendant had been duly and legally cited by publication in the time prescribed by law but had failed to appear answer or demur to plaintiffs petition: the court thereupon appointed W. W. Woods Esq an attorney of this court to represent the absent defendant, and ordered the trial to proceed. And no jury having been demanded the matters of fact as well as of law were submitted to the court. Who after hearing the pleadings evidence and argument of counsel thereon doth find that the material facts stated in plaintiffs petition are true. It is therefore ordered adjudged and decreed by the court that plaintiff have her divorce, and that the bonds of matrimony heretofore existing between the plaintiff Annie E. Fagin and the defendant James Fagin be and the same are hereby forever dissolved. It is further ordered by the court that a fee of ($20.00) twenty dollars be allowed and taxed as costs as an attorneys fee for W. W. Woods Esq representing the absent defendant, and further ordered that the defendant pay all costs in this behalf expended for which execution may issue.

5619.

6 813

William Sutton vs M. D. Miller, Sophia W. Miller & James T. Harris — On this the 12th day of October A.D. 1881 came the plaintiff William Sutton by his attorney J. W. Robinson, and the defendants M. D. Miller, Sophia W. Miller and James T. Harris having been duly cited by publication as the law provides, and the said defendants having wholly failed to appear and answer in this behalf, and the court having appointed W. M. McGregor Esq to defend this cause in behalf of said defendants, and the said W. M. McGregor having filed an answer herein appointment in behalf of said defendants under said appointment by the court, and thereupon the court proceeded to hear the pleadings and evidence in behalf of both the said plaintiffs and said defendants, And it appearing to the court from the evidence that the said defendants M. D. Miller, Sophia W. Miller and James T. Harris are jointly and severally justly indebted to the said plaintiff William Sutton in the indebtment sued on and set out in the plaintiffs petition in the sum of Two thousand three hundred and thirty seven and 87/100 ($2327.87) dollars principal and interest due to this date. It is therefore considered ordered adjudged and decreed by the court that the said plaintiff Wm Sutton do have and recover of and from the said defendants M. D Miller, Sophia W. Miller and James T. Harris the sum of $2327. 87/100. with interest from this date at the rate of (12%) twelve per cent per annum together with

5590 1st Order of page Ex Book 5 Page 103

October 14th 1881.

all the costs of this suit to be taxed by the Clerk of this court. For which execution may issue, And it further appearing to the court that the said defendants M. D. Miller and Sophia W. Miller at the same time that the said M. D. Miller, Sophia W. Miller and James T. Harris executed and delivered to the plaintiff the instrument sued on as set out in the plaintiffs said petition to wit: on the 13th day of June AD 1879, executed and delivered to the said plaintiff their certain deed conveying to the said plaintiff Wm Sutton the following described tract or parcel of land lying and being in the County of Travis and State of Texas, about two miles North West of the city of Austin, the same being part of the Geo. W. Spear league, Beginning at the North East corner of a two hundred (200) acre tract conveyed to J. G. Killough by J. L. and J. E. McCutchen from which an Elm 14 inches in Diameter bears S 48° E. 8 varas distant; Thence S 30° W 467 varas (a corner of P. & N.) Thence N 72° 41' W 218 vrs. Thence N 30° E 250 varas, Thence N 60° W. 627 7/10 varas, Thence N 30° E 281 varas a corner from which a Black Jack marked "K." bears S 85° W 3 1/8 varas distant another Black Jack marked "X" bears S 65° E. 4 7/10 varas distant; Thence S 60° E 840 varas to the place of beginning containing Fifty acres of land, more or less. Save 61/100 of an acre out of the same sold by M. D Miller to the I & G. N. R. R. company as their "right of way" through the said land. Being the same tract of land conveyed to M. D Miller by Joseph W Hannig O. N. Hollingsworth and K. G. N. Hollingsworth by deed bearing date of the 3d day of October AD 1876 and conveyed by M. D. Miller to Sophia W. Miller his wife by deed bearing date of the 7th day of December 1877 to all of said deeds reference is hereby made — and being the same tract of land to which reference is made in the said instrument sued on and set out in the plaintiffs said petition, And it appearing to the court that said conveyance was not intended as a deed and conveyance absolute of said tract of land by the said M. D. and Sophia W. Miller, but that the same was intended and executed and delivered to the said Wm Sutton as a mortgage to secure the payment of the principal and interest of the said instrument sued on and set out in the plaintiffs said petition, and that the same constitutes a lien upon said tract of land to secure the payment of the moneys due said plaintiff upon the instrument aforesaid. It is therefore considered ordered adjudged and decreed by the court that the conveyance aforesaid of said tract of land by the said M D. and Sophia W. Miller to the said Wm Sutton dated June 13th 1879, and recorded in the records of deeds of Travis county in Book 43, on page 482 and 483, be and the same is hereby declared a mortgage to secure the debt aforesaid, and it is further considered ordered adjudged and decreed by the court that the said mortgage and the lien created thereby upon said tract of land be and the same is hereby foreclosed, and that the Clerk of this court issue an order of sale directed to the Sheriff or any constable of Travis county commanding him to seize and sell said tract of land as under execution, and that the proceeds thereof be applied to the satisfaction of this judgment;
And it further appearing to the court that a writ of attachment issued in this cause in behalf of the said plaintiff and against the property of the said defendant M. D Miller, on the 25th day of February AD 1881, was on

October 14th 1881

the 28th day of Feby AD 1881 by the Sheriff of Travis County levied upon the following described four tracts of land, lying and being in Travis County the property of the said defendant M. D. Miller to wit: 640 acres of land known as survey No 41 on West side of Colorado river about 19 miles N 50° W from the city of Austin by virtue of land Scrip No 1918 issued to Bailey Seale & Forward by the Commissioner of the General Land Office Jany 8th 1875; transferred to said M. D Miller Feby 2nd 1875; Beginning at the N. W. corner of survey No 42 Thence S 30° W 4025 varas corner West line No 46. Thence N. 60 W. 980 varas corner & line No 44. Thence N 30 E. 3581 varas to N W. corner of No 44, Thence down the river S 85 E. 1049 varas to the beginning, patented May 11 1876 to M D Miller by Patent No 273 Vol 23.—

Tract No 2: 640 acres of land in Travis County known as survey No 45 on B. Creek a tributary of the Colorado river about 19 miles N 65° W from the city of Austin; patented by virtue of land Scrip No 1920 issued to Bailey Seale and Forward by the Commissioner of the General Land office Jan 8th 1875, transferred to M. D. Miller Feby 2nd 1875; Beginning at the S. E. corner of survey No 41, Thence S 30 W 2082 vrs corner. Thence N. 60 W 1900 varas corner. Thence N 30° E 1719 varas to S. W. corner No 42 Thence S. 60 E 950 varas S. E. corner same. Thence N 30 E 364 varas S. W corner No 41, Thence S 60 E 950 varas to place of beginning, Patented May 11th 1876 to M. D Miller by patent No 274 Vol 23,

Tract No 3 640 acres of land in Travis county, known as survey No 43 on W. bank of Colorado River about twenty miles N 60 W from the city of Austin by virtue of Land Scrip No 1919 issued to Bailey, Seale and Forward by the Commissioner of General Land office Jan 8 1875 transferred to M. D Miller Feb 2 1875; Beginning at the N. W. corner of No 44, Thence S 30 W. 3520 varas to corner on W. line of same, Thence N 60 W 950 varas corner, Thence N 30 E 3302 varas to N. E. corner of survey No 801 made for W Herringmour, Thence N 60 W. 150 vrs to the S. E. corner No 800 Thence North 30 E 950 vrs to N. E corner of same, Thence S 60 E 80 varas to corner to corner on bank of Colorado river, Thence down same S 750 varas, S. 53 E. 650 varas to the beginning patented May 11 1876 to M D Miller by patent No 275 Vol 23,

Tract No 4 640 acres of land in Travis county known as survey No 49 on the bank of Colorado River about 17 miles N 62 W. from the city of Austin by virtue of land Scrip No 188 issued to John A. Gibson by the Commissioner of General Land office Oct 11, 1875; and transferred to M. D Miller Oct 20th 1875: Beginning at the N. E corner of survey No 60 on W. bank of Colorado river, Thence S 30 W 3763 varas to S. E. corner of same, Thence S. 60 E. 950 varas to corner, Thence N 30 E. 4032 varas to corner on West bank of said river, Thence up same N. 89 W 802 varas. N 34½ W. 274 varas to beginning, patented to M. D. Miller Nov 5th 1876 patent No 376. Vol 26, and it further appearing to the court that the said defendant Sophia W. Miller is a married woman and the wife of the said defendant M. D Miller, and that the said defendant James T. Harris is wholly insolvent; he having no property in the State of Texas subject to execution, and that the tract of land hereinbefore described and owned by the mortgage aforesaid is not

of value sufficient to satisfy the plaintiffs said demand; it is therefore considered ordered adjudged and decreed by the court that the said attachment lein on the four 640 acre tracts of land herein before described be and the same is hereby foreclosed, and that the clerk of this court do issue an order of sale directed to the Sheriff or any Constable of Travis county commanding him to seize and sell the above described four tracts of land, or so much thereof as may be necessary to satisfy the balance of this judgment after the sale of said fifty acre tract owned by the mortgage aforesaid shall have been first sold and the proceeds applied as herein before directed; and that the proceeds of such sale be applied to the satisfaction of this judgment;

And it further appearing to the court that a writ of garnishment issued in this cause on the 4th day of March A D 1881, against J. J. Boone commanding him to appear and answer in terms of the law as Garnishee of the said defendant M. D. Miller, and that the same was served on said J. J. Boone on the 7th day of March A D 1881, and that said J. J. Boone filed his answer to said writ of garnishment in this cause on the 15th day of March A D 1881, in which he acknowledged himself to be indebted to the said M. D. Miller on three promissory notes each dated the 20th day of August A D 1877, as follows; one for the sum of $51.43 due forty days after date; one for the sum of $52.20 due Seventy days after date, and one for the sum of $53.35 due one hundred days after date, each having interest at the rate of 12 per cent per annum after maturity; and all having been executed and delivered to said M. D. Miller by said J. J. Boone and C. M. Booth, and it further appearing to the court that a writ of Garnishment was also issued in this cause on the 19th day of September A D 1881, against the said C. M. Booth, commanding him to appear and answer in terms of the law as Garnishee of the said defendant M. D Miller, and that the same was served upon said C. M. Booth on the 19th day of September A D 1881, and that said Booth filed his answer to said writ of Garnishment in this cause on the 11th day of October A D 1881 in which he also acknowledged himself indebted to the said M. D Miller on the promissory notes aforesaid executed by himself and said Boone to said Miller as aforesaid; and it appearing to the court that said J. J. Boone has departed this life since the filing of his said answer as Garnishee and that James H. Robinson is the duly appointed and qualified administrator of his estate, and that said Robinson as such administrator has been duly served with process in this cause and has filed his answer herein as such administrator on the 6th day of October A D 1881; and it appearing to the court from the answer of said Boone and his said administrator and the answer of said Booth aforesaid, that the said Boone at and before his death and the said Booth were justly indebted to the said M. D. Miller in the amount of said three notes, to wit: in the sum of $194.65 principal and interest to this date, It is therefore considered ordered adjudged and decreed by the court that the said plaintiff do have and recover of and from the said James H. Robinson administrator of the said J. J. Boone deceased and the said C. M. Booth the said sum of one hundred and ninety four & 65/100 ($194.65) dollars with interest from this date at the rate of 12 per cent per annum, and that said sum be paid by the said James H. Robinson

October 11th 1881.

in due course of administration and that the plaintiff have his execution against said C. M. Booth. It is further ordered that the said James A. Robbins be allowed to retain $10.00 ten dollars out of the money in his hands as such administrator as compensation for his said answer, and that both of said Garnishee recover their costs in this behalf expended out of the funds in their hands. It is further ordered that payment of said sum or any part thereof by either of said Garnishees shall operate as a credit upon said notes and as a credit upon this judgment.

And it further appearing to the court by the answer of said Garnishee C. M Booth that he the said Booth has in his possession a certain gray mare 8 years old and fifteen hands high the property of said M. D. Miller it is considered ordered adjudged and decreed that the attachment lien on said mare be and the same is hereby foreclosed, and that the Clerk of this court issue an order of sale directed to the Sheriff or any Constable of Travis County commanding him to seize and sell said mare as under execution, and that the proceeds of such sale after deducting the costs and expenses thereof be credited on this judgment. It is further ordered, adjudged and decreed by the court that the property aforesaid be sold under the order of sale hereinbefore directed to be issued, and the proceeds thereof applied on this judgment as follows: First the fifty acre tract of land owned by said mortgagee, Second the mare aforesaid, Third the four tracts of land owned by the attachment aforesaid. Fourth, that the money Garnished in the hands of the administrator of Boone and of Booth C. M. be credited when paid. It is further ordered that W. M. McGregor be allowed a fee of $25.00 twenty five dollars to be taxed as costs, and that all of the costs be paid out of the proceeds of the sales aforesaid, and that if said property shall not sell for sufficient to satisfy this judgment and accounts the plaintiff have execution for the balance remaining unpaid. It is further ordered that this judgment shall not operate as a personal judgment against the said Sophia W. Miller who is a married woman, except as to the foreclosure of the liens aforesaid. Court adjourned till tomorrow morning 9 o'clock.

October 15th 1881.

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

W. J. Montgomery vs. Harmonel et al

570

Dock 12/93 The plaintiff William J. Montgomery filed his petition in this cause on the 13th day of October A.D. 1881 and caused a citation to issue returnable to the next term of this court which citation was duly served on the defendants Harmonel et al on the 14th day of October A.D. 1881 as appears from the return of the officer thereon endorsed. Dock 12/93 Jan 27/93 Plaintiff's Original Petition Filed Jan 27/93 Wm. Montgomery Plaintiff's Attorney

And now on this the 15th day of October A.D. 1881 this cause being regularly reached upon the docket comes the plaintiff and announces ready for trial and the defendants come not but make default, and it appearing to the court that defendants had each on the 14th day of October 1881 accepted service waived issuance of citation and that petition might be filed at any time during this term of the court and stand for judgment or for trial as though filed of date of this day, and it further appearing to the court from the pleadings and evidence adduced that defendants were indebted to plaintiff as in plaintiff's petition. It is therefore considered ordered and adjudged that plaintiff William J. Montgomery do have and recover of and from

the said defendants B. F. Hammond, William H. Hammond as principal defendants and James A. Chandler and F. W. Chandler as endorsers and guarantors the Sum of Twenty three Hundred and Eighty four 75/100. ($2384.75) dollars with interest from date hereof at the rate of (1½) one and one half per cent per month together with all costs in this behalf expended, and it further appearing that the note sued upon was executed for the purchase money due upon the tract of land described in plaintiffs petition upon which tract of land the Vendors lien was retained, It is therefore considered ordered and adjudged that the vendors lein be and the same is hereby foreclosed upon said tract of land which land is more particularly described as follows to wit: 849⅝ acres of land out of the Joseph Welch league of land in Robertson county and State of Texas and known as No 3 there in the decree and plat attached to decree in cause No 48 of the Chancery docket of the Circuit Court of the U. S. for the Western District of Texas sitting in Austin in which decree Jno. E. West assignee of said Able was complainant and Joseph D. Able and others were defendants which land is described as beginning at the N. W. corner of said Joseph Welch league on the East bank of the Brazos River from which a cottonwood 13 inches in dia bears N 43° W. 6 vrs another 18 in dia brs S 11½ & 19¼ vrs, Thence N 60° E with the North line of said Joseph Welch league 5876 vrs to a stake the N. E corner of this survey from which an Elm 12 in in diameter brs S 60° W 6½ vrs an ash 4 in diameter brs S 39 E 7¼ vrs, Thence S 17° E 838½ vrs a stake for the S. E corner of this survey from which a P. Oak 6 in dia brs S 82½ W 8¼ varas and another 5½ inches in dia brs S 16¾ W. 3¾ varas, Thence S 60° W 5347½ varas a stake on the bank of the Brazos River from which an Elm 8 in in dia brs N 78 W 12 vrs another 8 in dia brs S 40 E 28 vrs, Thence up said River with its meandus N 44 W. 343¾ vrs N 60 W. W 411¼ vrs N 42 W. 176¾ vrs to the beginning, and that an order of sale do issue from this Court directed to the Sheriff or any Constable of Robertson County directing him to sell said land as under execution to satisfy this judgment, and in the event such sale should not satisfy the judgment then it is ordered that further execution may issue as in other cases.

Amelia Pickle vs Harry Gilman, Continued on affidavit of defendant. ✓5374

W. M. Saunders, vs Samuel Stauffer & Amanda Cartright. } And now on this the 15th day of October 1881 the Application of the plaintiff in the above entitled and numbered cause for an order of survey of the several tracts of land involved in this suit, and of the adjoining surveys of land which are called for in the surveys, the boundaries of which it is important as it appears to the court to have located upon the ground as the same were made originally by the surveyor who made the same: and said application being considered in connection with the pleadings in this cause: And it appearing to the court that a survey is necessary to be made as asked for and a report thereof be made to this court for use on the trial of this cause: Dennis Corrigan of Travis County is hereby ordered and directed to go upon the ground and to make an accurate survey of the land in controversy, and of ✓5640.

✓55

June 2nd 1881. Henry Fraley
vs
Wm. Dickinson et al. Action of Ejectment
Dec. 5th 1881. Plaintiff in person and defendants by attorney. Jury waived and cause submitted to the court for trial. Plaintiff introduced in evidence a certified copy of the deed from Wm. Dickinson et al to Henry Fraley dated Dec. 2nd 1881 and recorded in Robertson County Deed Records Vol. 2 page 57 conveying the land in controversy in this suit, which deed was executed by the defendants in person and acknowledged before the County Clerk of Robertson County Texas on the 2nd day of December 1881 and filed for record in the office of the County Clerk of Robertson County Texas on the 5th day of December 1881 at 10 o'clock A.M. and recorded in Vol. 2 page 57 of the Deed Records of said County. Plaintiff introduced in evidence a certified copy of the Sheriffs deed from Wm. Dickinson et al to Henry Fraley dated Dec. 5th 1881 and filed for record in the office of the County Clerk of Robertson County Texas on the 5th day of December 1881 at 10 o'clock A.M. and recorded in Vol. 2 page 58 of the Deed Records of said County. Plaintiff introduced in evidence a certified copy of the execution issued in the case of Wm. Dickinson et al vs Henry Fraley from the District Court of Robertson County Texas, which execution was issued on the 5th day of December 1881 and returned into the office of the District Clerk of Robertson County Texas on the 5th day of December 1881 with the following endorsement thereon to wit: Came to hand on the 5th day of December 1881 at 10 o'clock A.M. and executed on the same day by levying on the land in controversy in this suit, which land was duly advertised by me for sale and sold on the first Tuesday in January 1882 being the 3rd day of said month at the Court House door of Robertson County Texas between the hours of 10 o'clock A.M. and 4 o'clock P.M. of said day to the highest bidder for cash in hand, after having given notice of the time, place and terms of said sale by posting up notices thereof for 20 days preceding said sale, one of which notices was posted at the Court House door of said County and the others in three public places in the precinct in which said land is situated, to wit: at the Court House door of Limestone County Texas, at the Court House door of Falls County Texas and at the Court House door of Milam County Texas, and that I executed said sale by conveying said land to Henry Fraley the purchaser thereof by deed of even date herewith, which deed is duly executed and acknowledged by me in my official capacity and delivered to said purchaser. Dated this 5th day of December 1881. W. B. Stanberry Sheriff Robertson County Texas. By J. M. Hutchison Deputy. And the said Henry Fraley having executed his note for the purchase money of said land and the same being due and unpaid, and it appearing to the court that the said Henry Fraley has failed to pay the purchase money of said land, and that the same is due and unpaid, and

October 15th 1881

the adjoining surveys thereto as Same should be mist: The Surveyor will ascertain and determine the beginning corner of the Alexander Wallis survey of 1280 acres in Travis County as the same is called for in the filed notes (by any other mode leading to the true point originally made by the surveyor) of said survey as follows. to wit: the South East corner of survey made for L. C. Cunningham No at a stone mound in the prairie from which a hackberry tree marked X bears S 60° East 85. distant and a stone mound at the N. E. corner of survey No 61 bears N 60 West 75 varas (said survey No 61 being made for T. C. Collins) Thence run N 30° E 4024 varas with the East line of survey No 68 in the name of L. C. Cunningham to a stake and mound in the prairie. Thence S 60 E 4599 varas to a stake and mound in the prairie, and thence accordingly to the calls in the filed notes of said Wallis survey, a copy of which will be furnished the surveyor.

The surveyor is further directed to ascertain and fix upon the ground the South or South west corner of the Eiskin survey No 1 called for as the beginning corner of the S. C. Parish survey as the same was originally made by the surveyor of said Eiskin survey, and from that point he will then run out the S. C. Parish as the same is obtained and called for in the filed notes thereof. The surveyor will then survey the S. C. Parish H. W. Farley tracts commencing at the beginning point as called for in the filed notes, The surveyor will further ascertain by said surveys whether or not there is any space between the South line of the H. W. Farley survey and the Alexander Wallis survey, and if there is, he will define and designate on a plat of all the surveys thereon named, the limits and shape of said space, giving the field notes, The surveyor will so far as it may be practicable for him to do so. follow the footsteps of the surveyor or surveyors who made the original surveys named and he will make and return a map of said surveys together with a full report of his survey under this order as soon as practicable to the present term of this court.

B. H. Jaynes Suit } On this the 15th day of October 1881 the motion
vs docket being regularly called by the court and
R. F. Campbell et al } the motion to quash the citation in this case
made by one of the defendants having been regularly reached and called for
trial and no counsel appearing the court after considering said motion
overruled the same, Court adjourned till Monday morning 10 o'clock.

Monday October 17th 1881.

Court met pursuant to adjournment: Present same as on first day, whereupon the following proceedings were had. viz:

5599 The State of Texas vs P. W. Herbert, et al. Set for the 2nd Saturday in December 1881. Court adjourned till tomorrow morning 9 o'clock.

October 18th 1881

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had. viz:

5591 The surveyor is not prohibited by the field notes and plat of this survey which may in his opinion embrace the true limits of the Wallis survey as originally made as pertaining to

Jesse Pickle et al vs Wm. Pickle et al. Injunction. Defendant's motion to dissolve injunction heard and overruled by the court and defendant excepts. The cause coming on to be heard upon the motion of the defendant to dissolve the injunction heretofore granted herein and the answer of defendant thereto and the court having heard the evidence and the argument of counsel and being of opinion that the motion should be overruled, it is therefore ordered by the court that the motion to dissolve the injunction heretofore granted herein be and the same is hereby overruled to which ruling of the court the defendant excepts and gives notice of appeal to the Supreme Court of the State of Texas which is granted and bond fixed at $500.00 which bond is approved by the court and ordered filed.

October 18th 1881.

Henry E. Shelley
vs
B. Thomas, Penelope J. Thomas & B. F. Thomas
F. W. Chandler A. P. Woolridge A. W. Townsend F. W. Folls. J. K. Donnan Folls & Donnan & F. L. Wynn

This cause being regularly reached on the docket came the plaintiff by his attorney and the defendants F. W. Chandler, A. P. Woolridge Folls and Donnan A. W. Townsend and F. L. Wynn in person and by attorney, and the defendants B Thomas, Penelope J. Thomas and B. F. Thomas who was regularly served with citation herein came not but made default and the said plaintiff and the other said defendants asking judgment final by default against the said B. Thomas, Penelope J. Thomas and B. F Thomas it is considered by the court that as against them final judgment be and is rendered and as to them the facts in the petition are adjudged as taken for confessed, and thereupon upon hearing the pleadings and evidence adduced by the said parties, and it appearing that the said several notes described in the pleadings are for the purchase money of the land described in the petition and that one third of the purchase money was payable, January 1st 1881, one third January 1st 1882, and one third due January 1st 1883, and that of that due Jany 1st 1881 the plaintiff H. E. Shelley owns one note for $125.00, that Folls and Donnan own one other for $125.00 and that A. W. Townsend owns the remaining fifty dollars, all of which bear 10% from Jany 1st 1880 And of the one third due Jany 1st 1882. plaintiff Shelley owns one note for $50.00 the said A W. Townsend one note for $125.00 and A.P. Woolridge the remaining note for $125.00 all of which bear 10% from Jany 1st 1880; and of the one third due Jany 3rd 1883. plaintiff owns the note for fifty dollars (by mistake written for $125) A W. Townsend one note for $125.00 and A.P. Woolridge the remaining note for $125.00 also bearing 10% int. from Jany 1st 1880.

It is therefore ordered and decreed that the vendors lien upon the land described in the petition be and is hereby declared and established in favor of the said owners of said notes pro rata-

And the court adjudges that said vendors lien be foreclosed and to that end it is ordered that the said Henry E. Shelley recover of the said B. Thomas Penelope J. Thomas and B. F. Thomas one hundred and forty seven and 97/100 dollars and costs of suit and that Folls and Donnan recover of said defendants one hundred and forty seven & 97/100 dollars and costs of suit and that A. W. Townsend recover of said defendants the sum of fifty-eight & 97/100 dollars and costs; all bearing 10% per cent interest; and that if by the first day of December 1881 the said sums so adjudged be not paid together with costs of suit; It is ordered that an order of sale do issue directing the Sheriff of Travis County, as commissioner to sell as under execution, (save as directed herein) the lands described in the petition to wit: Situated in the county of Bexar and the State of Texas being a part of the Fernando Ruiz league of land situated in the Calaveras Creek, Beginning at a stake on the East line of the said Ruiz league and the West line of the Samuel Longley league being also the most Eastern corner of a tract of 123 acres out of said Ruiz league owned by A. J. Smythe from which a Hackberry 14 in dia brs S 16 W 17½ varas and a hickory 4½ in dia brs S 72½ E 2 varas, Thence S 74 W. with the South line of said A. J. Smythes tract 2478 varas

$5685-

October 18th 1881

to a stake at the most southerly corner of the said last named track; from which a Post oak 22 in dia brs N 16½ E. 22½ vrs and a Post oak 40 in dia brs N 18 W. 29 7/10 varas, Thence N with the west line of said A J Smyths track 400 vrs to a stake from which a mesquite 3 in dia brs N 17½ E 14 varas and a mesquite 3 in dia brs N 17 E 14 7/10 varas, Thence in the same direction 323 varas to a stake from which a live oak 12 in dia brs N 41¼ E. 27 1/5 vrs and a Live oak stump brs N 70° W 21 vrs. Thence South 74° W 1070 vrs to a stake in Bank of Calavaras Creek from which a live oak 30 in dia brs N 30 E 72 varas, Thence down the Calaveras Creek with its meanders to a stake the South west corner of the track sold by Fred Carleton assignee of Joseph Ulrich to F. M. Chandler, from which a live oak 26 in dia brs N 19¼ E 49 varas, and a live oak 30 in dia brs S 34 E. 52 varas Thence N 74 E 3128 varas to a stake in the East line of the Ruiz survey and the west line of the Campbell Langley survey from which a black jack 12 in dia brs S 31½ E 4 3/5 varas and a Post oak 13 in dia brs S 78½ W 9⅞ vrs Thence N 16° W. 400 varas to the place of beginning, and containing 371 acres of land more or less. The sale to be for the use of the holders of said purchase money pro-rata after the payment of costs, In the event the sale brings no more than the amount due upon all of said notes (amount of this judgment and of the notes not yet due) then the sale shall be for cash, the costs of suit and for two thirds the remainder of the purchase money the remainder Credited after payment of costs) to be payable Jany 1st 1883, bearing interest at 10% and to be secured by lien on entire property;

The cash received on sale to be applied to payment of costs, and one half the remainder to be paid to the holders of this judgment pro rata, the other half to be paid to the said holders of the notes due Jany 1st 1882, which will at the sale be over due,

The Sheriff on the purchaser paying said costs and 2/3 the remainder and executing note for remainder due Jany 1st 1883 as above stated to execute to the purchaser a deed retaining deed for the unpaid purchase money,

In event said land shall sell for more than the said amount of this judgment and all the other notes and costs of suit the excess so bid shall be for cash and shall be paid to the defendants B. Thomas. Penlope J. Thomas. and B. F. Thomas,

It is further considered that Folls and Donnan recover of deft F. L. Wm as indorser one hundred and forty seven & 97/100 dollars for which execution may issue for remainder if any after the funds realized under sale above ordered shall have been applied to the payment of the recovery of Folls and Donnan,

It is further considered that defendant Chandler go hence discharged of the suit of Folls and Donnan against him as indorser and that he recover his costs of them,

The Notes sued by defendant Wooldridge not being due Wooldridge cannot recover in his cross action against Chandler as indorser: the action being in this respect prematurely brought,

It is further ordered that for any balance after application of the proceeds of sale as above the plaintiff and the said defendants receiving money judgment shall have execution over against the said defendants B. Thomas Penlope J

October 18th 1881.

Thomas and B. F. Thomas. The deferred payment shall be for the use of the holders of the Nobs due Jany 1st 1883 above described pro rata, The Sheriff as Commissioner may at the instance of the beneficiaries him said Nobs over to them. The payments which may be made under this decree shall operate as payment on the Nobs upon which they may be severally be made and shall in no other way affect the rights of the holders thereof.

The State of Texas } vs M. L. Durham et al } On this the 18th day of October AD1881 came the State of Texas plaintiff by E. T. Moore County Attorney of Travis county and W.W. Doom his attorneys and the defendants J. A. W Clark, A. T. Alston A. B. Morrill and J. W. Flanagan by T. C. McLord their attorney and it having been alleged and offered that M. L. Durham the principal on the official bond sued on is dead having departed this life about the 2nd day of April AD1881 the plaintiff says she will not further prosecute her suit as to him. Wherefore this cause is discontinued as to the said M. L. Durham and the plaintiff and the defendants. J A W. Clark. A. T. Alston A.B. Morrill and J. W. Flanagan having announced ready for trial. waive a jury and submit the matters in controversy as well of fact as of law to the court and the pleadings evidence and argument of counsel having been heard and fully understood it is considered ordered adjudged and decreed by the court that the State of Texas plaintiff do have and recover of the defendants J. A. W. Clark, A. T. Alston A.B. Morrill and J. W. Flanagan the sum of Five thousand two hundred and four and 18/100 dollars with interest thereon from this date at the rate of eight per cent per annum together with all costs in this behalf expended and that plaintiff have her execution. And it is further ordered that execution may issue on behalf of the officers of this court for all costs in this behalf incurred. ✓ 5603 & Docks page 101

Georgella Diggs } vs W. J. Montgomery } Now on this day came the parties, plaintiff and defendant, by their respective attorneys and no jury having been demanded submitted to the court the matters at issue between them, and the court, having heard and fully understood the pleadings, the facts not being controverted, found that the plaintiffs Georgella Diggs and Wm C Digger a minor who sues by his next friend Virginia C. Frost and the defendant W. J. Montgomery are, and at the date of the institution of this suit were the joint owners in fee simple title of the following described real estate in Bell county Texas, Viz: "8 074.005 square varas or 1430 acres of land more or less in the county of Bell, State of Texas, on the N E side of the Leon about 19 miles S 85° E of Belton, by virtue of part of certificate No 10. issued by the Board of Land Commissioners of Galveston County on the 14th day of June 1839. Beginning at S. E. corner of a survey made for J. A. Clark. for the S W corner of this survey. from which a double Elm brs S 2° W 137 vrs. Thence N 19° E 3800 varas to Clarks North line N 71° W 423 vrs a corner in prairie. Thence N 19° E 957 vrs to the corner of a survey of 1107 acres made for W. Hunt from which an Elm mkd V brs N 48° E 54 vrs thence S 30 E 1700 vrs with 5697, ✓ 5667 ✓ 5667

October 18th 1881.

the West boundary of a survey of 619 acres of Hunt's the S.W. corner of the same a hackberry mkd W Trs N 62° E. 135 vrs a mesquite mkd X Trs N 38 E 146 vrs, Thence S 60° W 200 vrs. the N W corner of a survey in the name of H.C. Wilcox on Elm mkd Y. Trs N 40 E 178 vrs. a hackberry Trs S. 60 E 48 vrs. Thence S 30 E 1969 vrs Wilcox's S. W corner on Elm marked Z brs S 72 E 24 vrs. mesquite mkd A Trs S 56 W 25 vrs. Thence S 60 W 800 vrs. the N W corner of a survey in the name of A.T. Miles from which a bunch of locust brs N 66 W 115 vrs. Thence S 30 E 2110 vrs a corner on the West line of a survey in the name of W.W. Moore 1028 vrs S 19 W. his N. W corner from which an Elm mkd "A" brs N 49° W 10 vrs. Thence S 19 W 214 vrs to the S. E corner of this survey. Thence N 71° W 3283 with the North line of the Juan Cordan league to the beginning" patented Feby 23rd 1858 to George Purdie Diggs the grantee of certificate No 10 save and except about 225 acres sold out of said tract in 1875 to Geo Oshorn. G.W. Ostrom & Jno. McGinnis as more fully appears from the records of said Bell county by said patent No. 225 Vol 13. in the following proportions that is to say, the said Georgella Diggs and the said Wm C. Diggs are entitled to 2/14 of said land, or 1/14 each, and the said W. J. Montgomery is entitled to the remaining 12/14 thereof. It is, therefore, ordered, adjudged and decreed, by the court that the said Georgella Diggs and the said Wm C. Diggs do have and recover of each other and of the said W. J. Montgomery 1/14 each of said tract: and that the said W. J. Montgomery do have and recover from and of the plaintiffs aforesaid, out of said tract, the remaining 12/14 thereof, and that the commissioners of partition hereinafter named do set apart to each of said parties the proportion to which each is entitled as aforesaid. It is further ordered by the court, that J. W. Turner, A. Muckelroy and A Sharp be and they hereby are appointed commissioners to partition the aforesaid tract of land to and among the parties plaintiff and defendant, and to allot to each party the part or parcel thereof to which each is entitled, in accordance with law and with the terms of this decree, and to report their action in the premises to this court as soon as practicable. It is further ordered that the Clerk of this court issue to the Sheriff or any constable of Bell County a writ of partition and accompanying same writ a certified copy of this decree as by law prescribed. It is further ordered that the plaintiffs pay the costs incurred and to be incurred in and about this proceeding, conformably to the agreement of the parties. Court adjourned till tomorrow morning 9 o'clock.

October 19th 1881

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

5624. R. F. Campbell vs R. S. Willis et al. Dismissed at cost of Civil Jury docket.

5671. Sarah A. Schultz vs Herman Schultz } On the 18th day of October A.D. 1881 came the plaintiff Sarah A. Schultz in her own proper person and by attorney and the defendant Herman Schultz having been duly cited to answer in this behalf failed to appear and wholly made default whereupon the court proceeded to the trial of said cause, and the pleadings evidence and argument of counsel being heard, and it appearing

October 19th 1881.

to the court that the allegations of said petition are true, that said Herman Schultz defendant is living in a state of bigamous adultery with another, it is ordered adjudged and decreed by the court that the bonds of marriage between plaintiff and said defendant according to the prayer in the said petition be and the same is hereby dissolved, and that the care and custody of the said two children, a girl of nine years of age, named Albertina, and a boy of the age of seven years named Roland be decreed to the the said plaintiff the mother of said children, and that she have judgment for costs for which execution may issue, Court adjourned till tomorrow morning 9 oclock,

October 20th 1881

Court met pursuant to adjournment, Present same as on first day Whereupon the court was ordered adjourned till tomorrow morning 9 oclock,

October 21st 1881.

Court met pursuant to adjournment, Present same as on first day Whereupon the following proceedings were had viz:

Amis Saw Works vs Jno A. Ebbs & Bro. Plff has leave to file 1st amended original petition. ~5631

E.W. Shands vs Milton Wallace } On this the 5th day of October A.D 1881, came the parties by their attorneys and then came on to be heard the demurrer and exceptions of defendant to plaintiffs petition, and the argument counsel thereon being heard it is the opinion of the court that the law is for the plaintiff. It is therefore considered by the court that said demurrer and exceptions be overruled to which ruling of the court the defendant excepts, and thereupon both parties announced themselves ready for trial, and no jury having been demanded the matters of fact as well as of law were submitted to the court, and the court after hearing the pleadings evidence and argument of counsel thereon took the case under advisement; and thereafter on the 10th day of October 1881. it is considered ordered adjudged and decreed by the court that the plaintiff take nothing by his suit; and that the defendant recover of the plaintiff his costs in this behalf expended for which execution may issue. Court adjourned till tomorrow morning 9 oclock, ~5205

October 22nd 1881

Court met pursuant to adjournment, Present same as on first day Whereupon the following proceedings were had viz:

The State of Texas vs Mc. L. Durham et al. And now on this day came on to heard the defendants motion for a new trial in this behalf, and the same having been submitted duly considered and fully understood by the court said motion was by the court overruled, to which ruling of the court defendants except and in open court give notice of appeal to the Supreme Court of the State of Texas. Court adjourned till Monday morning 10 oclock, ~5603.

October 24th 1881

Court met pursuant to adjournment, Present same as on first day

Octobr 24th 1881

Whereupon the following proceedings was had viz:

5179 M. E. Cunningham. J. H. Cunningham, vs Jas A. Chandler F. G. Chandler, Loomis & Christian

This cause coming on to be heard and all the parties thereto being represented by counsel announced ready for trial and presented to the court an agreement and stipulation in writing signed by their respective counsel and duly filed herein all the papers in said cause, agreeing and consenting that Jacob F. Chandler who should thereto be made a party defendant which is accordingly now ordered and done, and further agreeing and consenting to the form and character of final judgment and decree to be rendered in said cause. In consideration of the premises and in pursuance of the said agreement and consent in writing the court doth now here order adjudge and decree that the property in controversy to wit: Lots (11) Eleven and (12) twelve in Block (157) one hundred and fifty seven, in the city of Austin County of Travis State of Texas, be sold by the Sheriff of this court for cash at public outcry after due days previous notice being posted at the court house door in the county of Travis State of Texas on the first Tuesday in February A. D 1882 unless the parties consent in writing and file such consent in court, that the sale may take place at an earlier day in which event said sale may take place at any time - said sale to be made before the court house door in said County and State: and said Sheriff is hereby fully empowered and authorized to execute and deliver to the purchaser or purchasers at said sale good and sufficient deed of conveyance to the premises sold. The proceeds of said sale shall be paid over and distributed as follows:

First To Loomis & Christian or their attorneys of record, in terms the sum of Two hundred and forty four 80/100 dollars,

Second To Mrs M. E. Cunningham one of the plaintiffs or her attorney of record the sum of Six hundred dollars,

Third To Jacob F. Chandler the balance of the proceeds of said sale,

It is further ordered and adjudged that the costs of this cause and the commissions and expenses of said sale be paid equally by the plaintiffs and defendants and the Sheriff will disburse out of the portion of proceeds coming to said Mrs M. E. Cunningham one half of such costs commissions and expenses of sale, and out of the portion of proceeds coming to Jacob F. Chandler the other half of such costs commissions and expenses and pay the same over to the officers of the court entitled thereto.

5631 5460 The State of Texas vs T. & G. R. R. Co. Defendant has leave to file 2d amended original answer.

2205 4277 M. C. Hamilton vs Rich Flume et al. The loss of the original papers in this cause suggested and ordered by the court that this cause be passed to September 7th 1881.

4933 Carlton & Robertson vs Bingham Judgment continued by consent.

4978 F. L. Wong vs Edward Gunn, Continued by consent.

5473 Joseph Harrell vs Thomas Smith et al. Continued by agreement as an application of defendant.

So much of this judgment as is in favor of Mary E Cunningham was transferred by Cons Nov 18, 1881 as per transfer filed by said Cons. E Cunningham By Hart & Co

October 24th 1881

Victria C Burke } It is ordered by the court that defendant have leave
vs } to file 1st original answer subject to the limitation 5514.
H. & T. C. R. R. Co } existing upon the extent to which the answer may
apply and cause set for trial November 10th 1881.

Ams Iron Works. vs Jno A. Webb & Bro. It is ordered by the court that 5631.
this cause be set for November 1st 1881. Subject to the regular call of the docket.

James McCally et al. vs James E. Harbor. It is ordered by the court that 5655
that plaintiff have leave to file 1st amended original petition and cause
set for October 31st 1881 Subject to the regular call of the docket.

A. H. B. & L. Assc. vs Francis B. Forster It is ordered by the court that 5687.
defendant have leave to file 1st Supplemental answer.

Court adjourned till tomorrow morning 9 o'clock.

October 25th 1881

Court met pursuant to adjournment. Present same as on first
day Whereupon the following proceedings were had viz:

D. Weinbergen & Wife vs H. & T. C. R. R. Co. Continued 5392.
D. Weinbergen Guard &c. vs H. & T. C. R. R. Co Continued 5404.
John T. Allen vs A. H. Belo & Co. Passed to end of Criminal Docket 5521.
D. The Ayres vs W. C. Walsh Com &c. Passed to end of entire docket 5530.
Bettie B. Pope et al } This day came the parties by their attorneys,
vs } and the plaintiffs say they will no further pros- 5439.
Elbert Bacon et al } ecute this said suit: It is therefore consider-
-ed by the court that the plaintiffs take nothing by this suit and that
this cause be dismissed, and that the defendants recover of and from
the plaintiffs and the sureties on their cost bond to wit: Eliza E. Brum-
-igg W. C. Price and A. A. Stackmann all costs in this behalf ex-
-pended for which execution may issue

Court adjourned till tomorrow morning 9 o'clock.

October 26th 1881.

Court met pursuant to adjournment, Present same as on first day-
Whereupon the following proceedings were had viz:

John & Lewis Hancock vs R. Kapmacher et al. Set to end of Criminal docket. 5569.
The State of Texas vs S. M. Strayhorn et al. Continued to perfect service on S. M. 5595
Strayhorn.
Stubbs Jean Smith & Co. vs W. S. Caroucheus. Defendant has leave to file 5626.
1st amended original answer, and cause continued
A. H. B. & L. Association vs F. B. Forster. Set for November 2nd 1881. 5687.
Forster & Co. } On this the 26th day of October 1881 in open court the 5702
vs } application of the plaintiffs Forster & Co. coming on to be heard
W. S Lee } to sell the following personal property of the defendant W.
S. Lee now in the hands of the Sheriff of Travis County Texas (Ed Cleary Esq)
levied on and held by him under and by virtue of a writ of attachment
issued in said cause out of the District Court of Travis County Texas
on the 14th day of October A D 1881. at the instance of the plaintiffs
and in their favor against said defendant viz:

Octobr 21st 1881.

1 Bx candy 50 lbs.
2 lbs mixed Candies
3¾ doz Plain Pickles
18 lbs mixed Tiar
6½ " Cloves
1 Sk Cinnamon Bark
6 lbs all Spice
⅓ Bx mustard Seed
½ " Vermicilli
3 Glass Jars.
2 doz 2lb Bluing
1 Box Bell Tin ⅘ Full
12 doz Taylors Bluing
11 " Gillotts "
12 " Rayo
6½ " Small
1 11/12 doz Pepper Sauce
6 doz Baby Pickles
42 Bots Mexican Hot "
3 10/12 doz Vanilla Extract
1 Bx Candles (2½ Boxes)
1 Bucket Bell Pepper
2 doz eureka Burners.
1 " Star Stands
¾ " Lamp Burners
2 Vests & 2 Pr Pants
5 Looking Glasses
7 Rat traps
7 Nails
12 Parasols,
10 pr Mens Shoes,
6 pr Childrn Shoes
22 Sifters
11 Strainers
10 Scrubbing Brushes
1 Box Soap
1 Tub
1 Set Stencils
2 Buckets & 1 Measure
1 doz Bx Lye
1 Trunk
5 Brooms
1 Saw
3 Mop Handles
11 Shelves & 4 Shoe Handles
3 Pump Suckers
1 doz Iron Rivets

1 doz Basting Spoons
1 Set Churning Gears
10 Stillyards
9 Bars Shaving Soap
2 pair Toy Scales
4 Match Safes.
1 Set Fish Hooks & Bobs.
1 Fish Net
6 Bottles of Vermifuge
6 " Calomel
4 " Pain Killer
30 " Cooking Extracts
4 " Paregoric
3 " Anodyne
23 " Fever Anodyne
2 Boxes Starch
8 " C. D. Cakes,
2½ doz Mason Blacking
2 Bots Tonic Syrup
4 Bx Blacking
3 Bls Mucilage
2 Bls Pepper Sauce
2 Balls Twine
3 Boxes All Spice
9 Ink Stands
2 Bxs Cinnamon
1 Doz Bottles Mustard
1 Sharpening Stone
12 Packages Sage
16 Boxes Condensed Milk
1 Box Cigarette Paper
3 Pkg Corn Beef
1 Bot #6.
5 Bbl Pickled Ham
9 lb Smoking Tobacco.
15 Cans Vegetables
4 Boxes Condensed Milk
3 Cans Oysters
56 Cans Spun Cans Baking powder
3 doz " Peaches
22 Bx Columbian Mustard
10 Cans Mackerel
16 Bots Mixed Pickles
18 " Worcester Sauce
7 " Pepper
2 doz 1 Spoon Baking Powder
5 Cans Sea Foam,

October 26th 1881

30 cans Reliable Baking Powder
5 Bls Olive Oil
5 Boxes Yarnalls Baking Powder
11 " " " "
40 " " " "
3 doz Touch " "
25 lbs Soda
15 Bls Pepper
22 " Baby Pickles (Small)
9 " Catsup
10 " Pepper (Small)
3 " Pepper Sauce
7 Glass Jelly
16 Goblets "
1 Lot Lamp Mcks
1 Bx Slate Pencils
30 Boxes R. R Snuff
70 " "Garnills"
20 lbs Candy (Buckh)
21½ doz Fruit Cakes
28 Bxes Chimneys
1 doz Hair Brushes
5⅛ Extract Vanilla
100. "No Humbug" Cigars
550 "All the Go" "
4 Boxes, (Broken Lot)
4 lb Twist Tobacco (in tubs)
20 " "Little Minnie"
12 " "Lady Finger"
14 " "Planters Choice"
17 " "Bedford"
2 " "Golden Lilly"
5 " "Common Twist"
8 " "Stonewall"
19 " "Amaca"
36 " "Clifton"
46 " "Navy Planters,"
50 " "Texas Rangers"
27 " "Agnes"
5 " Durhams, Smoking
4 Pkg Matches
2 doz Jaws Harps
2/3 case Ext coffee
1 Pkg Washing Soda
2 1/2 Gal Pickles
4 Pkg Stove Polish
27 25 lbs Bolts Bluing

2½ doz Drawer Handles
1½ " Starch Gloss
5 doz Laundry Blue
7 " Tea Spoons
5 " Hat Hooks
8 Pkg Corn Starch
½ doz Molasses Gals
5 Box Lye
22 " Axle Grease
9 lbs Lead
1 doz Horse Brushes
4 Measure
4 Pad Locks
½ doz Coffee Mills
3 doz Arquit chimneys & ½ doz plain
1 Lot Lamp Burners
6 Hammers & 4 Hatchets
½ doz Tea Cooks Files
1 pair Nail Hooks
4 Wooden Spoons
8 Fancy Stand Lamps
3 Hand & 3 Bracket Lamps
5 Pickle dishes, 1 Chamber
2 Yellow Bowles
1 Stone Jar
1 Lot cups & Saucers
3½ doz Plates
1 Butter dish
1 doz Sugar Bowles
2 Glass Globes
19 Dishes
½ doz Veg dishes
9 Wire covers
7 Meat Buckets
1 Tin Cans
1 doz Frying Pans
1 " Tin Pans
1 " " "
½ " Cake Pans, & 5 Cake Pans
1 " " Pans,
3 Sives
1 can Kerosene Oil
3 doz Tins cups
1 " Sifters
3 Pt coffee Pots
11 Qt cups
9 Drip Coffee Pots

369

October 26th 1881

1 doz Tramway dippers
10 Iron Spoons
1/2 doz Tin Dishes
4 Water dippers
5 Tin Buckets Large
2 Coffee Pots
2 Small Tin Buckets
16 Wash Pans (Handled)
5 Lanterns
10 Tin Sieves
25 Dish Pans
12 Coffee Pots
7 Pans
3 Tin Buckets
8 oil Cans
8 Coffee Pots
3 Tin Buckets
6 " "
3 Cloths Barkets
8 Small Buckets
1 Water Keg Bucket
1 Bbl Coffee 120 lbs.
1 Sk Coffee 140 "
1 Lot Rope & Stand
1/2 Bbl currants 89 lbs.
7 lbs Sugar
26 " Flour (in Bbl)
3 1/2 Sks "

1/4 Bbl Onions
1 Bx Bath Bricks
1 " "Church's" Soda
2 1/2 " Globe soap
1 " Polish
3 " Bluing (Laundry)
1 Pr Counter Scales
1 " Platform
3 Bx Crackers
2 Show Cases
1 " " Table
1 Spice Tin Case (Fancy) contents
1 Lot tin ware in use
1 Lot paper, Paper bags &c Wrapping
3 counters, Shelving & fixtures
1 Safe
1 Desk
2 Spades
1 Ice Chest
M. F. Barrels & Bbl covers
1/2 Bbl Molasses
1/2 " Vinegar
1 Lot nails
20 Boxes, Paper collars,
1 Churn Box,
50 lbs Sack
1 Jar & Honey,

On the following grounds, that the said personal property had not been claimed or replevined and that said property was in danger of serious and immediate waste and decay and that the keeping of the same by said Sheriff until the trial will necessarily be attended with such expense as greatly to lessen the amount likely to be realized thereon, and it appearing to the court from sufficient and satisfactory proof that the facts as stated in said Application are true and a necessity exists for the order therein asked, It is therefore ordered adjudged and decreed by the court that the said Ed Cleary Sheriff aforesaid sell at public sale as under execution the above described personal property as early as practicable after this date, and that the proceeds realized from said sale be held by said Sheriff in his hands subject to the further order of this court in this cause, under Article 174 Revised Statutes. Court adjourned till tomorrow morning at 9 o'clock,

October 27th 1881

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

3694 Rebecca Blakemore vs Thomas Blakemore and now on this day (October 18th A D 1881) came on to be heard the above entitled and numbered cause,

October 27th 1881

and the plaintiff by himself and by his attorneys and the defendant Wholly failing to appear and answer in this cause and it appearing to the court that the defendant herein has been duly served with citation herein more than five days before the first day of this term of this court and a jury being waived and the issues of fact arose as by law being submitted to the court: the court after hearing the pleadings of plaintiff and the evidence does find that the allegations in plaintiffs petition contained are true, Whereupon it is ordered adjudged and decreed that the plaintiff do have the divorce from the defendant and that the bonds of matrimony heretofore existing between the plaintiff Rebecca Blakemore and the defendant Thomas Blakemore be and the same are hereby dissolved and that the plaintiff have his costs in this behalf expended for which execution may issue. And at a subsequent day of the term October 27th it further appearing to the court that the matters in controversy between the parties hereto with regard to the property owned by them as community property during the time of their marriage have been settled by agreement filed herein which said agreement is as follows to wit:

Rebecca Blakemore } No. 5694 vs Thomas Blakemore }

It is agreed by and between us Rebecca Blakemore and Thomas Blakemore that the property which was owned by us as community property being the same described in the petition of Rebecca Blakemore for divorce may be divided as follows to wit: a line to be drawn from East to West parallel to the North and South lines of the tract in out lot 62 Division B. of the City of Austin and equidistant from said North and South lines through the center of said lot dividing said lot into two equal portions, of which it is agreed that the said Rebecca Blakemore shall take the South half and the said Thomas Blakemore the North half of said lot, The house standing on said lot shall be divided as follows the said Rebecca Blakemore shall take the two South rooms which are connected and the South half of the hall and the said Thomas Blakemore shall take the north room and the north half of the hall, And it is further agreed that the said Thomas Blakemore shall take the Kitchen which now stands disconnected from the rest of the house on the South half of said lot and may and shall remove the same from the South half of said lot by the 25th day of December 1881, but in the meantime said Kitchen shall not be rented to any person by said Thomas Blakemore. And it is agreed that judgment may be rendered in this cause in accordance with this agreement

Rebecca her X mark Blakemore

Thomas his X mark Blakemore

Witness Thos. E. Smith.

Jas. D Shirks.

It is therefore further ordered adjudged and decreed that the property owned by the said Rebecca and Thomas Blakemore as community property be divided as follows to wit: a line to be drawn from E to W. parallel to the N. & S. lines of the tract in out lot 62 Div B. of the city of Austin and equidistant from said North and South lines through the center of said lot dividing said lot into two equal portions of which two portions the said Rebecca Blakemore shall take the

October 27th 1881

South half. and the said Thomas Blakmore shall take the North half of said lot, it is further ordered adjudged and decreed that the house standing on the aforesaid lot shall be divided as follows, the said Rebecca Blakmore shall take the two South rooms of said house which are connected and the South half of the hall, and the said Thomas Blakmore shall take the North room and the North half of the hall, and the said Thomas Blakmore shall take the Kitchen which now stands disconnected from the rest of the house on the South half of said lot and may and shall remove the same from the South half of said lot by the 25th day of December A D 1881 and in the meantime said Kitchen shall not be rented to any person by said Thomas Blakmore,

5446 Lizzie R. Brancoat & husband. vs Thomas Riley } The motion of the plaintiff to require the Clerk to issue a writ of possession in this case in favor of the plaintiff in accordance with the terms of the judgment rendered in this cause, and said motion having been submitted considered and fully understood by the court. It is ordered by the court that the Clerk issue a writ of possession including therein an exact copy of the judgment and ordering its enforcement so far as in its terms the plaintiff is entitled to have it.

5668 Julian Prade vs Cecil Prade. On the 8th day of October A D 1881 this cause being regularly called for trial came the plaintiff by his attorney and announced ready for trial, And it appearing to the court that the defendant had waived the issuance and service of citation and had duly accepted service on the petition and not appearing to defend said cause the trial was ordered to proceed, and the Court having heard the pleading and part of the testimony, (no jury having been demanded) postponed the case until the 10th October 1881 for further testimony and argument of counsel at the request of plaintiff, and said cause having been passed until this the 27th day of October 1881 and all the evidence having been introduced and argument of counsel heard, It is found by the court that said defendants material allegations in his petition are true, and that he have his divorce, It is therefore ordered by the court that the bonds of matrimony heretofore existing between the plaintiff Julian Prade and the defendant Cecil Prade be and the same are hereby forever dissolved, And further ordered that defendant pay all costs in this behalf incurred for which execution may issue,

Court adjourned till tomorrow morning 9 o'clock

October 28th 1881

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

5626 Shakespeare Smith & Co. vs W. S. Carpenter } Upon motion of plaintiffs attorney and it appearing to the court that this case has been settled between the parties and costs paid It is therefore ordered that the this case be and the same is hereby dismissed.

October 28th 1881.

Josiah P. Hinton. } In this cause the Hon A. S. Walker presiding
vs } Judge being disqualified, and by agreement of the parties hereto filed in this cause that W. A.
R. J. Hill, Garnishee } Blacklaw Esq should sit as special Judge for the trial of the same, and
he having taken the oath prescribed by law, made the following order in this
case." Upon motion of plaintiffs attorney it is ordered by the court that
this cause be and the same is hereby dismissed, and further ordered that
the plaintiff pay all costs in this behalf incurred for which execution may
issue,

W A Blacklaw Special Judge.

Court adjourned till tomorrow morning 9 o'clock.

October 29th 1881

Court met Pursuant to adjournment. Present same as on first day,
Whereupon the following proceedings were had viz:

E. W. Shands } And now on this day came on to be heard the plain-
vs } tiffs motion for a new trial in this behalf, and said 5207
Milton Wallace } motion and affidavits thereto having been submitted duly
considered and fully understood by the court it is ordered by the court
that said motion be granted. It is therefore ordered by the court
that the judgment heretofore rendered in this cause be set aside and
held for nought and that a new trial be granted in this cause.

Court adjourned till Monday morning 10 o'clock.

October 31st 1881

Court met pursuant to adjournment. Present same as on first day
and there being no civil minutes of this date court adjourned till tomorrow
Morning 9 o'clock.

November 1st 1881

Court met pursuant to adjournment. Present same as on first day
Whereupon the following proceedings were had viz:

Emil Ribbeck } The State of Texas, } Emil Ribbeck being sworn according
Ex parte } County of Travis } to law, in the District Court of Travis 5706.
county, doth declare that he was born in the year AD 1856 in the Kingdom
of Germany, Whence he emigrated in the year 1880 to the United States of
America, and has elected the State of Texas as the place of his intended
settlement: and he further declare that it is bona fide his intention to
become a citizen of the United States and of the State of Texas and renounces
forever all allegiance and fidelity to every foreign prince, potentate, State
or Sovereignty whatsoever, and particularly to the Emperor of Germany of
whom he was a subject (sgd) Emil Ribbeck. Sworn to and subscribed before
me this 1st day of November 1881. in open court. E Hallmann Clerk
By Jamie P Hart Dep

Julius Ribbeck } The State of Texas, } Julius Ribbeck being duly sworn
Ex parte } County of Travis } according to law in the District 5707.
court of said county, doth declare that he was born in the year AD 1854 in
the Kingdom of Germany Whence he emigrated in the year 1880 to the
United States of America and has elected the State of Texas as the place

November 1st 1881

of his intended Allegiance: and he further declare that it is bona fide his intention to become a citizen of the United States and of the State of Texas and renounce forever all allegiance and fidelity to every foreign prince potentate, State and Sovereignty whatsoever and particularly to the Emperor of Germany of whom he was a subject. Sign. Julius Pibbeck,
Sworn to and subscribed before me, this the 1st day of November 1881
Hallmann Clerk
By Jame P Hart Dpty.

5708. J. C. Mangoldorf, Ex parte. } The State of Texas } County of Travis } J. C. Mangoldorf being sworn according to law in the District court of said County, doth declare that he was born in the year A.D. 1825 in the Kingdom of Germany whence he emigrated in the year 1869 to the United States of America, and has elected the State of Texas as the place of his intended Allegiance: and he further declares that it is bona fide his intention to become a citizen of the United States, and of the State of Texas, and renounce forever all allegiance and fidelity to every foreign prince, potentate, State or Sovereignty whatsoever and particularly to the Emperor of Germany of whom he was a subject. (Sgn) J. C. Mangoldorf
Sworn to and subscribed before me, this 1st day of November 1881 in open court.
Hallmann Clerk
By Jame P Hart Dpty.

Court adjourned till tomorrow morning 9 o'clock

October 2nd 1881.

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings were had viz:

5709. Charles F. Mauve, Ex parte } The State of Texas } Travis County } Charles F. Mauve being duly sworn according to law in the District Court of said County, doth declare that he was born in the year A.D. 1858 in the Kingdom of Germany whence he emigrated in the year 1874 to the United States of America, and has elected the State of Texas as the place of his intended Allegiance: and he further declares that it is bona fide his intention to become a citizen of the United and of the State of Texas, and renounces forever all allegiance and fidelity to any foreign prince potentate, State or Sovereignty whatsoever, and particularly to the Emperor of Germany of whom he was a Subject. Signed Charles F. Mauve
Sworn to and subscribed before me, this 2nd day of November 1881 in open court
Hallmann Clerk
By James P Hart Dpty

5651 5652 James McCalley et al vs James E. Harber. On October 31st it was ordered by the court that the plaintiff have leave to file 1st supplemental petition

5652 5653 James McCalley et al vs James E. Harber. } This day came the parties plaintiff and defendant, the plaintiffs by their attorneys Messrs. Carlton and Morris and the defendant by his attorneys Messrs Shutes and Bond and announced themselves ready for trial, and thereupon came a jury of twelve good and lawful men to wit: J. F. W. Lee, A. H. Cook Sam. F. Scott. W. E. Carpenter, Dan Brosnan, J. E. McCormick, J. O'Riley

November 2nd 1881

J. H. Maxey. Moses Brooks. J. W. Groome. Thos Robb and W. L. Pitser who being duly tried empannelled and sworn according to law, who after hearing the evidence, argument of counsel and charge of the Court, one of the said jurors so tried empannelled and sworn to wit: W. L. Pitser having been during the trial of the cause disabled by sickness from hearing all the evidence, the remaining eleven jurymen returned into court the following verdict to wit: "We the Jury find under Section Six for plaintiffs in the sum of one hundred and ninety four dollars and Eighty cents ($194.80). J. F. W Lee. A. H. Cook. Sam. F. Scott. W. E. Carpenter. Dan Brosnan. Jas. E. McCormick. J. O'Reilly J. H. Maxey. Moses his X mark Brooks. J. W. Groome Thos. Robb." It is therefore considered that the plaintiffs James McCally and E. Moore do have and recover of and from the defendant James. E. Harber the sum of one hundred and ninety four & 80/100 dollars for their principal debt and damages together with all their costs in this behalf expended for all which execution may issue, It is further considered by the court that the bar set up and described in the plaintiffs petition be and the same is hereby rescinded and declared of no further force or effect.

Rachel J. Harris vs A. C. Jones Sal. Deft has leave to file Ps amended answer 15441.

Morgan C. Hemillin vs Richard Plume et al on the 31st October 1881, it is ordered by the court that plaintiff have leave to supply his lost pleadings by copies and the marriage of Plume with J. S. Brock being suggested, it is ordered by the court that the husband be made party defendant, and citation ordered to issue for him. 14277

A. H. B. & L. Ass'n vs F. B. Forelle. This cause is passed to be taken up by Court 15687.

Court adjourned till tomorrow morning 9 o'clock

November 3rd 1881

Court met pursuant to adjournment. Present same as on first day and there being no civil minutes to be recorded of this date Court adjourned till tomorrow morning 9 o'clocks.

November 4th 1881

Court met pursuant to adjournment. Present same as on first day Whereupon the following proceedings were had viz:

Homer. L. Martin } Homer. L. Martin having made application 15710.
Ex parte } before the District Court of Travis County at the October term thereof A D 1881 for a permanent license to practice as an attorney and counsellor at law in the District and all inferior courts of the State of Texas, and the said Homer. L. Martin having produced before the court his license issued to him by the Wells Circuit Court in the State of Indiana as an attorney at law, and having been introduced to the court by Thos. E. Sneed and David Shultz Esqrs. (two attorneys of this bar) as a man of good moral character, and the said Homer. L. Martin having taken the oath as required by law, It was ordered by the court that a license issue to him to practice the law in the District and all inferior courts of this State.

Ames Iron Works vs Jno. A. Webb & Bro. Plffs Oct 21st Case have leave to file amd petition & Defts 1st Exhibit sue for 15063!

Received this day the sum of $194.80/100 dollars in full satisfaction of this judgment. Dec 1st 1881. Caldwell & Rhome Attys for McCally & Moore

Nov. 25th 1881 Received on this day

November 4th 1881.

5711 Augustus N. Martin Ex parte } Augustus N Martin having made application before the District Court of Travis County at the October term thereof A D 1881, for a permanent license to practice as an Attorney and Counsellor at law in the District and all inferior Courts of the State of Texas, And the said Augustus N. Martin having produced before the court his license issued to him by the Supreme Court of the State of Indiana, and having been introduced to the Court by Thomas E. Breed and David Shultz Edgar. (two attorneys of this bar) as a man of good Moral Character, and the said Augustus N. Martin having taken the oath as required by law, It was ordered by the court that a license issue to him to practice the law in the District and all inferior Courts of this State.

5631 Amos Iron Works } On the 3d day of November A D 1881 the
vs above styled cause being called for trial the
Jno A. Webb & Bro } parties appeared by their attorneys and announced ready whereupon a jury of twelve good and lawful men consisting of W. E. Carpenter and eleven others were duly empannelled and sworn in the above entitled cause in the manner required by law, who after hearing the evidence Argument of counsel and charge of the court did on the 4th day of November A. D. 1881 retire to consider of their verdict, and afterwards on the same day returned into open court the following verdict to wit: "We the jury find for the plaintiff the engine and boiler, and assess the damages at Fifty dollars additional. W. E. Carpenter Foreman" Whereupon it is ordered adjudged and decreed by the court that Leonard Amos Sr. who composes the Amos Iron Works do have and recover of and from the defendants John A. Webb and Joseph W. Webb the sum of fifty dollars and all costs in this cause expended for which execution may issue, And it appearing to the court that the said Engine and boiler are in Bell County State of Texas on the premises of F. N. McBride, It is therefore considered ordered adjudged and decreed by the court that the said plaintiff do have and recover of and from the said defendants the title and possession of No 4 Portable Engine and boiler No 2610 and that the title to said Engine and boiler do pass to and the same is hereby vested in the said plaintiff and it is further considered ordered, adjudged and decreed by the court that a writ of possession do issue as authorized by law directed to the Sheriff or any Constable of Bell County State of Texas Commanding him to deliver possession at once to plaintiff at Belton Bell County Texas of said No 4 portable engine and boiler No 2610, all of which shall be at the costs of the defendants, John A Webb and Joseph W. Webb.

5378 Mary A. Lively & husband vs J. W. Hamig. Set for November 9th 1881.

5364 The State of Texas. } On the 24th day of October A D 1881. this
vs cause came on for trial and the parties ap-
Mill Livingston et al } -praising by their attorney, came on to be heard the motion of the plaintiff to strike out the affidavits of non est factum

Nov. 25th 1881 Received on this day from Augustus N. Martin the fifty dollars Oscar Holden Att'y in this judgment.

Received this day the sum of $194.80/100 dollars in satisfaction of this judgment Dec 1st 1881.

May 10th 1881

plaintiff having paid the said note as by him alleged: it is further ordered adjudged and decreed by the Court that said plaintiff Christian do have and recover of and from said W. W. Townsend one third of said sum of $1180.75. And also from said D. J. Murchison one third of said sum of $1180.75: that is from each the said Townsend and the said Murchison the sum of $393.58. with interest thereon from this date at eight per cent per annum as contribution to said Christian for the money paid by him on the note described in the petition the said Townsend and Murchison being co sureties with said Christian for said Caldwell on said note as aforesaid, and for which sum execution shall issue against said Townsend and Murchison respectively. And it is further ordered that said Townsend and Murchison shall each have this execution against said defendant Caldwell for whatever money shall be paid by or collected from them respectively under this judgment, And it is further ordered that whatever sum of money may be collected from said Caldwell under this judgment shall inure as a credit to the extent of one third thereof in favor of each the said Townsend and Murchison on the recoveries herein against them: and that whatever sum may be collected from each the said Townsend and Murchison shall be a satisfaction pro tanto so far as the said plaintiff is concerned of the recovery herein against said Caldwell. It is further ordered that the plaintiff recover from said Caldwell, Townsend and Murchison all the costs of this suit for which execution shall issue.

The State of Texas vs. J. T. Wilson et al. Set for May 11th 2 oclock P.M. 5607.

Julia A. Thompson vs Felix E. Smith et al. Passed to end of docket 5608.

John Todd. vs D. G. Kingsbury & J. T. Blanks } Now on this the 11th day of May A.D. 1881. this cause having been set down for trial on this day came on to be heard the above entitled and numbered cause, and the plaintiff John Todd and the defendant J. T. Blanks appearing in person and by attorneys announced themselves ready for trial. Whereupon the defendant Blanks presented his plea in abatement to the court which being considered by the court it was ordered and adjudged by the court that the same be overruled and held for naught to which ruling and judgment of the court the defendant Blanks by his attorney excepted. The defendant Blanks then presented his General demurrer and special exceptions to plaintiffs petition to the Court which being considered by the court it is ordered by the court that said general demurrer and special exceptions be and the same are hereby overruled and held for naught to which ruling and judgment of the court the defendant Blanks by his attorneys excepted, And it further appearing to the court that the defendant D. G. Kingsbury had been regularly cited to appear and defend this cause and that he came not but wholly made default. Wherefore the defendant John Todd ought to recover as against the defendant D. G. Kingsbury by virtue of the premises, and the Plaintiff John Todd and the defendant J. T. Blanks having waived a jury submitted the cause 5616. & Book 5 page 131

May 10th 1881

to the Court who after hearing the evidence adduced and argument of counsel is of the opinion that the law of the case is with the Plaintiff John Todd, and that said promissory note sued on was given as a part of the purchase money of and now holds and retains the vendors lien upon a one (1/2) half undivided interest in and to the following described tract piece or parcel of land lying in Caldwell County in State of Texas on the waters of Peach Creek about 18½ miles from Lockhart S 74° E. being the same land patented to the heirs of Daniel W. Cloud dec'd on the 21st day of September 1870. Beginning at the S. W corner of League No 36 from which a P.O 14 in in dia vrs S. 23° W 7 vrs also 20 in dia vrs N 73° E. 8 vrs. Thence with the S. line of said league S. 65° E. 124 vrs to a Stake on the E bank of Alum Fork of Peach Creek from which a P.O. mkd X vrs N 47½ E. 13 vrs. a Pek J vrs N 16° W 10 vrs Thence N 25 E 900 vrs to a corner from which a P.O. vrs S. 73° W. 6 vrs & a do N 22½ W 8 vrs Thence N 65 W. 435 vrs to a Stake and corner. Thence N 25 E. 3114 vrs to a stake and corner. Thence N 65 W. 805 varas to a stake in the West line of said league from which a P.O. brs N. 88 E. 18 vrs and a Pek Jack 11 in in dia brs N 49 W 13 vrs. Thence with said line south 25 W. 4014 vrs to the place of beginning containing 640 acres of land, And it further appearing to the court that to secure the payment of said promissory note in writing plaintiff John Todd has and holds a general lien upon the whole of the above and fully described tract piece or parcel of land. And it further appearing to the court that under and by virtue of an execution and order of sale issued on the 7th day of December A.D. 1880. Which said execution issued upon and by virtue of a judgment obtained in this court on the 16th day of October 1880 in cause No 5428 wherein John Todd was plaintiff and S. G. Knigebury et ux were defendants, the defendant J. T. Banks at a sale thereunder became on the First Tuesday in February A.D 1881 the purchaser of said land subject however to the payment of the promissory note upon which this present suit is founded and with notice of the vendors lien and general lien now claimed by plaintiff John Todd to secure the payment of said note now sued upon. It is therefore ordered adjudged and decreed by the court that plaintiff John Todd do have and recover of and from the defendant S. G. Knigebury the sum of Two hundred and Twenty nine 30/100. ($229.30) dollars his principal debt and interest with 8 per cent interest thereon from the date of the rendition of this judgment until paid for which execution may issue. It is further ordered adjudged and decreed by the court that for the payment and satisfaction of this judgment that Plaintiff John Todds vendors lien upon the one (1/2) half undivided interest in and to said above fully described tract piece or parcel of land as it existed on the said Fifteenth (15th) day of July A.D 1879 be and the same is hereby foreclosed. It is further ordered adjudged and decreed by the court that for the payment and satisfaction of this judgment that plaintiffs John Todds general lien upon the

May 10th 1881

whole of said above fully described tract piece or parcel of land as it existed on the said Fifteenth (15th) day of June A.D. 1879. be and the same is hereby foreclosed, And it is further ordered adjudged and decreed by the court that for the purpose of carrying into effect this judgment and decree that an execution and order of sale do issue against said S. G. Kingsbury directed to the Sheriff or any Constable of Caldwell County Texas Commanding said officer to seize levy upon advertise and sell as under execution the above fully described tract piece or parcel of land. And if the proceeds of such sale be insufficient to satisfy this judgment then to make the money or any balance thereof remaining unpaid out of any other property of the defendant S. G. Kingsbury as in case of ordinary executions, And if said land should sell for more than enough to pay off and satisfy this judgment interest and costs then and in that event the balance over shall be by said officer paid unto said deft J. F. Blanke, And it is further ordered adjudged and decreed that the defendants S. G. Kingsbury and J. F. Blanke pay all costs in this behalf expended for which execution may issue. To which judgment of the court the defendant J. F. Blanke by his attorneys at the time in open court excepted and gave notice of Appeal to our Supreme Court. ✓ 574

Court not pursuant to adjournment. Court adjourned till tomorrow morning 9 o'clock ✓ 574

May 11th 1881

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz;

Thomas F. Kemp et al. vs George King. Set for June 11th 1881 5449 ✓ 574

John Sauls vs J. C. Flinn. on May 9th— Set for May 27th 1881 5488

Court adjourned till tomorrow morning 9 o'clock.

May 12th 1881

Court met pursuant to adjournment; Present same as on first day whereupon the following proceedings were had viz;

Balis. Reed and Cooley vs Jno. O. Johnson Assignee Claimant } The plaintiffs in attachment having abandoned their claim to the property seized this suit upon motion of Plaintiffs attorney is ordered by the court to be and the same is hereby dismissed. and further ordered that plaintiffs pay all costs in this behalf expended—for which execution may issue. 5646 ✓ 574

Sarah Rainey vs Jack Rainey } On this 12th day of May A.D. 1881 the above entitled and numbered cause coming on to be heard in open court in its regular order for trial and the plaintiff appearing in person and by her attorney and announced ready for trial and the defendant though duly cited failed to appear and wholly made default and the court having ordered plaintiff to proceed with the trial and after hearing the pleadings evidence and argument of counsel in the cause and duly considering the same it was adjudged by the court that the decree of divorce be granted as prayed for in plaintiffs petition, 5612 ✓ 574

May 12th 1881

Whereupon it is ordered adjudged and decreed by the court that the bonds of matrimony heretofore existing between the plaintiff Sarah Rainey and Jack Rainey as man and wife be separated and that they no longer sustain the said relation of husband and wife to each other and this is the decree of divorce of such. that the costs of this cause be and are taxed against the plaintiff and she shall pay the same for the collection of which execution may issue.

Court adjourned till tomorrow morning 9 oclock

May 13th 1881

Court met pursuant to adjournment, Present same as on first day. Whereupon the following proceedings was had viz:

5745 Mary A. Swisher vs James M. Swisher & J. M. Lillon. Upon motion of plaintiffs attorney it is ordered by the court that this cause be and the same is hereby dismissed. and further ordered that plaintiff pay all costs in this behalf expended for which execution may issue.

5753 Mary A. Swisher vs James M. Swisher and James Haig. upon motion of plaintiffs attorney it is ordered by the court that this cause be and the same is hereby dismissed and that plaintiff pay all costs in this behalf expended for which execution may issue.

5756 Mary A. Swisher vs James M. Swisher & Patrick Tour. Upon motion of plaintiffs attorney it is ordered by the court that this cause be and the same is hereby dismissed and further ordered that plaintiff pay all costs in this behalf expended for which execution may issue.

5757 Mary A. Swisher vs James Haig and George Craven, Upon motion of plaintiffs attorney it is ordered by the court that this cause be and the same is hereby dismissed. and further ordered that plaintiff pay all costs in this behalf expended for which execution may issue

5759 Mary A. Swisher vs James Haig & J. P. Schneider, Upon motion of plaintiffs attorney it is ordered by the court that this cause be and the same is hereby dismissed. and further ordered that plaintiff pay all costs in this behalf expended for which execution may issue.

5741 McDaniell & Co. vs H. T. Hall. Upon motion of plaintiffs attorney it is ordered by the court that this cause be and the same is hereby dismissed and further ordered that plaintiffs pay all costs in this behalf expended for which execution may issue.

5600 Lollie Ritchie vs The T & P. R. R. Co. & The D. & G. N. R. R. Co. It is ordered by the court that the defendant The Texas and Pacific Ry Co. have leave to file separate answer. and further ordered that the exceptions of defendants to Plaintiffs depositions be sustained and that said depositions be suppressed, and this cause continued.

5602 Ann E. Davis & husband vs The T & P. R. R. Co & The D. & G. N. R. R. Co — It is ordered by the court that the defendant the Texas & Pacific Ry Co. have leave to file separate answer. and further ordered that the exceptions of the defendants to the depositions taken by plaintiff be sustained

May 13th 1881

and that said depositions be and the same are hereby suppressed and this cause continued

The State of Texas vs N. B Mason et al	Continued for service.	✓5622
Emma Miller vs Frederick Miller.	Set for May 27th 1881.	✓5576
The State of Texas vs A H McGown et al.	Continued for service	✓5620.
The State of Texas vs D. B. Meadows et al.	Passed to end of entire civil docket.	✓5621.
R. F. Campbell vs R. S. Willis et al	Continued	✓5624
Jurge Thomas vs Earlie Thomas.	Continued	✓5625
Louisa Dibble vs Heinrich Dibble	Continued	✓5632.
F. J. S. Thompson vs J. D. Sayre et al	Continued	✓5633
A. L. Townsend vs D. F. Smith.	Passed to end of entire docket	✓5637.
Perham & Moeller. vs Asa Frary & Bro	This cause coming on to be heard came the parties in person and by their attorneys and announced themselves ready for trial and no jury having been demanded the mains of fact as well as of law were submitted to the court and after hearing the evidence and argument of counsel it is considered ordered adjudged and decreed by the court that the plea ~~in abatement~~ to the jurisdiction ~~of the Court~~ of the defendant is not well supported, and the same is therefore disregarded and overruled, and the demurrer and exceptions of defendants are overruled, and it is further considered ordered adjudged and decreed by the court that the plaintiffs R. Perham and H. W. Moeller do have and recover of and from the defendants Asa Frary and Charles E. Frary the sum of ($1288.04) twelve hundred and eighty-eight-04/100 dollars with interest thereon from this date together with all costs in this behalf expended for which execution shall issue.	✓5363 Ex Docket 5. p. 100.	✓5376

Court adjourned till tomorrow morning 9 o'clock.

May 16th 1881.

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings were had. viz:

Carleton & Robertson vs Pinckney Trigg	Continued	✓4935 ✓173
T. L. Wynn vs Edward Green	Continued	✓4975
G. Conn vs C. R. Johns & co . .	Hon A. S. Walker disqualified in this case.	5036,
The State of Texas vs Mrs Livingston et al.	Continued	✓5366,
D. Weinberger & Wife vs H. & T. C. R. R. Co.	Continued	✓5392,
D. Weinberger Guardian &c. vs H. & T. C. R. R. Co.	Continued	✓5404,
Wm. B. Posey et al vs Elbert Bacon et al.	Continued	✓5439,
Joseph Harris vs Thomas Smith et al	Continued	✓5473,
E. C. Barthelomew vs Joel A Burnett et al	Continued	✓5485
John T. Allen vs A H. Belo & Co.	Continued	✓5521,
Oscar Obrien vs Dennis Corwin et al	Continued	✓5522,
D. The Ayers vs W. C. Walsh Com &c.	Continued	✓5530,
Joel M. Martin vs J. A. Wynn et al.	Continued	✓5561
John Hancock et al vs R. Kammacher et al	Continued	✓5564
The State of Texas vs S. M. Strayhorn et al by previous written agreement set for May 30th		5595

May 16th 1881

5611 The State of Texas. vs Alden McIlvane et al. By agreement of the parties this cause is withdrawn from the jury docket and names its place on the non jury docket: and cause set for trial May 25th 1881. Further ordered that plaintiff have leave to withdraw the jury fee paid by him in this cause.

5631 Amos Iron Works. vs Jno A. Webb. et Bro. Continued.

Court adjourned till tomorrow morning 9 o'clock.

May 17th 1881

Court met pursuant to adjournment. Present same as on first day. and there being no civil proceedings to be recorded of this date Court adjourned till tomorrow morning 9 o'clock.

May 18th 1881

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings was had viz:

5374 Amelia Pickla vs Harry Gilmore. Ordered by the Court that the continuance heretofore entered in this cause be set aside & cause set for trial June 17th 1881,

Court adjourned till tomorrow morning 9 o'clock

May 19th 1881

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings was had viz:

3466. The State of Texas vs T. & P. R. R. Co. Continued by defts and case set for Wednesday October 5th 1881.

Court adjourned till tomorrow morning 9 o'clock.

May 20th 1881.

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings was had viz:

1733. P. L. Hoffkins et al. vs Amos. Morrill } The Hon A. S. Walker. Judge of the 16th Judicial District of the State of Texas having been of counsel for the defendant Amos Morrill is disqualified to try this case which fact being certified to his excellency the Governor of said State. D. R. Fisher Esq was appointed by O. M. Roberts Governor of said said State as special Judge to try and determine the said case of P. L. Hoffkins et al vs Amos Morrill. and Commissioned as follows:

"In the name and by the authority of the State of Texas,

To all to whom these presents shall come- Greeting:

Whereas. it has been made known to me. in the manner prescribed by law that A. S Walker Judge of the 16th Judicial District. is disqualified from trying the following cause now pending in the District Court of Travis County in the State of Texas. numbered and entitled as follows. No 1733. P. L. Hoffkins et al vs Amos Morrill - Now. therefore. I. O. M. Roberts, Governor of Texas. having full confidence in the integrity and ability of Dave R. Fisher of Travis County. do by virtue of the authority vested

May 20th 1881.

in me by the laws of this State. hereby appoint the said Sam. R. Fisher the being a person named in the law, Special Judge to try and determine the above specified cause! And I hereby give and grant to him the said Sam. R. Fisher all the rights. powers. privileges and emoluments appertaining to said appointment.

In testimony Whereof. I have to sign my name and cause the seal (L.S.) of State to be affixed at the City of Austin. the 18th day of May A.D. 1881.

O. M. Roberts
Governor of Texas.

By the Governor.
T. H. Bowman.
Secretary of State.

And said S. R. Fisher having signified his acceptance of said appointment. the Constitutional oath of office was duly administered to him as follows,

"I. Samuel. R. Fisher do solemnly swear that I will faithfully and impartially discharge and perform all the duties incumbent upon me as Special District Judge for the trial of the following cause pending in the District Court of Travis County Texas. viz No 1733. P. L. Hopkins et al vs Amos Morrell. according to the best of my skill and ability. agreeably to the Constitution and laws of the United States and of this State! and I do further solemnly swear that since the adoption of the Constitution of this State. I. being a citizen of this State. have not fought a duel with deadly weapons. within this State. nor out of it: nor have I sent or accepted a challenge to fight a duel with deadly weapons. nor have I acted as second in carrying a challenge. or aided advised or assisted any person thus offending! and I further more solemnly swear that. I have not directly nor indirectly paid. offered or promised to pay. contributed nor promised to contribute, any money or valuable thing or promised any public office or employment as a reward to obtain my appointment. So help me God.

S. R. Fisher.

Sworn to and subscribed before me this 20th day of May A.D. 1881
C. Hallmann clk D.C. Travis
By James P. Hart Deputy.

In District Court Travis County Texas. May Term A.D. 1881.

May 20th 1881.

Present and presiding the Hon S. R. Fisher Special Judge in case No 1733 of P. L. Hopkins et al. vs Amos Morrell. C. Hallmann Clerk and Ed Cleary Sheriff.

P. L. Hopkins et al. vs Amos Morrell. } And now on this 20th day of May 1881. came the parties plaintiff P. L. Hopkins Lillie J. Hopkins. Minnie M. Hopkins. Laura Hopkins & Maud Hopkins Osmond D. Hopkins Jas A. McArthur Altina McArthur. Mary E. Hopkins. Walter J. Hopkins by this Attorney H. G. Shelley and the defendant Amos Morrell by his Attorneys Hancock and West and neither party demanding a jury the matters in controversy as well of fact as of law were submitted to the court. and the pleadings having been read and

1733.

May 20th 1881.

the evidence adduced, and the argument of counsel having been heard and fully understood, It is considered ordered adjudged and decreed by the court that the plaintiffs take nothing by this suit and that defendant this cause is on their cost bond 10 Wit: W.H. Randolph, B.F. Carter, John H. Robinson esqr. & D. Walker Amos Morrell go hence without day, and that he recover of the plaintiffs his costs in this behalf expended for which execution may issue. It is further ordered that execution issue in favor of the officers of this court against each party respectively for the costs by him in this behalf incurred.

The forgoing order in case No 1733. of P. L. Hopkins et al vs Amos Morrell having been examined by me and found correct they are hereby approved. this 20th day of May A D 1881.

E. R. Fisher,
Special Judge in case No 1733. of Hopkins vs Morrell.

Court adjourned till tomorrow morning 9 oclock.

May 21st 1881.

Court met pursuant to adjournment. Present same as on first day, and there being no civil minutes to be recorded of this day Court adjourned till Monday morning 10 oclock

Monday May 23d 1881.

Court met pursuant to adjournment. Present same as on first day Whereupon the following proceedings were had. viz:

✓3365. Salvador Cardenas, vs The State of Texas } Upon motion of plaintiffs attorney it is ordered by the court that this case be and the same is hereby dismissed, and further ordered that plaintiff Salvador Cardenas and his surety on his cost bond to wit- Jno. L. Haynes pay all costs in this behalf expended for which execution may issue

✓5593 F. H. Arlitt vs Bertha O. Kelly & John Kelly } Upon motion of plaintiffs attorney it is ordered by the court that this case be and the same is hereby dismissed, and further ordered that plaintiff F. H. Arlitt pay all costs in this behalf expended for which execution may issue,

✓5485. E. C. Barthelomew vs Joel A. Bennett & wife. It is ordered by the court that the continuance heretofore entered in this case be set aside and cause set for trial for May 30th 1881.

A. Schoen. Ex parte. Declaration of intention to become a citizen.

✓5648 The State of Texas, } A. Schoen being duly sworn according to law, in County of Travis } the District Court of said County, doth declare that he was born in the year A D 1843. in the Grand Duchey of Hesse Kingdom of Germany Whence he emigrated in the year 1865 to the United States of America and has selected the State of Texas as the place of his intended settlement and he further declares that it is bona fide his intention to become a citizen of the United States and of the State of Texas. and renounce forever all allegiance and fidelity to any foreign Prince, Potentate, State or Sovereignty Whatsoever and particu-

May 23rd 1881.

-larly to the Grand Duke of Hesse of whom he was a subject.
Court adjourned till tomorrow morning 9 oclock,

May 24th 1881.

Court met pursuant to adjournment. Present same as on first-
day and this being no civil proceedings to be recorded of this date Court
adjourned till tomorrow morning 9 oclock,

May 25th 1881

Court met pursuant to adjournment. Present same as on first
day whereupon the following proceedings were had viz:

Solomon Lee. } And now on this the 25th day of May AD1881, this cause coming on to be heard in its regular order for trial and the plaintiff appearing in person and by attorney announced ready for trial but the defendant failing to appear although duly cited Wholly made default and the Court having instructed the plaintiff to proceed with the trial which he did and after hearing the pleadings evidence and argument of counsel in the cause and duly considering the same it was considered and determined that the facts stated in plaintiffs petition are true and that the decree of divorce be granted. Whereupon it is ordered adjudged and decreed by the court that the bonds of matrimony heretofore existing between the plaintiff Solomon Lee and the defendant Ellen Lee as husband and wife be and is hereby separated and that said Solomon Lee and Ellen Lee shall no longer be husband and wife, That the plaintiff Solomon Lee and the sureties on his cost bond to Wit: Wylie Sampson pay all costs in this behalf expended for which let execution issue. 3594,

John Sales. } Upon motion of plaintiffs attorney it is ordered
vs } by the court that this case be and the same
J. C. Flinn } is hereby dismissed. and that plaintiff have leave to withdraw his title papers filed herein. and further ordered that plaintiff and the surety on his cost bond viz: D. A. Snyder pay all costs in this behalf expended for which execution may issue. 5488

The State vs Aldus McIlvain Sal. Set for 26th May 1881 5611.

F. J. A. Thompson. } Upon motion of plaintiffs attorney it is
vs } by the court that this case be and the same
J. D. Sayers et al. } is hereby dismissed, and further ordered that plaintiff pay all costs in this behalf expended for which execution may issue 5633

Martin L. Stewart } And now on this the 25th day of
vs } May AD1881 the same being a day of said term, this cause being called for trial whereupon came the plaintiff by attorney, and it appearing to the satisfaction of the court that the defendant Mattie A. Stewart had been duly and legally served with notice as required 5581.

May 25th 1881

by the Statute, and it also further appearing that the said defendant
also accepted service in her own proper person of the citation and copy of
petition in this cause, and neither party demanding a jury thereupon the
plaintiff by attorney announced ready for trial and the defendant failing
to appear and answer or demur to plaintiffs petition although duly cited
to do so. Thereupon the court proceeded to hear the pleadings and evidence
submitted by the plaintiff in manner and form as provided by law,
and having duly considered the same, Whereupon it was considered
by the court that the allegations of the plaintiffs petition are sustained
by the evidence and that the same are true. It is therefore ordered
adjudged and decreed by the court that the bonds of matrimony here-
-tofore existing between the plaintiff M. L. Stewart and the defendant
Mattie A Stewart formerly Mattie A. Thompson be and the
same are hereby dissolved severed and annulled, And it further
appearing to the satisfaction of the court that no claim was set
up by the defendant Mattie A. Stewart for alimony or to any part
or interest in and to the estate of said plaintiff M. L. Stewart and
that said plaintiff was willing to convey to and settle upon said
Mattie A. Stewart the following described property, to wit: Lots
numbered three (3) four (4) - seven (7) and eight (8) in Block number three
(3) And Lots number four (4) - five (5) - six (6) - nine (9) and Ten (10) in
Block number four (4). and Lot number Eight (8) in Block number
five (5) all situated in Robinsons and Sherwoods addition to the
city of Charlotte in the county of Eaton and in the State of
Michigan. It is therefore adjudged and decreed by the court that
the title to the foregoing described property be and the same is hereby
vested in said Mattie A Stewart free from all claim or right of
the said plaintiff, and said property if held, to be in full satis-
-faction for all claims whether of dower interest or otherwise in and
to any and all other property and estate of said M. L. Stewart,
It is further ordered that the plaintiff pay all costs in this behalf
incurred for which execution may issue on behalf of the offices
of Court, all of which is ordered adjudged and decreed on
this the 25th day of May A D 1881.

Court adjourned till tomorrow morning 9 O'clk,

May 26th 1881

Court met pursuant to adjournment: Present same as on first
day- Whereupon the following proceedings were had. Viz:

5632 Louisa Dubbe vs Heinrich Dubbe } On this day this cause being regularly called for trial came the plaintiff by her attorney and also in person and announced ready for trial. But the defendant failed to appear although duly cited but wholly made default, and the court having instructed the plaintiff to proceed with the trial and after hearing the pleadings read the evidence and arguments of counsel and having duly considered the same it was considered by the court that the material facts as stated in plaintiffs petition

May 26th 1881

are true and that the decree of divorce as prayed for ought to be granted. Whereupon it is ordered by the court that the bonds of matrimony heretofore existing between the plaintiff Louisa Dubbe and the defendant Heinrich Dubbe be and the same are forever dissolved. And it is further ordered by the court that the plaintiff Louisa Dubbe have full charge care and custody of the two children viz! Malinda Dubbe and Wilhelmina Dubbe the issue of said marriage free from the interference of all person whomsoever. Further ordered that the plaintiff pay the costs of this proceeding for which execution may issue,

Court adjourned till tomorrow morning 9 o'clock,

May 27th 1881,

Court met pursuant to adjournment: Present same as on first day whereupon the following proceedings were had viz!

Emma Milde vs Fredericks Milde. Continued 3376.

Court adjourned till tomorrow morning 9 O'clock,

May 28th 1881,

Court met pursuant to adjournment; Present same as on first day whereupon the following proceedings were had viz!

The State of Texas, vs Alden McIlvane et al } This cause being called for trial the parties appeared by their attorneys and announced ready and no jury being demanded by either party the matters in issue were submitted to the court, and the court after hearing the pleadings evidence and argument of counsel is, of opinion the law and facts are with the plaintiff. It is therefore considered ordered adjudged and decreed by the court that the State of Texas the plaintiff herein, do have and recover of and from the defendants Alden McIlvane R. F. Tankersley, Asa Frary and Wm D. Vick the sum of Two thousand two hundred and three 60/100 ($2203.60) dollars (that being the amount due on the bond sued on in this cause on the 5th day of Dec 1879. the date of the approval of the new bond filed in this cause by the sureties, the court holding that the approval of the new bond on that date relieved the sureties on the old bond for all acts of the Sheriff after the approval) with interest thereon from this date at the rate of eight per cent per annum until paid and all costs in this behalf expended for which execution may issue. It is further ordered and decreed by the court that the State of Texas do have and recover of and from the said Alden McIlvane the principal in the bond sued on in this cause the further sum of eighteen hundred and eighty two 91/100 ($1882.91) dollars with interest thereon from this date at 8 per cent per annum for which let execution issue - It appearing to the court that the defendants R. F. Tankersley Asa Frary and Wm D. Vick are sureties for the defendant Alden McIlvane on the bond sued on in this cause it is therefore ordered and adjudged by the court that the said sureties have judgment over and that execution may issue in their favor against their said principal for whatever amount of

Rec'd mandate from Supreme Court $621.70 in favor of Plaintiff E. T. Moore Co Atty.

May 28th 1881

this judgmnt they or either of them may pay, duly except & give notice of appeal.

F. W. Chandler Admr. of Estate of J. C. Peirce decd vs Loomis & Christian

5249

On this case appeard the plaintiff and defendants by their attorneys and announced themselves ready for trial. After hearing the evidence introduced by plaintiff and defendants and the arguments of counsel and the same having been fully considered by the court. It is ordered adjudged and decreed by the court that the plaintiff do have and recover of and from defendants Simon Loomis and Edward Christian under the firm name of Loomis and Christian the lots and pieces of land sued for in this action to wit: Lot No 9 (nine) in out lot no (4) four in Division "A" in the city of Austin Travis Co Texas and also Lots Nos. 2 & 3 in out Lot No 8 in Division "D" in said city of Austin Travis Co Texas. It is further ordered, adjudged and decreed by the court that the defendants Loomis and Christian are by virtue of this judgment and decree hereby divested of all right title, interest or claim in or to said lots of land and the title thereof is fully vested in the plaintiff F. W. Chandler as administrator de bonis non of the estate of J. C. Peirce deceased, for the use and benefit of said estate, and that a writ of possession do issue for the same. It is further adjudged by the court that the plaintiff do have and recover of the defendants Loomis & Christian costs of this suit and the cost incurred 7 days for which execution may issue, and further ordered that plaintiff have leave to withdraw his title papers in this case.

376.

611

Perham & Moller vs Asa Frary & Bro.

5363

The defendants motion for a new trial in this behalf coming on to be heard, and the same having been submitted and fully considered by the court said motion was overruled. to which ruling of the court the defendants by counsel in open court excepted and gave notice of appeal to the Supreme Court;

Court adjourned till Monday morning 9 o'clk.

Rec'd mdt #8621 to 8796 in cash and Judgment #5396 in cash February Clean-

Monday May 30th 1881

Court met pursuant to adjournment: Present same as on first day, whereupon the following proceedings were had viz:

The State of Texas vs S. M. Strayhorn et al

5-5-95

This case having been set for trial for this day came the parties. the plaintiff by his attorney and defendants who had been served with by their attorneys and thereupon came on to be heard the defendants plea in abatement. Which said plea after due consideration by the court was held insufficient; and this came on to be heard defendants motion to dismiss which being duly considered was ~~duly~~ by the court overruled. to which ruling of the court the defendants who are sureties by their attorneys except: It is further ordered by the court that plaintiff have leave to file first amended original petition and that this case be continued for service on the principal in this case S M. Strayhorn.

Court adjourned till tomorrow morning 9 o'clk.

May 31st 1881.

Court met pursuant to adjournment: Present same as on first day, Whereupon the following proceedings were had. viz:

The State of Texas. vs Charles Norbert et al. Continued by defendants and ordered by the court that all costs to this date be taxed against defendants for which execution may issue, on behalf of officers of court. 3497.

The State of Texas. vs Charles Norbert et al. Continued by defendants and ordered by the court that all costs to date be taxed against defendants for which execution may issue on behalf of officers of court. 3501.

The State of Texas. vs J. W. Wyatt et al. Set for June 1st 1881. 10 o'clock 3567.

Court adjourned till tomorrow morning 9 o'clock,

June 1st 1881,

Court met pursuant to adjournment; Present same as on first day and this time no civil minutes to be recorded of this date. Court adjourned till tomorrow morning 9 o'clock,

June 2nd 1881,

Court met pursuant to adjournment; Present same as on first day whereupon the following proceedings were had viz:

The State of Texas vs P. W. Norfleet et al. Rest for June 16th 1881 3599.

The State of Texas vs M. L. Durham et al. It is ordered by the court that plaintiff have leave to file amended original petition, and the death of M. L. Durham the principal in this case being suggested and the fact being admitted by his sureties. it is ordered by the Court that this case be dismissed as to the said Durham and cause continued on affidavit of defendants. 3603

Annie Cannon vs George Cannon. This cause being called for trial came the parties by their attorneys and announced ready for trial and no jury having been demanded by either party the matters of fact as well as of law were submitted to the - and the court after hearing the pleadings and the evidence adduced and argument of counsel doth find that the material allegations as set out in plaintiffs petition are true, It is therefore considered ordered adjudged and decreed by the court that the bonds of matrimony heretofore existing between the plaintiff Annie Cannon formerly Annie Robinson and the defendant George Cannon be and the same are hereby forever dissolved. It is further ordered by the court that the defendant George Cannon pay all costs in this behalf incurred for which execution may issue. 3651.

The State of Texas vs Gus. W. Loftin et al. On this the 2nd day of June A D 1881 came the State of Texas plaintiff by her attorney E. T. Moore county attorney of Travis county Texas and the defendants as follows. Gus. W. Loftin as principal. Thos. Brown. James F. Brown D. Cunningham J. W. Hanna. W. T. Murrah J. C. Montgomery and S. W. Terry as sureties on the bond dated February 11th 1879 by their attorneys, and Gus W. Loftin as principal, James Henderson. S. W. Terry. Thos Brown. W. T. Murray and D Cunningham 3597

Received June 17th 1881 of James Henderson S. W. Terry Thos Brown and W. T. Murray and D. Cunningham

June 2nd 1881.

as sureties on the bond dated August 22d 1879. by their attorneys and all of said defendants by their attorneys having waived their pleas of misjoinder of parties, and the parties plaintiff and defendants having announced ready for trial and neither the plaintiff nor any of the defendants having demanded a jury and the cause being submitted to the court. and the pleadings and evidence having been heard and fully understood and the Court having found from the evidence that Jas W. Loflin is indebted to the State of Texas in the sum of Forty one hundred and eighty dollars and Seven cents of which the sureties on the bond dated February 11th 1879. is responsible for ($1502.66) Fifteen hundred and two & 66/100 dollars and the sureties on the bond dated August 22d 1879 is responsible for ($2677.41) Twenty Six & Seventy seven & 41/100 dollars It is therefore ordered adjudged and decreed by the Court. that the plaintiff the State of Texas do have and recover of and from the principal and sureties on the bond dated February 11th 1879 to wit: Jas. W. Loflin as principal and Theo Brown. James F. Brown. D. Cunningham. J W. Hanna W.T. Murrah. J. C. Montgomery and D.W. Terry as sureties the sum of Fifteen hundred and two & 66/100 ($1502.66) dollars with interest thereon from this date at the rate of eight per cent per annum and for all all costs in this behalf expended for which execution may issue, and it is further ordered adjudged and decreed by the court in addition to the above that the plaintiff. the State of Texas, do have and recover of and from the principal and sureties on the bond dated August 22d 1879 to wit: Jas. W. Loflin, and James Henderson. D.W. Terry Theophilus Brown. W. T. Murray and D Cunningham, the sum of two thousand Six hundred and Seventy Seven 41/100 ($2677.41) dollars with interest thereon from this date at the rate of eight per cent per annum, and for all costs in this behalf expended for which execution may issue, And it further appearing to the court that the defendant Jas W. Loflin is the principal in both the official bonds sued on in this case and that the other defendants are only sureties on said bonds and as such sureties are entitled to the benefit of the Statute in such cases made and provided it is therefore ordered adjudged and decreed by the court that the Sheriff levy the execution issued by virtue of this judgment first upon the property of the said Jas. W. Loflin subject to execution and situated in the County of Travis before a levy shall be made upon the property of said sureties or any of them, provided so much property of the said Jas. W. Loflin subject to execution shall be found in said Travis county as may be sufficient to make the amount of said execution otherwise the levy thereof to be made on the property of the said Jas W. Loflin that may be found. if any and upon so much of the property of said sureties as may be necessary to make the amount for which judgment is herein rendered against them respectively. And it is further ordered adjudged and decreed by the court that in case said sureties or any of them shall make any payment which is applied on this judgment

Received June 17. 1881 of Jas. Henderson Theophilus Brown and W.T. Murray through S.W. Perry on this judgment four hundred and ninety four & 50/100 Dollars, on bond dated Aug 22. 1879. E.T. Lawrence

Rec'd $1502.66 cash & $2677.80 Bond Coupons = E.T. Lawrence

S.W. Perry
J.A. Posey
Jno W. Glenn

June 2d 1881

by reason of this suretyship on said official bond this judgment shall not be discharged by such payment but shall remain in full force and be prosecuted to execution for the use of the suretis or surety making such payment to the amount of such payment and interest thereon. And it is further ordered adjudged and decreed by the court that in case the judgment herein rendered against the defendants Thos Bowen. James F. Bowen D. Cunningham J.M. Hanna. W. T. Murrah. J. C. Montgomery and S W. Terry who are suretis is paid by them or any of them and one or more of said suretis fails to pay his proportionate part of said judgment and in consequence of such failure one or more of said suretis is compelled to pay more than his proportionate part of said judgment this execution may issue against the said W. Loftin for the use of the surety who shall have paid more than his proportionate part of said judgment for the whole amount paid by him and interest thereon and also against his co suretis for their proportionate part of the excess so paid by him and interest thereon, And it is further ordered adjudged and decreed by the court that in case judgment herein rendered against the defendants James Henderson. S W. Terry. Thos. Bowen. W. T. Murray and D. Cunningham who are suretis is paid by them or any of them and one or more of said suretis fails to pay his proportionate part of said judgment and in consequence of such failure one or more of said suretis is compelled to pay more than his proportionate part of said judgment this execution may issue against the said Jno C Loftin for the use of the surety who shall have paid more than his proportionate part of said judgment for the whole amount paid by him and interest thereon, and also against his co suretis for their proportionate part of the excess so paid by him and interest thereon - It is further ordered that the officers of Court have execution for their cost.-

Court adjourned till tomorrow morning 9 oclock.

June 3d 1881.

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

E.C. Bartholomew vs J. W. Burrell et al } On the 30th day of May AD1881 this cause being called for trial the parties appeared by their attorneys and announced ready for trial whereupon came a jury of twelve good and lawful men who after being duly impannelled and charged as required by law and after hearing the evidence and argument of counsel retired to consider of their verdict on the 2d day of June AD1881. and whereas on the 3d day of June 1881. While the said jury had said cause under consideration before they had arrived at any conclusion thereon the said parties by their attorneys and in person $84.85

June 3d 1881.

made known to the court that they had agreed upon a basis of settlement of the matters in suit and by consent ask the court to withdraw said cause from the consideration of the said jury, and thereupon the said jury was discharged, and thereupon the said parties by consent that judgment be ordered by the court for plaintiff E. C. Barcholomew for all of lot No(12) twelve and a part of lot No(11) eleven in Block No(174) one hundred and seventy four in Austin city Texas, with the improvements thereon, and that the defendants Joel M. and Julia A Bunnell have the balance of said lot No(11) eleven with the improvements thereon,

It is therefore considered adjudged and decreed by the court that the plaintiff E. C. Barcholomew do have and recover of and from the defendants Joel M. and Julia A Bunnell the title and possession to lot No(12) twelve in Block No(174) one hundred and seventy four with all the improvements thereon situated in Austin City Texas, and so much of lot No(11) eleven in said Block No(174) one hundred and seventy four on the west side thereof as will be cut off from said lot No 11 by a line running parallel with division line between said lots No 11 and 12. through its full length and so far from the west side of said lot No 11 as will be necessary to include the shed room and back gallery attached to the rock house on said lot No 12. Viz

Cut off the west side of said lot No 11 in said block No 174 through its full length. Making the line of the west end of the old frame house on said lot No 11 continued the full length of the said lot No 11 and parallel with the division line between said lots Nos 11 and 12. in Block 174, the east line of that land recovered by the said plaintiff herein and the west line of that recovered by the defendants herein, and it is further ordered and decreed that all the right and title of the said defendants J M. and Julia A Bunnell in said lot No 12. and part of lot No 11 be divested out of them and vested in the said plaintiff E. C Barcholomew It is further considered ordered and decreed by the court that the said defendants Joel M. and Julia A. Bunnell do have and recover of and from the plaintiff E. C. Barcholomew the title and possession to the balance of said lot No. 11 in Block 174 in Austin City Texas (not included in the above part of lot 11 which is decreed and adjudged to E. C. Barcholomew) and all the improvements thereon. and that the plaintiff be divested of that part of said lot No 11 and that the title and possession thereof be forever vested in said defendants Joel M. and Julia A. Bunnell free from all claims of plaintiff and that said defendants have their writ of possession for said part of lot 11 herein decreed to them, It is further ordered by the court that each party in this cause do pay the costs incurred by such party or at his or her instance for which execution may issue. Court adjourned till tomorrow morning 9 o'clock.

June 6th 1881.

Court met pursuant to adjournment. Present same as on first day and there being no Civil minutes to be entered of this date court adjourned till Monday morning at 10 oclock.

Monday June 6th 1881

Court met pursuant to adjournment. Present same as on first. Whereupon the following proceedings were had viz:

Jos. M. Martin. vs James A. Winn & P. P. Cluff. } Upon motion of plaintiffs attorney and by consent of the parties to this suit it is ordered by the Court that this cause be and the same is hereby dismissed at plaintiffs costs, for which execution may issue. 3561.

B. H. Jaynes Sons vs R. F. Campbell et al. The motion of the plaintiff to retax the costs in this cause having been heretofore submitted and fully understood by court said motion was by the court this day refused - and further ordered that no costs be taxed for this motion or order. 3591

B. H Jaynes Sons vs Leander Brown et al. The motion of the plaintiff to retax the costs in this cause having been heretofore submitted considered and fully understood by court said motion was this day by the Court refused. and further ordered that no costs be taxed for this motion or order. 3592.

Court adjourned till tomorrow morning 9 oclock.

June 7th 1881.

Court met pursuant to adjournment. Present same as on first day Whereupon the following proceedings were had viz:

The Aultman & Taylor Co. vs Ben H. Shropshire & Wife } On this the 7th day of June A D 1881 came the plaintiff and defendants by their attorneys and this cause coming on to be heard defendants application for a continuance of this cause which after being duly considered was by the court overruled. to which ruling of the court defts except. It is further ordered by the court that defts have leave to file amend original answer. and Plff have to file 1st supplemental petition and defts have to file 1st supplemental answer. and plaintiffs have to file trial amendment to petition. and defts motion to strike out Plffs trial amendment to petition overruled to which defts except. 3513.

The Aultman & Taylor Co. vs Ben H. Shropshire & Wife } On this 7th day of June A D 1881. came the plaintiff and defendants by their attorneys and this cause coming on to be heard the defendants demurrer to the plaintiffs original petition on the ground that said petition shows that the court has no jurisdiction of the subject matter of the suit which having been considered it is ordered by the court that said demurrer be overruled to which ruling of the court defendants except. and this cause coming on to be heard the defendants general demurrer to plaintiffs original petition which

3513 Ex Book 5. page 102.

June 7th 1881.

having been considered it is ordered by the court that said demurrer be overruled to which ruling of the court defendants excepts. and then came on to be heard the plaintiffs general demurrer to the defendants amended original answer which having been considered it is ordered by the court that said demurrer be overruled to which ruling of the court plaintiff excepts. And thereupon plaintiff announced ready for trial on the facts and the defendants presented their application for a continuance of the cause until the next term of this court which having been considered by the court that said application for a continuance be overruled to which ruling of the court the defendants excepts. and thereupon the parties waive a jury and submit the matters in controversy as well of fact as of law to the court and the pleadings. evidence and arguments of counsel having been heard and fully understood it is considered ordered adjudged and decreed by the court that the defendants plea to the jurisdiction of the court be overruled to which ruling of the court defendants excepts and it is further considered ordered adjudged and decreed by the court that the plaintiff the Aultman and Taylor Company do have and recover of the defendants Ben A. Throgmorton the sum of four hundred and eighty nine & 47/100 dollars with interest thereon from this date at the rate of twelve per cents per annum and the further sum of forty eight & 40/100 dollars for attorneys fee with interest thereon from this date at the rate of eight per cent per annum together with all costs in this behalf expended, and that the said plaintiff take nothing as against the defendant Matilda A. Throgmorton who is shown to have been a married woman at the time of the execution of the notes sued on. and that she the said Matilda A. Throgmorton recover of the said plaintiff all costs in this behalf expended and that she have her execution therefor. And it further appearing to the court that the plaintiff The Aultman and Taylor Company has a lien to secure the payment of the notes upon which this judgment is rendered on the following described property to wit: One Aultman-Taylor Separator, complete, with the straw stacker, belts and all fixtures with or belonging to same: also one Truck wagon under same: Also one Aultman-Taylor horse power, complete, with the Truck wagon. Pumps. Tumbling Rods. Brace Rods and all fixtures with or belonging to same, Also one Aultman-Taylor Farm Engine complete, It is therefore considered ordered adjudged and decreed by the court that the plaintiffs said lien on the said property be and the same is hereby foreclosed: and that the clerk of this court do issue an order of sale directed to the Sheriff or any Constable of Blanco County in the State of Texas, directing him the said officer to seize levy upon and sell the above described property as under execution in satisfaction of this judgment: that he apply the proceeds of such sale to the payment and satisfaction of this judgment with all interest that may be due thereon and the costs adjudged against the said Ben A. Throgmorton: and

June 7th 1881.

if the said property shall sell for more than sufficient to pay off and satisfy this judgment in hint and said costs, then the said officer is hereby directed to pay over the excess to the said defendant Ben N. Throckmorton: but if the said property cannot be found or the proceeds of such sale be insufficient to satisfy this judgment in hint and said costs, then to make the money or any balance thereof remaining unpaid out of any balance thereof remaining unpaid out of any other property of the said Ben N. Throckmorton subject to execution as in case of ordinary executions, and in case of the failure to make the whole amount of this judgment in hint and said costs out of the said property upon which said lein is foreclosed or out of the other property of the said Ben N. Throckmorton subject to execution by virtue of said order of sale then that the plaintiff shall have execution against the said Ben N. Throckmorton for the balance of this judgment in hint and said costs remaining unpaid,

And it is further ordered adjudged and decreed by the court that the deed of Trust set up and relied upon by plaintiff so far as it attempts to incumber and fix a lein upon the following tract of land situated in said County of Blanco Texas and on the South bank of the Rio Blanco being a part of the H. Eggleston league and is described as follows to wit: Beginning at the N.W. corner of a survey purchased by Louis Capt of J. C. Talley containing fifty acres on the South Bank of Rio Blanco and the N East corner of said survey from which described a Black Walnut 4 in in dia bro S 84° W 10 vrs, thence up the Blanco to a point from which a line running parallel with Capts line 111 vrs to a Black Jack about 10 in in diameter marked X on North and South sides standing on the line South of the Callahan Spring branch on the line supposed to be about 400 yards from the Rio Blanco: thence from the Black Jack at right angles to the Eastern boundary of J. H. Callahan's line: then with the Callahan line and Capts line across the Spring branch to the beginning corner on the bank of the Rio Blanco, said tract supposed to contain 111 acres more or less. be and the same is hereby declared null and void, the said tract of land having been on the 18th day of May A.D. 1878 the date of the execution of said deed of trust and still is a part of the homestead of defendants and the said deed of trust as to said tract of land is hereby set aside and shall be held for naught and the said defendants are hereby quieted in their title to and their possession and occupancy of said tract of land as a part of their homestead - It is further ordered that execution issue for the use of the officers of court against the said plaintiff and the sureties on his cost bond and said Ben N Throckmorton respectively for the costs respectively incurred by the said plaintiff and the said Ben N. Throckmorton.

Court adjourned till tomorrow morning 9 o'clock.

June 8th 9th 10th 1881

Court met each day pursuant to adjournment. Present same as on first day whereupon there being no civil matters to be recorded of which

June 11th 1881.

of the above date court adjourned till tomorrow morning 9 o'clock.

June 11th 1881

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

1654. 4 Book 5 p. 114

Anna C. Travis vs J. C. Miller et al

On this the eleventh day of June A.D. 1881 came the parties to the above entitled cause and announced themselves ready for trial and waive a jury and submit the matters in controversy as well of fact as of law to the court; and the pleadings evidence and argument of counsel having been heard and fully understood it is considered ordered adjudged and decreed by the court that the plaintiff Anna C. Travis do have and recover of the defendants J. C. Miller and Evaline A. Miller the sum of one thousand Six hundred and twelve & 66/100 dollars with interest from this date until paid at the rate of twelve per cent per annum with all costs in this behalf expended. And it further appearing to the court that one of the notes upon which this suit is brought and upon which this judgment is rendered was executed by said defendants on the 24th day of November A.D. 1875. to secure the payment of the purchase money for the following described lot of land to wit: Lot No four (4) in Block No one hundred and Seventy three (173) of the city of Austin in the County of Travis and State of Texas according to the plat of said City of Austin together with a deed of trust of the same date on the said lot to enforce the payment of said note and that the vendors lien and the said deed of trust on said lot to secure the payment of said note still remain in full force and effect. And it further appearing to the court that the other two notes upon which this suit is brought and upon which this judgment is rendered were executed by defendants at the time of the dates of said notes respectively for material furnished and labor performed in the erection of a dwelling house and in the construction of other improvements on said lot and that Mechanics liens were fixed and secured in the manner required by law on said lot dwelling house and other improvements situate on said lot to secure the payment of said notes, and that the said Mechanics liens still remain in full force and effect. It is therefore ordered adjudged and decreed by the court that the plaintiffs said Vendors lien on said lot and Mechanics liens on said lot dwelling house and other improvements situate on said lot be and the same are hereby foreclosed and that the Clerk of this Court do issue an order of sale directed to the Sheriff or any Constable of Travis County in the State of Texas directing him the said officer to seize levy upon & sell the above described lot dwelling house and other improvements situate on said lot as under execution in satisfaction of this judgment; that he apply the proceeds of such sale to the payment and satisfaction of the said sum of one thousand Six hundred and twelve & 66/100 dollars together with all interest that may be due thereon,

June 11th 1881.

and the costs of this suit and if the said lot dwelling house and other improvements situate on said lot shall not be sufficient to pay off and satisfy said sum in interest and costs then the said officer is hereby directed to pay over the excess to the said defendants. But if the proceeds of such sale be insufficient to satisfy this judgment in interest and costs due to make the money or any balance thereof remaining unpaid out of any other property of the defendant J C Winter as in case of ordinary executions and in case of failure to make the whole amount of this judgment in interest costs out of the said property upon which the Vendors and Mechanics liens are hereby foreclosed or out of the other property of the defendant J. C. Winter by virtue of said order of sale then that the plaintiff shall have his execution against the said J. C. Winter for the balance remaining unpaid as in other cases,

And it further appearing to the court that at the time of the execution of each of the promissory notes upon which this suit is brought and this judgment is rendered the defendant Evaline A Winter was a married woman it is ordered adjudged and decreed by the court that the plaintiff take nothing as against the said Evaline A Winter further than the foreclosure of the said Vendors and Mechanics liens and that this judgment shall not affect her personally nor affect or constitute a claim against her seperate property other than the property upon which the said Vendors and Mechanics liens are hereby foreclosed. It is further ordered that execution issue for the use of the officers of court against the plaintiff and against the defendant J. C. Winter respectively for the costs incurred by them respectively in this behalf

Court adjourned till Monday morning 10 o'clock.

Monday June 13th 1881

Court met pursuant to adjournment; Present same as on first day Whereupon the following proceedings were had viz:

A. J. Burke vs Carl. Kuhl & John Lindheimer } This day this cause came on for trial and came the parties plaintiff defendants and intervenor by attorney and announced themselves ready for trial and no jury being demanded the matter in controversy as well of fact as of law was submitted to and tried by the court; and it appearing to the court that J. M Dillman is a proper party to this suit he is permitted to intervene herein, and the pleadings of the parties and the evidence having been considered and understood by the court It is therefore ordered adjudged and decreed by the court that the plaintiff A. J. Burke do have and recover of and from the said Karl. Kuhl and John Lindheimer the sum of Thirteen hundred and Seventy Six 73/100 ($1376.73) dollars in Gold coin, together with interest at the rate of 8 per centum per annum from the date thereof until paid and costs of suit; and it is further ordered, adjudged and decreed that the said intervenor J. M. Dillman do have and recover of and from the said defendants Carl Kuhl and

5829. 24 Do. 5 p. 114

Transfer of A. J. Burke to Austin College filed Nov 6, 1895. Of date Nov 8, 1881.

Transfer from Austin College to E. M. Pease of date Nov 29, 1881, filed Nov 6, 1895

Transfer from J. M. Dillman to E. M. Pease of date Nov 3, 1881, filed Nov. 6, 1895.

June 13th 1881

John Lindstrom the sum of Six hundred and Eighty three + 26/100 ($683.26) dollars Gold Coin together with interest at the rate of 8 per centum per annum from the date hereof until paid and costs of suit; and it further appearing to the Court that the writ herein was duly served upon the defendant A. J. Burke in this cause and the same duly served upon the intervenor the said J. M. Dillman more than ten days before the first day of this term of this Court; and the said defendant A. J. Burke having failed to appear and answer herein; and the said intervenor J. M. Dillman having appeared and filed his intervention herein; and the said defendant A. J. Burke having been duly cited by publication to appear and answer herein; and

June 13th 1881.

Comes Henry E. Shelley Special Commissioner appointed by this Court on the 17th day of February 1881. to sell a part of lot No one in Block No Eighty three fronting on Congress Avenue in the city of Austin Travis County Texas. (the said part sold being all of said lot No 1 in Block 83 which was owned by J. C. T. Phelps the estate of John Phelps and Wesley Johnston the parties to said suit;) before the court house door of said Travis County and reports to this court that in obedience to the order judgment and decree of this court he did advertise said property in which conformity to the orders of this court, and that he did on the first Tuesday in June 1881, it being the 7th day of said month within the hours prescribed by law sell said property to the highest bidder according to the terms of said decree, and that Wesley Johnston bid the sum of $15.400.00 dollars, for said property which was the highest and best bid made for said property and the same was struck off to him and this Commissioner now takes in open court the sum of $5.133.33⅓ dollars it being one third of the amount that said property sold for and the note for the balance of said purchase money, and asks that he may be permitted first to pay all costs due the officers of court and other allowed fees and commissions which have accrued in this case, and 4/9 of the remainder to the plaintiff J. C. T. Phelps and 3/9 to the defendant Upton Swingley and 2/9 to the defendant Wesley Johnston; and for an order judgment and decree of this court confirming the act of this Commissioner and for all such other orders and decrees as the nature of this report may require. Henry E. Shelley
Special Commissioner

Sworn to before me by Henry E. Shelley Special Comr. this 7th June AD1881. E. Hallmann clk By Hart Dpy.

And the foregoing report having been examined by the court and found to be in all things just and correct it is therefore ordered adjudged and decreed by the court that the same be and it is hereby in all things confirmed, and that the title of the parties to this suit to the property in question by virtue of this judgment and decree is divested out of the said parties and the same vested in the said Wesley Johnston subject to the terms and conditions of said sale. It is further ordered adjudged and decreed by the court that said Commissioner first pay out of the cash payment for said property all the costs of the officers of court and his commissions as fixed by this Court and the remainder he shall divide between the parties as follows to-wit: To the plaintiff J. C. T. Phelps 4/9-
To defendant Upton Swingley 3/9
" " Wesley Johnston 2/9. - and file receipts for all amounts so paid out by him in this court-

The State of Texas } This day this cause came on to be
vs } heard and the matters in controversy
J. T. Wilson et al- } as well of fact as of law were submitted to and heard by the court- and it appearing to the court that-

½ 60/.

June 13th 1881

the said defendant J. T. Wilson has departed this life. It is ordered by the court that this suit be dismissed as to the said J. T. Wilson, and the said plaintiff and the said defendants J. H. Carrithers. W. Metcalf and D. L. Cunningham duly came and appeared by their attorney and announced themselves ready for trial, and the pleadings and the evidence being heard considered and understood by the court. It is further ordered adjudged and decreed that the plaintiff the State of Texas, do have and recover of and from the said defendants J. H. Carrithers W. Metcalf and D. L. Cunningham the sum of one hundred and twenty four and 4/100 ($124.04) dollars with 8 per centum per annum interest from date hereof, and all costs of suit in this behalf expended for which let execution issue.

The State of Texas } On this the 13th day of June A.D. 1881. came the
vs } State of Texas plaintiff by her attorneys. E. T.
J. M. Wyatt et al. } Moore County attorney of Travis County Texas and D. W. Doom and the defendants J. M. Wyatt A. H. Adams, Geo H. Krohne W. F. Thomas, W Stevens, F. Glaspie, W A Lyon and J. W. Ryan by their attorneys Hancock & Wash and thereupon said plaintiff by attorney suggests to the court that the defendant John W. Tooley has not been served with citation and has filed no answer in this cause and that the defendants W. B. Hill and Sam Lawrence are dead and were never served with citation in this cause and says he will not further prosecute this suit against said defendants John W. Tooley W. B. Hill and Sam Lawrence Whereupon this cause is discontinued as to them. and this cause coming on to be heard the plea in abatement and general and special demurrers of the other defendants thereto before named to the plaintiffs original petition and the same having been considered it is ordered adjudged and decreed by the court that the said plea in abatement and general and special demurrers be and the same are hereby each and all of them overruled. to which ruling of the court the said defendants except. and thereupon the said plaintiff and the said defendants announce ready for trial and have a jury and submit the matters in controversy as well of fact as of law to the court and the pleadings evidence and argument of counsel having been heard and fully understood it is considered ordered adjudged and decreed by the court, that the plaintiff the State of Texas do have and recover of the defendants J. M. Wyatt A. H. Adams Geo H. Krohne. W. F. Thomas W Stevens F. Glaspie. W A Lyon and J W Ryan. jointly and severally the sum of one thousand two hundred and twelve 30/100 dollars ($1212 30/100) with all costs in this behalf expended for all of which execution may issue, And it further appearing to the court that the defendant J. M. Wyatt is the principal in the official bond sued on in this case and that the said defendants A. H. Adams. Geo H Krohne. W. F. Thomas W Stevens F Glaspie W. A. Lyon and J. W. Ryan executed said bond as sureties and as such sureties are entitled to the benefit of the statutes in such

June 13th 1881

cases made and provided, it is therefore further ordered adjudged and decreed by the court that the Sheriff levy the executions issued by virtue of this judgment first upon the property of the said J. M. Wyatt subject to execution and situate in the County of Travis before a levy shall be made upon the property of said sureties or any of them provided so much property of the said J M Wyatt subject to execution shall be found in Travis County as will be sufficient to make the amount of said execution, otherwise the levy thereof to be made on the property of the said J. M. Wyatt that may be found, if any, and upon so much of the property of said sureties as may be necessary to make the amount of said Execution. And it is further ordered adjudged and decreed by the court that in case said sureties or any of them shall make any payment which is applied on this judgment by reason of their suretyship on said official bond this judgment shall not be discharged by such payment but shall remain in full force and be prosecuted to execution for the use of the sureties or surety making such payment to the amount of such payment and interest thereon. And it is further ordered adjudged and decreed by the court that in case this judgment is paid by the said sureties or any of them and one or more of said sureties fails to pay his proportionate part of said judgment and in consequence of such failure one or more of said sureties is compelled to pay more than his proportionate part of said judgment then execution may issue against the said J. M. Wyatt for the use of the surety who shall have paid more than his proportionate part of said judgment for the whole amount paid by him and interest thereon and also against his co sureties for their proportionate part of the excess so paid by him and interest thereon. And it is further ordered that execution may issue on behalf of the officers of the court for all costs in this behalf incurred—

Catherine Louisa Russig et al. } On this the 11th day of June 1881 came
vs } the parties plaintiff and defendant by
Theresa Maria Petri et al. } their respective attorneys. the infant
Hemilla Hoffheintz. } represented by S. A. Posey Esq. the duly appointed
guardian ad-litem of said infant, and no jury having been demanded
by either of the parties hereto. Matters of fact as well as of law were there-
upon submitted to the court for its determination and consideration.
and the court having heard the pleadings evidence argument of counsel
found that the plaintiff Catherine Louisa Reissig joined him by her
husband Adolph Reissig, and the defendants, Theresa Maria Petri
joined him with her husband Gerhard Petri and Charles Hoffheintz
and the said Hemilla Hoffheintz are the only heirs at law of Henry
Hoffheintz deceased, and that the said Catherine Louisa, Theresa
Maria, Charles and Hemilla are each entitled in severalty to
one fourth of the following described real and personal property
belonging to the estate of said Henry Hoffheintz, to wit:
1. Lot No. one (1) in Block No 35 of the city of Austin Texas Valued (together

v 3-64½

June 13th 1881.

mich the improvements thereon) at the sum of Eight hundred dollars.
2. Lot number two in Block No 35 of the City of Austin Texas valued (together mich the improvements thereon situated) at the sum of Four hundred Dollars.
3. One hundred and Six and two thirds acres of land in Gonzales County Texas, of the following discription and value, a part of a Survey of 463 acres of land patented to Baldwin Andrews by title patent # 601- Vol 42, dated May 31st 1875. Valued at $100.
4 Eighty eight and one half acres of land situated in Jack District Texas. said 88½ acres of land being a part of a survey of one labor of land patented to John. D. Nash by Virtue of duplicate A. R. No 82/159 issued by the commissioner of the General Land office Sept 15-1874 by title patent No 59. Vol 21. valued at $65.00
5 Four town lots in the City of Austin Texas and discribed & known as lots No 5. 6. 7- & 8. in Block No 6. out Lot No 45 Division B. valued at $58.
7- That the personal property of the estate of the said Henry Hoffheintz deceased consists of the sum of Twelve hundred and fifty one 00/100 dollars in money, a small assortment of dry goods and groceries. which together mich the store shelving and fixtures thereon the same are placed are of the aggregate value of $613.25 sundry Notes and accounts due and owing to the estate of the said Henry Hoffheintz deceased of the estimated aggregate value of $345.00 and bricks thereon are various and sundry other small articles of personal property of the estimated value of $103.75,
It is therefore ordered adjudged and decreed by the court that each of the parties last aforesaid is entitled to one fourth of said property and that each do have and recover in severally one fourth thereof: and the court now here appoints. W. Von Rosenberg, James Ford and C. F. Rumpel commissioners to partition and allot said real and personal property to and among the said parties entitled thereto according to their respective interests. in a fair and equitable manner mich regard to value and make report thereof as required by law to this court within five days after this notification of their appointment or as soon thereafter as practicable: and if any of the aforesaid real property be not susceptible of a fair and equitable division that said commissioners report such fact to the court in accordance mich the law in such case made and provided. It is further ordered that the clerk of this court issue forthwith a writ of partition to the Sheriff or any Constable of Travis County commanding such officer to notify each of said commissioners of his appointment as such and that a certified copy of this decree accompany such writ—

Court adjourned till 10 o'clock tomorrow morning

June 15th 1881.

Court met pursuant to adjournment. Present same as on former day whereupon the following proceedings were had viz:

June 15th 1881.

M. E. Cunningham et al. vs James A. Chandler et al. } In this case the same having been set for trial for this date, and the attorneys for defts being absent, plaintiffs consent to continue - It is therefore ordered by the court that this case be continued as upon application of defts. Court adjourned till tomorrow morning 9 oclock. 5579

June 16th 1881.

Court met pursuant to adjournment, Present same as on first day whereupon the following proceedings were had viz: The State of Texas v. P. W. Herbst et al. Reset for trial July 6th 1881. 5599

Court adjourned till tomorrow morning 9 oclock.

June 17th 1881.

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings were had viz:

Cathrine Louisa Reisig et al. vs Theresa Maria Pitts et al } And now on this 17th day of June 1881 came on to be heard the motion of L. A. Posey guardian ad litem of Hamilla Hoffhintz a minor defendant in this cause to reform the decree of partition rendered herein on the 11th day of June 1881, and it appearing to the court that all parties at interest have had due notice of said motion, and it further appearing from the pleadings in this cause and from evidence adduced before the court that Henry Hoffhintz died in the City of Austin Texas on the 25th day of November A.D. 1880 having real and personal estate as described in the petition and said decree of partition of June 11th 1881, and leaving surviving him Julia Louisa Hoffhintz his widow, and the plaintiff Cathrine Louisa Reisig and defendants Thresa Maria Pitts, Charles Hoffhintz and Hamilla Hoffhintz his children by a former marriage, That on the 11th day of March 1881 the said Julia Louisa Hoffhintz sold all her interest and rights as surviving wife of said Henry Hoffhintz in the property belonging to said estate to said Cathrine Louisa Reisig, Charles Hoffhintz and Thresa Maria Pitts for the sum of $1869.30 - That it is advantageous to the estate of said minor Hamilla Hoffhintz for her to be allowed to participate in the purchase of the claim and interest of said Julia Louisa Hoffhintz in proportion to her interest in said property and the remaining heirs of said Henry Hoffhintz died, according thereto. It is therefore considered ordered and adjudged by the Court that said decree of 11th of June 1881 be and the same is hereby amended and reformed so that the Commissioners appointed in said decree, to make partition be and they are hereby directed in making partition of said property to have regard to the amounts paid out by said parties respectively for the purchase of said claim and interest from said Julia Louisa Hoffhintz so as to equalize the shares to be allotted to each of the several parties and that said Commissioners ascertain what compensation ought to be made by the said Hamilla Hoffhintz to make her an equal owner under said purchase, and to whom the same ought to be made 5642

June 17th 1881

for equity of partition according to the justice and equity of the cause, and allot and award each compensation accordingly.

5374. Amelia Porchia vs Harry Gilman. Continued by defendant

Court adjourned till tomorrow morning 9 oclk.

June 20th 1881

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had. viz:

5600 Lelia Richen vs The T & Pacific R. R. Co & The D. G. N. R. R. Co. Plaintiff has leave to file 1st amended original petition before the next term of this court.

5602. Ann E. Davis & Husband vs The T & P. R. R. Co. & The D. & G. N. R.R Co Plaintiffs have leave to file 1st amended original petition before the next term of this court.

5608. Julia A. Thompson, vs Filix E. Smick et al } And now on this May 6th 1881. in this cause came the plaintiff Julia A. Thompson by attorney, and it appearing to the court that the defendants Filix E. Smick, Mrs Mary Hughs, Mrs. P. J. Walker B. Franklin Walker, Mrs. Ruth Hughs and Blooming. B. Hughs had each been cited according to law to appear and answer this suit; and that each of said defendants although cited for the time required by law had failed to appear and had wholly made default: Whereupon it is ordered adjudged and decreed by the court that said defendants each be forever precluded and estopped from answering this suit: and that plaintiff have and recover judgment against said defendants by default and that a writ of inquiry as to them be and is hereby awarded, and it appearing to the court that defts Alexander L. Hughs, Stone-wall Jackson Hughs and Calvin Lee Hughs are minors it is ordered and adjudged that John. B. Costa Esq an attorney of this court be and he is hereby appointed guardian ad litem for each and all of said minors in this suit: and it appearing further to the court that deft Alfred. C. Hughs has not been served it is ordered and adjudged that alias citation issue for said defendant Alfred. C. Hughs and that this cause be continued,

Court adjourned till tomorrow morning 9 oclock

June 21st 1881

June 22nd 1881

June 23rd 1881

June 24th 1881

Court met each day pursuant to adjournment. Present same as on first day - but there being no civil minutes to record of either of the above dates Court adjourned till tomorrow morning 9 oclock.

June 25th 1881

Court met pursuant to adjournment. Present same as on first day, whereupon the following proceedings were had viz:

The State of Texas } On this day came on to be heard the defendants motion 5567.
vs for a new trial in this behalf and the same
J. W. Wyatt et al. } having been considered by the court and fully understood said motion was by the court overruled, to which ruling of the court the defendants by attorney in open court excepted and give notice of appeal to the Supreme Court

The State of Texas. } On this 25th day of June 1881 this cause 5610
vs being called for trial Mrs Kate Timon the surviving wife and
J. W. Stockley et al. } administratrix of Hugh Timon died by leave of the court made herself a party defendant, filed her written appearance herein and alleged the death of her said husband to have been on the 12th day of January A.D. 1880 Whereupon the State of Texas by its attorney dismissed this suit as to J. W. Stockley A. P. Rachael and John Wilder not served and announced ready for trial as to James Mahoney and Mrs Kate Timon the other two defendants herein and the said defendants appeared by their agent and attorney in fact Peter Timon and announced ready for trial. a jury being waived the matters in issue were submitted to the court, and the court after hearing the pleadings evidence and argument of counsel is of opinion that the law is with the plaintiff. It is therefore considered ordered, adjudged and decreed by the court that the State of Texas the plaintiff herein do have and recover of and from the defendants Mrs Kate Timon administratrix aforesaid and James Mahoney the sum of three hundred and forty six 72/100 ($346.72.) dollars with interest thereon from this date until paid at the rate of eight per cent per annum together with all costs of this suit, for all of which execution may issue. But the execution as against Mrs Kate Timon is to be levied upon the assets of the estate of H Timon decd, It appearing to the court that said James Mahoney was one of the sureties on the bond sued on, of the said Hugh Timon decd. It is therefore ordered that he have judgment over against the said Mrs Kate Timon the surviving widow and administratrix for whatever amount of this judgment he may be required to pay, and that execution issue in his favor therefor against the said Mrs Kate Timon be collected out of the assets of the estate of H Timon decd.

Rec'd three hundred & forty six 72/100 Dollars in full payment of this judgment - E. Timon Co Atty.

The State of Texas } On this 25th day of June 1881 this cause 5609.
vs being called for trial, Whereupon the State
A. Blumtzer et al. } by its attorney announced ready for trial as to the defendants John Timon and A Blumtzer and dismissed the said suit as to the defendant Pat C. Brennan who was not served, and the said defts John Timon and A. Blumtzer having appeared by their agent and attorney in fact Peter Timon and announced ready for trial, a jury being waived the matters in issue were submitted to the

June 25th 1881

Court. and the court after hearing the pleadings evidence and argument of counsel is of opinion that the law is with the defendants. It is therefore ordered adjudged and decreed by the court that the defendants have and recover from the plaintiff the State of Texas all costs in this behalf expended for which execution may issue.

Court adjourned till Monday Morning 9 oclock

Monday June 27th 1881

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings was had. Viz:

5611. The State of Texas vs A. McIlvain et al } In this case this day came into open court E. T. Moore County Attorney, and acknowledged that he had received from Wm. S. Vick and R. F. Tankersley in equal proportions the sum of two thousand two hundred and seventeen 8/100 dollars being the principal and interest to the 27th June 1881 of the judgment rendered in this court in the above named case against William S. Vick. R. F. Tankersley and Asa Frary de entibus in the bond of A. McIlvain as Collector of Tom Green County. which judgment was rendered on the 28th may 1881 for the sum of two thousand two hundred and three 60/100 dollars also came into court E. Hallmann Clerk of said court and acknowledged that he had received from said Wm. S. Vick and R. F. Tankersley the full amount of the costs in said case amounting to thirty nine 90/100 dollars, Whereupon it is ordered that satisfaction of the said judgment and costs against the said sureties of said McIlvain be entered of record,

Court adjourned till tomorrow morning 9 oclock,

June 28th 1881

Court met pursuant to adjournment. Present same as on first day. and there being no civil minutes to be recorded of this date court adjourned till tomorrow morning 9 oclock,

June 29th 1881

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings was had viz:

X 5-5-88. Francis O. Goodale. vs Julia F. Goodale et al. } Now comes the several parties viz: Francis O. Goodale Plaintiff by James B. Goff Esq his atty and the defendants by Edward W. Shands their guardian ad litem appointed by the Court and the report of the Commissioners therein appointed to make partition of the land and premises in the petition described being filed and submitted and said Commissioners having reported that a subdivision of said premises cannot be made into two or more parcels without injury to the same and that a fair and equitable division of said premises cannot be made among the

June 29th 1881.

parties hereto, and the Court having considered said report and found the same to be correct doth approve the same and the Court doth further order and decree that said premises be sold by the Sheriff of Travis County as under execution on the following terms viz: one half of the purchase money to be paid in cash at the date of the sale and one half of the same on twelve months time the deferred payments to be secured by a note of the purchaser bearing 10% interest the vendors lien to be reserved in the deed and set forth in said note. It is further ordered that a report of the sale be made forthwith after the same shall be made—

Court adjourned till tomorrow morning 10 o'clock

June 30th 1881

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

R. B. Humphries by his next friend }
vs } On this day the above cause 3634.
William Humphries et al } came on to be heard, the plaintiff
appearing by counsel and the defendants John. A. Coleman and
Dora. E. Coleman in person, and the minor defendants William
Humphries by his guardian ad litem Thos. E. Snud Esq. and
it appearing to the court that the plaintiff R. B. Humphries and
the defendants William Humphries and Dora. E. Coleman are
the legal owners of that certain tract of land in the City of
Austin Travis County Texas particularly described as Lots
Nos. Seven and eight in Block No Forty Six in Division E,
in said City each of said parties owning an undivided
one third interest, and it further appearing to the court that it
is for the interest of said parties that said land should be
partitioned between them. It is therefore ordered adjudged and
decreed by the court that the prayer of said parties for partition
be granted and that said land be partitioned between said
R. B. Humphries. William Humphries and Dora E Coleman,
each to receive one third thereof, and it is further ordered
that John. R. Costa. John. P. Kirk and F. Everett be
appointed Commissioners to partition said land under this
decree and that they make their report thereon forthwith.

Johann Probstle, } Declaration of intention to become a citizen.
Ex parte. } The State of Texas. County of Travis. — 3659

Johann Probstle being duly sworn according to law in the District Court of said county, doth declare that he was born in the year 1858. in the Kingdom of Bavaria whence he emigrated in the year 1881 to the United States of America and has elected the State of Texas as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen of the United States, and of the State of Texas, and renounces forever all allegiance and fidelity to any foreign power, poten-

June 30th 1881

=tate State and sovereignty whatsoever and particularly to the King of Bavaria of whom he was a subject.
Court adjourned till tomorrow morning 9 oclock

July 1st 1881

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings was had, viz:

The State of Texas.
vs
Jose Ma Villareal et al

On this the first day of July AD 1881. came the State of Texas plaintiff by the attorneys E. T. Moore County Attorney of Travis County Texas and D. W. Doom and the defendants by their attorneys Chandler and McGregor and both parties announced ready for trial and waive a jury and submit the matters in controversy as well of fact as of law to the court, and the pleadings evidence and argument of counsel having been heard and fully understood it is considered ordered adjudged and decreed by the court that the plaintiff, the State of Texas, do have and recover of the defendants, Jose Ma Villareal, Benito Ramirez Manual B. Garcia, Jose Ma Gutierrez and Leonardo Trevino jointly and severally the sum of one thousand three hundred and forty two ($1342,00) dollars together with all costs in this behalf expended for all of which execution may issue. And it further appearing to the court that the defendant Jose Ma Villareal is the principal in the official bond sued on in this cause and that the said defendants Benito Ramirez, Manual B. Garcia, Jose Ma Gutierrez and Leonardo Trevino executed said bond as sureties and as such sureties are entitled to the benefit of the Statutes in such case made and provided, it is therefore further ordered adjudged and decreed by the court that the sheriff levy the execution issued by virtue of this judgment first upon the property of the said Jose Ma Villareal subject to execution and situate in the county of Travis before a levy shall be made upon the property of said sureties or any of them, provided so much property of the said Jose Ma Villareal subject to execution shall be found in said Travis county as will be sufficient to make the amount of said execution, otherwise the levy thereof to be made on the property of the said Jose Ma Villareal that may be found, if any, and upon so much of the property of said sureties as may be necessary to make the amount of said execution, and it is further ordered adjudged and decreed by the court that in case said sureties or any of them shall make any payment which is applied on this judgment by reason of their suretyship on said official bond this judgment shall not be discharged by such payment but shall remain in full force and be prosecuted to execution for the use of the sureties or surety making such payment to the amount of such payment and in that event thereon

√5615
Ex Book 5
p 100

34

89

July 1st 1881

And it is further ordered adjudged and decreed by the court that in case this judgment is paid by the said sureties or any of them and one or more of said sureties fails to pay his proportionate part of said judgment, and in consequence of such failure one or more of said sureties is compelled to pay more than his proportionate part of said judgment this execution may issue against the said Jose Mª Villareal for the use of the sureties who shall have paid more than his proportionate part of said judgment for the whole amount paid by him and interest thereon and also against his co sureties for their proportionate part of the excess so paid by him and interest thereon, And it is further ordered that execution may issue on behalf of the officers of the court for all costs in this behalf incurred.

N. N. Patterson vs Mary A. Patterson } Continued to perfect Service. 5531

A. L. Townsend. vs D. F. Smith. Continued on the 16th June 1881 by operation of law. 5837

The State of Texas vs Jose Mª Villareal et al } On this the first day of July A D 1881 came the State of Texas plaintiff by her attorney E. T. Moore County Attorney of Travis County Texas and the defendants by their attorneys Chandler and McGregor and both parties announce themselves ready for trial and waive a jury and submit the matters in controversy as well of fact as of law to the court and the pleadings and evidence having been heard and fully understood it is considered ordered adjudged and decreed by the court by the consent of both parties given in open court that the plaintiff the State of Texas do have and recover of the defendants Jose Mª Villareal, Manuel Mª Uribe Antonio Lopez and Leonardo Trevino jointly and severally the sum of Two thousand nine hundred and three & 50/100- ($2903.50) dollars together with all costs in this behalf expended for all of which execution may issue. And that the plaintiff the State of Texas do have and recover of the defendants Nicolas Gutierrez Ramirez and Antonio Ramirez Flores jointly and severally the sum of Two thousand five hundred ($2,500.00) dollars together with all costs in this behalf expended for all of which execution may issue, It is further ordered adjudged and decreed by the court that this judgment and execution thereon shall be discharged and satisfied as against all the defendants upon the payment of the said sum of Two thousand five hundred and three 50/100 dollars and the interest which may have accrued thereon and costs of suit; and shall be discharged and satisfied as against said defendants or any of them upon the payment by them or any of them of the amount and interest and costs of suit for which judgment is herein rendered against them or any of them, so that the said plaintiff shall not recover from all the defendants any greater sum than the said sum of Two thousand five hundred and three & 50/100 dollars and the interest which may accrue thereon

5614 Ex Docket No 5 p. 100

Ex Docket No 5 p. 101

July 1st 1881.

and costs of suit nor from any of the defendants any greater sum than the amount of the judgment rendered herein against him and the interest which may accrue thereon and costs of suit. And it appearing to the court that the defendant Jose Ma Villareal is the principal in both the official bonds sued on in this cause and that the other defendants are only sureties on said bonds and as such sureties are entitled to the benefit of the Statute in such case made and provided it is therefore further ordered adjudged and decreed by the court that sheriff levy the execution issued by virtue of this judgment first upon the property of the said Jose Ma Villareal subject to execution and situate in the said County of Travis before a levy shall be made upon the property of said sureties or any of them provided so much property of the said Jose Ma Villareal subject to execution shall be found in said Travis County as will be sufficient to make the amount of said execution, otherwise the levy thereof to be made on the property of the said Jose Ma Villareal that may be found if any, and upon so much of the property of the said sureties as may be necessary to make the amount for which judgment is herein rendered against them respectively. And it is further ordered adjudged and decreed by the court that in case said sureties or any of them shall make any payment which is applied on this judgment by reason of their suretyship on said official bonds this judgment shall not be discharged by such payment but shall remain in full force and be prosecuted to execution for the use of the sureties or surety making such payment to the amount of such payment and interest thereon. And it is further ordered adjudged and decreed by the court that in case this judgment is paid by the said sureties or any of them and one or more of said sureties fails to pay his proportionate part of said judgment and in consequence of such failure one or more of said sureties is compelled to pay more than his proportionate part of said judgment then execution may issue against the said Jose Ma Villareal for the use of the surety who shall have paid more than his proportionate part of said judgment for the whole amount paid by him and interest thereon and also against his co sureties for their proportionate part of the excess so paid by him and interest thereon. And it is further ordered that execution may issue in behalf of the officers of the court for all costs in this behalf incurred.

Court adjourned till tomorrow morning 10 o'clock

July 2nd 1881

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings were had—

R. A. Smith Admr. vs T. J. Barnes et al

Now on this day this cause being called for trial both the plaintiff and defendants appeared by counsel and announced them—

Ex Docket 5644 p. 101

July 2nd 1881

-selves ready for trial and no jury having been demanded by either party the Court proceeded to hear the pleadings evidence and argument of counsel. The Court having heard the defendants demurrer to plaintiffs petition and having considered the same ordered that said demurrer be overruled, and it further appearing to the Court the defendants was indebted to the plaintiff on a promissory note as alleged in the petition in the sum of Eleven hundred and Seventy five 84/100 ($1175 84/100) dollars, principal and interest on said note. It is therefore ordered adjudged that the plaintiff R. A Smith as Administrator of the estate of James. B. Morris deceased for the benefit of said estate do have and recover from the defendants T. J. Barnes F. W. Chandler and James. A. Chandler the sum of Eleven hundred and Seventy five & 84/100 dollars with interest from this date at the rate of ten per centum per annum and for all costs in this behalf expended for which execution may issue, and it further appearing to the Court that T. J. Barnes had at the time of the execution of said note executed a mortgage to plaintiff on the tract of land hereinafter described to secure the payment of said note, and it further appearing to the Court that the plaintiff had and held a Vendors lein to secure said note, and it further appearing to the Court that the defendant F. W. Chandler had since the execution and delivery of said note and mortgage and with a full knowledge of the same and plaintiffs Vendors lein purchased the interest of said T. J. Barnes in said tract of land It is therefore decreed by the Court that the mortgage and Vendors lien in favor of the plaintiff for the benefit of said estate be foreclosed on the following described tract of land viz: situated in Caldwell county State of Texas out of the grant of Emily Jane Labor to Esther Berry. Beginning at a stake set for West corner of the Carter 1578 acre survey from which an Elm 6 in dia brs. S 22° W 6 vrs. Thence S 30° E 712½ vrs a stake from which a Post Oak 11 in dia mkd. X brs N 5° E 3½ vrs do same size mkd old chips brs S 30° E 9 vrs. Thence N 60° E 6250 vrs a stake on the East line of the Esther Berry grant; Thence N 30° W 712½ vrs a stake for Wm Ellersons East corner. Thence S 60° W with Ellersons line 6250 vrs to the place of beginning containing 788 9/10 acres and that the Clerk of this Court issue an order of sale directed to the Sheriff of Caldwell county commanding him sell said tract of land as under execution and that out of the proceeds of said sale he first pay the costs incurred in this suit and the executing said order of sale and that next he pay to the plaintiff or his successor in office the amount on said judgment and the balance if any to F W Chandler, If the proceeds of said sale are not sufficient to satisfy said judgment the plaintiff have execution for the balance that may be due—

5249

2931

3939

3443

3024

520

525

5319

5440

5744

5744

5744

5745

5745

5746

5747

5750

5752

5756

5760

5760

R. W Parlin } In the matter of R. W. Parlins appli- 5760
Ex parte } -cation to remove his disabilities as a

July 2nd 1881

minor. This day this cause came on to be heard in open court. and it appearing to the court after hearing the application of said minor to remove his disabilities said, That said application was drawn to as the law requires and that service of said application had been accepted by D. M. Porter the Father of the applicant, and it further appearing to the court after hearing the evidence introduced in this cause that it would be advantageous to said minor in property to have his disabilities as a minor removed. It is therefore ordered adjudged and decreed by the court that the disabilities of R. W. Porter as a minor be removed, and that he be deemed and held of full age for all legal purposes, It is further ordered that said R. W. Porter pay all costs in this behalf incured, for which let execution issue,

5249 F. W Chandler Admrs. vs Loomis & Christian } By consent of parties it is ordered by the court that they have leave to withdraw from the files papers without leaving copies

Court adjourned till tomorrow morning 9 o'clock.

July 5th 1881.

Court met pursuant to adjournment. Present same as on first day, whereupon the following proceedings were had viz;

2931. Thomas F. McKinney vs A. M. Cox. Continued

3934 Chandler, Carlisle & Robertson vs G. W. Story, determandei Garnishee. Continued

4430 James M. Long. vs George L. Robertson et al Continued

3024 S. W. Baker vs Nicholas Jerolman Continued

5205 E. W. Shands vs Millon Wallace. Continued

5251 William Bray vs T. E. Tullis Continued

5319 P. Wolfsfeld vs Alfred Wolfsfeld. Continued

5443 Mary A Smith vs James M. Smith & A Lovaine Continued

5446 Mary A Smith vs James M. Smith & John Kyle Continued

5449 Thomas T. Kemp et al vs George Kemp Continued

5455. Mary A. Smith vs Isabella Hayden et al Continued

5458 Mary A Smith vs James Smith & George Bright Continued.

5469 Robert Craigbaur. vs Wm Smyth et al. Continued

5479 Elsie Quarterl et al. vs Houston Goodman. Continued

5500 Lucy A. Fields et al. vs Thomas A. Fields et al Continued

5528 Herman Schmidt vs Cardozo & Morris. Continued.

5568- Charles. S. Jones vs Cora. E. Shepherd et al Continued

5601 H. J. Doughty vs W. T. Lee Continued

5606 Michael Nagle vs Wm Duffy & Mat Slattery } Now on this day comes the plaintiff by his attorney in open court and gave the court to understand that he would no further prosecute this suit but desired to dismiss the same. Whereupon it is ordered that the said cause be dismissed, and that plaintiff take nothing by this suit and that he pay all costs in this behalf expended — for which execution may issue.

Court adjourned till tomorrow morning 9 o'clock

July 6th 1881.

Court met pursuant to adjournment. Present same as on first day, and there being no civil minutes to be recorded of this date Court adjourned till tomorrow Morning 9 oclock.

July 7th 1881.

Court met pursuant to adjournment. Present same as on first day, whereupon the following proceedings were had viz:

E. B. Hancock, Thad. A. Thompson, J. H. Raymond Jr. Ex parte

The following committee was this day appointed by the Court to examine and pass upon the application of E. B. Hancock Thad A Thompson and J H Raymond Jr. for license to practice law. viz: Jno A. Green Esq, J. W. Robertson Esq and D.W. Dorn Esq, said examination to take place 10 A.M, 8th inst. in open court. Court adjourned till tomorrow morning 10 oclock 3662 ✓56

July 8th 1881.

Court met pursuant to adjournment. Present same as on first day, whereupon the following proceedings were had. viz:

E. B. Hancock, Thad. A. Thompson, J. H Raymond Ex parte.

The examination of the above named parties post poned by order of court until Tuesday 12th July 1881. 10 A.M. Court adjourned till tomorrow morning 10 oclock 3662

July 9th 1881.

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

Ford W. Burlson, Ex parte. Applicant for removal of disabilities of Minorage

And now on this day the petition of Ford W. Burlson, a minor to have his disabilities of minority removed coming on to be heard, and the same being by the court duly considered and fully understood, and it appearing to the court that said minor is an orphan without father living, and that said minor is now over twenty years of age and is sufficiently matured to be entrusted with the management of his estate and that it would be for the interest of said minor, and that it would be advisable and will be advantageous to said minor in person and property to have his disabilities as a minor removed: and the County Judge of Travis County Texas E. T. Fulmore having been served with a copy of said petition and the court having appointed Thos. E. Smith Special Guardian for said minor in this proceeding and said County Judge and special Guardian having made no objections to the prayer of said minor being granted: and the said Special Guardian in his answer herein, having confirmed the averments averred by said minor for the removal of the disabilities of said minor. It is therefore ordered adjudged and decreed by the court that the prayer of said petitioner be granted, and that the disabilities of said 3664 ✓56

July 9th 1881.

petitioner Ford Wm. Burkson as a minor be and the same are hereby removed and that said petitioner shall be deemed and held from this time for all legal purposes of full age and shall be held responsible and shall have all privileges and advantages as if he were of full age (save and except he shall not vote until he arrives at the full age of twenty one years) and said Minor shall have the right to take charge of and manage and control his estate and the full right of the control of his person.

R. B. Humphill by next friend
vs
Wm Humphill et al

On this day came on to be heard the report of the Commissioners heretofore appointed by the court to partition between R. B. Humphill Wm Humphill and Dora E. Colman Lots Nos. Seven and Eight in Block No Forty six in Division E. of the Lots of the lots of the city of Austin and said Commissioners having reported that said lots are not susceptible of partition in kind and having recommended a sale thereof for the purpose of partition and the court being of the opinion that said report is in all things true and correct. It is therefore considered ordered adjudged and decreed by the court that said report be adopted and approved by the court and it is further ordered adjudged and decreed by the court that said above described lots be sold for cash on the first Tuesday in October 1881, and the parties at interest to wit; R. B. Humphill, William Humphill acting by his guardian ad litem T. E. Sneed and Dora E. Colman having moved the court to appoint John. P. Kirk Esq a Special Commissioner to make said sale, and the reasons for said appointment being satisfactory to the court, the said Kirk is hereby appointed said special Commissioner to make said sale and he is hereby ordered to make the same on the day and in the manner hereinbefore stated after giving legal notice of the time time and place of sale as under execution, and that said Kirk report his action under this decree at the next term of this court for confirmation or rejection. It is further ordered that Thos. E. Sneed the guardian ad litem for William Humphill be allowed the sum of Twenty five ($25.00) dollars for his services herein to be taxed as part of the costs of this suit.

Wm Von Rosenberg
Ex parte

Wm Von Rosenberg having made application before the District Court of Travis County at this the May term A.D. 1881 for a permanent license to practice as an attorney and counsellor at law in the District court and all inferior courts of the State of Texas, and the said Wm Von Rosenberg having produced before the court his license to practice as an attorney at law in all the courts of Tennessee, and also the certificate of the County Judge of Travis County showing that he is a man of good moral character and honorable deportment, and the said Wm Von Rosenberg having taken the oath required by law, it is ordered by the court that his name be enrolled as an attorney

July 9th 1881

of this court, and that he be admitted and authorized to appear plead and practice as an attorney and counsellor at law in all the District and Junior courts of the State of Texas and that a licence issue to him accordingly.

Mary A. Swisher vs James. M. Swisher. Isabella Haigler et al ✓5435
Upon motion of plaintiffs attorney it is ordered by the Court that the continuance heretofore entered in this case be set aside and this cause dismissed at plaintiffs cost. for which execution may issue

Mary A. Lively et al vs J. W. Harris. Continued by consent. ✓5578

P. S. Nussbaum et al. vs Charles. C. Thorne. Upon motion of Plaintiffs ✓5850
attorney it is ordered by the Court that this cau be and the cause is hereby dismissed at plaintiffs costs.

Catharine Louisa Reissig et al. vs Theresa Maria Petri et al } On this day came the parties by their attorneys. the infant defendant ✓5642
Hermilla Hoffheintz by D. A. Posey Esq guardian ad litem appointed to represent the interests and rights in this cause and the same coming on to be heard the motion of plaintiffs to confirm and order recorded the report of the commissioners heretofore appointed to make partition of interest among the plaintiffs and defendants in this cause, and it appearing to the court that said report of the said Commissioners is in all respects regular and is a just equitable and fair apportionment of interests quality and quantity regarded to and amongst the several parties to this cause and that said report is acceptable to and accepted by the several parties at issue in this cause as a just and proper assignment to them severally of their several rights in and to the subject matter of this suit. it is considered by the Court ordered adjudged and decreed - that the said report of the Commissioners of partition said cause, as hereafter follows, be and the same is hereby in all things approved and confirmed, and that title is hereby decreed to vest in the said plaintiffs and defendants, and each of said defendants in severalty in and to the said property set apart and apportioned to them individually in and by said report of said Commissioners in partition. Viz:

Catharine Louisa Reissig et al vs Theresa Maria Petri et al } #5642. We William Von Rosenberg. James Ford and C. F. Rumpel Commissioners appointed by a decree of the District Court of Travis County made in the above cause on the 11th day of June 1881 and amended on the 17th day of June 1881 to make partition and division of certain land and personal property in the pleadings and decree in said cause mentioned and described do hereby report to the court that after obtaining all necessary information relating to said property. We did. by virtue of the power and pursuant to the directions of said decree proceed to make and did make partition of all of said land and property described in said decree between the parties plaintiff and defendant in the manner following. that is to say: We first valued and appraised said property at the valuation placed

July 9th 1881

Claim in the petition as follows.

1. Lot No 1 Block 35 Austin City Texas and improvements	$1800.00.
2 " " 2 " 35 " " " " " "	400.00
3. 10 2/3 acres of the Baldwin Hudnall survey of land Gonzales Co Texas	100.00
4 88 1/2 acres of the John D. Wash survey of land in Jack Land Dist	65.00
5 Lots 5.6.7.& 8 Blk 6. out lot 45 Div B. Austin City Texas	58.00
6. Money on hand	1251.60
7 Dry Goods. Groceries. Shelving & fixtures	618.98.
8 Notes and accounts	345.00
9 miscellaneous property	103.75
Making in all	$4737.33

Which we divided into four equal parts Quality and Quantity relatively considered and set apart to each party entitled to receive under said decree $1184.34

That finding the sum of $869.30. mentioned in said decree as paid to the widow Julia Louisa Hoffknight for her interest in said property. was paid out of the $1251.60 cash on hand above referred to, We divided said sum of $869.30 into 4 equal parts. Charging each party with the sum of $217.33.

Of said property we did set apart and allot to Plaintiff Catherine Louisa Ressig.

Lots 1 & 2 Block 35 Austin City Texas	$2200.00
88 1/2 acres of land in Jack Land Dist	65.00
1/3 interest in Notes and accounts	115.00
Miscellaneous Property	21.80
Cash paid Julia Hoffknight	217.32
In all	$2619.22.

Subject to the compensation to be deducted and paid by her as follows.

To Theresa Maria Pehl	$726.11	
" Charles Hoffknight	145.12	
" Amelia Hoffknight	563.66	$1434.89
leaving the amount she is entitled to		$1184.33

We also allotted and set apart to the defendant Charles Hoffknight the following property with the compensation above directed to be paid him by Plaintiff Catherine Louisa Ressig to wit

Lots 5-6-7.& 8. Blk 6 out Lot 45. Div B. Austin Texas	$38.00
Merchandise Shelving & Store fixtures	613.98
1/3 of Notes and Accounts	115.00
Miscellaneous property	34.90
Money paid Julia Louisa Hoffknight	217.33.
Compensation from plff Catherine Louisa Ressig	145.12
making the amount due him	$1184.33

To Deft Amelia Hoffknight We allotted and set apart in money on hand $382.30

Miscellaneous property 21.05

Cash paid to Widow Julia Louisa Hoffknight 217.32.

July 9th 1881.

Compensation from Plff Cathrine Louisa Rissiq $563.66
Dow all as her Share $1184,33
To defendant Thyssa Maria Petri we did set apart and allot.
Miscellanous property $25.90
106 2/3 acres of land in Gonzales county Texas 100 00
1/3 interest in notes and accounts 115,00
Compensation from plff Cathrine Louisa Rissiq 726.11
Cash paid Widow Julia Louisa Hoffmeitz 217,33
Making portion set apart to her $1184,34,
That in making said partition the same could not be made equal between the parties without prejudice to their rights and interests except by the payment of compensation as above directed, and in view of the fact that defendant Henrietta Hoffmeitz is a minor, we recommend that the plaintiff Cathrine Louisa Rissiq have the privilege of paying said sum $566 66 at once or at the expiration of twelve months from this date, by paying 12 per cent per annum interest until paid. Further that the time of payment by plaintiff Cathrine Louisa Rissiq of compensation to Charles Hoffmeitz and to Thyssa Maria Petri may be made a matter of agreement between said parties and so entered on the decree. We believe our services are reasonably worth the sum of nine dollars, making three dollars to each of your Commissioners, and respectfully ask that the same may be allowed,

W. Von Rosenberg,

Sworn to and subscribed before me by W Von Rosenberg June 18th 1881
D Hallmann clk D.C.T.C. By Hark Dep.

C J Rummel

Sworn to and subscribed before me by C J Rummel this 20th day of June 1881. D Hallmann clk D.C.T.C By Hark Dep.

And it further appearing to the court that the said defendant Henrietta Hoffmeitz is a minor, as hereinbefore stated, and that the sum of $563.60 due by the plaintiff Cathrine Louisa Rissiq to said minor Henrietta Hoffmeitz is compensation for her interest as an heir in and to the estate of her father the late Henry Hoffmeitz deceased, is by the terms of said report permitted to be paid by plaintiff at any time within one year from the date of the entry of this decree with 12% interest per annum from said date until date of payment: it is therefore considered ordered and decreed by the court that a vendors lien is hereby expressly retained to secure payment of said debt in behalf of said infant defendant Henrietta Hoffmeitz, and it further appearing to the court that valuable services have been rendered to the interest of said infant defendant Henrietta Hoffmeitz by S A. Perry Esq Attorney at Law, her guardian ad litem. it is ordered that the sum of $25. be taxed as part of the costs in this case, as a reasonable compensation for said professional services rendered, It is further ordered that execution issue in behalf of the officers of the court for the costs incurred in this case.

The State of Texas. } This day this cause came on to be heard, and it appearing to the court that the county defendants herein
vs } had not been served with process this case was ordered
B. B. Meadows et al. } 562 1/

July 9th 1881

Rec'd $1092.39 on this judgment E. T. Moore Co Atty

$400.00 has been paid by Crumbaker and is a credit on this judgment

by the court to be dismissed as to said county defendants, and it further appearing to the court that principal in the official bond sued on in this case had accepted service and by written agreement filed herein agreed that judgment might be rendered on the first day of July A.D. 1881. for such amount as might be found due from him in this case. and said plaintiff being represented by E. T. Moore Esq the county atty. the matters of fact as well as of law was submitted to and heard by the court and the pleadings and evidence having been heard and understood by the court. it is ordered adjudged and decreed by the court that the plaintiff, the State of Texas do have and recover of the said principal B. B. Meadows the sum of ($1945.60) one thousand nine hundred and forty five 60/100 dollars and all costs of suit; with interest on said principal sum at the rate of eight per cent per annum from this date until paid for all which execution may issue

Setting of the docket for October Term 1881.

Ordered.

1. That the non jury civil docket be taken up on Tuesday October 4 - 1881.

2. The civil jury docket for the October Term 1881 will be taken up the 4th Monday of the term - 24th October and may continue three weeks

3. The criminal docket will be taken up on the 7th Monday of the Term, Nov 14th 1881. and to continue four weeks or until disposed of,

4. Motions will be heard on Saturday,

5. After the criminal docket a second call of the civil docket will be made of cases passed to end of docket or otherwise

Court adjourned till Monday morning 10 o'clock.

Monday July 11th 1881.

Court met pursuant to adjournment. Present. Same as on first day, Whereupon the following proceedings were had. viz:

5581

Nancy E. J. Dinkins et al. }
vs
John W. Day et al. }

And now on this day this cause coming on to be tried leave was granted to plaintiffs to file a trial amended petition and thereupon the plaintiffs, defendant John W. Day and the minor defendants to wit Elizabeth B. Day Addie B. Day Caroline B. Day Cora Day, John Wylie Day and Lizzie Emerson by their Guardian ad litem James W. Smith Esq (heretofore appointed by the court to represent said minor defendants in this suit) appeared and announced themselves ready for trial, the other defendants to wit: Samuel L. Dinkins and his wife Laura J. Dinkins and Andrew D Emmerson thought having been duly cited to appear and answer the petition of the plaintiffs came not but wholly made default; and the parties not having demanded a jury the cause both as to law and fact was submitted to the court, and after having the pleadings and the evidence the court finds as follows.:

621

1st That Jesse Day and Sarah Day acquired the land on which the vendors lien is sought in this case to be foreclosed and hereafter described during their

July 11th 1881.

courtesy by curtesy title, that is to say they acquired a part of said land as a pre-emption and the remainder by purchase during the marital relation between said Jesse and Sarah Day thus making said property community property between said Jesse and Sarah Day,

2. That after said property was so acquired to wit: in the year 1860 said Jesse Day departed this life intestate leaving said Sarah Day as his surviving Widow, and the following named children to wit; the plaintiffs Nancy E. J. Dinkins, Emma English and Sarah Ann Day and W H Day Charles. P. Day, James M Day, Albert J. Day, Joseph F. Day, Addison. B. Day and defendant John. W. Day as his only heirs at law,

3- That at the death of said Jesse Day one half of said property vested in the said Sarah Day, the surviving Wife of the said Jesse, by virtue of the Community interest therein, and that the other one half of said property vested by descent in said ten children of said Jesse Day in equal parts share and share alike.

4- That in 1866 one of said children of Jesse Day and Sarah Day to wit Addison B. Day died intestate, without marriage or issue, leaving his said Mother Sarah Day and his said three sisters and six brothers as his only heirs at law, and that one half of the interest of said Addison B. Day in said property passed by descent to his said Mother Sarah Day and the other half of the interest of said Addison. B. Day in said property passed by descent to his said three sisters and six brothers in equal parts share and share alike, and that after the death of said Addison. B. Day there was vested in the said Sarah Day the fractional part undivided of $\frac{189}{360}$ in said property and there was vested in the said Nancy E. J Dinkins Emma English Sarah Ann Day, W H Day, Charles. P. Day, James. M. Day Albert J. Day, Joseph. F. Day and the defendant John W Day each the fractional part undivided of $\frac{17}{360}$ in said property,

5th That on the 16th day of January 1877. said Sarah Day, Nancy E. J Dinkins, Emma English (the last two being joined by their husbands, Jesse, L. Dinkins and J. C. English) Sarah Ann Day, W H Day, Charles. P. Day James. M. Day Albert J. Day and Joseph. F. Day, by deed of that date conveyed said property to defendant John. W. Day in which deed it is recited that the consideration for said conveyance was six thousand dollars, and that of said sum four thousand dollars is recited in said deed to have been paid in cash and the balance secured to be paid by the three promissory Notes sued on in this case with the Vendors lien reserved for their payment

6, That while said deed of conveyance appears on its face and by its terms to be a sale by all of the said Vendors or grantors them to said defendant John. W. Day of said property for said sum of Six thousand dollars yet in fact it was clearly made to appear to the court and the court so finds that said deed of conveyance was a gift by the said Sarah Day of her said undivided interest of $\frac{189}{360}$ in said property to the said John W Day and that said deed of conveyance was a gift by the said W.H. Day, Charles. P. Day, James. M. Day. Albert J. Day and Joseph. F. Day to said John. W. Day of their respective interests of $\frac{19}{360}$. each in said

July 11th 1881

propuly, and that the only part of said propuly acquired by purchase by said John W. Day under said deed of conveyance was the three interests of said Nancy E. J. Dinkins Emma English and Sarah Ann Day of 19/360 each,
7th That the wife of said John W. Day to wit: Elizabeth Ann Day was living at the date of said conveyance to wit: on the 16th January 1877 and she died 26th August 1877 intestate: that John W. Day acquired 19/360 of said propuly by descent from his said father Jesse Day in 1860. and by descent from his said brother Addison B. Day in 1866: and that on the 16th day of January 1877. the said John W. Day acquired by gift 189/360 of said propuly from his said mother Sarah Day and on the same day the said John W. Day acquired by gift 25/360 of said propuly from his said five brothers making 307/360 of said propuly acquired by said John W. Day by descent and by gift and in which part of said propuly the said Elizabeth Ann Day had no interest as community propuly at the date of her death which could descend to the children or their descendants,
8. That the only part of said propuly which was acquired by purchase by said John W. Day during the lifetime of his said wife was the 5/360 thereof conveyed by said Nancy E. J. Dinkins Emma English and Sarah Ann Day in the deed aforesaid, that the amount agreed to be paid for same the interest was two thousand dollars, during the note said in this case. that no part of said sum had been paid during the lifetime of said Elizabeth Ann Day: that since the death of said Elizabeth Ann Day, said John W. Day has paid on that one of said notes made payable to Emma English the sum of $70.00 out of his own separate individual means: that there remains now due on said three notes principal and interest to this date the sum of $2827 10/100: that this sum with what has been paid by said John W Day is largely in excess and beyond the value of said interests so acquired by purchase from said Nancy E. J. Dinkins Emma English and Sarah Ann Day, that after the paymunt of community debts owing by said John W Day and Elizabeth Ann Day at the date of her death there was no community propuly left belonging to said John W, and Elizabeth Ann Day, with which to pay off the notes and so, and that said Elizabeth Ann had no separate estate at the date of her death and therefore the court finds that in the purchase of said 5/360 in said propuly from Nancy E. J. Dinkins. Emma English and Sarah Ann Day there was no community interest thereby acquired by or vested in said Elizabeth Ann Day which could descend to her children or to the descendants of her children
9 There was no administration on the estate of said Elizabeth Ann Day, no propuly to administer upon, and no necessity for administration on her estate,
10. There is now due Nancy E. J. Dinkins and Sarah Ann Day the sum of $965 20/100 each. and there is due Emma English $895 70/100 on the respective notes sued on and each of said parties have the vendors lien on the said land hereafter described to secure the payment of said sums to them respectively. said notes sued on having been given

July 11th 1881

by said John W. Day to said Nancy E. J. Dinkins, Emma English and Sarah Ann Day as the purchase money for their respective interests in said tracts of land. It is therefore ordered adjudged and decreed by the court that said John W. Day is the owner in his own separate and individual right of the land hereinafter described (being the same property which has been referred to throughout in the foregoing findings by the court) subject only to said vendors lien, and that the said Elizabeth Ann Day acquired no interest therein as community property or otherwise during her lifetime, and that the descendants of said Elizabeth Ann Day to wit: Laura J. Dinkins, Elizabeth B. Day, Addie B. Day, Caroline B. Day, Cora Day, John Wylie Day, Andrew D Emmerson and Lizzie Emmerson now have no interest in said property through the said Elizabeth Ann Day by descent or in any other manner,

And it is further ordered adjudged and decreed by the court that Nancy E. J. Dinkins and Sarah Ann Day do each have and recover of and from defendant John W. Day the sum of $965 70/100 and that said Emma English do have and recover of and from the said John W Day the sum of $895 00 being the amounts due them respectively on said notes and on each of said sums to draw interest at the rate of ten per cent per annum from this date, and that said John W. Day pay all the costs of this suit,

And it is further ordered adjudged and decreed that said plaintiffs each have the vendors lien on the land hereinafter described to secure the payment of the sums them adjudged to them respectively and that said lien be foreclosed, all of which tracts of land are situated in Hays County Texas and are described as follows: Viz:

First tract: In Hays county containing three hundred and twenty (320) acres and granted to Jesse Day decd. by Patent dated November first 1859. as a pre emption, Beginning at the N. E. corner of another survey of 320 acres made for Jesse day. Thence N 45° E. 300 vrs to a stone mound on the South line of M Hunt survey. Thence West 5635 varas to a stone mound from which an Elm 6 in dia brs S 15° W. 5 varas, Thence S. 45° E. 665 varas to a stone mound from which a Live oak 11 in dia brs S. 5 E. 20 varas, Thence East 2521 varas to a stone mound from which a grove of timber brs S 72 E. Thence N 45° W 365 varas to the N. W. corner of said Days survey. Thence East 2688 varas to the place of beginning. To be taken out of this tract 33 acres conveyed to D A Gormy.

Second tract: In Hays county on the waters of Plum Creek and adjoining the tract first above discribed situated about ten miles North 23° E from the town of San Marcus containing 320 acres and granted to the said Jesse Day as assignee on the twenty third day of September 1854 by Letters Patent of that date issued by virtue of Toby Scrip No 669. Beginning at a stake and mound in prairie the N. W. corner of survey No 20 on the East line of survey No 19, Thence N 45° E. 1575 varas branch of Plum Creek 1880 varas another, 1900 varas to a stone mound from which a bunch of Dog wood bushes bears N 66° W. 50 varas, a grove of timber brs N 2½ E. Thence W 25 vrs branch of Plum Creek 2570 varas, another 2688 varas to a stone mound from which a Live oak bears S 34° W 170 varas, an Elm brs S 41°

July 11th 1881.

W. 167. varas, Thnce S. 45° E. 230 varas. Branch, 1900 varas to the place of beginning;

Third tract. All the land situated in said County of Hays and included and embraced in a certain deed of conveyance from C. R. Johns to the said Jesse Day dated Date Feby 18th 1857, and recorded in the record of deeds in Hays County in Book C. pages 478 & 479 thin having been conveyed by said deed from said Johns with certain reservations and exceptions thin mentioned the following two tracts of land Towit:- 320 acres in Hays County granted to Richard Mills by Patent dated October 6th 1845; being survey No 18. situate on the East side of the Rio Blanco, Beginning at the North corner of survey No 17, Thnce N. 45 W at four hundred varas intersected the South boundary line of survey No 1 at a stone mound, Thnce West 1600 varas with the south boundary line of survey No 1 to its South West corner, Thnce South 2000 varas intersecting the North west boundary line of survey No 16 at a stake and mound, Thnce N 45° E. 2300 varas with the north west boundary line of surveys Nos: 16 & 17 to the place of beginning; And also a tract of land containing (577) five hundred and seventy seven acres in Hays County made by A M. Lendsey 1st Hundred and by virtue of a certificate No 162 4 class issued to John. A. Connor being survey No 190 situated on the Rio Blanco about nine miles North from the town of San Marcos, Beginning at a stone mound 600 varas west from the North East corner of survey No 18 made for Richard Mills from which a Live Oak 15 in dia brs S. 20° E 3 varas and a do 14 in dia brs West 16 varas. Thnce North at 660 varas a stone mound from which a Live Oak 18 in dia brs N 41° W 7 varas, a do 17 in dia brs N 53° W 7 varas, Thnce West at 300 varas. Halifax at 1947 varas intersecting the East boundary line of survey No 13 at a stone mound from which a Live Oak 15 in dia brs N 2° W 80 vrs a do 8 in dia brs N 37° E 40 varas, Thnce S. at 315 vrs. dry branch runs S. W. at 690 varas a branch runs West at 1300 varas a stone mound and S. E. corner of survey No 13, Thnce West with the South line of No 13 at 140 varas a stone mound, Thnce S. 45° W at 1260 varas intersected the West corner of M. P. Elkin survey Thnce North the north line of said survey 1978 varas a stake and mound the West line of No 18, Thnce North with said West line at 1531 varas the N. W. corner of No 18, Thnce East to the place of beginning,

Fourth tract 331 acres of land in Hays County located by virtue of unlocated balance certificate No 1/254 of the 640 headright of Elijah H Moore and survey made for the heirs of Jesse Day as assignee, said 331 acres being situated about 9½ miles North from San Marcus and bounded as follows: Beginning at the N. W. corner of the Wm Dunbar survey stone mound for corner, Thnce N 330 varas to the N. W. corner of the John Cooper survey a stone mound on the South line of the Andrew Dunn survey from which a Live Oak marked X brs N 19 W 66 vrs and a do mkd X brs N 16½ W. 67 vrs, Thnce West with the lines of the A. Dunn, M B. Palm and John Buckam at 863 varas the S. W. corner of the Andrew Dunn and at 4294 varas to a stone mound in the channel of Halifax creek from which an Elm bears West 13½ varas and a live oak brs S 24½ E 37 varas both marked H X

July 11th 1881

Thnce South 1630 varas to a stone mound for the S. W. corner, Thnce East 3947 varas to the corner of the John A. Conner survey, Thnce N. 1300 vrs to the N. W. corner of the said John A. Conner from which a live oak mkd X Brs N 37° E 40 varas by call, (by measurement 32 varas) a do Brs N 2° W 80 varas by call (by measurement 74 varas) Thnce E. 1947 vrs to the N E Corner of the Conner and N. W. corner of the Wm Dunbar a live oak X Brs N 41° W 7 varas and a do Brs N 53. W 7 varas continue the line East in all 3947 vrs to a stone mound for the N. E. corner of the Wm Dunbar and place of beginning, And it is further adjudged and decreed that an order of sale do issue directed to the Sheriff of Hays County Texas Whre said land is situated, requiring said Sheriff to levy upon and sell said land as under execution and that said sheriff dispose of the procuds of said sale as follows: first to the payment of the costs of this suit; next to the payment to said plaintiffs the several sums herein adjudged to them with interest which may hereafter accrue thereon, and in case said land shall not sell for a sufficient amount to fully pay off said sums adjudged to said plaintiffs respectively then the procuds of such sale shall be divided prorata between said plaintiffs in proportion to the respective amounts adjudged to them and executions shall issue against said John W Day in favor of each of said plaintiffs for such sum as may remain unsatisfied by said procuds of said sale, and in case there be remaining in the hands of said Sheriff (should said sale be made) after the payment of the costs of this suit and the payments to said plaintiffs of the amounts herein adjudged to them respectively any balance of the procuds of said sale, said Sheriff is hereby directed and required to pay over such balance to the said John. W. Day or to his agent or attorney, And it is further ordered adjudged and decreed by the Court that in case the said John. W. Day shall pay off and fully satisfy the several sums herein adjudged against him without said sale being made of the land aforesaid, then he is hereby discharged and adjudged to be vested with full and complete title to said land free from any and all claims of the said children and descendants of his late wife Elizabeth Ann Day. And it is further ordered that the sum of twenty five dollars be and the same is hereby allowed to Jesse. W. Smith Esq for his services as Guardian ad litem for the minor defendants herein to be taxed and collected as part of the costs of this suit and paid over to him when collected.

Court adjourned till tomorrow morning 9 oclock

July 12th and 13th 1881

Court met each day pursuant to adjournment. Present same as on first day and there being no civil minutes to record of either of the above dates court adjourned till tomorrow morning 10 oclock

July 14th 1881

Court met pursuant to adjournment. Present same as on first-

July 14th 1881.

day whereupon the following proceedings were had. Viz.

5662 Thad A. Thompson } Ex parte.
J. H. Raymond Jr. } Thomas Thad. A. Thompson. J. H Raymond Jr. and
E. B. Hancock } E. B. Hancock having made application to and before the Hon District Court of Travis County Texas for license to practice as attorneys and counsellors at law and having filed the certificate as to their moral character and honorable deportment and that they are twenty one years of age as required by law, and the committee appointed by this court to examine said applicants as to their legal qualifications, having examined said applicants and having reported to this court that the said Thad. A. Thompson, J. H. Raymond Jr and E. B. Hancock are well and fully qualified to practice as attorneys and counsellors at law, it was this day ordered by the court that the said Thad. A. Thompson, J. H Raymond Jr and E. B. Hancock be and they are hereby admitted to practice as counsellors and attorneys at law in the District and all inferior courts of this State, and that the Clerk issue to each of them license accordingly.

John. C. Duval et al }
vs } Now on this day comes W. Von Rosenberg
#4795 Robert Cruz Saur et al } trustee heretofore appointed by this court in
this cause and submits to the court the following report viz:

John. C. Duval et al } District Court of Travis County.
vs #4795 } Hon R. S. Walker Judge.
Robert Cruz Saur et al } The decree of June 5th 1880 in the above stated
cause requires the undersigned Trustee to sell the property thereby set aside
to John. C. Duval and Florida G. Howard at private sale in one year from
the date of the said decree, and directs that at the expiration of that
time the trustee shall sell the remainder for cash at public auction,
one tract of land the most inferior, has been sold at private sale, which
sale has been confirmed at the last November term - after the entering
up of said decree June 5th 1880 the I. & G. N. Railroad has been extended
passed the lands in question. The uncertainty as to where the nearest rail-
-road station would be established was retarding the sale of the lands at
a value commensurate to the advantages in sight. it appeared almost
a sacrifice to sell without due consideration of the effect said Rail-
-road would necessarily have upon the value of lands situated so
eminently as these lands are. Only a short time since De Pen station
was established permanently, at a distance from 1½ to 3. Miles from
these lands. Under these circumstances your trustee respectfully represents that
an extension of time for private sale for 12 months longer will tend to realize
better prices for this property than by forcing the same off at public sale. and
respectfully asks a consideration of this matter and an extension of time
as stated if deemed justified. Respectfully submitted. Austin 6th June 1881,

W. Von Rosenberg trustee.

It is therefore ordered by the court that said report be approved. and fur-
-ther ordered that the authority of W Von Rosenberg trustee to sell at private
sale be extended Jany 1st 1882,

July 14th 1881.

The State of Texas. vs N. B. Mason Sal } Upon a statement of the account of the defendant N. B. Mason with the State made up and certified by the Comptroller showing that said defendant Mason is not indebted to the State, and all costs of Court having been paid. it is ordered by the Court that this suit be and the same is hereby dismissed, 5622.

Court adjourned till tomorrow morning 10 oclock

July 15th 1881

Court met pursuant to adjournment: Present same as on yesterday Whereupon the following proceedings were had. Viz:

B. H. Jayne Exrs vs R. F. Campbell Sal. It is ordered by the Court that the plaintiff have leave to file an Amended original petition in this case in Vacation. 5591

B. H. Jayne Exrs vs Lysander Brown Sal. It is ordered by the Court that the plaintiff have leave to file an Amended original petition in this case in Vacation. 5592

Phillipina Woolfolk vs Alfred Woolfolk } And now this day came the plaintiff by her attorneys Carlton & Morris and the said Alfred Woolfolk came not Whereupon the court appointed one D. W. Dorn Esq an Attorney of this Court to represent him Whereupon came on to be heard the motion of plaintiff to substitute the pleadings citation service and return of citation in this cause, and it appearing to the satisfaction of the court that the original papers pleadings citation service and return of citation have been lost and also that the plaintiff in the said motion has presented and filed substantial copies of said papers, It is therefore ordered adjudged and decreed that the said papers be and they are hereby substituted for and in lieu of said original papers, and the said plaintiff Phillipina Woolfolk by her attorneys Carlton and Morris, and Alfred Woolfolk by D W Dorn Esq his attorney appointed by the court having announced themselves ready for trial and submitted the matters in controversy as well of fact as of law to the court, and the court after having heard the pleadings evidence and argument of counsel considered that the allegations of the plaintiffs, It is therefore ordered adjudged and decreed by the Court that the bonds of matrimony heretofore existing between Phillipina Woolfolk and Alfred Woolfolk be and the same are hereby dissolved, It is hereby ordered that D. W. Dorn Esq be and is hereby allowed the sum of twenty dollars for his services in this cause ordered to be taxed as other costs in this cause. 5319

It is further ordered adjudged and decreed that the plaintiff do have and recover of and from the defendant all costs in this behalf expended.

Court adjourned till tomorrow morning 9 oclock

July 16th 1881.

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings were had viz:
The foregoing minutes having been read in open Court, examined and found correct. It is now ordered that the same stand as part of the minutes of the present term of this court. And it is further ordered that this court now stand adjourned until the next regular term thereof.
July 16th 1881.

A. S. Walker
Judge of the 16th Judicial District of Texas.

Monday October 3d 1881.

State of Texas } Be it remembered that at a term of the Hon
County of Travis } District Court of Travis County begun and
holden at the Court house thereof at the City of Austin on the 3d
day of October that being the first Monday in said month and the
time fixed by law for the holding of said Court and the Hon A. S.
Walker Judge of the 16th Judicial District of the State of Texas
presiding and E. Hallmann Clerk of said Court and Ed Conary
Sheriff of said County being present the following proceedings were
had viz:

James F. Johnson vs W. W. Langston et al. Plaintiff has leave to file 1st amended original petition. ✓5292.

Victoria C. Burke vs H. & T. C. R. R. Co Plaintiff has leave to file 1st amended original petition. ✓5514.

B. H. Jaynes Sons vs Leander Bonner et al, Defendant Don Wilson has leave to file amended original Answer. ✓5592

Ames Iron Works vs Jno A. Webb & Bro. Defendants have leave to file amended original answer, ✓5631.

Wm M. Saunders vs. Amanda Cartright & Samuel Stauffer. Plaintiff has leave to file first amended original petition ✓5640.

Louis Hancock Ex parte, It is ordered by the Court that Messrs West Robertson & Dunn be appointed a committee to examine the applicant Louis Hancock as to his qualifications to practice as an attorney at law the examination to take place at 10 oclock A.M. 4th October 1881. ✓5698.

Court adjourned till tomorrow morning 10 oclock.

October 4th 1881.

Court met pursuant to adjournment. Present same as on first day, whereupon the following proceedings were had viz:

Thomas F. McKinney	vs	A. M. Cox.	Continued to make parties ✓2931.
Abby Thompson	vs	A. H. Baines et al.	Continued ✓2955
Abby Thompson	vs	R. A. Rutherford	Continued. In Supreme Court. ✓2957.
Abby Thompson	vs	George Saunders	Continued ✓2958.
Abby Thompson	vs	H. L. Raney	Continued ✓2960
Giles A. Burdett	vs	W. B. Burdine et al	Passed to end of docket ✓3080.
Eubalta Gonzales	vs	The State of Texas.	Continued by consent ✓3140.
Juan Vela Guiterrez	vs	The State of Texas.	Continued by consent ✓3187.
Manual Baptiamito	vs	The State of Texas	Continued by consent ✓3189.
Manal Ramirez	vs	The State of Texas	Continued by consent ✓3190
Pedro Gutierrez	vs	The State of Texas	Continued by consent ✓3191.
Gabriel Lopez et al	vs	The State of Texas	Continued by consent ✓3192.
Julian Lopeztegui	vs	The State of Texas	Continued by consent ✓3196.
Candelaria Ramirez	vs	The State of Texas	Continued by consent ✓3202
Trinidad Villareal	vs	The State of Texas	Continued by consent ✓3361.
Victoria Juarez	vs	The State of Texas	Continued by consent ✓3362
Seraphic Garza	vs	The State of Texas	Continued by consent ✓3364.
Juan Rodriguez Sais	vs	The State of Texas	Continued by consent ✓3366.
J. W. Linn et al	vs	The State of Texas.	Judge disqualified ✓3368

October 4th 1881.

3696 John Finland, vs John Hancock. C. D. West et al — It is ordered by the court that this cause be and the same is hereby dismissed and that defendants pay all costs in this behalf expended for which execution may issue.

3720. George W. Paschal vs Central R. R. Co. & Austin City. Continued to make parties.

3868. The State of Texas vs B. F. Scoggins, Geo. W. White Garnishee. It is ordered by the court that this cause be and the same is hereby dismissed on answer of the Garnishee herein filed, and further ordered that the plaintiff pay all costs in this behalf expended.

3934. Chandler Carleton & Robertson vs Geo W. Avery, W. P. de Normandie, Garnishee. Continued by consent.

4007 M. D. Pilley vs F. M. Rapalee & Emanuel Nolda. Continued for service.

4076 F. Shuler & Son vs. J. F. Jackson. Passed to end of the docket.

4430 James L. Long vs George L. Robertson et al. Passed to end of docket.

4795 John C. Duval et al vs Robert Cruger et al. Passed to end of docket.

4815 Charles Krohn vs Thomas F. Purnell, Passed to end of docket.

4828 Rufus Cogswell et al vs William Alexander Continued

4900 The State of Texas vs B. Bonner et al Passed to end of docket.

4917 C. F. Millett vs David V. Whiting et al. It appearing to the court that this case is improperly on the docket it is ordered that the same be and is hereby dropped from the docket.

4972 John H. Hampton vs W. R. Hampton et al. Passed to end of docket.

5024 S. W. Baker vs. Nicholas Jerolemon Continued

5074 Richard Gildart vs J. P. Gildart et al Passed for return &c to end of docket.

5105 Ellen Kimball vs Louisa Johnson et al. Continued

5205 E. W. Shands vs Milton Wallace. Set for Thursday Oct 6th 1881

5257 William Pray vs F. E. Fullis et al Passed to end of docket.

5267 Laura A. Ormond vs Charles J. Ormond, Passed to end of docket.

5272 M. R. Davis vs Letitia L. Davis Passed to end of docket.

5292 James F. Johnson vs W. W. Lang et al Passed to end of docket.

5313 Helena Hemminger vs John Hemminger Passed to end of docket.

5323 James Lockwood vs Fredrick Jordan. Continued

5371 J. E. Early vs P. C. Wills, Passed to end of docket.

5374 Amelia Brickla vs Harry Gilman. Set for Friday October 14th 1881.

5382 A Dychus for &c. vs Earl Texas Fire Insurance Company, It appearing to the court that this case had been settled it is ordered that same be now dropped from the docket.

5383 Bucky Pickett vs Lee Pickett. Continued for service.

5389 M. C. Hamilton vs James F. Ellison Continued by consent.

5420 Henry Brooks et al vs Jacob Espinght et al Continued

5431 W. S. Caraching vs R. W. Crawford Continued for service

5448 Rachel J Harris et al. vs Albert C. Jones et al. Set for Novem ber 3rd 1881.

5443 Mary A. Smisher vs Smisher & Lorraine. Continued by consent.

5446 Mary A. Smisher vs Smisher & Hyde. Upon motion of plaintiffs Attorney it is ordered by the court that this case be dismissed and

October 4th 1881

that plaintiff Mary A. Smith pay all costs in this behalf expended for which execution may issue,

Mary A. Smith vs Smith Bryan & Campbell Continued by consent. #5447.

Thomas T. Kemp vs Jorge King Passed to end of docket #5449.

Mary A. Smith vs Smith & Campbell Continued by consent #5452.

Mary A. Smith vs Smith & Shands Passed to end of docket #5454

Mary A. Smith vs Smith & Bright. Upon motion of plaintiffs attorney it is ordered by the Court that this cause be and the same is hereby dismissed and further ordered that the plaintiff Mary A. Smith pay the all costs in this behalf expended for which execution may issue. #5458

A. Guido Pelligrini vs Forster Leighton & Co. Continued to perfect service #5468.

Elsie Quarlital vs Houston Goakum, Upon motion of plaintiffs atty it is ordered by the court that this cause be and the same is hereby dismissed. the same having been settled between the parties. It is further ordered by the court that the plaintiffs pay all costs in this behalf expended for which execution may issue, #5479.

The State of Texas vs Charles Kerbie et al. Set for October 7th 1881. #5497.

Lucy A. Field et al vs Thomas A. Field et al. Passed to end of docket for purpose of receiving report of commissioner. #5500.

The State of Texas vs Charles Kerbie et al, Set for October 7th 1881 #5501.

Oscar Obermiller vs Dennis Comm et al. It is ordered by the court in accordance with agreement on file that this cause be and the same is hereby dismissed at plaintiffs cost; It is therefore ordered by the court that plaintiff Oscar Obermiller and his sureties on his cost bond to wit E. S. Hughes and H. M. String pay all costs in this behalf expended for which execution may issue, #5522.

Herman Schmidt vs Cardwell & Morgis, Passed to end of docket #5528

Jacob Crawford vs Huguilla Crawford Continued #5556.

D. L. Cox vs Ella Carter et al Continued #5559.

J. C. F. Phiefs vs Wilson Swingley et al Continued #5563.

Charles J. Jones vs Cora E. Shipman et al, Passed for action on report of commissioners of partition, #5565.

Emma Milde vs Frederick Milde Set for Thursday October 13th 1881 #5576.

The State of Texas vs J. P. W. Herbert et al, Set for October 17th 1881 and Plaintiff has leave to file amended original petition #5599.

The State of Texas vs M. L. Denham et al Set for October 17th 1881 and Plaintiff has leave to file amended original petition #5603.

George Pflueger vs Samuel Stauffer et al Continued for service #5639.

R. A. Lane vs Wm. M. O'Leary Passed to end of the docket #5689.

R. B. Humphill by next friend vs William Humphill et al } On this day came on to be heard the report of John P. Kirk Special Commissioner heretofore appointed by the court to sell lots Nos seven and eight in Block No forty six in Division E. of the lots of the City of Austin said report being as follows viz: #5634.

R. B. Humphill vs Wm Humphill et al } In the District Court of Travis County Texas October term 1881. To Hon A. J. Walker Judge of said Court-

October 4th 1881.

The undersigned who was appointed by your Honor as Commissioner to sell lots Nos. Seven and Eight in Block No forty six in Division E. of the lots of the city of Austin for the purpose of having the proceeds arising from the sale thereof partitioned between R. B. Humphrie, William Humphrie and Dora E. Coleman as per a decree of this Hon Court would most respectfully submit the following report,

1st That under said decree the undersigned advertised said lots for sale at public vendue for cash on the First Tuesday in October 1881. at the court house door of Travis County Texas, Notice of said sale having been posted at three public places in Travis County, one of which was at the court house door for about forty days previous to the day of sale,

2nd That on said First Tuesday in October 1881 in pursuance of said decree and the notice given thereunder the undersigned offered said property for sale at public outcry for cash to the highest bidder, whereupon J D Fields bid the sum of Four thousand Five hundred and ten dollars therefor, which being the highest and best bid the same was struck off to him, and further I regard said sum as a fair and just price for said property,

3rd That it appears from the record of deeds of Travis County Texas, that on the 22nd day of August 1881. Dora E. Coleman joined by her husband J H. Coleman jr and R. B. Humphrie sold and conveyed to said J.D. Fields their interest in said property the same being a two thirds undivided interest therein,

4th That said Fields has paid to the undersigned the sum of Fifteen hundred and three & 33 1/3/100 dollars the same being the interest of the minor William Humphrie in the amount paid for said property, which said sum is now here paid into Court for the purpose of having the same decreed to the party entitled thereto, And he further says that he is informed that Jno H. Coleman jr is the guardian of the estate of said Wm Humphrie minor, Wherefore the undersigned prays that the report be accepted and confirmed and for an order of the Court directing the payment of all costs in this behalf incurred,

Jno R Kirk Commissioner

Subscribed and sworn to before me this the 4th day of October A.D 1881.

E Hallmann clk D.C.T.x.

By James P Stark Deputy.

And it appearing to the court that said sale was fairly and legally made and that the price received for said lots was reasonable, it is therefore considered ordered adjudged and decreed by the court that said sale be in all things confirmed, And it is further ordered that said Commissioner make a deed of conveyance to J D. Fields of all of the right title and interest of R. B. Humphrie William Humphrie and Dora E Coleman in and to said lots Nos. Seven and Eight in Block No forty six Division E. of the Austin City lots, and that the said Commissioner pay all costs in this behalf incurred to the parties entitled thereto and that he pay over to the Guardian of the estate of William Humphrie a minor his interest in the proceeds arising from the said sale of said lots less his prorata of the costs incurred,

October 4th 1881

Court adjourned till tomorrow morning 9 oclock.

October 5th 1881

Court met pursuant to adjournment, Present same as on first-day Whereupon the following proceedings Were had, viz:

The State of Texas vs T. & G. N. R. R. Co. Passed to end of the docket — 3466.
Mary A. Lindley et al vs J. W. Haning, Passed to end of docket — 3578.
M. E. Cunningham et al vs J. A. Chandler et al Passed to end of docket — 3579.
Pate Reed & Cooley vs Julius Levy & Co. Passed to end of docket — 3583.
Joe H. Stuart vs A. H. Polo & Co. Passed to end of docket — 3584.
Francis O. Goodall vs Jno F. Goodall et al, Passed to end of docket for report of sale, — 3588.
The State of Texas vs Benito Gonzales et al Continued for service — 3596.
Lottie Ritchie vs The T. & P. R. R. Co & T. & G. N. R. R. Co Passed to end of docket; — 3600.
Ann. E. Davis et al vs The T. & P. R. R. Co. & T. & G. N. R. R. Co Passed to end docket; — 3602.
The State of Texas. vs A. H. McGinn et al Cont for service — 3620.
R. F. Campbell vs R. S. Willis et al. Set for October 11th 1881. — 3624.
Jorge Thomas vs Easter Thomas. No Counsel appearing Cause cont — 3625.
Louis Hancock, Ex parte, Whereas Louis Hancock having made — 3698
Application to and before the Honorable District Court of Travis County Texas for permanent license to practice as an attorney and counsellor at law and having filed the certificate as required by law as to his moral character an honorable deportment; and the Committee appointed by this court to examine said applicant as to his legal qualifications having reported to this court after a thorough examination that the said applicant Louis Hancock is well and fully qualified to practice as an attorney and counsellor at law, it is therefore ordered by the court that the said Louis Hancock be and he is hereby admitted to practice as an attorney and Counsellor at law in the District and all inferior Courts of this State and that the Clerk issue him license accordingly.

John. C. Duval et al. vs R. Coy Lair et al } In this case came now the trustee W. Von Rosenberg appointed heretofore to sell the lands set apart to John. C. Duval and Florida S. Howard for the purposes of the trust declared and perpetuated in the former decree of this Court and made the following report; viz: October 1st 1881. Cause No 4795 District Court Travis County, State of Texas. The undersigned trustee appointed to sell the property set off to John C. Duval and Florida S. Howard respectfully reports: that acting under the authority of the decree of June 5th 1880 and July 14th 1881 said has been contracted to P. C. Braly of Lot No 1 being (288) two hundred and eighty eight acres more or less part of the A. M. Donnaman 1/3 league in Travis County at the price of $6.00 per acre, or $1728.00 ($528.00) five hundred and twenty eight dollars cash, and ($1200.00) twelve hundred dollars in Vendors lien note due the 1st of October 1884 bearing interest at the rate of ten per centum per annum from the 1st October 1881, said interest payable annually and prays that said sale be confirmed and that he be au- — 4795

October 5th 1881

thorized to execute the necessary deed and to trans for said Vendors his note to Geo. W. Sampson to be credited on his claim against said land at face value, which arrangement said Geo. W. Sampson was agreed to waiving what difference there may be because of his said claim draming twelve per centum interest. It is furthermore represented and submitted that by a resurvey of the South half of the H. M. Dorman ⅓ league an excess was found of a few acres, out of which excess it is suggested to authorize reserving twelve varas along the south line of the land sold for a public road and to so express in the deed to be made to P. C. Beaty, such a road is beneficial for this trust, as an outlet for 250 acres of said H. M. Dorman tract not yet sold, and is really a public necessity which at this opportunity can be carried out without loss: in as much as the amount realized by this sale is not diminished thereby. Respectfully submitted. W. Von Rosenberg Trustee,

Whereupon there being no objection to said report, and it appearing to the court that the sale as made by the trustee to P. C. Beaty of the two hundred and eighty eight acres of land therein mentioned out of the H. M. Dorman survey subject to the terms and conditions therein mentioned is a beneficial sale for the trust and that the price obtained is a fair price for the land sold, It is ordered and adjudged that the said report of the trustee be accepted as the basis of said sale and that the said sale be in all things confirmed to the purchaser upon his complying with the terms thereof, It is further ordered that upon the purchaser complying with the terms of the sale by the payment in cash of the sum of Five Hundred and twenty eight dollars, and by the execution of his note to said trustee for the sum of twelve hundred dollars payable October first 1884, bearing interest from date till paid at the rate of ten per cent per annum, the said interest being payable annually as the purchase money of said land, that the said trustee do execute to the said purchaser P. C. Beaty a deed to the said two hundred and eighty eight acres of land part of the H. M. Dorman third league in Travis County Texas, the same being known as subdivision marked B. on the plat accompanying the former decree of partition in this case, the said deed reserving for the use of the public and public benefit of the other lands unsold belonging to this trust, twelve varas in width off the south side of the tract here sold running the whole length of said tract, to be used and dedicated as a public road for the purposes and objects aforesaid, It is further ordered that said deed to the purchaser aforesaid retain the vendors lien for the purchase money, and that for the further enforcement of the same that the purchaser execute for the benefit of the deferred payment, a mortgage with power of sale or deed of trust, upon the usual terms stipulations and conditions and that the same be recorded in the proper county,

It appearing that George W. Sampson the principal beneficiary in this trust is willing to take the note of $1200.00 for the deferred payment upon said land in satisfaction pro tanto of his claim established herein: It is ordered that the said Trustee upon the said Sampson giving proper receipt

October 5th 1881.

thinfor is authorized to transfer the said notes and mortgage or deed of trust when taken to him the said Sampson, all other matters and remand till the further order of this court,

Victoria C. Burke vs H. & T. C. R. R. Co, Upon motion of plaintiffs Attorney it is ordered by the court that the motion filed by plaintiff in this cause on the 4th October be and the same is hereby dismissed. 5574.

H. J. Doughly } vs W. D. Lee } On this the 4th day of October AD 1881 this motion of the defendant W. D. Lee coming on to be heard to enter up judgment in accordance with the award of the arbitrators filed in this cause and it appearing to the court that said award was in words and figures as follows. viz: H. J. Doughly vs W. D Lee, In District Court Travis County Texas, We the Arbitrators in the above entitled and numbered cause having duly empaneled all matters and evidence submitted to us and having agreed upon our award do hereby find and award as follows, 5601.

1. We award, decide and find that the defendant W. D. Lee is indebted to the plaintiff H. J. Doughly in the sum of Five Hundred and one dollars and ninety eight cents and that the said W. D. Lee shall pay this amount to the said H. J. Doughly in Cash,

2. We award decide and find and give to said H. J. Doughly and W. D Lee a one half interest each in the following accounts, and notes due the firm of Lee and Doughly of which the said H. J. Doughty and W. D. Lee are equal partners, owning a one half interest each,—

Frank Birdsall	$2.25	Matilda Clark	3.00
Dan Ivy	3.80	A. Kamp	7.50
Robt Needham	6.75	A Billingsley	7.00
Jas Shackles	101.90	Hy Forster	9.65
A. J Blomquist	20.10	Bob Grabb	106.08
Wm Pickle	6.90	Charles Lamb	38.62
Robt Shackles	21.60	McGaha	4.00
T. Ruby & Alf Pouce	3.50	Winnie Williams	3.50
Wm Shackles	19.25	Dan McGregor	6.50
Jas Shackles	101.90	T. W. Myers	20.00
Albert Thomas	32.40	Bee Johnson	3.95
John Phillips	20.30	Jack Smith	6.50
Frank Brown	11.10	J. W. Earnest	8.55
R. Foster	59.06	Lee Edwards	10.20
Charley Crayton	34.70	John Scott	7.15
Hy Pickles	28.44	Jesse Edwards	3.40
Mrs Pickles	17.50	Dan Silas	10.50
W. E. Moore	60	Jim Shackles	433.00
J. W. Hampton	8.35	James Daniels	8.00
Alf Rainey	13.00	O. Blomquist	5.40
Joe Birdsall	10.67	P. Roland	12.05
John Halloway Sen	3.40	J. B. Harris	40.37
Ed Daniels	70.69	Rosco Davis	39.45
R. Mercer	127.60	Ben Nichols	52.36
Gonzales Santonio	2.80	J. W. Davis & Co note	379.00

October 5th 1881.

R. P. Walls,	35.35	Parm Daniels	183.31
Nils Tom	1,00	James Dietrick	172.87
Thos. Dietrick	8,55	N. Olson	9,50
F. Whitley	39,01	R. A. Landrum	217,50
Alonzo Johnson	73,81	Geo Lowber	8 50
Elijeo Garcia	18,25	J W. Davis & co a/c.	46.15
H.J. Smick	4,10	Frank Pearson	2.50
		F. Schmuning	25,92

3d We further award decide and find that the said H. J. Doughty and W. L. Lee owe the following persons the following sums of money viz:

Mrs K. P. Hanshaugh $208.35

Which are debts of said firm and they shall pay the same equally —

4. We award adjudge and decide that the said H. J. Doughty shall pay one half of the costs of this proceeding and the said W. L. Lee the other half.

John Dowell
Jno P Rodney Arbitrators

And that the same was in due form and correct and this time no objections thereto. Whereupon it is ordered adjudged and decreed by the court that said plaintiff and defendant be and are hereby given one half undivided interest in the above accounts and notes and that said award of the arbitrators be made the judgment of the court, and further ordered that execution may issue in behalf of the officers of the court for their costs against each party for one half the costs in this behalf expended.

Court adjourned till tomorrow morning 9 o'clock.

October 6th 1881

Court met pursuant to adjournment. Present same as on first day, and thereupon no civil minutes to be recorded of this date. Court adjourned till tomorrow morning 9 o'clock,

October 7th 1881

Court met pursuant to adjournment. Present same as on first day, Whereupon the following proceedings were had viz:

$364.50

M. C. Hamilton vs F. F. Pendley — Now on this day this cause being regularly called for trial the plaintiff appeared by his attorneys and announced himself ready for trial and it appearing to the court that the defendant had been regularly served with process more than five days before the first day of this term and that defendant had failed to make an answer to plaintiffs petition but had wholly made default, on motion of plaintiff the court rendered judgment against the defendant by default, and it appearing to the court that there is due to the plaintiff from the defendant the sum of Thirty six hundred and Eighty six 50/100 ($3686.50) dollars on the promissory note given by the defendant, It is therefore ordered and adjudged by the court that the plaintiff M. C. Hamilton have judgment against the defendant F. F. Pendley for the sum of Thirty six hundred and Eighty six 50/100 dollars with interest per centum per annum interest from this date together with all

October 7th 1881

costs in this behalf expended for which execution may issue,

The State of Texas } On the 7th day of October AD 1881. the above entitled
vs } cause being called for trial the defendants although they
Henry Hamilton et al } were duly served with process failed to answer but wholly
made default. and the plaintiff appeared by attorney and announced ready for trial
and no jury being demanded the matters in issue were submitted to the court,
The court after hearing the pleadings and evidence submitted by plaintiff is
of opinion that the defendants after deducting the four hundred ($400.00) dollars
paid January 7th 1881. are indebted to the plaintiff in the sum of ($1299.45)
one thousand two hundred and ninety nine 45/100 dollars, It is therefore consid-
ered adjudged and decreed by the court that the plaintiff the State of Texas
do have and recover of and from the defendants, Henry Hamilton, A. Mansfield
J. P. Dannforth and H. C. McKay the sum of twelve hundred and ninety
nine & 45/100 ($1299.45) dollars with interest from this date until paid
at the rate of eight per cent per annum and all costs in this cause
expended for which execution may issue. It appearing to the court that
the defendants A. Mansfield, J. P. Dannforth and H. C. McKay are sure-
ties for the defendant Henry Hamilton on the bond and cause in this
cause it is therefore ordered and decreed by the court that the said sure-
ty defendants shall have a judgment over against their said principal Henry
Hamilton for whatever sum of money they or either of them may have to
pay on this judgment and that execution may issue in the name of the
State of Texas in their favor against the said Henry Hamilton for the same,

The State of Texas } On the 7th day of October AD 1881. the above entitled
vs } cause being called for trial the plaintiff appeared by attorney
Henry Hamilton et al } and announced ready, but the defendants although they were
F. L. Hicks et al } duly served with process failed to answer but wholly made
default and no jury having been demanded the matters in issue were submitted to
the court, and the court after hearing the pleadings and evidence submitted in
the cause by plaintiff, is of opinion that the defendants are indebted to the plaintiff
in the sum of ($2881.32.) two thousand eight hundred and eighty one 32/100 dollars,
It is therefore considered ordered adjudged and decreed by the court that the
plaintiff the State of Texas, do have and recover of and from the defendants Henry
Hamilton, F. L. Hicks, A. Mansfield and H. C. McKay the sum of two
thousand eight hundred and eighty one & 32/100 ($2881.32) dollars with in-
terest from this date until paid at the rate of eight per cent per annum, together
with all costs in this cause expended for which execution may issue,
It appearing to the court that the defendants F. L. Hicks, A. Mansfield and
H. C. McKay are sureties for the defendant Henry Hamilton on the bond and
in this cause, it is therefore ordered and decreed by the court that the said
surety defendants shall have a judgment over against their said principal
Henry Hamilton for whatever sum of money they or either of them may have
to pay on this judgment and that execution may issue in the name of the
State of Texas in favor of said sureties against the said Henry Hamilton
for the same,

A. L. Pomroud vs D. F. Smith, W. J. Montgomery Intervenor, In this cause
appeared the plaintiff and intervenor by their attorneys and it appearing that the

Rec. from F. L. Hicks Four thousand & Thirty seven & 32/100 ($4037.32) Dollars full payment of Judgment & Costs in favor of State of Texas against Henry Hamilton et al rendered at this term of Court. This Oct 7th 1881. F. L. Hicks

$569
Ef Docks
p 103

$5570,
Ef Docks
p 103.

Exec. docket page

$5637.
1st order of sale Docket 5 page

October 7th 1881

defendant D. F. Smith has been legally served with process in this case both in the original suit and intervention, and it further appearing to the court that the defendant D F. Smith has failed to appear demur plead or answer either to the original plaintiffs petition or the petition of intervention within the time prescribed by law but wholly made default; It is therefore ordered adjudged and decreed by the court that the defendant be and he is hereby stopped barred and precluded from filing any demurrer plea or answer in this cause either to the original plaintiffs petition or the petition of intervention, and the plaintiff & intervenor announced themselves ready for trial this being no jury demanded after hearing the evidence introduced by the plaintiff and intervenor, It is ordered adjudged and decreed by the court that the plaintiff A. L. Tomsend do have and recover of and from the defendant D F. Smith the sum of Five hundred and seventy eight 25/100 ($578 25) dollars with interest at ten per cent per annum from this date until paid together with all costs of this suit that has accrued for or on account of the plaintiff A. L. Tomsend, It is further ordered adjudged and decreed by the court that the intervenor W. J. Montgomery do have and recover of and from the defendant D F. Smith the sum of Six hundred and forty & 87/100 dollars ($640.87) for his principal debt and interest up to this date with interest at ten per cent per annum from this date until paid together with the costs of this suit that has accrued for or on account of the intervention, And it appearing to the satisfaction of the court that the two notes upon which the foregoing judgment is rendered are given for the purchase money of two certain tracts of land situated in Lee County Texas the same being Lot No 20 and a part of lot No. 2 of the subdivision of a league and labor of land in the name of Hiram Donahoo as the original grantee, which league and labor of land was subdivided into small tracts in 1876 by James R. Pace surveyor, said lot No 20 containing 190 acres and the other being 33 acres off of the North end of No 2. of said subdivision of said Donahoo league, and it appearing to the court from the evidence that a vendors lien was retained upon the above described tracts of land to secure the payment of said notes and interest, It is therefore ordered adjudged and decreed by the court that the vendors lien be and the same is hereby foreclosed, and the Clerk of the court is hereby ordered to issue an order of sale directed to the sheriff of Travis county as commissioner to sell said land as under execution and the proceeds of said sale to be applied first to the payment of all costs of this suit the remainder to be applied prorata to the payment of the foregoing judgment in favor of the plaintiffs A. L. Tomsend & W. J. Montgomery, In the event that the proceeds of the sale of said land shall not be sufficient to pay off and discharge the full amount of this judgment and all costs then the plaintiff and intervenor have execution against the defendant D. F. Smith for the remainder.

Harvey Harrell et al
vs
A L. Aubrey. } On this day this cause coming on to be heard the plaintiffs appeared and announced ready for trial, but the defendant though duly cited failed to appear and answer in this behalf but wholly made default; and it appearing to the court that the plaintiffs claim is just and is proven by an instrument in writing, It is therefore ordered adjudged and decreed by the court that the plaintiffs Harvey Harrell, David Harrell, Joseph

$680
(Exec. docket No 5 page 116.)

October 7th 1881

Harrell Jr. and Clarence L. Harrell do have and recover of and from the defendant A. L. Autry the sum of Four thousand eight hundred and fifty two & 35/100 ($4852.35) dollars principal and interest to this date, with ten percent interest from this date together with all costs of this suit for which execution may issue.

Joseph Harrell vs C. M. Poole — On this day this cause coming on to be heard the plaintiff appeared and announced ready for trial, but the defendant though duly cited failed to appear and and answer in this behalf, but wholly made default; and it appearing to the court that the plaintiffs claim is just and is proven by an instrument of writing. It is therefore ordered adjudged and decreed by the court that the plaintiff Joseph Harrell do have and recover of and from the defendant C. M. Poole the sum of Four thousand and five [illegible] & 7/100. ($4005.70) dollars principal and interest to this date, with ten per cent interest from this date together with all costs of this suit for which execution may issue. ✓5683. (Exec. docket No 5, page 106)

The Milburn Wagon Company vs S. S. Perry — This day came the plaintiffs by their attorney, and the said defendant having failed to appear and answer in this behalf, but wholly made default. Whereupon the said Milburn Wagon Company ought to recover against the said S. S. Perry his damages by occasion of the premises, and it appearing to the Court that the cause of action is liquidated and proved by the instruments of writing, it is ordered that the Clerk do assess the damages sustained by said plaintiffs, and the said Clerk now here having assessed the damages aforesaid at the sum of ($1396.24) one thousand three hundred and ninety six 24/100 dollars principal and interest to this date, and the further sum of ($139.62) one hundred and thirty nine & 62/100 dollars as attorneys fees, it is therefore considered by the court that the said plaintiff do have and recover of the said defendant the sum of ($1926.24) one thousand three hundred and ninety six & 24/100 dollars with interest thereon at the rate of twelve per cent per annum from this date, and further ordered that the said plaintiff do have and recover of said defendant the further sum of ($139.62) one hundred and thirty nine & 62/100 dollars attorneys fees, together with all costs in this behalf expended, for all of which execution may issue. ✓5656 (Exec. docket No 5, page 104) ✓56

Francis G. Morris, vs William Bray & Francis B. Forster — This day came the plaintiff Francis G. Morris by his attorney and the defendant Francis B. Forster appeared and filed his answer disclaiming all interest in the tract of land sued for herein (the truth of which answer is admitted by the plaintiff) and the defendant William Bray though duly served with process having failed to appear either in person or by attorney but wholly made default, and it appearing to the satisfaction of the court that this is an action of trespass to try title to recover possession and title to the tracts of land in plaintiffs petition contained. It is therefore considered by the court that the plaintiff Francis G. Morris do have and recover of and from the defendants William Bray and Francis B. Foreter the tract of land described in plaintiffs pe- ✓5675

October 3rd 1881.

-tition, described and bounded as follows: situated in the county of Travis and State of Texas, Being a tract or parcel of land known as the Benjamin Allen survey No 73. situated on the waters of Wilbarger Creek a tributary of the Colorado River about 17¾ miles north 45° East of Austin City, Beginning at the N. W. Corner of the Juan Gambrano survey No 38. at a stake in prairie, Thence S. 60° E with the North line of said No 38. 475 varas a stake in the prairie, Thence S 80° E 722 varas a corner in prairie, Thence N 10° E 700 varas a corner in prairie, Thence N. 80° West 760 varas to a stake in prairie, Thence N 10° E 583 varas a corner in East line of No 33. and 32 1194 Varas, patented to John. S. Spence assignee of Benjamin Allen on the 12th day of March 1872. by patent No 102 Vol 14. Records, and containing 140 acres: for which the said plaintiff Francis G. Morris may have his writ of possession, It is further considered by the court that the defendant Francis B. Foster do have and recover of and from the plaintiff Francis G. Morris all his costs in this behalf expended, It is further considered by the court that the plaintiff Francis G. Morris do have and recover of and from the defendant William Bray all his costs in this behalf expended for which execution may issue,

5676 — Francis G. Morris vs William Bray & D M. Harrell — This day came the plaintiff by his attorney and the defendants William Bray and D. M. Harrell though duly served with process having failed to appear either in person or by attorney but wholly made default, and it appearing to the satisfaction of the court that this is an action of trespass to try title to recover possession and title to the tracts of land in plaintiffs petition contained, It is therefore considered by the court that the plaintiff Francis G. Morris do have and recover of and from the defendants William Bray and D. M. Harrell the tracts of land described in plaintiffs petition situated in the county of Travis and State of Texas, Being lots numbers three (3) Four (4) Five (5) Seven (7) Eight (8) nine (9) Ten (10) Eleven (11) and (12) twelve in Block number two (2) of the subdivision of out lot number Seventy five (75) of Division D. of the out lots of the City of Austin, as the same are marked and described on the map or plat of said subdivision of record in the county records of Travis County Texas, for which the said plaintiff Francis G. Morris may have his writ of possession, It is further considered by the court that the plaintiff Francis G. Morris do have and recover of and from the defendants William Bray and D M. Harrell all his costs in this behalf expended for which execution may issue,

L. Schoolherr, vs Caroline Townsend et al — It is ordered by the court that J. W. Smith Esq be and he is hereby appointed Guardian ad litem of the minor defendants, Elnora, Sarah M. Amanda E. Geo W. Charles. H. John A. & Melvin Townsend and came sit for Thursday the 13th day of October 1881.

5395

Bass Reed & Cooley vs Julius Levy & Co. — Upon motion of plaintiffs attorney it is ordered by the court that this cause be and the same is hereby dismissed, and further ordered that the

5583

October 7th 1881

defendants do have and recover of the plaintiffs and the county in their costs
bond &c viz: all costs in this behalf expended for which
execution may issue.

William Sutton vs M. D. Miller, Sophia W. Miller and Jas T. Harris — 5590.
It is ordered by the court that W. M. McGregor Esq be and he is hereby
appointed to represent the defendants served by publication in this case
and case set for Wednesday 12th day of October 1881.

The State of Texas vs W. A. Whatley et al Continued for service — 5604.

Wm M. Demyelus vs Amanda Cartright & Samuel Stauffer. Set for Nov 28th — 5640.

L. C. Klingenreich vs F. W. Chandler et al. Upon motion of plaintiffs attorney — 5647
it is ordered by the court that this case be and the same is hereby dismissed
at plaintiffs cost. It is therefore ordered that the defendants do have and
recover of the plaintiff all costs in this behalf expended for which execution
may issue

Mc Dannell & Co vs H. T. Hall, Passed to the end of the docket — 5649.

H B. Kinney vs Wm Thaimpt al, Set for October 14th 1881. — 5657 — 367

Jerstave Cook vs The State of Texas, Set for November 5th 1881. — 5658

William Poole vs The State of Texas Set for November 5th 1881 — 5661.

L. J. DuPoy vs John Caldwell et al Continued for service — 5667 — 563

Julian Pragle vs Cecil Pragle, Passed until 2 o'clock P.M. Oct 8th 1881. — 5668.

Cathrin Wagoner vs Joseph Wagoner, Continued to perfect service — 5677.

Forester & Co. vs James. B. Goff It is ordered by the court that the — 5678.
Clerk have leave and is ordered to amend the citation issued on the defen-
-dant in this case by changing the year in which the note was executed as
set out in said citation from the year 1881. to 1880, in accordance with petition

Joseph Herrell vs D. A. Baker Continued to perfect service — 5681

Florence Chemerorth vs John Chemerorth, Continued to perfect service — 5682.

Austin Home Building & Loan Association vs Francis B. Forshee, Plaintiff has leave to — 5687.
file 1st supplemental petition

John Dunlop natural guardian &c. vs Ed Creary et al Set for Wednesday Oct 12th 1881 — 5690.

J. N. Carey vs Augusta Carey Continued for service — 5692

Alcathia R. Holbit et al vs Henry Richie et al Continued for service — 5693.

W. H. Bell et al vs E. W. Shands Continued for service. — 5695.

W. H. Bell et al vs Ed Wilkerson Continued for service — 5696.

George Ella Diggs vs W. J. Montgomery, Passed to end of the docket — 5697.

Sarah E. Potts vs Charles A. Potts } Now on this day came on to be heard the above entitled cause and the plaintiff Sarah E. Potts announced ready for trial and it appearing to the court that the defendant Charles A. Potts had been duly served with process or citation more than five days before the first day of this term of court but wholly failed to appear and answer in the above entitled cause: and no jury having been demanded the matters of fact as well as of law in this cause were submitted to the court upon the trial of the above cause, And the court having heard the pleadings and evidence in said cause, and it appearing to the court that the facts stated by the plaintiff in her original petition are true: and that the defendant has been guilty of the cruel treatment to the plaintiff and outrages as set out in the plaintiffs original petition so as to render — 5673.

October 7th 1881.

the living of plaintiff and defendant together any longer as wife and husband is insupportable. It is ordered adjudged and decreed that the bonds of matrimony heretofore existing between Sarah E. Potts the plaintiff and Charles A. Potts the defendant be dissolved and that a divorce be granted the plaintiff from defendant and that the custody and education of Preston H. Potts minor child of plaintiff and defendant be granted and given to Sarah E. Potts the plaintiff and that the defendant be prohibited and enjoined from interfering with the custody and education of said Preston H. Potts as aforesaid, but the plaintiff is allowed to visit and see the said child at all reasonable times and plaintiff agree to pay costs. It is therefore ordered that plaintiff pay all costs of this suit for which execution may issue. Court adjourned till tomorrow morning 9 o'clock

October 8th 1881.

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

√3678 Forbis & Co. vs James B. Goff. Citation having been amended by leave of court the motion to quash is hereby overruled by the court to which ruling of the court the defendant excepts.

√3655. James McCally et al vs James E. Harber. And now on this day came on the motion of defendant to require the plaintiff to give security for costs in this case which motion being considered by the court was granted and ordered that plaintiffs attorney be notified.

√3591 R. H. Jaynes heirs vs R. F. Campbell et al. The defendant Mrs Eliza Hancock has leave to file 1st amended original answer.

√3608. Julia A. Thompson,

vs

Felix E. Smith, Mrs Mary Hughes, Blooming B. Hughes, Alexander L. Hughes Stonewall Jackson Hughes, Calvin Lee Hughes Alfred C. Hughes, Mrs Pete Hughes, Mrs P. J. Walker & B. Franklin Waller

E. Dock 5 page 105

For this case came the plaintiff by her attorney and also came the defendants Alexander L. Hughes, Stonewall Jackson Hughes and Calvin Lee Hughes by their attorney and guardian ad litem J. B. Costa Esq appointed as such by the court at a former term of this court, and Alfred C. Hughes came not but wholly made default as had all the other defendants (except Alexander L. Calvin Lee and Stonewall Jackson Hughes) at a former term of this court, and it appearing to the court that said defendant Alfred C. Hughes had been legally cited to appear and answer this suit for the time required by law and had failed to appear as aforesaid, it is ordered and adjudged by the court that said defendant Alfred C. Hughes be forever estopped from answering in this cause as had the other of said defendants with exceptions aforesaid at a former term of this court, and the plaintiff and defendants Alexander L. Stonewall Jackson and Calvin Lee Hughes by their attorneys and guardian ad litem announced themselves ready for trial, and a jury not having been demanded the matters and things in controversy in this suit were submitted to the court, and it appearing to the court that the plaintiffs demand is liquidated and due on a promissory note executed by A. A. Hughes deceased in his lifetime, and that there is due thereon principal and interest at this

October 8th 1881.

date the sum of Twelve Hundred and Thirty eight dollars (#1238^{00}) and that said note was bearing interest at the rate of twelve per cent per annum, and that there is due on said note by its terms the further sum of one Hundred and thirty three ^{80}/$_{100}$ dollars (#133.80) attorneys fee.
And it further appearing to the court that the payment of said sums of money are secured by a deed of trust on the real and personal property hereinafter described executed by said A. A. Hughes in his lifetime to said defendant Felix E. Smith as trustee, and it further appearing to the court that said property real and personal is assets in the hands of said defendants subject to the payment of said debt of said plaintiff, It is therefore ordered adjudged and decreed by the court that said plaintiff Julia A. Thompson do have and recover of and from said defendants to wit: Mary Hughes, Blooming B. Hughes, Alexander L. Hughes, Stonewall Jackson Hughes, Calvin Lee Hughes, Alfred C. Hughes, Mrs Bell Hughes Mrs P. J. Walker and her husband B. Franklin Walker, the sum of twelve hundred and thirty eight (#1238^{00}) dollars with twelve per cent interest thereon from this date until paid, It is further ordered adjudged and decreed by the court that said plaintiff do have and recover from said defendants the further sum of one Hundred and thirty three ^{80}/$_{100}$ dollars (#133^{80}) with interest thereon at the rate of eight per cent per annum until paid, It is further ordered adjudged and decreed that said plaintiff do have and recover from said defendants all costs in this behalf expended, It is further ordered and adjudged by the court that J. B. Costa Esq be allowed a fee of Twenty (#20^{00}) dollars for his services as attorney and guardian ad litem in this behalf and that the same be taxed as costs, And it is further considered ordered adjudged and decreed by the court that this judgment be satisfied and enforced against said defendants to the extent of said sums hereinafter described, And it is further considered ordered adjudged and decreed by the court that said plaintiff him be and the same is hereby foreclosed as against defendant Felix E. Smith the said trustee and all the others of said defendants in the following described property to wit; 1st one half undivided interest in and to Three Million Six Hundred and eleven thousand and Thirty Six Square Varas of land situated and described as follows, In Travis County on the waters of onion Creek a tributary of the Colorado River about 11 miles S. 74° W. of Austin known as survey No 68 by virtue of certificate No 588. issued by the Board of Land Commissioners of Bexar County July 9 1838, Beginning at a Stone mound the S.W. corner of survey No 34 and the N. W. corner of this survey, Thence South 60° East 1298 varas a stone mound, Thence S 30° West 2700 varas a cedar 2782 varas a stone mound from which a Cedar bears S 40° W. 100 varas a Red Oak brs S 50° E 5 varas, Thence N 60° West 1298 varas a stone mound from which a Live oak brs S. 50° E 15 vrs, Thence N 30° East 2782 varas the place of beginning. Bearings marked F. B. being the same back of land patented to R. M. L. M. A. de Tulle Aug 6th 1867.
2nd The following described personal property to wit: one bay horse mare

October 8th 1881

one horse named "Spanish Boy", one mare "Lady Lightfoot", one Stallion, "Jack Hughes, one mare "Carry Wirk", one horse "Joe Hughes" one horse "Reavour" one horse "Dave" one filly colt "Queen" one horse colt "Dan" one mare "Mary Midnight" one mare "Marcha Berry" and horse "Jeff", Also Thirty Five head of stock cattle about half of which are cows said stock cattle being branded as follows, about one half of them A H and the others C and said horses branded as follows "Dave" F W. Queen H H the remainder C except "Jack Hughes" he had no brand, also one Ox wagon and also the increase of said horses and cattle since March 14th 1877. And it is further considered ordered adjudged and decreed by the court that an order of sale issue to the Shiff of Travis County to levy upon and sell as under execution all of the aforesaid property to satisfy this judgment and all costs herein expended, Court adjourned till Monday morning 10 Oclock.

Octobr 10th 1881.

Court met pursuant to adjournment, Present same as on first day. Whereupon the following proceedings were had viz:

√5368 W H Carrington vs Charles Dodge. No counsel appearing. Continued

√5469 Robt Baumgaur vs Wm Smyth et al No counsel appearing. Continued

√5531 N. N. Pattison vs Mary A Pattison, Passed to end of docket;

√5585 Mary Young vs Alexander Young, No counsel appearing continued

√5591 B. H. Jaynes Adms vs vs R. F. Campbell et. No counsel appearing Continued.

√5592 B. H. Jaynes Adms vs Leander Brim et al. Passed to end of docket;

√5619 Annie E. Fagin vs James Fagin, Set for October 14th 1881.

√5652. Julius Zuber et al vs J T. Blount, No counsel appearing Continued

√5665 Thomas P. Hall vs vs James M. Hall. Plff has leave to file Amended original petition,

√5666 Wm Thaxton, vs James McCullough. (v. order of sale Ex Docket 6. page 103)

This cause being called for trial on this the 10th day of October A D 1881, the plaintiff appeared by attorney and announced ready for trial, the defendant although duly cited in such process as required by law, failed to appear but wholly made default; a jury not being demanded the matters in issue were submitted by plaintiff to the court, and it appearing to the court from the evidence submitted that plaintiff is the owner of the note sued on and that there is now due the plaintiff from the defendant on the said note sued on the sum of $284.90, as principal and interest; and the further sum of $28.49 as attorneys fee: and it further appearing to the court from the evidence submitted at the trial by plaintiff that the said note sued on was executed and given in part payment of Block No (5) five of out lot No forty five (45) Division B. of the out lots of Austin City in Travis County State of Texas, containing eight lots, and each lot being Sixty five (65) feet wide by 149 feet long said property being platted in Plat Book No 1 Travis County Texas on page No 3. It is therefore considered ordered adjudged and decreed by the court that the plaintiff Wm Thaxton do have and recover from the defendant James McCullough the sum of Three hundred and Thirteen and 39/100, ($313.39) dollars, with interest thereon from

October 10th 1881

this date until paid at the rate of eight per cent per annum and all costs in this behalf expended with a foreclosure of his vendors lien as it existed on the 21st day of August 1877 and at any time since then on the above discribed property, and that an order of sale shall issue to the Sheriff or any Constable of the said County of Travis directing him to seize and sell the said property above discribed as under and if the proceeds of such sale be insufficient to satisfy this judgment & costs execution in satisfaction of this judgment and costs, then to make the balance thereof remaining unpaid out of any other property of the said defendant as in case of ordinary executions but should plaintiff fail to collect all of this judgment under said order of sale it is ordered that he have execution for the amount remaining unpaid as in other cases.

Sarah Schuley vs Herman Schuley. No counsel appearing case continued. ✓3671

Sallie Hodge vs Andrew Hodge. Set for October 15th 1881 ✓3672.

E. Hallmann vs C. B. F. Hartkopf } On this the 10th day of October A D 1881 came the plaintiff E Hallmann by his attorney and the said defendant C. B. F. Hartkopf after having been duly cited according to law having failed to appear and answer in this behalf but wholly made default Whereupon the said E. Hallmann plaintiff ought to recover against the said defendant C. B. F. Hartkopf his damages by occasion of the premises, and the pleadings and evidence having been heard and fully understood by the court, and it appearing to the court from the evidence that the said defendant C. B. F. Hartkopf is indebted to the plaintiff E. Hallmann in the sum of one hundred and seventy six and 94/100 dollars and that the note sued on bears interest at the rate of ten per cent per annum and provides that if said note is collected by suit an additional ten per cent for attorneys fee is to be paid by said defendant, and it further appearing to the court from the evidence that said note was executed on the 21st day of August A D 1876 to secure the payment of a part of the purchase money for the following discribed tract of land to wit: Lot No 26 in an addition to Fort View subdivision of part of the Isaac Decker league containing ten acres of land as shown by a map of said subdivision of record in the deed records of Travis County Texas, said lot being part of the same tract sold by Wm R. Brown and wife to John C. Welsh the 15th day of June 1875.; ✓3674, The foregoing cause No 3674 E Hallmann vs C B F Hartkopf Suit for Debt was on July 31. 1882 D. W. Doom Atty for Pltff. ✓367 ✓368 ✓368 ✓369 ✓368

It is further considered ordered adjudged and decreed by the court that the said plaintiff E. Hallmann do have and recover of the said defendant C. B. F. Hartkopf said sum of one hundred and seventy Six 94/100 ($176.94) dollars principal and interest with interest thereon from this date at the rate of ten per cent per annum and the further sum of Seventeen 69/100 ($17.69) dollars for attorneys fee with interest thereon from this date at the rate of eight per cent per annum together with all costs in this behalf expended, And it is further ordered adjudged and decreed by the court that the plaintiffs vendors lien as it existed on the 21st day of August A D 1876 and up to this time upon the above discribed tract of land be and the same ✓36

October 10th 1881

is hereby foreclosed and that the Sheriff of this Court do issue an order of sale directed to the Sheriff or any constable of Travis County in the State of Texas directing him the said officer to seize levy upon and sell the above described tract of land as under execution in satisfaction of this judgment, that he apply the proceeds of such sale to the payment and satisfaction of the said sum of one Hundred and Seventy Six & 94/100 dollars with all interest that may be due thereon and the said sum of Seventeen & 6/100 dollars attorneys fee with all interest that may be due thereon and the costs of this suit and if the said land shall sell for more than sufficient to pay off and satisfy said sums of money interest and costs of suit then the said officer is hereby directed to pay over the excess to the said defendant: But if the proceeds of such sale be insufficient to satisfy the said sums (Writ to make the said sums of money interest and costs,) of money interest and costs, or any balance thereof remaining unpaid out of any other of the property of said defendant as in case of ordinary executions: and in case of the failure to make the whole amount of said sums of money interest and costs by virtue of said order of sale, then the plaintiff shall have his execution for the balance remaining unpaid. It is further ordered that execution issue for the use of the officers of court against each party respectively for the costs by him in this behalf incured.

5679 Richard J. Galloway vs Martha M. Galloway Passed to end of docket.
5684 Hezekiah Watkins vs Delphy Watkins. Continued
5688 Fannie M. Gibson vs L. H. Speer et al. Passed to end of docket.
5689 R. H. Lane vs Wm M. O'Leary, Passed to end of Jury docket.
5691 A. H. B. & L Assc. vs vs W. H. Randolph et al Set for October 19 1881.
5686 William Clark vs Miramie Clark } This day came the plaintiff by his attorney, but the defendant failed to appear and answer in this behalf. and no jury having been demanded the matters of fact as well as of law were submitted to the court, and the evidence having been heard and fully understood it is considered by the court that the allegations as set out in plaintiffs petition are true and that said plaintiff by reason of the facts is entitled to his divorce. It is therefore ordered considered and adjudged by the court that the bonds of matrimony heretofore existing between the plaintiff William Clark and the defendant Miramie Clark be and the same are hereby dissolved and that said parties be and they are hereby forever separated and divorced from each other.
5694 Rebecca Blakemore vs Thomas Blakemore. Set for Monday 17th October 1881.

Court adjourned till tomorrow morning 9 oclock

October 11th 1881

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:
5272. M. B. Davis vs Letitia L. Davis } Upon motion of plaintiffs attorney and suggesting the death of the defendant it is ordered by the court that this case be and the same is hereby dismissed. It is further ordered by the court that plaintiff M. B. Davis pay all costs in this behalf expended for which execution may issue.

October 11th 1881.

Larkin Samuels vs Ellen Samuels, Upon motion of plaintiffs attorney it is ordered by the court that this cause be and the same is hereby dismissed, It is further ordered by the court that plaintiff pay all costs in this behalf expended for which execution may issue. 5533

Sallie Hodge vs Andrew Hodge } Now on this day came on to be heard the above entitled cause, and the plaintiff announced ready for trial, and it appearing to the court that the defendant had been duly served with process according to law more than five days before the first day of this term but wholly failed to appear and answer in this behalf the court ordered the trial to proceed, and no jury having been demanded the matters of fact as well as of law were submitted to the court, and the court having heard the pleadings and evidence in said cause, and it appearing to the court that the facts stated in plaintiffs original petition are true It is therefore ordered adjudged and decreed by the court that the plaintiff have her divorce and that the bonds of matrimony heretofore existing between the plaintiff Sallie Hodge and the defendant Andrew Hodge be and the same are hereby dissolved, and that the plaintiff recover of and from the defendant all costs in this behalf expended for which execution may issue. 5672

Foster & Co vs James B. Goff. Continued 5678.

John Bunton Guardian &c. vs Ed Cleary et al. By consent of the parties to this cause it is ordered by the court that the setting of this cause be now set aside and cause passed to the end of the Civil docket. 5690.

Court adjourned till tomorrow morning 9 Oclock.

October 12th 1881.

Court met pursuant to adjournment, Present same as on first day whereupon the following proceedings were had viz:

The State of Texas } On this the 12th day of October A D 1881 came
vs } the State of Texas plaintiff by her attorneys E. T. Moore county attorney of Travis County and D. W. Doom, and the defendants Charles Kerber, F. Rooney, Thomas Johnson and Joseph Heid by their attorneys Walter Green & Hill and this cause
Charles Kerber et al } on to be heard the said defendants demurrer to plaintiffs original petition and the argument of counsel thereon having been heard and fully understood it is Ordered by the court that said demurrer be overruled to which ruling of the court the said defendants except and thereupon both parties announced ready for trial and waive a jury and submit the matters in controversy as well of fact as of law to the court, and the pleadings evidence and argument of counsel having been heard and fully understood it is considered ordered adjudged and decreed by the court that the plaintiff the State of Texas do have and recover of the said defendants Charles Kerber F. Rooney Thomas Johnson and Joseph Heid jointly and severally the sum of Three thousand two hundred and fourteen & 4/100 ($3214 43) Dollars with interest thereon from this date at the rate of eight per cent per annum, together with all 5491 2 D No 5 p 104.

October 12th 1881

costs in this behalf expended and that plaintiff have his execution. And it further appearing to the court that the defendants Charles Kerber is the principal in the official bond sued on in this cause and that the said defendants F. Rooney Thmas Johnson and Joseph Hurd executed said bond as sureties and as such sureties are entitled to the benefit of the Statute in such case made and provided it is therefore further ordered adjudged and decreed by the court that the Sheriff levy the execution issued by virtue of this judgment first upon the property of the said Charles Kerber subject to execution and situate in the county of Travis when a levy shall be made upon the property of said sureties or of any of them, provided so much property of the said Charles Kerber subject to execution shall be found in said Travis county as will be sufficient to make the amount of said execution, otherwise the levy shall be made on the property of the said Charles Kerber that may be found if any, and upon so much of the property of said sureties as may be necessary to make the amount of said execution. And it is further ordered adjudged and decreed by the court that in case said sureties or any of them shall make any payment which is applied on this judgment by reason of their suretyship on said official bond, this judgment shall not be discharged by such payment but shall remain in full force and be prosecuted to execution for the use of said sureties or any of them making such payment to the amount of such payment and interest thereon, And it is further ordered adjudged and decreed by the Court that in case this judgment is paid by the said sureties or any of them and one or more of said sureties fails to pay his proportionate part of this judgment and in consequence of such failure one or more of said sureties is compelled to pay more than his proportionate part of said judgment then execution may issue against the said Charles Kerber for the use of the sureties or surety who has paid more than his proportionate part of said judgment for the whole amount paid by him and interest thereon and also against his co sureties for their proportionate part of the excess so paid by him and interest thereon, And it is further ordered that execution may issue on behalf of the officers of this court for all costs in this behalf incurred, To which judgment defendants excepted and in open court give notice of Appeal to the Supreme court of Texas

The State of Texas, } On this the 12th day of October AD1881 came
vs } the State of Texas plaintiff by her attorneys E. T.
Chas Kerber et al } Moore County attorney of Travis County and
R. W. Doom, and the defendants Charles Kerber, Jesus Sabas and
Gregoria Garcia by their attorneys Walton Gouraud & Hill and then came on
to be heard the said defendants demurrer to plaintiffs original petition
and the argument of counsel thereon having been heard and fully un-
derstood it is ordered by the court that said demurrer be overruled
to which ruling of the court said defendants except, and then came
on to be heard the plaintiffs demurrer to that part of defendants amended
original answer filed on the 7th day of October AD1881 in which defen-
dants set up in offset against plaintiffs claim an account against
plaintiff in favor of the defendant Charles Kerber for one hundred and

October 12th 1881

fifty nine and 50/100 dollars and the argument of Counsel thereon having been heard and fully understood it is ordered by the Court that said demurrer be sustained and said plea of set off is hereby held insufficient and the same is stricken out. to which ruling of the court the said defendants except, and thereupon both parties announced ready for trial and waive a jury and submit the matters in controversy as well of fact as of law to the court, and the pleadings evidence and argument of Counsel having been heard and fully understood it is considered ordered adjudged and decreed by the court that the plaintiff the State of Texas do have and recover of the defendants Charles Kerbo Jesus Labas and Gorgonia Garcia jointly and severally the sum of Two thousand Seven hundred and thirty two and 20/100 ($2732.20) dollars with interest thereon from this date at the rate of eight per cent per annum together with all costs in this behalf expended and that plaintiff have his execution. And it further appearing to the court that the defendant Charles Kerbo is the principal in the official bond sued on in this case, and that the said defendants Jesus Labas and Gorgonia Garcia executed said bond as sureties and as such sureties are entitled to the benefit of the Statute in such cases made and provided, it is therefore further ordered adjudged and decreed by the court that the Sheriff levy the execution issued by virtue of this judgment first upon the property of the said Charles Kerbo subject to execution and situated in the County of Travis before a levy shall be made upon the property of said sureties or either of them provided so much property of the said Charles Kerbo subject to execution shall be found in said Travis County as may be sufficient to make the amount of said execution, otherwise the levy thereof to be made on the property of the said Charles Kerbo that may be found if any and upon so much of the property of the said sureties as may be necessary to make the amount of said execution. And it is further ordered adjudged and decreed by the court that in case said sureties or either of them shall make any payment which is applied on this judgment by reason of this suretyship on said official bond this judgment shall not be discharged by such payment but shall remain in full force and be provided to execution for the use of the sureties or surety making such payment to the amount of such payment and interest thereon. And it is further ordered adjudged and decreed by the court that in case this judgment is paid by the said sureties or either of them and one of said sureties fails to pay his proportionate part of this judgment and in consequence of such failure the other one of said sureties is compelled to pay more than his proportionate part of said judgment that execution may issue against the said Charles Kerbo for the use of the surety who has paid more than his proportionate part of said judgment for the whole amount paid by him and interest thereon and also against his co surety for his proportionate part of the excess so paid by him and interest thereon. And it is further ordered that execution may issue on behalf of the officers of this court for all costs in this behalf incurred. To which judgment said defendants excepted and in open court give notice of appeal to the Supreme Court of Texas. Court adjourned till tomorrow morning 9 o'clock

October 13th 1881.

Court met pursuant to adjournment. Present same as on first day Whereupon the following proceedings were had viz:

5895 L. Schoolcraft vs Caroline Townsend et al } On this the 13th day of October AD 1881 came the plaintiff L. Schoolcraft by his attorneys E. T. Moore and D. W. Doom and the defendants Caroline Townsend, William A. Meridith and Fannie Meredith by their attorney S. A. Posey. and the defendants Elmora Townsend, Sarah M. Townsend Amanda E. Townsend, Jorge W. Townsend, Charles W. Townsend, John H. Townsend and Melville Townsend who are minors by James W. Smith their guardian ad litem appointed by the court, and the defendant Dora Townsend after having accepted service of the plaintiffs petition and acknowledged himself a party in court having failed to answer in this behalf but wholly made default and no jury being demanded this cause is tried by the court without a jury and the pleadings evidence and argument of counsel having been heard and fully understood, and it appearing to the court that the said plaintiff and the said defendants are joint owners of the following described real estate situated in the county of Travis in the State of Texas consisting of a part of a 1280 acre survey of land originally granted to James O Rice and known on the map of Travis county Texas as survey No 31, Beginning on a stone mound on the south bank of the branch that passes between Giles Burdills and Williams Custards land, Thence S 31° E 807 vrs to a stone mound and N. E. corner of Williams Custards tract and also a corner of Lucas Munos survey No 55; Thence S 60 W crossing a drain of Walnut Creek 500 vrs to a stake in prairie, Thence S 30 W 760 vrs to the midst of Walnut Creek near the lower end of a rock bluff on the right bank, Thence up said creek with its meanders S 85 W 73 vrs N 62 degrees W 160 vrs S 40 W. 110 vrs S 51 W 60 vrs the mouth of a branch from the mth side of said creek, Thence up said branch with the meanders to a stake from which a White oak 15 inches in dia mkd X vrs N 78½ W. 12 vrs, Thence S. 30 W. 25 vrs crosses a drain 80 vrs another drain 160 vrs crosses another drain 485 vrs to a stone in prairie for a corner, Thence S 60 E 114 vrs a spring branch about 40 vrs below a Spring 124 vrs a stone mound from which Cotton wood 6 in in dia mkd X vrs N 10½ W. 22 vrs, Thence S 30 W 50 vrs to a stone in prairie for corner, Thence N 60 W. 124 vrs to a stone in prairie for a corner from which a Live oak 15 in in dia mkd X vrs N 56½ E 47 vrs, Thence S 30 W. 650 vrs. to a stone in the line of Applegate league, Thence S 60 E 1141 vrs with line of Applegate league to the place of beginning, containing two hundred and forty acres of land of the value of about forty eight hundred dollars;

That the plaintiff by purchase from three of the heirs of Sallie M Townsend deceased is the owner of three fourteenths in value of said real estate,

That the defendant Caroline Townsend as surviving wife of Allen B. Townsend deceased is the owner of an estate for life in one third of one half of said real estate, and by purchase from six of the heirs of Allen B. Townsend deceased and from one of the heirs of Sallie M. Townsend deceased is the owner of four fourteenths in value of said real estate besides the said

October 13th 1881

estate for life, That the defendant Fannie Mendick by her purchase to her mother Sallie M. Townsend deceased and by purchase from her other heirs of said Sallie M. Townsend deceased is the owner of three fourteenths in value of said real estate,

That the defendant Dora Townsend as heir of his father Allen B. Townsend deceased is entitled to one fourteenth of one half in value of said real estate after the termination of the said life estate of the said Caroline Townsend - That the said defendants Elnora Townsend, Sarah M. Townsend Amanda E. Townsend, George W. Townsend, Charles W. Townsend, John H. Townsend and Melville Townsend as heirs of their father Allen B. Townsend deceased are each entitled to one fourteenth of one half in value of said real estate after the termination of the said life estate of the said Caroline Townsend,

It is therefore considered ordered adjudged and decreed by the court by the court that the said real estate be divided and partitioned among the said joint owners thereof as follows: the said real estate shall first be divided into two parts equal in value, and that one of said parts be allotted to the parties claiming under the said Allen B. Townsend deceased, and that the other part be allotted to the parties claiming under the said Sallie M. Townsend deceased: that the part so allotted to the parties claiming under the said Allen B. Townsend deceased shall not be further partitioned at present it not being desired nor for the interest of the owners but shall remain together subject to the homestead rights of Mrs Caroline Townsend as surviving wife of the said Allen B. Townsend and of the children by said Allen B. Townsend and to the future action of the parties interested: and that the part so allotted to the parties claiming under the said Sallie M. Townsend deceased be and the same is hereby further partitioned between the joint owners thereof as follows: to the plaintiff L Schoshour three sevenths in value: to the defendant Caroline Townsend one seventh in value: and to the defendant Fannie Mendick three sevenths in value of said one half of said real estate, And it is further ordered and decreed that J. C. Maxwell, William Denson, and John E. Campbell who are competent and disinterested persons be and they are hereby appointed Commissioners to make said partition in accordance with this decree and the law, and report the same in writing and under oath to this court at its present term. And the Clerk of this court is hereby directed to issue a writ of partition with a certified copy of this decree as provided by law returnable on the first Monday in November A D 1881. It is further ordered adjudged and decreed that the sum of fifty five dollars be and the same is hereby allowed to James W. Smith for his services as guardian ad litem of the defendants who are minors to be taxed as a part of the costs of this suit: And it is further ordered adjudged and decreed by the court that the costs of this suit shall be paid by each party to whom a share is allotted in proportion to the value of such share,

James T. Johnson vs W. W. Laing et al. It is ordered by the court that Plff have leave to amend making L. W. Goodrich and A. B. Billingsley residing in Falls County defendants

October 13th 1881.

5576 Emma Milde vs Fredrick Milde. Continued by consent.
Court adjourned till tomorrow morning 9 Oclock.

October 14th 1881

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings was had viz:

5574 Amelia Brehla vs Hary Silman. Re set for 15th inst.

5624 R. F. Campbell vs R. S. Wills & Paul. Eckford. Set for October 19th 1881.

3684 Hezekiah Harkins vs Delphy Harkins } And now on this day this cause being called for trial came the plaintiff in person and by attorney and announced ready for trial, but the defendant came not; and it appearing to the court that the defendant had been duly and legally served with process according to law more than five days previous to the commencement of the present term of this court the court ordered the trial to proceed, and no jury having been demanded the matters of fact as well as of law were submitted to the court, and the court having heard the pleadings and evidence in said cause, and it appearing to the court that the facts stated in plaintiffs original petition are true. It is therefore ordered adjudged and decreed by the court that the plaintiff have his divorce, and that the bonds of matrimony heretofore existing between the plaintiff Hezekiah Harkins and the defendant Delphy Harkins be and the same are hereby dissolved and further ordered by the court that the defendant pay all costs in this behalf expended for which execution may issue.

5588 Mary Young vs Alexander Young } And now on this day this cause being called for trial came the plaintiff in person and by attorney and announced ready for trial, but the defendant came not and it appearing to the court that the defendant had been duly and legally served with process more than five days before the commencement of the present term of this court; the court therefore ordered the trial to proceed, and no jury having been demanded the matters of fact as well as of law were submitted to the court, and the court having heard the pleadings and evidence in said cause, and it appearing to the court that the material facts as alleged in plaintiffs original petition are true. It is therefore ordered adjudged and decreed by the court that the plaintiff have his divorce, and that the bonds of matrimony heretofore existing between the plaintiff Mary Young and the defendant Alexander Young be and they are hereby forever dissolved. And further ordered by the court that the defendant Alexander Young pay all costs in this behalf expended for which execution may issue.

5657 (Exec. docket No 5 page 109) A. B. Kinney vs William Thorin, Elizabeth Smith & Harry Vaughan } On this the 14th day of October A.D. 1881. this cause being the twelfth day of the term of the District Court for Travis County the above entitled and numbered cause being called for trial, thereupon came the plaintiff by Attorney and announced ready for trial, and the defendants having failed to appear and answer or demur to plaintiffs action but wholly made default; and the plaintiff having presented his cause of action as made by his petition, and the same being considered by the court. It is thereupon ordered and adjudged by the Court that the

October 14th 1881

plaintiff A B. Kinney do have and recover of and from the defendants William Thaizen, Elizabeth Smith and Harry Vaughan, the following described lots or parcel of land as sit out and described in plaintiffs petition to wit: Forty Six feet in width running back the whole length of lot number two in Block one hundred and forty three (143) in the City of Austin: Also lot number three (3) in Block twenty three (23) in said City of Austin according to the map or plat of said city on file in the Genral Land office of said State of Texas, together with all and singular the improvements thereon, and the possession thereof and all costs in and about this suit expended for which costs execution may issue, And it is further ordred by the court that a writ of possession be issued upon the demand of plaintiff directing the Sheriff to put the plaintiff in possession of the lots and premises herein above described. and the said defendants all and either of them is hereby restrained from interfering with the possession and enjoyment of said premises by the plaintiff under and by virtue of this judgment and decree.

R. E. White
vs
Robt J. Pace & wife

This day came plaintiff by his attorneys and the defendant Martha Ellen Pace being duly cited by copy of petition and citation having failed to appear and answer in this behalf but wholly made default, Whereupon the said plaintiff ought to have and recover all and singular his judgments and decrees against the said defendant Martha Ellen Pace, and the said Robt J. Pace having been duly cited in accordance with the Statute by Publication the court thereupon appointed D. W. Doom Esq attorney to represent the said defendant Robt J. Pace and then and there proceeded to the trial of said cause, and the pleadings evidence and argument of counsel having been heard and fully understood, and it appearing to the court that the cause of action is a suit in trespass to try title and to remove clouds from the title of the plaintiff R. E. White in and to a certain piece or parcel of land in plaintiffs petition described as follows to wit: All that tract or parcel of land containing fifty six acres more or less lying on Williamsons creek being part of league No seventeen (17) granted to Theodore Bissell and situated about six miles S. W. of the City of Austin in the county of Travis in the State of Texas, and beginning on a stone mound on the E. bank of branch and South East corner of John H. Pinkley. Thence South forty degrees West five hundred and seventy varas to a stone mound. Thence North 49° W 588 vrs to the upper point of a rock bluff on creek, Thence down the creek with meandus N 8° E 265 vrs N 50° E 42 vrs to Pinkley's line, Thence S 60° East to corner for Pinkley Thence N 45° East 194 vrs a stone mound. Thence S 60° E 698 vrs to the place of beginning,

J 561 3

And it further appearing to the court that the allegations as and singular as in plaintiffs petition contained are true and that said plaintiff in law and Equity is entitled to the title and peaceable possession of said land, and that all clouds should be removed from his title to the same: it is therefore ordred adjudged and decreed by the court that the plaintiff R. E. White do have and recover all and singular the rights, titles and interests of said defendants or either of them in and to said land, that all clouds on plaintiffs title to the same be removed, that he be quieted in his enjoyment and possession of the same: that the title to said land be divested out of said defendants

October 14th 1881

verdict of them and that the same be vested in the plaintiff R. E. White his heirs and assigns forever, and the said plaintiff being in possession of said land since his said purchase of the same that no writ of possession do issue, and that plaintiff have judgment for his costs for which execution may issue. It is further ordered by the court that a fee of $20.00 twenty dollars be allowed W. W. Woods Esq to be taxed as costs in this case for all which execution may issue.

Annie E. Fagin vs James Fagin — This day this cause being called for trial came the plaintiff in person and by attorney and announced ready for trial, and it appearing to the court that the defendant had been duly and legally cited by publication in the time prescribed by law but had failed to appear answer or demur to plaintiffs petition: the court thereupon appointed W. W. Woods Esq an attorney of this court to represent the absent defendant, and ordered the trial to proceed. And no jury having been demanded the matters of fact as well as of law were submitted to the court. Who after hearing the pleadings evidence and argument of counsel thereon doth find that the material facts stated in plaintiffs petition are true. It is therefore ordered adjudged and decreed by the court that plaintiff have her divorce, and that the bonds of matrimony heretofore existing between the plaintiff Annie E. Fagin and the defendant James Fagin be and the same are hereby forever dissolved. It is further ordered by the court that a fee of ($20.00) twenty dollars be allowed and taxed as costs as an attorneys fee for W. W. Woods Esq representing the absent defendant, and further ordered that the defendant pay all costs in this behalf expended for which execution may issue.

5619.

6 813

William Sutton vs M. D. Miller, Sophia W. Miller & James T. Harris — On this the 12th day of October A.D. 1881 came the plaintiff William Sutton by his attorney J. W. Robinson, and the defendants M. D. Miller, Sophia W. Miller and James T. Harris having been duly cited by publication as the law provides, and the said defendants having wholly failed to appear and answer in this behalf, and the court having appointed W. M. McGregor Esq to defend this cause in behalf of said defendants, and the said W. M. McGregor having filed an answer herein appointment in behalf of said defendants under said appointment by the court, and thereupon the court proceeded to hear the pleadings and evidence in behalf of both the said plaintiffs and said defendants, And it appearing to the court from the evidence that the said defendants M. D. Miller, Sophia W. Miller and James T. Harris are jointly and severally justly indebted to the said plaintiff William Sutton in the indebtment sued on and set out in the plaintiffs petition in the sum of Two thousand three hundred and thirty seven and 87/100 ($2327.87) dollars principal and interest due to this date. It is therefore considered ordered adjudged and decreed by the court that the said plaintiff Wm Sutton do have and recover of and from the said defendants M. D Miller, Sophia W. Miller and James T. Harris the sum of $2327. 87/100. with interest from this date at the rate of (12%) twelve per cent per annum together with

5590 1st Order of page Ex Book 5 Page 103

October 14th 1881.

all the costs of this suit to be taxed by the Clerk of this court. For which execution may issue, And it further appearing to the court that the said defendants M. D. Miller and Sophia W. Miller at the same time that the said M. D. Miller, Sophia W. Miller and James T. Harris executed and delivered to the plaintiff the instrument sued on as set out in the plaintiffs said petition to wit: on the 13th day of June AD 1879, executed and delivered to the said plaintiff their certain deed conveying to the said plaintiff Wm Sutton the following described tract or parcel of land lying and being in the County of Travis and State of Texas, about two miles North West of the city of Austin, the same being part of the Geo. W. Spear league, Beginning at the North East corner of a two hundred (200) acre tract conveyed to J. G. Killough by J. L. and J. E. McCutchen from which an Elm 14 inches in Diameter bears S 48° E. 8 varas distant; Thence S 30° W 467 varas (a corner of P. & N.) Thence N 72° 41' W 218 vrs. Thence N 30° E 250 varas, Thence N 60° W. 627 7/10 varas, Thence N 30° E 281 varas a corner from which a Black Jack marked "K." bears S 85° W 3 1/8 varas distant another Black Jack marked "X" bears S 65° E. 4 7/10 varas distant; Thence S 60° E 840 varas to the place of beginning containing Fifty acres of land, more or less. Save 61/100 of an acre out of the same sold by M. D Miller to the I & G. N. R. R. company as their "right of way" through the said land. Being the same tract of land conveyed to M. D Miller by Joseph W Hannig O. N. Hollingsworth and K. G. N. Hollingsworth by deed bearing date of the 3d day of October AD 1876 and conveyed by M. D. Miller to Sophia W. Miller his wife by deed bearing date of the 7th day of December 1877 to all of said deeds reference is hereby made — and being the same tract of land to which reference is made in the said instrument sued on and set out in the plaintiffs said petition, And it appearing to the court that said conveyance was not intended as a deed and conveyance absolute of said tract of land by the said M. D. and Sophia W. Miller, but that the same was intended and executed and delivered to the said Wm Sutton as a mortgage to secure the payment of the principal and interest of the said instrument sued on and set out in the plaintiffs said petition, and that the same constitutes a lien upon said tract of land to secure the payment of the moneys due said plaintiff upon the instrument aforesaid. It is therefore considered ordered adjudged and decreed by the court that the conveyance aforesaid of said tract of land by the said M D. and Sophia W. Miller to the said Wm Sutton dated June 13th 1879, and recorded in the records of deeds of Travis county in Book 43, on page 482 and 483, be and the same is hereby declared a mortgage to secure the debt aforesaid, and it is further considered ordered adjudged and decreed by the court that the said mortgage and the lien created thereby upon said tract of land be and the same is hereby foreclosed, and that the Clerk of this court issue an order of sale directed to the Sheriff or any constable of Travis county commanding him to seize and sell said tract of land as under execution, and that the proceeds thereof be applied to the satisfaction of this judgment;
And it further appearing to the court that a writ of attachment issued in this cause in behalf of the said plaintiff and against the property of the said defendant M. D Miller, on the 25th day of February AD 1881, was on

October 14th 1881

the 28th day of Feby AD 1881 by the Sheriff of Travis County levied upon the following described four tracts of land, lying and being in Travis County the property of the said defendant M. D. Miller to wit: 640 acres of land known as survey No 41 on West side of Colorado river about 19 miles N 50° W from the city of Austin by virtue of land Scrip No 1918 issued to Bailey Seale & Forward by the Commissioner of the General Land Office Jany 8th 1875; transferred to said M. D Miller Feby 2nd 1875; Beginning at the N. W. corner of survey No 42 Thence S 30° W 4025 varas corner West line No 46. Thence N. 60 W. 980 varas corner & line No 44. Thence N 30 E. 3581 varas to N W. corner of No 44, Thence down the river S 85 E. 1049 varas to the beginning, patented May 11 1876 to M D Miller by Patent No 273 Vol 23.—

Tract No 2: 640 acres of land in Travis County known as survey No 45 on B. Creek a tributary of the Colorado river about 19 miles N 65° W from the city of Austin; patented by virtue of land Scrip No 1920 issued to Bailey Seale and Forward by the Commissioner of the General Land office Jan 8th 1875, transferred to M. D. Miller Feby 2nd 1875; Beginning at the S. E. corner of survey No 41, Thence S 30 W 2082 vrs corner. Thence N. 60 W 1900 varas corner. Thence N 30° E 1719 varas to S. W. corner No 42 Thence S. 60 E 950 varas S. E. corner same. Thence N 30 E 364 varas S. W corner No 41, Thence S 60 E 950 varas to place of beginning, Patented May 11th 1876 to M. D Miller by patent No 274 Vol 23,

Tract No 3 640 acres of land in Travis county, known as survey No 43 on W. bank of Colorado River about twenty miles N 60 W from the city of Austin by virtue of Land Scrip No 1919 issued to Bailey, Seale and Forward by the Commissioner of General Land office Jan 8 1875 transferred to M. D Miller Feb 2 1875; Beginning at the N. W. corner of No 44, Thence S 30 W. 3520 varas to corner on W. line of same, Thence N 60 W 950 varas corner, Thence N 30 E 3302 varas to N. E. corner of survey No 801 made for W Herringmour, Thence N 60 W. 150 vrs to the S. E. corner No 800 Thence North 30 E 950 vrs to N. E corner of same, Thence S 60 E 80 varas to corner to corner on bank of Colorado river, Thence down same S 750 varas, S. 53 E. 650 varas to the beginning patented May 11 1876 to M D Miller by patent No 275 Vol 23,

Tract No 4 640 acres of land in Travis county known as survey No 49 on the bank of Colorado River about 17 miles N 62 W. from the city of Austin by virtue of land Scrip No 188 issued to John A. Gibson by the Commissioner of General Land office Oct 11, 1875; and transferred to M. D Miller Oct 20th 1875: Beginning at the N. E corner of survey No 60 on W. bank of Colorado river, Thence S 30 W 3763 varas to S. E. corner of same, Thence S. 60 E. 950 varas to corner, Thence N 30 E. 4032 varas to corner on West bank of said river, Thence up same N. 89 W 802 varas. N 34½ W. 274 varas to beginning, patented to M. D. Miller Nov 5th 1876 patent No 376. Vol 26, and it further appearing to the court that the said defendant Sophia W. Miller is a married woman and the wife of the said defendant M. D Miller, and that the said defendant James T. Harris is wholly insolvent; he having no property in the State of Texas subject to execution, and that the tract of land hereinbefore described and owned by the mortgage aforesaid is not

of value sufficient to satisfy the plaintiffs said demand; it is therefore considered ordered adjudged and decreed by the court that the said attachment lein on the four 640 acre tracts of land herein before described be and the same is hereby foreclosed, and that the clerk of this court do issue an order of sale directed to the Sheriff or any Constable of Travis county commanding him to seize and sell the above described four tracts of land, or so much thereof as may be necessary to satisfy the balance of this judgment after the sale of said fifty acre tract owned by the mortgage aforesaid shall have been first sold and the proceeds applied as herein before directed; and that the proceeds of such sale be applied to the satisfaction of this judgment;

And it further appearing to the court that a writ of garnishment issued in this cause on the 4th day of March A D 1881, against J. J. Boone commanding him to appear and answer in terms of the law as Garnishee of the said defendant M. D. Miller, and that the same was served on said J. J. Boone on the 7th day of March A D 1881, and that said J. J. Boone filed his answer to said writ of garnishment in this cause on the 15th day of March A D 1881, in which he acknowledged himself to be indebted to the said M. D. Miller on three promissory notes each dated the 20th day of August A D 1877, as follows; one for the sum of $51.43 due forty days after date; one for the sum of $52.20 due Seventy days after date, and one for the sum of $53.35 due one hundred days after date, each having interest at the rate of 12 per cent per annum after maturity; and all having been executed and delivered to said M. D. Miller by said J. J. Boone and C. M. Booth, and it further appearing to the court that a writ of Garnishment was also issued in this cause on the 19th day of September A D 1881, against the said C. M. Booth, commanding him to appear and answer in terms of the law as Garnishee of the said defendant M. D Miller, and that the same was served upon said C. M. Booth on the 19th day of September A D 1881, and that said Booth filed his answer to said writ of Garnishment in this cause on the 11th day of October A D 1881 in which he also acknowledged himself indebted to the said M. D Miller on the promissory notes aforesaid executed by himself and said Boone to said Miller as aforesaid; and it appearing to the court that said J. J. Boone has departed this life since the filing of his said answer as Garnishee and that James H. Robinson is the duly appointed and qualified administrator of his estate, and that said Robinson as such administrator has been duly served with process in this cause and has filed his answer herein as such administrator on the 6th day of October A D 1881; and it appearing to the court from the answer of said Boone and his said administrator and the answer of said Booth aforesaid, that the said Boone at and before his death and the said Booth were justly indebted to the said M. D. Miller in the amount of said three notes, to wit: in the sum of $194.65 principal and interest to this date, It is therefore considered ordered adjudged and decreed by the court that the said plaintiff do have and recover of and from the said James H. Robinson administrator of the said J. J. Boone deceased and the said C. M. Booth the said sum of one hundred and ninety four & 65/100 ($194.65) dollars with interest from this date at the rate of 12 per cent per annum, and that said sum be paid by the said James H. Robinson

October 11th 1881.

in due course of administration and that the plaintiff have his execution against said C. M. Booth. It is further ordered that the said James A. Robbins be allowed to retain $10.00 ten dollars out of the money in his hands as such administrator as compensation for his said answer, and that both of said Garnishee recover their costs in this behalf expended out of the funds in their hands. It is further ordered that payment of said sum or any part thereof by either of said Garnishees shall operate as a credit upon said notes and as a credit upon this judgment.

And it further appearing to the court by the answer of said Garnishee C. M Booth that he the said Booth has in his possession a certain gray mare 8 years old and fifteen hands high the property of said M. D. Miller it is considered ordered adjudged and decreed that the attachment lien on said mare be and the same is hereby foreclosed, and that the Clerk of this court issue an order of sale directed to the Sheriff or any Constable of Travis County commanding him to seize and sell said mare as under execution, and that the proceeds of such sale after deducting the costs and expenses thereof be credited on this judgment. It is further ordered, adjudged and decreed by the court that the property aforesaid be sold under the order of sale hereinbefore directed to be issued, and the proceeds thereof applied on this judgment as follows: First the fifty acre tract of land owned by said mortgagee, Second the mare aforesaid, Third the four tracts of land owned by the attachment aforesaid. Fourth, that the money Garnished in the hands of the administrator of Boone and of Booth C. M. be credited when paid. It is further ordered that W. M. McGregor be allowed a fee of $25.00 twenty five dollars to be taxed as costs, and that all of the costs be paid out of the proceeds of the sales aforesaid, and that if said property shall not sell for sufficient to satisfy this judgment and accounts the plaintiff have execution for the balance remaining unpaid. It is further ordered that this judgment shall not operate as a personal judgment against the said Sophia W. Miller who is a married woman, except as to the foreclosure of the liens aforesaid. Court adjourned till tomorrow morning 9 o'clock.

October 15th 1881.

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

W. J. Montgomery vs. Harmonel et al

570

Dock 12/93 The plaintiff William J. Montgomery filed his petition in this cause on the 13th day of October A.D. 1881 and caused a citation to issue returnable to the next term of this court which citation was duly served on the defendants Harmonel et al on the 14th day of October A.D. 1881 as appears from the return of the officer thereon endorsed. Dock 12/93 Jan 27/93 Plaintiff's Original Petition Filed Jan 27/93 Wm. Montgomery Plaintiff's Attorney

And now on this the 15th day of October A.D. 1881 this cause being regularly reached upon the docket comes the plaintiff and announces ready for trial and the defendants come not but make default, and it appearing to the court that defendants had each on the 14th day of October 1881 accepted service waived issuance of citation and that petition might be filed at any time during this term of the court and stand for judgment or for trial as though filed of date of this day, and it further appearing to the court from the pleadings and evidence adduced that defendants were indebted to plaintiff as in plaintiff's petition. It is therefore considered ordered and adjudged that plaintiff William J. Montgomery do have and recover of and from

the said defendants B. F. Hammond, William H. Hammond as principal defendants and James A. Chandler and F. W. Chandler as endorsers and guarantors the Sum of Twenty three Hundred and Eighty four 75/100. ($2384.75) dollars with interest from date hereof at the rate of (1½) one and one half per cent per month together with all costs in this behalf expended, and it further appearing that the note sued upon was executed for the purchase money due upon the tract of land described in plaintiffs petition upon which tract of land the Vendors lien was retained, It is therefore considered ordered and adjudged that the vendors lein be and the same is hereby foreclosed upon said tract of land which land is more particularly described as follows to wit: 849⅝ acres of land out of the Joseph Welch league of land in Robertson county and State of Texas and known as No 3 there in the decree and plat attached to decree in cause No 48 of the Chancery docket of the Circuit Court of the U. S. for the Western District of Texas sitting in Austin in which decree Jno. E. West assignee of said Able was complainant and Joseph D. Able and others were defendants which land is described as beginning at the N. W. corner of said Joseph Welch league on the East bank of the Brazos River from which a cottonwood 13 inches in dia bears N 43° W. 6 vrs another 18 in dia brs S 11½ & 19¼ vrs, Thence N 60° E with the North line of said Joseph Welch league 5876 vrs to a stake the N. E corner of this survey from which an Elm 12 in in diameter brs S 60° W 6½ vrs an ash 4 in diameter brs S 39 E 7¼ vrs, Thence S 17° E 838½ vrs a stake for the S. E corner of this survey from which a P. Oak 6 in dia brs S 82½ W 8¼ varas and another 5½ inches in dia brs S 16¾ W. 3¾ varas, Thence S 60° W 5347½ varas a stake on the bank of the Brazos River from which an Elm 8 in in dia brs N 78 W 12 vrs another 8 in dia brs S 40 E 28 vrs, Thence up said River with its meandus N 44 W. 343¾ vrs N 60 W. W 411¼ vrs N 42 W. 176¾ vrs to the beginning, and that an order of sale do issue from this Court directed to the Sheriff or any Constable of Robertson County directing him to sell said land as under execution to satisfy this judgment, and in the event such sale should not satisfy the judgment then it is ordered that further execution may issue as in other cases.

Amelia Pickle vs Harry Gilman, Continued on affidavit of defendant. ✓5374

W. M. Saunders, vs Samuel Stauffer & Amanda Cartright. } And now on this the 15th day of October 1881 the Application of the plaintiff in the above entitled and numbered cause for an order of survey of the several tracts of land involved in this suit, and of the adjoining surveys of land which are called for in the surveys, the boundaries of which it is important as it appears to the court to have located upon the ground as the same were made originally by the surveyor who made the same: and said application being considered in connection with the pleadings in this cause: And it appearing to the court that a survey is necessary to be made as asked for and a report thereof be made to this court for use on the trial of this cause: Dennis Corrigan of Travis County is hereby ordered and directed to go upon the ground and to make an accurate survey of the land in controversy, and of ✓5640.

✓55

June 2nd 1881. Henry Fraley
vs
Wm. Dickinson et al. Action of Ejectment
Dec. 5th 1881. Plaintiff in person and defendants by attorney. Jury waived and cause submitted to the court for trial. Plaintiff introduced in evidence a certified copy of the deed from Wm. Dickinson et al to Henry Fraley dated Dec. 2nd 1881 and recorded in Robertson County Deed Records Vol. 2 page 57 conveying the land in controversy in this suit, which deed was executed by the defendants in person and acknowledged before the County Clerk of Robertson County Texas on the 2nd day of December 1881 and filed for record in the office of the County Clerk of Robertson County Texas on the 5th day of December 1881 at 10 o'clock A.M. and recorded in Vol. 2 page 57 of the Deed Records of said County. Plaintiff introduced in evidence a certified copy of the Sheriffs deed from Wm. Dickinson et al to Henry Fraley dated Dec. 5th 1881 and filed for record in the office of the County Clerk of Robertson County Texas on the 5th day of December 1881 at 10 o'clock A.M. and recorded in Vol. 2 page 58 of the Deed Records of said County. Plaintiff introduced in evidence a certified copy of the execution issued in the case of Wm. Dickinson et al vs Henry Fraley from the District Court of Robertson County Texas, which execution was issued on the 5th day of December 1881 and returned into the office of the District Clerk of Robertson County Texas on the 5th day of December 1881 with the following endorsement thereon to wit: Came to hand on the 5th day of December 1881 at 10 o'clock A.M. and executed on the same day by levying on the land in controversy in this suit, which land was duly advertised by me for sale and sold on the first Tuesday in January 1882 being the 3rd day of said month at the Court House door of Robertson County Texas between the hours of 10 o'clock A.M. and 4 o'clock P.M. of said day to the highest bidder for cash in hand, after having given notice of the time, place and terms of said sale by posting up notices thereof for 20 days preceding said sale, one of which notices was posted at the Court House door of said County and the others in three public places in the precinct in which said land is situated, to wit: at the Court House door of Limestone County Texas, at the Court House door of Falls County Texas and at the Court House door of Milam County Texas, and that I executed said sale by conveying said land to Henry Fraley the purchaser thereof by deed of even date herewith, which deed is duly executed and acknowledged by me in my official capacity and delivered to said purchaser. Dated this 5th day of December 1881. W. B. Stanberry Sheriff Robertson County Texas. By J. M. Hutchison Deputy. And the said Henry Fraley having executed his note for the purchase money of said land and the same being due and unpaid, and it appearing to the court that the said Henry Fraley has failed to pay the purchase money of said land, and that the same is due and unpaid, and

October 15th 1881

the adjoining surveys thereto as Same should be mist: The Surveyor will ascertain and determine the beginning corner of the Alexander Wallis survey of 1280 acres in Travis County as the same is called for in the filed notes (by any other mode leading to the true point originally made by the surveyor) of said survey as follows. to wit: the South East corner of survey made for L. C. Cunningham No at a stone mound in the prairie from which a hackberry tree marked X bears S 60° East 85. distant and a stone mound at the N. E. corner of survey No 61 bears N 60 West 75 varas (said survey No 61 being made for T. C. Collins) Thence run N 30° E 4024 varas with the East line of survey No 68 in the name of L. C. Cunningham to a stake and mound in the prairie. Thence S 60 E 4599 varas to a stake and mound in the prairie, and thence accordingly to the calls in the filed notes of said Wallis survey, a copy of which will be furnished the surveyor.

The surveyor is further directed to ascertain and fix upon the ground the South or South west corner of the Eiskin survey No 1 called for as the beginning corner of the S. C. Parish survey as the same was originally made by the surveyor of said Eiskin survey, and from that point he will then run out the S. C. Parish as the same is obtained and called for in the filed notes thereof. The surveyor will then survey the S. C. Parish H. W. Farley tracts commencing at the beginning point as called for in the filed notes, The surveyor will further ascertain by said surveys whether or not there is any space between the South line of the H. W. Farley survey and the Alexander Wallis survey, and if there is, he will define and designate on a plat of all the surveys thereon named, the limits and shape of said space, giving the field notes, The surveyor will so far as it may be practicable for him to do so. follow the footsteps of the surveyor or surveyors who made the original surveys named and he will make and return a map of said surveys together with a full report of his survey under this order as soon as practicable to the present term of this court.

B. H. Jaynes Suit } On this the 15th day of October 1881 the motion
vs docket being regularly called by the court and
R. F. Campbell et al } the motion to quash the citation in this case
made by one of the defendants having been regularly reached and called for
trial and no counsel appearing the court after considering said motion
overruled the same, Court adjourned till Monday morning 10 o'clock.

Monday October 17th 1881.

Court met pursuant to adjournment: Present same as on first day, whereupon the following proceedings were had. viz:

5599 The State of Texas vs P. W. Herbert, et al. Set for the 2nd Saturday in December 1881. Court adjourned till tomorrow morning 9 o'clock.

October 18th 1881

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had. viz:

5591 The surveyor is not prohibited by the field notes and plat of this survey which may in his opinion embrace the true limits of the Wallis survey as originally made as pertaining to

Jesse Pickle et al vs Wm. Pickle et al. Injunction. Defendant's motion to dissolve injunction heard and overruled by the court and defendant excepts. The cause coming on to be heard upon the motion of the defendant to dissolve the injunction heretofore granted herein and the answer of defendant thereto and the court having heard the evidence and the argument of counsel and being of opinion that the motion should be overruled, it is therefore ordered by the court that the motion to dissolve the injunction heretofore granted herein be and the same is hereby overruled to which ruling of the court the defendant excepts and gives notice of appeal to the Supreme Court of the State of Texas which is granted and bond fixed at $500.00 which bond is approved by the court and ordered filed.

October 18th 1881.

Henry E. Shelley
vs
B. Thomas, Penelope J. Thomas & B. F. Thomas
F. W. Chandler A. P. Woolridge A. W. Townsend F. W. Folls. J. K. Donnan Folls & Donnan & F. L. Wynn

This cause being regularly reached on the docket came the plaintiff by his attorney and the defendants F. W. Chandler, A. P. Woolridge Folls and Donnan A. W. Townsend and F. L. Wynn in person and by attorney, and the defendants B Thomas, Penelope J. Thomas and B. F. Thomas who was regularly served with citation herein came not but made default and the said plaintiff and the other said defendants asking judgment final by default against the said B. Thomas, Penelope J. Thomas and B. F Thomas it is considered by the court that as against them final judgment be and is rendered and as to them the facts in the petition are adjudged as taken for confessed, and thereupon upon hearing the pleadings and evidence adduced by the said parties, and it appearing that the said several notes described in the pleadings are for the purchase money of the land described in the petition and that one third of the purchase money was payable, January 1st 1881, one third January 1st 1882, and one third due January 1st 1883, and that of that due Jany 1st 1881 the plaintiff H. E. Shelley owns one note for $125.00, that Folls and Donnan own one other for $125.00 and that A. W. Townsend owns the remaining fifty dollars, all of which bear 10% from Jany 1st 1880 And of the one third due Jany 1st 1882. plaintiff Shelley owns one note for $50.00 the said A W. Townsend one note for $125.00 and A.P. Woolridge the remaining note for $125.00 all of which bear 10% from Jany 1st 1880; and of the one third due Jany 3rd 1883. plaintiff owns the note for fifty dollars (by mistake written for $125) A W. Townsend one note for $125.00 and A.P. Woolridge the remaining note for $125.00 also bearing 10% int. from Jany 1st 1880.

It is therefore ordered and decreed that the vendors lien upon the land described in the petition be and is hereby declared and established in favor of the said owners of said notes pro rata-

And the court adjudges that said vendors lien be foreclosed and to that end it is ordered that the said Henry E. Shelley recover of the said B. Thomas Penelope J. Thomas and B. F. Thomas one hundred and forty seven and 97/100 dollars and costs of suit and that Folls and Donnan recover of said defendants one hundred and forty seven & 97/100 dollars and costs of suit and that A. W. Townsend recover of said defendants the sum of fifty-eight & 97/100 dollars and costs; all bearing 10% per cent interest; and that if by the first day of December 1881 the said sums so adjudged be not paid together with costs of suit; It is ordered that an order of sale do issue directing the Sheriff of Travis County, as commissioner to sell as under execution, (save as directed herein) the lands described in the petition to wit: Situated in the county of Bexar and the State of Texas being a part of the Fernando Ruiz league of land situated in the Calaveras Creek, Beginning at a stake on the East line of the said Ruiz league and the West line of the Samuel Longley league being also the most Eastern corner of a tract of 123 acres out of said Ruiz league owned by A. J. Smythe from which a Hackberry 14 in dia brs S 16 W 17½ varas and a hickory 4½ in dia brs S 72½ E 2 varas, Thence S 74 W. with the South line of said A. J. Smythes tract 2478 varas

$5685-

October 18th 1881

to a stake at the most southerly corner of the said last named track; from which a Post oak 22 in dia brs N 16½ E. 22½ vrs and a Post oak 40 in dia brs N 18 W. 29 7/10 varas, Thence N with the west line of said A J Smyths track 400 vrs to a stake from which a mesquite 3 in dia brs N 17½ E 14 varas and a mesquite 3 in dia brs N 17 E 14 7/10 varas, Thence in the same direction 323 varas to a stake from which a live oak 12 in dia brs N 41¼ E. 27 1/5 vrs and a Live oak stump brs N 70° W 21 vrs. Thence South 74° W 1070 vrs to a stake in Bank of Calavaras Creek from which a live oak 30 in dia brs N 30 E 72 varas, Thence down the Calaveras Creek with its meanders to a stake the South west corner of the track sold by Fred Carleton assignee of Joseph Ulrich to F. M. Chandler, from which a live oak 26 in dia brs N 19¼ E 49 varas, and a live oak 30 in dia brs S 34 E. 52 varas Thence N 74 E 3128 varas to a stake in the East line of the Ruiz survey and the west line of the Campbell Langley survey from which a black jack 12 in dia brs S 31½ E 4 3/5 varas and a Post oak 13 in dia brs S 78½ W 9⅞ vrs Thence N 16° W. 400 varas to the place of beginning, and containing 371 acres of land more or less. The sale to be for the use of the holders of said purchase money pro-rata after the payment of costs, In the event the sale brings no more than the amount due upon all of said notes (amount of this judgment and of the notes not yet due) then the sale shall be for cash, the costs of suit and for two thirds the remainder of the purchase money the remainder Credited after payment of costs) to be payable Jany 1st 1883, bearing interest at 10% and to be secured by lien on entire property;

The cash received on sale to be applied to payment of costs, and one half the remainder to be paid to the holders of this judgment pro rata, the other half to be paid to the said holders of the notes due Jany 1st 1882, which will at the sale be over due,

The Sheriff on the purchaser paying said costs and 2/3 the remainder and executing note for remainder due Jany 1st 1883 as above stated to execute to the purchaser a deed retaining deed for the unpaid purchase money,

In event said land shall sell for more than the said amount of this judgment and all the other notes and costs of suit the excess so bid shall be for cash and shall be paid to the defendants B. Thomas. Penlope J. Thomas. and B. F. Thomas,

It is further considered that Folls and Donnan recover of deft F. L. Wm as indorser one hundred and forty seven & 97/100 dollars for which execution may issue for remainder if any after the funds realized under sale above ordered shall have been applied to the payment of the recovery of Folls and Donnan,

It is further considered that defendant Chandler go hence discharged of the suit of Folls and Donnan against him as indorser and that he recover his costs of them,

The Notes sued by defendant Wooldridge not being due Wooldridge cannot recover in his cross action against Chandler as indorser: the action being in this respect prematurely brought,

It is further ordered that for any balance after application of the proceeds of sale as above the plaintiff and the said defendants receiving money judgment shall have execution over against the said defendants B. Thomas Penlope J

October 18th 1881.

Thomas and B. F. Thomas. The deferred payment shall be for the use of the holders of the Nobs due Jany 1st 1883 above described pro rata, The Sheriff as Commissioner may at the instance of the beneficiaries him said Nobs over to them. The payments which may be made under this decree shall operate as payment on the Nobs upon which they may be severally be made and shall in no other way affect the rights of the holders thereof.

The State of Texas } vs M. L. Durham et al } On this the 18th day of October AD1881 came the State of Texas plaintiff by E. T. Moore County Attorney of Travis county and W.W. Doom his attorneys and the defendants J. A. W Clark, A. T. Alston A. B. Morrill and J. W. Flanagan by T. C. McLord their attorney and it having been alleged and offered that M. L. Durham the principal on the official bond sued on is dead having departed this life about the 2nd day of April AD1881 the plaintiff says she will not further prosecute her suit as to him. Wherefore this cause is discontinued as to the said M. L. Durham and the plaintiff and the defendants. J A W. Clark. A. T. Alston A.B. Morrill and J. W. Flanagan having announced ready for trial. waive a jury and submit the matters in controversy as well of fact as of law to the court and the pleadings evidence and argument of counsel having been heard and fully understood it is considered ordered adjudged and decreed by the court that the State of Texas plaintiff do have and recover of the defendants J. A. W. Clark, A. T. Alston A.B. Morrill and J. W. Flanagan the sum of Five thousand two hundred and four and 18/100 dollars with interest thereon from this date at the rate of eight per cent per annum together with all costs in this behalf expended and that plaintiff have her execution. And it is further ordered that execution may issue on behalf of the officers of this court for all costs in this behalf incurred. ✓ 5603 & Docks page 101

Georgella Diggs } vs W. J. Montgomery } Now on this day came the parties, plaintiff and defendant, by their respective attorneys and no jury having been demanded submitted to the court the matters at issue between them, and the court, having heard and fully understood the pleadings, the facts not being controverted, found that the plaintiffs Georgella Diggs and Wm C Digger a minor who sues by his next friend Virginia C. Frost and the defendant W. J. Montgomery are, and at the date of the institution of this suit were the joint owners in fee simple title of the following described real estate in Bell county Texas, Viz: "8 074.005 square varas or 1430 acres of land more or less in the county of Bell, State of Texas, on the N E side of the Leon about 19 miles S 85° E of Belton, by virtue of part of certificate No 10. issued by the Board of Land Commissioners of Galveston County on the 14th day of June 1839. Beginning at S. E. corner of a survey made for J. A. Clark. for the S W corner of this survey. from which a double Elm brs S 2° W 137 vrs. Thence N 19° E 3800 varas to Clarks North line N 71° W 423 vrs a corner in prairie. Thence N 19° E 957 vrs to the corner of a survey of 1107 acres made for W. Hunt from which an Elm mkd V brs N 48° E 54 vrs thence S 30 E 1700 vrs with 5697, ✓ 5667 ✓ 5667

October 18th 1881.

the West boundary of a survey of 619 acres of Hunt's the S.W. corner of the same a hackberry mkd W Trs N 62° E. 135 vrs a mesquite mkd X Trs N 38 E 146 vrs, Thence S 60° W 200 vrs. the N W corner of a survey in the name of H.C. Wilcox on Elm mkd Y. Trs N 40 E 178 vrs. a hackberry Trs S. 60 E 48 vrs. Thence S 30 E 1969 vrs Wilcox's S. W corner on Elm marked Z brs S 72 E 24 vrs. mesquite mkd A Trs S 56 W 25 vrs. Thence S 60 W 800 vrs. the N W corner of a survey in the name of A.T. Miles from which a bunch of locust brs N 66 W 115 vrs. Thence S 30 E 2110 vrs a corner on the West line of a survey in the name of W.W. Moore 1028 vrs S 19 W. his N. W corner from which an Elm mkd "A" brs N 49° W 10 vrs. Thence S 19 W 214 vrs to the S. E corner of this survey. Thence N 71° W 3283 with the North line of the Juan Cordan league to the beginning" patented Feby 23rd 1858 to George Purdie Diggs the grantee of certificate No 10 save and except about 225 acres sold out of said tract in 1875 to Geo Oshorn. G.W. Ostrom & Jno. McGinnis as more fully appears from the records of said Bell county by said patent No. 225 Vol 13. in the following proportions that is to say, the said Georgella Diggs and the said Wm C. Diggs are entitled to 2/14 of said land, or 1/14 each, and the said W. J. Montgomery is entitled to the remaining 12/14 thereof. It is, therefore, ordered, adjudged and decreed, by the court that the said Georgella Diggs and the said Wm C. Diggs do have and recover of each other and of the said W. J. Montgomery 1/14 each of said tract: and that the said W. J. Montgomery do have and recover from and of the plaintiffs aforesaid, out of said tract, the remaining 12/14 thereof, and that the commissioners of partition hereinafter named do set apart to each of said parties the proportion to which each is entitled as aforesaid. It is further ordered by the court, that J. W. Turner, A. Muckelroy and A Sharp be and they hereby are appointed commissioners to partition the aforesaid tract of land to and among the parties plaintiff and defendant, and to allot to each party the part or parcel thereof to which each is entitled, in accordance with law and with the terms of this decree, and to report their action in the premises to this court as soon as practicable. It is further ordered that the Clerk of this court issue to the Sheriff or any constable of Bell County a writ of partition and accompanying same writ a certified copy of this decree as by law prescribed. It is further ordered that the plaintiffs pay the costs incurred and to be incurred in and about this proceeding, conformably to the agreement of the parties. Court adjourned till tomorrow morning 9 o'clock.

October 19th 1881

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

5624. R. F. Campbell vs R. S. Willis et al. Dismissed at cost of Civil Jury docket.

5671. Sarah A. Schultz vs Herman Schultz } On the 18th day of October A.D. 1881 came the plaintiff Sarah A. Schultz in her own proper person and by attorney and the defendant Herman Schultz having been duly cited to answer in this behalf failed to appear and wholly made default whereupon the court proceeded to the trial of said cause, and the pleadings evidence and argument of counsel being heard, and it appearing

October 19th 1881.

to the court that the allegations of said petition are true, that said Herman Schultz defendant is living in a state of bigamous adultery with another, it is ordered adjudged and decreed by the court that the bonds of marriage between plaintiff and said defendant according to the prayer in the said petition be and the same is hereby dissolved, and that the care and custody of the said two children, a girl of nine years of age, named Albertina, and a boy of the age of seven years named Roland be decreed to the the said plaintiff the mother of said children, and that she have judgment for costs for which execution may issue, Court adjourned till tomorrow morning 9 oclock,

October 20th 1881

Court met pursuant to adjournment, Present same as on first day Whereupon the court was ordered adjourned till tomorrow morning 9 oclock,

October 21st 1881.

Court met pursuant to adjournment, Present same as on first day Whereupon the following proceedings were had viz:

Amis Saw Works vs Jno A. Ebbs & Bro. Plff has leave to file 1st amended original petition. ~5631

E.W. Shands vs Milton Wallace } On this the 5th day of October A.D 1881, came the parties by their attorneys and then came on to be heard the demurrer and exceptions of defendant to plaintiffs petition, and the argument counsel thereon being heard it is the opinion of the court that the law is for the plaintiff. It is therefore considered by the court that said demurrer and exceptions be overruled to which ruling of the court the defendant excepts, and thereupon both parties announced themselves ready for trial, and no jury having been demanded the matters of fact as well as of law were submitted to the court, and the court after hearing the pleadings evidence and argument of counsel thereon took the case under advisement; and thereafter on the 10th day of October 1881. it is considered ordered adjudged and decreed by the court that the plaintiff take nothing by his suit; and that the defendant recover of the plaintiff his costs in this behalf expended for which execution may issue. Court adjourned till tomorrow morning 9 oclock, ~5205

October 22nd 1881

Court met pursuant to adjournment, Present same as on first day Whereupon the following proceedings were had viz:

The State of Texas vs Mc. L. Durham et al. And now on this day came on to heard the defendants motion for a new trial in this behalf, and the same having been submitted duly considered and fully understood by the court said motion was by the court overruled, to which ruling of the court defendants except and in open court give notice of appeal to the Supreme Court of the State of Texas. Court adjourned till Monday morning 10 oclock, ~5603.

October 24th 1881

Court met pursuant to adjournment, Present same as on first day

Octobr 24th 1881

Whereupon the following proceedings was had viz:

5179 M. E. Cunningham. J. H. Cunningham, vs Jas A. Chandler F. G. Chandler, Loomis & Christian

This cause coming on to be heard and all the parties thereto being represented by counsel announced ready for trial and presented to the court an agreement and stipulation in writing signed by their respective counsel and duly filed herein all the papers in said cause, agreeing and consenting that Jacob F. Chandler who should thereto be made a party defendant which is accordingly now ordered and done, and further agreeing and consenting to the form and character of final judgment and decree to be rendered in said cause. In consideration of the premises and in pursuance of the said agreement and consent in writing the court doth now here order adjudge and decree that the property in controversy to wit: Lots (11) Eleven and (12) twelve in Block (157) one hundred and fifty seven, in the city of Austin County of Travis State of Texas, be sold by the Sheriff of this court for cash at public outcry after due days previous notice being posted at the court house door in the county of Travis State of Texas on the first Tuesday in February A. D 1882 unless the parties consent in writing and file such consent in court, that the sale may take place at an earlier day in which event said sale may take place at any time - said sale to be made before the court house door in said County and State: and said Sheriff is hereby fully empowered and authorized to execute and deliver to the purchaser or purchasers at said sale good and sufficient deed of conveyance to the premises sold. The proceeds of said sale shall be paid over and distributed as follows:

First To Loomis & Christian or their attorneys of record, in term time the sum of Two hundred and forty four 80/100 dollars,

Second To Mrs M. E. Cunningham one of the plaintiffs or her attorney of record the sum of Six hundred dollars,

Third To Jacob F. Chandler the balance of the proceeds of said sale,

It is further ordered and adjudged that the costs of this cause and the commissions and expenses of said sale be paid equally by the plaintiffs and defendants and the Sheriff will disburse out of the portion of proceeds coming to said Mrs M. E. Cunningham one half of such costs commissions and expenses of sale, and out of the portion of proceeds coming to Jacob F. Chandler the other half of such costs commissions and expenses and pay the same over to the officers of the court entitled thereto.

5631 5460 The State of Texas vs T. & G. R. R. Co. Defendant has leave to file 2d amended original answer.

2205 4277 M. C. Hamilton vs Rich Flume et al. The loss of the original papers in this cause suggested and ordered by the court that this cause be passed to September 7th 1881.

4933 Carlton & Robertson vs Bingham Suit continued by consent.

4978 F. L. Wong vs Edward Gunn, Continued by consent.

5473 Joseph Harrell vs Thomas Smith et al. Continued by agreement as an application of defendant.

So much of this proceeding as is in favor of Mary E Cunningham was filed Nov 18, 1881 as per transfer list by Asst Clerk. E. Cunningham By Hart Clk

October 24th 1881

Victria C Burke } It is ordered by the court that defendant have leave
vs } to file 1st original answer subject to the limitation 5514.
H. & T. C. R. R. Co } existing upon the extent to which the answer may
apply and cause set for trial November 10th 1881.

Ams Iron Works. vs Jno A. Webb & Bro. It is ordered by the court that 5631.
this cause be set for November 1st 1881. Subject to the regular call of the docket.

James McCally et al. vs James E. Harbor. It is ordered by the court that 5655
that plaintiff have leave to file 1st amended original petition and cause
set for October 31st 1881 Subject to the regular call of the docket.

A. H. B. & L. Assc. vs Francis B. Forster It is ordered by the court that 5687.
defendant have leave to file 1st Supplemental answer.

Court adjourned till tomorrow morning 9 o'clock.

October 25th 1881

Court met pursuant to adjournment. Present same as on first
day Whereupon the following proceedings were had viz:

D. Weinbergen & Wife vs H. & T. C. R. R. Co. Continued 5392.
D. Weinbergen Guard &c. vs H. & T. C. R. R. Co Continued 5404.
John T. Allen vs A. H. Belo & Co. Passed to end of Criminal Docket 5521.
D. The Ayres vs W. C. Walsh Com &c. Passed to end of entire docket 5530.
Bettie B. Pope et al } This day came the parties by their attorneys,
vs } and the plaintiffs say they will no further pros- 5439.
Elbert Bacon et al } ecute this said suit: It is therefore consider-
-ed by the court that the plaintiffs take nothing by this suit and that
this cause be dismissed, and that the defendants recover of and from
the plaintiffs and the sureties on their cost bond to wit: Eliza E. Brum-
-igg W. C. Price and A. A. Stackmann all costs in this behalf ex-
-pended for which execution may issue

Court adjourned till tomorrow morning 9 o'clock.

October 26th 1881.

Court met pursuant to adjournment, Present same as on first day-
Whereupon the following proceedings were had viz:

John & Lewis Hancock vs R. Kapmacher et al. Set to end of Criminal docket. 5569.
The State of Texas vs S. M. Strayhorn et al. Continued to perfect service on S. M. 5595
Strayhorn.
Stubbs Jean Smith & Co. vs W. S. Caroucheus. Defendant has leave to file 5626.
1st amended original answer, and cause continued
A. H. B. & L. Association vs F. B. Forster. Set for November 2nd 1881. 5687.
Forster & Co. } On this the 26th day of October 1881 in open court the 5702
vs } application of the plaintiffs Forster & Co. coming on to be heard
W. S Lee } to sell the following personal property of the defendant W.
S. Lee now in the hands of the Sheriff of Travis County Texas (Ed Cleary Esq)
levied on and held by him under and by virtue of a writ of attachment
issued in said cause out of the District Court of Travis County Texas
on the 14th day of October A D 1881. at the instance of the plaintiffs
and in their favor against said defendant viz:

Octobr 21st 1881.

1 Bx candy 50 lbs.
2 lbs mixed Candies
3¾ doz Plain Pickles
18 lbs mixed Tiar
6½ " Cloves
1 Sk Cinnamon Bark
6 lbs all Spice
⅓ Bx mustard Seed
½ " Vermicilli
3 Glass Jars.
2 doz 2lb Bluing
1 Box Bell Tin ⅘ Full
12 doz Taylors Bluing
11 " Gillotts "
12 " Rayo
6½ " Small
1 11/12 doz Pepper Sauce
6 doz Baby Pickles
42 Bots Mexican Hot "
3 10/12 doz Vanilla Extract
1 Bx Candles (2½ Boxes)
1 Bucket Bell Pepper
2 doz eureka Burners.
1 " Star Stands
¾ " Lamp Burners
2 Vests & 2 Pr Pants
5 Looking Glasses
7 Rat traps
7 Nails
12 Parasols,
10 pr Mens Shoes,
6 pr Childrn Shoes
22 Sifters
11 Strainers
10 Scrubbing Brushes
1 Box Soap
1 Tub
1 Set Stencils
2 Buckets & 1 Measure
1 doz Bx Lye
1 Trunk
5 Brooms
1 Saw
3 Mop Handles
11 Shelves & 4 Shoe Handles
3 Pump Suckers
1 doz Iron Rivets

1 doz Basting Spoons
1 Set Churning Gears
10 Stillyards
9 Bars Shaving Soap
2 pair Toy Scales
4 Match Safes.
1 Set Fish Hooks & Bobs.
1 Fish Net
6 Bottles of Vermifuge
6 " Calomel
4 " Pain Killer
30 " Cooking Extracts
4 " Paregoric
3 " Anodyne
23 " Fever Anodyne
2 Boxes Starch
8 " C. D. Cakes,
2½ doz Mason Blacking
2 Bots Tonic Syrup
4 Bx Blacking
3 Bls Mucilage
2 Bls Pepper Sauce
2 Balls Twine
3 Boxes All Spice
9 Ink Stands
2 Bxs Cinnamon
1 Doz Bottles Mustard
1 Sharpening Stone
12 Packages Sage
16 Boxes Condensed Milk
1 Box Cigarette Paper
3 Pkg Corn Beef
1 Bot #6.
5 Bbl Pickled Ham
9 lb Smoking Tobacco.
15 Cans Vegetables
4 Boxes Condensed Milk
3 Cans Oysters
56 Cans Spun Cans Baking powder
3 doz " Peaches
22 Bx Columbian Mustard
10 Cans Mackerel
16 Bots Mixed Pickles
18 " Worcester Sauce
7 " Pepper
2 doz 1 Spoon Baking Powder
5 Cans Sea Foam,

October 26th 1881

30 cans Reliable Baking Powder
5 Bls Olive Oil
5 Boxes Yarnalls Baking Powder
11 " " " "
40 " " " "
3 doz Touch " "
25 lbs Soda
15 Bls Pepper
22 " Baby Pickles (Small)
9 " Catsup
10 " Pepper (Small)
3 " Pepper Sauce
7 Glass Jelly
16 Goblets "
1 Lot Lamp Mcks
1 Bx Slate Pencils
30 Boxes R. R Snuff
70 " "Garnills"
20 lbs Candy (Buckh)
21½ doz Fruit Cakes
28 Bxes Chimneys
1 doz Hair Brushes
5⅛ Extract Vanilla
100. "No Humbug" Cigars
550 "All the Go" "
4 Boxes, (Broken Lot)
4 lb Twist Tobacco (in tubs)
20 " "Little Minnie"
12 " "Lady Finger"
14 " "Planters Choice"
17 " "Bedford"
2 " "Golden Lilly"
5 " "Common Twist"
8 " "Stonewall"
19 " "Amaca"
36 " "Clifton"
46 " "Navy Planters,"
50 " "Texas Rangers"
27 " "Agnes"
5 " Durhams, Smoking
4 Pkg Matches
2 doz Jaws Harps
2/3 case Ext coffee
1 Pkg Washing Soda
2 1/2 Gal Pickles
4 Pkg Stove Polish
27 25 lbs Bolts Bluing

2½ doz Drawer Handles
1½ " Starch Gloss
5 doz Laundry Blue
7 " Tea Spoons
5 " Hat Hooks
8 Pkg Corn Starch
½ doz Molasses Gals
5 Box Lye
22 " Axle Grease
9 lbs Lead
1 doz Horse Brushes
4 Measure
4 Pad Locks
½ doz Coffee Mills
3 doz Arquit chimneys & ½ doz plain
1 Lot Lamp Burners
6 Hammers & 4 Hatchets
½ doz Tea Cooks Files
1 pair Nail Hooks
4 Wooden Spoons
8 Fancy Stand Lamps
3 Hand & 3 Bracket Lamps
5 Pickle dishes, 1 Chamber
2 Yellow Bowles
1 Stone Jar
1 Lot cups & Saucers
3½ doz Plates
1 Butter dish
1 doz Sugar Bowles
2 Glass Globes
19 Dishes
½ doz Veg dishes
9 Wire covers
7 Meat Buckets
1 Tin Cans
1 doz Frying Pans
1 " Tin Pans
1 " " "
½ " Cake Pans, & 5 Cake Pans
1 " " Pans,
3 Sives
1 can Kerosene Oil
3 doz Tins cups
1 " Sifters
3 Pt coffee Pots
11 Qt cups
9 Drip Coffee Pots

369

October 26th 1881

1 doz Tramway dippers
10 Iron Spoons
1/2 doz Tin Dishes
4 Water dippers
5 Tin Buckets Large
2 Coffee Pots
2 Small Tin Buckets
16 Wash Pans (Handled)
5 Lanterns
10 Tin Sieves
25 Dish Pans
12 Coffee Pots
7 Pans
3 Tin Buckets
8 oil Cans
8 Coffee Pots
3 Tin Buckets
6 " "
3 Cloths Barkets
8 Small Buckets
1 Water Keg Bucket
1 Bbl Coffee 120 lbs.
1 Sk Coffee 140 "
1 Lot Rope & Stand
1/2 Bbl currants 89 lbs.
7 lbs Sugar
26 " Flour (in Bbl)
3 1/2 Sks "

1/4 Bbl Onions
1 Bx Bath Bricks
1 " "Church's" Soda
2 1/2 " Globe soap
1 " Polish
3 " Bluing (Laundry)
1 Pr Counter Scales
1 " Platform
3 Bx Crackers
2 Show Cases
1 " " Table
1 Spice Tin Case (Fancy) contents
1 Lot tin ware in use
1 Lot paper, Paper bags &c Wrapping
3 counters, Shelving & fixtures
1 Safe
1 Desk
2 Spades
1 Ice Chest
M. F. Barrels & Bbl covers
1/2 Bbl Molasses
1/2 " Vinegar
1 Lot nails
20 Boxes, Paper collars,
1 Churn Box,
50 lbs Sack
1 Jar & Honey,

On the following grounds, that the said personal property had not been claimed or replevined and that said property was in danger of serious and immediate waste and decay and that the keeping of the same by said Sheriff until the trial will necessarily be attended with such expense as greatly to lessen the amount likely to be realized thereon, and it appearing to the court from sufficient and satisfactory proof that the facts as stated in said Application are true and a necessity exists for the order therein asked, It is therefore ordered adjudged and decreed by the court that the said Ed Cleary Sheriff aforesaid sell at public sale as under execution the above described personal property as early as practicable after this date, and that the proceeds realized from said sale be held by said Sheriff in his hands subject to the further order of this court in this cause, under Article 174 Revised Statutes. Court adjourned till tomorrow morning at 9 o'clock,

October 27th 1881

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

3694 Rebecca Blakemore vs Thomas Blakemore and now on this day (October 18th A D 1881) came on to be heard the above entitled and numbered cause,

October 27th 1881

and the plaintiff by himself and by his attorneys and the defendant Wholly failing to appear and answer in this cause and it appearing to the court that the defendant herein has been duly served with citation herein more than five days before the first day of this term of this court and a jury being waived and the issues of fact arose as by law being submitted to the court: the court after hearing the pleadings of plaintiff and the evidence does find that the allegations in plaintiffs petition contained are true, Whereupon it is ordered adjudged and decreed that the plaintiff do have the divorce from the defendant and that the bonds of matrimony heretofore existing between the plaintiff Rebecca Blakemore and the defendant Thomas Blakemore be and the same are hereby dissolved and that the plaintiff have his costs in this behalf expended for which execution may issue. And at a subsequent day of the term October 27th it further appearing to the court that the matters in controversy between the parties hereto with regard to the property owned by them as community property during the time of their marriage have been settled by agreement filed herein which said agreement is as follows to wit:

Rebecca Blakemore } No. 5694 vs Thomas Blakemore }

It is agreed by and between us Rebecca Blakemore and Thomas Blakemore that the property which was owned by us as community property being the same described in the petition of Rebecca Blakemore for divorce may be divided as follows to wit: a line to be drawn from East to West parallel to the North and South lines of the tract in out lot 62 Division B. of the City of Austin and equidistant from said North and South lines through the center of said lot dividing said lot into two equal portions, of which it is agreed that the said Rebecca Blakemore shall take the South half and the said Thomas Blakemore the North half of said lot, The house standing on said lot shall be divided as follows the said Rebecca Blakemore shall take the two South rooms which are connected and the South half of the hall and the said Thomas Blakemore shall take the north room and the north half of the hall, And it is further agreed that the said Thomas Blakemore shall take the Kitchen which now stands disconnected from the rest of the house on the South half of said lot and may and shall remove the same from the South half of said lot by the 25th day of December 1881, but in the meantime said Kitchen shall not be rented to any person by said Thomas Blakemore. And it is agreed that judgment may be rendered in this cause in accordance with this agreement

Rebecca her X mark Blakemore

Thomas his X mark Blakemore

Witness Thos. E. Smith.

Jas. D Shirks.

It is therefore further ordered adjudged and decreed that the property owned by the said Rebecca and Thomas Blakemore as community property be divided as follows to wit: a line to be drawn from E to W. parallel to the N. & S. lines of the tract in out lot 62 Div B. of the city of Austin and equidistant from said North and South lines through the center of said lot dividing said lot into two equal portions of which two portions the said Rebecca Blakemore shall take the

October 27th 1881

South half. and the said Thomas Blakmore shall take the North half of said lot, it is further ordered adjudged and decreed that the house standing on the aforesaid lot shall be divided as follows, the said Rebecca Blakmore shall take the two South rooms of said house which are connected and the South half of the hall, and the said Thomas Blakmore shall take the North room and the North half of the hall, and the said Thomas Blakmore shall take the Kitchen which now stands disconnected from the rest of the house on the South half of said lot and may and shall remove the same from the South half of said lot by the 25th day of December A D 1881 and in the meantime said Kitchen shall not be rented to any person by said Thomas Blakmore,

5446 Lizzie R. Brancoat & husband. vs Thomas Riley } The motion of the plaintiff to require the Clerk to issue a writ of possession in this case in favor of the plaintiff in accordance with the terms of the judgment rendered in this cause, and said motion having been submitted considered and fully understood by the court. It is ordered by the court that the Clerk issue a writ of possession including therein an exact copy of the judgment and ordering its enforcement so far as in its terms the plaintiff is entitled to have it.

5668 Julian Prade vs Cecil Prade. On the 8th day of October A D 1881 this cause being regularly called for trial came the plaintiff by his attorney and announced ready for trial, And it appearing to the court that the defendant had waived the issuance and service of citation and had duly accepted service on the petition and not appearing to defend said cause the trial was ordered to proceed, and the Court having heard the pleading and part of the testimony, (no jury having been demanded) postponed the case until the 10th October 1881 for further testimony and argument of counsel at the request of plaintiff, and said cause having been passed until this the 27th day of October 1881 and all the evidence having been introduced and argument of counsel heard, It is found by the court that said defendants material allegations in his petition are true, and that he have his divorce, It is therefore ordered by the court that the bonds of matrimony heretofore existing between the plaintiff Julian Prade and the defendant Cecil Prade be and the same are hereby forever dissolved, And further ordered that defendant pay all costs in this behalf incurred for which execution may issue,

Court adjourned till tomorrow morning 9 o'clock

October 28th 1881

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

5626 Shakespeare Smith & Co. vs W. S. Carpenter } Upon motion of plaintiffs attorney and it appearing to the court that this case has been settled between the parties and costs paid It is therefore ordered that the this case be and the same is hereby dismissed.

October 28th 1881.

Josiah P. Hinton. } In this cause the Hon A. S. Walker presiding
vs } Judge being disqualified, and by agreement of the parties hereto filed in this cause that W. A.
R. J. Hill, Garnishee } Blacklaw Esq should sit as special Judge for the trial of the same, and
he having taken the oath prescribed by law, made the following order in this
case." Upon motion of plaintiffs attorney it is ordered by the court that
this cause be and the same is hereby dismissed, and further ordered that
the plaintiff pay all costs in this behalf incurred for which execution may
issue,

W A Blacklaw Special Judge.

Court adjourned till tomorrow morning 9 o'clock.

October 29th 1881

Court met Pursuant to adjournment. Present same as on first day,
Whereupon the following proceedings were had viz:

E. W. Shands } And now on this day came on to be heard the plain-
vs } tiffs motion for a new trial in this behalf, and said 5207
Milton Wallace } motion and affidavits thereto having been submitted duly
considered and fully understood by the court it is ordered by the court
that said motion be granted. It is therefore ordered by the court
that the judgment heretofore rendered in this cause be set aside and
held for nought and that a new trial be granted in this cause.

Court adjourned till Monday morning 10 o'clock.

October 31st 1881

Court met pursuant to adjournment. Present same as on first day
and there being no civil minutes of this date court adjourned till tomorrow
Morning 9 o'clock.

November 1st 1881

Court met pursuant to adjournment. Present same as on first day
Whereupon the following proceedings were had viz:

Emil Ribbeck } The State of Texas, } Emil Ribbeck being sworn according
Ex parte } County of Travis } to law, in the District Court of Travis 5706.
county, doth declare that he was born in the year AD 1856 in the Kingdom
of Germany, Whence he emigrated in the year 1880 to the United States of
America, and has elected the State of Texas as the place of his intended
settlement: and he further declare that it is bona fide his intention to
become a citizen of the United States and of the State of Texas and renounces
forever all allegiance and fidelity to every foreign prince, potentate, State
or Sovereignty whatsoever, and particularly to the Emperor of Germany of
whom he was a subject (sgd) Emil Ribbeck. Sworn to and subscribed before
me this 1st day of November 1881. in open court. E Hallmann Clerk
By Jamie P Hart Dep

Julius Ribbeck } The State of Texas, } Julius Ribbeck being duly sworn
Ex parte } County of Travis } according to law in the District 5707.
court of said county, doth declare that he was born in the year AD 1854 in
the Kingdom of Germany Whence he emigrated in the year 1880 to the
United States of America and has elected the State of Texas as the place

November 1st 1881

of his intended Allegiance: and he further declare that it is bona fide his intention to become a citizen of the United States and of the State of Texas and renounce forever all allegiance and fidelity to every foreign prince potentate, State and Sovereignty whatsoever and particularly to the Emperor of Germany of whom he was a subject. Sign. Julius Pibbeck,
Sworn to and subscribed before me, this the 1st day of November 1881
Hallmann Clerk
By Jame P Hart Dpty.

5708. J. C. Mangoldorf, Ex parte. } The State of Texas } County of Travis } J. C. Mangoldorf being sworn according to law in the District court of said County, doth declare that he was born in the year A.D. 1825 in the Kingdom of Germany whence he emigrated in the year 1869 to the United States of America, and has elected the State of Texas as the place of his intended Allegiance: and he further declares that it is bona fide his intention to become a citizen of the United States, and of the State of Texas, and renounce forever all allegiance and fidelity to every foreign prince, potentate, State or Sovereignty whatsoever and particularly to the Emperor of Germany of whom he was a subject. (Sgn) J. C. Mangoldorf
Sworn to and subscribed before me, this 1st day of November 1881 in open court.
Hallmann Clerk
By Jame P Hart Dpty.

Court adjourned till tomorrow morning 9 o'clock

October 2nd 1881.

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings were had viz:

5709. Charles F. Mauve, Ex parte } The State of Texas } Travis County } Charles F. Mauve being duly sworn according to law in the District Court of said County, doth declare that he was born in the year A.D. 1858 in the Kingdom of Germany whence he emigrated in the year 1874 to the United States of America, and has elected the State of Texas as the place of his intended Allegiance: and he further declares that it is bona fide his intention to become a citizen of the United and of the State of Texas, and renounces forever all allegiance and fidelity to any foreign prince potentate, State or Sovereignty whatsoever, and particularly to the Emperor of Germany of whom he was a Subject. Signed Charles F. Mauve
Sworn to and subscribed before me, this 2nd day of November 1881 in open court
Hallmann Clerk
By James P Hart Dpty

5651 5652 James McCalley et al vs James E. Harber. On October 31st it was ordered by the court that the plaintiff have leave to file 1st supplemental petition

5652 5653 James McCalley et al vs James E. Harber. } This day came the parties plaintiff and defendant, the plaintiffs by their attorneys Messrs. Carlton and Morris and the defendant by his attorneys Messrs Shutes and Bond and announced themselves ready for trial, and thereupon came a jury of twelve good and lawful men to wit: J. F. W. Lee, A. H. Cook Sam. F. Scott. W. E. Carpenter, Dan Brosnan, J. E. McCormick, J. O'Riley

November 2nd 1881

J. H. Maxey. Moses Brooks. J. W. Groome. Thos Robb and W. L. Pitser who being duly tried empannelled and sworn according to law, who after hearing the evidence, argument of counsel and charge of the Court, one of the said jurors so tried empannelled and sworn to wit: W. L. Pitser having been during the trial of the cause disabled by sickness from hearing all the evidence, the remaining eleven jurymen returned into court the following verdict to wit: "We the Jury find under Section Six for plaintiffs in the sum of one hundred and ninety four dollars and Eighty cents ($194.80). J. F. W Lee. A. H. Cook. Sam. F. Scott. W. E. Carpenter. Dan Brosnan. Jas. E. McCormick. J. O'Reilly J. H. Maxey. Moses his X mark Brooks. J. W. Groome Thos. Robb." It is therefore considered that the plaintiffs James McCally and E. Moore do have and recover of and from the defendant James. E. Harber the sum of one hundred and ninety four & 80/100 dollars for their principal debt and damages together with all their costs in this behalf expended for all which execution may issue, It is further considered by the court that the bar set up and described in the plaintiffs petition be and the same is hereby rescinded and declared of no further force or effect.

Rachel J. Harris vs A. C. Jones Sal. Deft has leave to file Ps amended answer 15441.

Morgan C. Hemillin vs Richard Plume et al on the 31st October 1881, it is ordered by the court that plaintiff have leave to supply his lost pleadings by copies and the marriage of Plume with J. S. Brock being suggested, it is ordered by the court that the husband be made party defendant, and citation ordered to issue for him. 14277

A. H. B. & L. Ass'n vs F. B. Forelle. This cause is passed to be taken up by Court 15687.

Court adjourned till tomorrow morning 9 o'clock

November 3rd 1881

Court met pursuant to adjournment. Present same as on first day and there being no civil minutes to be recorded of this date Court adjourned till tomorrow morning 9 o'clocks.

November 4th 1881

Court met pursuant to adjournment. Present same as on first day Whereupon the following proceedings were had viz:

Homer. L. Martin } Homer. L. Martin having made application 15710.
Ex parte } before the District Court of Travis County at the October term thereof A D 1881 for a permanent license to practice as an attorney and counsellor at law in the District and all inferior courts of the State of Texas, and the said Homer. L. Martin having produced before the court his license issued to him by the Wells Circuit Court in the State of Indiana as an attorney at law, and having been introduced to the court by Thos. E. Sneed and David Shultz Esqrs. (two attorneys of this bar) as a man of good moral character, and the said Homer. L. Martin having taken the oath as required by law, It was ordered by the court that a license issue to him to practice the law in the District and all inferior courts of this State.

Ames Iron Works vs Jno. A. Webb & Bro. Plffs Oct 21st Case have leave to file amd petition & Defts 1st Exhibit sue for 15063!

Received this day the sum of $194.80/100 dollars in full satisfaction of this judgment. Dec 1st 1881. Caldwell & Rhome Attys for McCally & Moore

Nov. 25th 1881 Received on this day

November 4th 1881.

5711 Augustus N. Martin Ex parte } Augustus N Martin having made application before the District Court of Travis County at the October term thereof A D 1881, for a permanent license to practice as an Attorney and Counsellor at law in the District and all inferior Courts of the State of Texas, And the said Augustus N. Martin having produced before the court his license issued to him by the Supreme Court of the State of Indiana, and having been introduced to the Court by Thomas E. Breed and David Shultz Edgar. (two attorneys of this bar) as a man of good Moral Character, and the said Augustus N. Martin having taken the oath as required by law, It was ordered by the court that a license issue to him to practice the law in the District and all inferior Courts of this State.

5631 Amos Iron Works } On the 3d day of November A D 1881 the
vs above styled cause being called for trial the
Jno A. Webb & Bro } parties appeared by their attorneys and announced ready whereupon a jury of twelve good and lawful men consisting of W. E. Carpenter and eleven others were duly empannelled and sworn in the above entitled cause in the manner required by law, who after hearing the evidence Argument of counsel and charge of the court did on the 4th day of November A. D. 1881 retire to consider of their verdict, and afterwards on the same day returned into open court the following verdict to wit: "We the jury find for the plaintiff the engine and boiler, and assess the damages at Fifty dollars additional. W. E. Carpenter Foreman" Whereupon it is ordered adjudged and decreed by the court that Leonard Amos Sr. who composes the Amos Iron Works do have and recover of and from the defendants John A. Webb and Joseph W. Webb the sum of fifty dollars and all costs in this cause expended for which execution may issue, And it appearing to the court that the said Engine and boiler are in Bell County State of Texas on the premises of F. N. McBride, It is therefore considered ordered adjudged and decreed by the court that the said plaintiff do have and recover of and from the said defendants the title and possession of No 4 Portable Engine and boiler No 2610 and that the title to said Engine and boiler do pass to and the same is hereby vested in the said plaintiff and it is further considered ordered, adjudged and decreed by the court that a writ of possession do issue as authorized by law directed to the Sheriff or any Constable of Bell County State of Texas Commanding him to deliver possession at once to plaintiff at Belton Bell County Texas of said No 4 portable engine and boiler No 2610, all of which shall be at the costs of the defendants, John A Webb and Joseph W. Webb.

5378 Mary A. Lively & husband vs J. W. Hamig. Set for November 9th 1881.

5364 The State of Texas. } On the 24th day of October A D 1881. this
vs cause came on for trial and the parties ap-
Mill Livingston et al } -praising by their attorney, came on to be heard the motion of the plaintiff to strike out the affidavits of non est factum

Nov. 25th 1881 Received on this day from Augustus N. Martin the fifty dollars Oscar Holden Att'y in this judgment.

Received this day the sum of $194.80/100 dollars in satisfaction of this judgment Dec 1st 1881.

March 23d 1882

As on first day. Whereupon the following proceedings were had viz
R. M. Thimson } It is ordered by the court that this case be post-
vs poned until March 24th 1882. by consent of the 5718
E. W. Bates Parties. J.W. Robertson Special Judge. 5788

Court adjourned till tomorrow morning 10 o'clock

March 24th 1882

Court met pursuant to adjournment. Present same as on the 23d March 1882. Whereupon the following proceedings were had, viz: 5716
R. M. Thimson } It is ordered by the court that plaintiff have leave 5764
vs to file 1st Supplemental petition and defendant 1st
E. W. Bates } Supplemental answer, and further ordered that Plaintiff have leave to file 2nd supplemental Petition and trial amendment, and defendant trial amendment, and thereupon both parties announced ready for trial.

J.W. Robertson
Special Judge

R. M. Thimson } It is ordered by the Court on this 24th March 1882
vs that the demurrer of the plaintiff to defendants plea 5718, 5
E. W. Bates } in reconvention for damages be sustained as to the 576
claim for expenses, but overruled as to the remainder, and thereupon the trial of this cause proceeded and continued until the evening of the 28th March 1882 when the cause was concluded and taken under advisement by the court,

J.W. Robertson
Special Judge

Court adjourned till tomorrow morning 9½ o'clock

March 25th 1882. 556

Court met pursuant to adjournment. Present Hon Jno W. Robertson Special Judge and other officers of court as on the 24th and the case of Thimson vs Bates No 5718 this progressing court adjourned till Monday Morning 9 o'clock

March 27th 28th 1882

Court met each day pursuant to adjournment. Present same as on the 25th inst and the case of Thimson vs Bates No 5718 being this in trial. Court adjourned till tomorrow morning 9 o'clock.

March 29th 1882.

Court met pursuant to adjournment. Present Hon A. S. Walker Judge and the other officers of the court same as on first day Whereupon the following proceedings were had viz:
Sidney D. Fontain vs Jacob Kuechler et al. The mandate in this 3481
case being filed and judgment affirmed, case dropped from the docket.
Court adjourned till tomorrow morning 9 o'clock.

March 30th 1882

Court met pursuant to adjournment. Present same as on first-

March 30th 1882

day Whereupon the following proceedings were had viz:

5718 5788 Wm. A. Taylor et al vs Hugh Eskridge et al } Ordered that Dennis Corrin be appointed to make survey of such lines of the James Burleson survey on Colorado River, and the W.H. Saunders L. & L. survey and of all other adjacent surveys which may show or tend to show the locality of the line between the said Burleson and Saunders surveys. Surveyor will report to next term of this Court.

5716 McIlhaney Co. vs 5764 L. W. Carothers } And now on this day coming on to be heard the motion of Joe H. Stewart Esq to correct the judgment in this cause so as to speak the truth and the same after due consideration by the Court was granted and judgment amended by interlineation of the Judge in the original judgment in this cause. And it is further ordered by the Court that the motion of the said Stewart asking to withdraw and strike papers from the files filed by him in this cause be be and the same is hereby overruled.

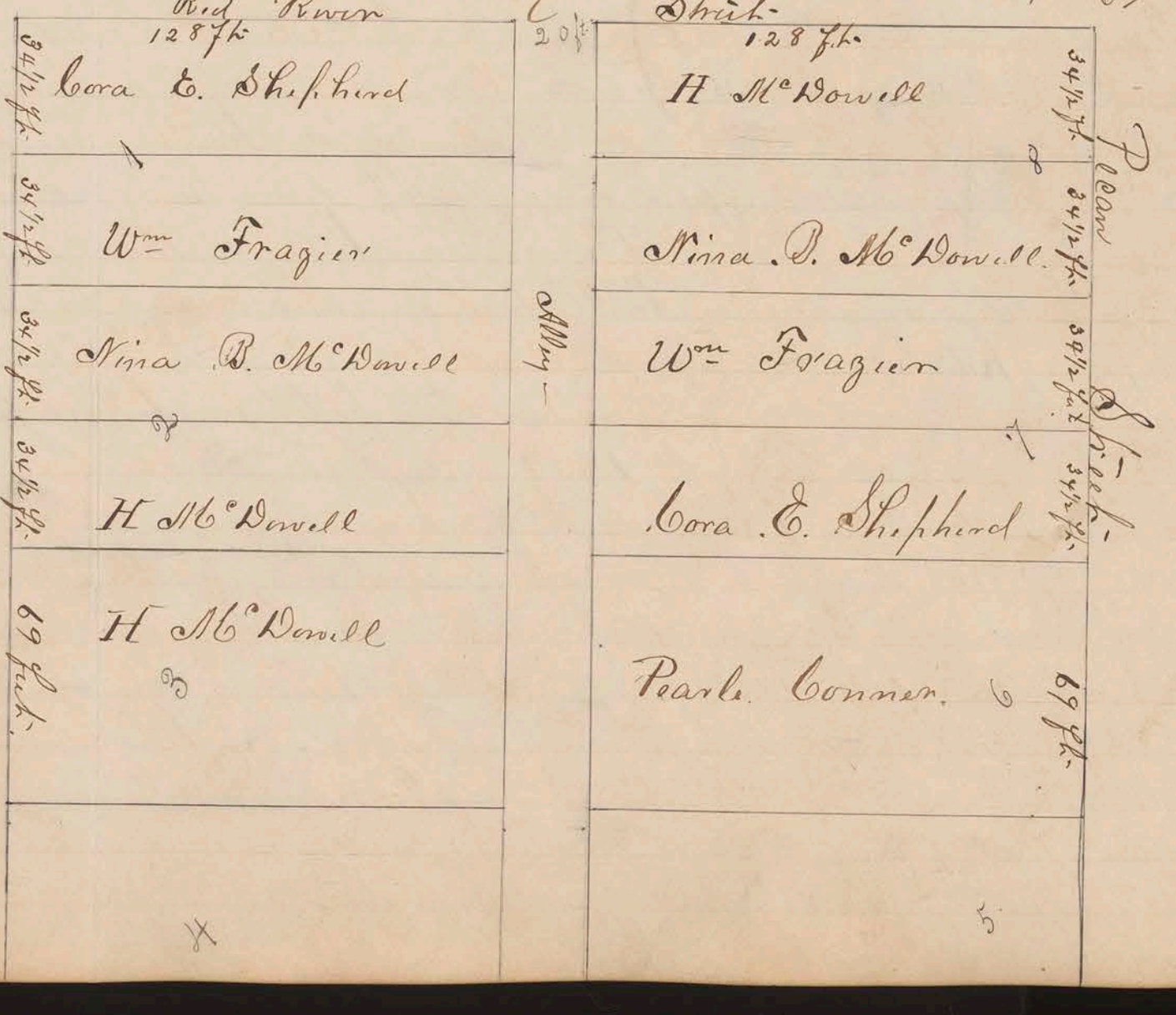
5718½ 5765 H. C. B. Hayes vs Ed Cleary Sheriff et al } The motion of the plaintiff for a new trial having heretofore been argued and submitted and having been duly considered and fully understood by the Court said motion was this day by the Court overruled, to which ruling of the Court the plaintiff in open court excepts and gives notice of appeal to the Supreme Court —

5568 Charles S. Jones vs Cora E. Shepherd Wm D. Shepherd Pearle Conner and Wm D. Shepherd her Guardian Wm Frazier Mira B. McDowell & H. McDowell. } On this 30th day of March 1882 come the defendants Cora E. Shepherd and her husband Wm D. Shepherd Pearle Conner by her guardian Wm D. Shepherd Mira B. McDowell and H. McDowell by their attorney; and upon their motion the continuance heretofore entered in this cause is set aside. And the matters in controversy in this suit in so far as the same affect the plaintiff. Charles S. Jones having been disposed of by decree at a former term of this Court, and nothing further remaining to be done in said cause except to partition the property heretofore set apart and decreed to the said defendants among themselves as prayed for in this petition therefor filed herein on the 28th day of March 1881, and the Commissioners of partition to partition the said lots among the said defendants heretofore appointed by the Court to wit: Dennis Corrin, J. J. Walker and W. Van Rosenberg having made said partition and filed their report on the 10th day of June A.D. 1887, and the said defendants having filed their consent to said report in writing and having moved the Court to approve the report of said Commissioners, it is ordered adjudged and decreed by the Court that the report filed by said Commissioners as aforesaid be and the same is approved

3481

March 30th 1882

and confirmed. The report of said Commissioners is as follows:
Charles. G. Jones. } Hon A. S. Walker Judge of the 16th Judicial
vs #5585 } District.
Cora E. Shepherd et al } The undersigned commissioners appointed in the above styled and numbered cause to divide and set apart the shares to the parties respectively according to the value of the same, having carefully examined the premises beg leave to submit the following report,- "It appears from the certified copy of the order and decree of Your Honor's Court made and served by E Wallmann Clerk of the District Court of Travis County that the following property viz: "Lots one- two. three. Six. Seven and eight in Block 61 in the City of Austin is to be partitioned among the defendants in the said styled and numbered suit as follows. To Cora E. Shepherd one Share Nina B. McDowell one share. Pearle Conner one Share. N. McDowell 2 Share and Williams Frazier one share.
Commrs considered in suits the following a fair and equitable division of said lots and have so divided and apportioned them,
To Cora E. Shepherd the East half of lot No 7. and the West half of lot No 1.
To Nina B. McDowell. the East half of lot No 8- and the West half of lot No 2. - To Pearle Conner lot No 6 - To N. McDowell the West half of lot No 8: East half of lot No (2.) two. and all of lot No (3) three - To William Frazier the West half of lot No 7. and the East half of lot No 1. as appears also on the accompanying Sketch which is submitted as a part of this report- Your Commissioners believing that nine dollars is reasonable compensation for their services in this behalf respectfully ask that the same be allowed. all of which is respectfully submitted.
Sworn to and subscribed before me by the above named parties this the 10th day of June AD 1881. E Wallmann clk D.C.T.Co By James R Hardaby-
T. Dennis Corwin
J. J. Walker
W. Von Rosenberg.



March 30th 1882.

It is therefore considered ordered adjudged and decreed by the court that lots one. two. three. Six. Seven and eight in Block No (61) sixty one in the city of Austin, being the same properly heretofore set apart and deeded to the said defendants in a former decree entered in this cause be partitioned and divided as follows: To Cora E. Shepherd one Share To Pearle Conner one share- To Wm Frazier one share. To Mira B. McDowell one share- To A McDowell two shares.-

And the Court doth further consider adjudge and decree that said lots be set apart and partitioned according to the report aforesaid of said Commissioners. to wit: It is ordered adjudged and decreed that the East half of Lot No (7) seven and the West half of lot No 1 (one) be partitioned and set apart to the said Cora. E. Shepherd. It is further ordered adjudged and decreed that the said defendants. W D. Shepherd. Pearle Conner. Wm Frazier Mira. B. McDowell and A. McDowell be and they are forever divested of all their title and estate in and to said East half of Lot No 7 and the West half of lot No 1 in Block No 61 in the City of Austin. and that the title thereto be and the same is forever vested in the said Cora E. Shepherd.

It is ordered, adjudged and decreed that the East half of lot No 8- Eight- and the West half of lot No 2 (two) be partitioned and set apart to the said Mira B. McDowell. It is further ordered adjudged and decreed that the said Cora. E. Shepherd, Wm D Shepherd. Pearle Conner Wm Frazier and A. McDowell be and they and each of them are forever divested of all their title and estate in and to the said East half of Lot No 8 and the West half of lot No 2. in Block No 61 in the city of Austin, and that all the title and estate thereto be and the same is forever vested in the said Mira B. McDowell.

It is ordered. adjudged and decreed that said lot No 6 six be partitioned and set apart to the said Pearle Conner. It is further ordered adjudged and decreed that the said Cora. E. Shepherd. Wm D. Shepherd Wm Frazier. Mira B. McDowell and A. McDowell. be and they and each of them are forever divested of all their title and estate in and to said lot No 6 in Block No 61. in the city of Austin; and that all the title and estate thereto be and the same is forever vested in the said Pearle Conner.

It is ordered adjudged and decreed that the West half of said lot No 8 (eight) the East half of said lot No 2. two and all of Lot No 3. three be and the same is set apart and partitioned to the said A. McDowell. It is further ordered. adjudged and decreed that the said Cora. E. Shepherd. W. D. Shepherd. Pearle Conner. Wm Frazier and Mira B. McDowell be and they and each of them are forever divested of all their title. estate and interest in and to said West half of Lot No 8 and East half of Lot No 2. and all of Lot No 3. in Block No 61 in the City of Austin, and that all the title and estate thereto be and the same is forever vested in the said A. McDowell-

It is ordered adjudged and decreed that the West half of said lot No 7.

sum and the East half of said lot No 1 be set apart and partitioned to the said Wm Fraziur. It is further ordered adjudged and decreed that the said Cora E. Shepherd. Wm D. Shepherd. Pearle Conner. Mira B. McDonell and A McDonell be and they and each of them are forever divested of all their title estate and interest in and to said West half of Lot No 7 and the East half of lot No 1 in Block No 61 in the City of Austin. and that all the title and estate thereto be and the same is forever vested in the said Wm Fraziur.

It is further ordered. adjudged and decreed by the court that the said minor Pearle Conner be entitled to the possession of all of said lots and to the rents and revenue thereof until she shall reach the age of twenty one years, or until she shall marry if she shall marry before reaching said age of twenty one years, and this partition shall take effect and become absolute so soon as the said Pearle Conner shall marry or so soon as she shall arrive at the age of twenty one years being unmarried, in which event the said several parties aforesaid shall be severally entitled to the immediate possession of the portions of said property severally allotted and decreed to them, for which purpose process may then issue. It is further ordered and decreed that the taxes thereafter to accrue and become due upon all of said lots shall be paid by the said Pearle Conner so long as she continues in the possession; and it is ordered adjudged and decreed that said taxes shall be a charge on said lot No 6 set apart to said Pearle Conner until such time as she shall cease to occupy said lots under this decree — It is ordered that the costs be taxed by the Clerk and prorated among said defendants in proportion to their several shares,

R. M. Thomson, }
vs }
E. W. Bates, } Hon J. W. Robertson Special Judge presiding: 5718.

This cause came on to be heard on the 24th day of March 1882 and both parties appearing in person and by their attorneys announced ready for trial and no jury having been demanded, the Court after hearing the pleadings and evidence of the parties finds as follows. on March 29th 1882 the cause having remained on trial to said day.

R. M. Thomson } In the District Court of Travis County March 29, 1882. 5718
vs #5718. } The following facts are established by the evidence in this
E. W Bates } case,

1. The defendant E. W. Bates. is now and has been since November 1880 the surveyor of Pecos county,

2. The plaintiff R. M. Thomson located certain Alternate land certificates in Pecos county. filing the same in the office of defendant as surveyor as follows: In January 1881 forty (40) certificates: On May 19th 1881. ninety five (95) certificates. On May 23rd 1881 three hundred and twelve (312) certificates. In June 1881 forty (40) certificates. Total four hundred and eighty seven (487) Alternate certificates,

3. Plaintiff used said certificates and located the same as agent for other parties - By his contract with the owners he was to receive a money fee -

for locating a portion of them, and a locative entirely in the lands located by virtue of the remainder.

4. On December 10. 1880. it was agreed between plaintiff and defendant that if plaintiff should locate as many as five hundred (500) alternate certificates in Pecos County and furnish a suitable person to be appointed deputy Surveyor to make such surveys, and make the bond of such deputy and furnish printed record books for recording the field notes and pay all the expense of making the surveys, that defendant would charge plaintiff a fee of $3.50 for filing, signing, recording and affixing the field notes of the surveys located by virtue of each certificate. It was also agreed that if plaintiff should locate as many as 1000 certificates on like conditions the fee should be $3.00 on each certificate.

These terms were at the time accepted by plaintiff, and subsequently some surveys were made by plaintiff and the fees paid defendant under this agreement.

But this agreement was abandoned by both parties before any of the files and surveys in controversy in this suit were made.

5. There was no express contract fixing the amount of fees to be charged by defendant on the locations in controversy.

6. On March 29 1881 defendant gave plaintiff notice that his fees on the forty (40) certificates filed in January 1881. and on subsequent locations would be $11.00 for each certificate, unless plaintiff showed before the middle of August 1881. file as many as 200 certificates in which event defendants fee should be $10.00 for each certificate. To this plaintiff on April 4. 1881 made a written protest saying to defendant that the fees proposed to be charged were in excess of the contract previously agreed upon and greater than that allowed by law for filing and affixing field notes, but consented to pay the same if demanded – On May 19th 1881 Horace Thompson, an agent for plaintiff filed 95 of the certificates in controversy, and at that time the subject of fees was not mentioned, On May 23 1881, plaintiff by his same agent filed with defendant 312 of the certificates in controversy. Defendant then notified said agent that his fees for the 135 certificates previously filed would be $12.00 each, and for the 312 certificates and for all subsequent fees, his fees would be at the rate of $16.00 for each certificate – Plaintiffs agent notified defendant that he had no authority to make any contract with reference to fees, but that he was prepared to pay the filing fees. Defendant at first refused to file the 312 certificates and record the locations, until the amount of fees could be agreed upon, but upon plaintiffs agent paying him $312 for filing fees the same were filed and locations entered. Plaintiff was notified through his agent of the charges proposed to be made by defendant and made no further protest.

Plaintiff proceeded to complete the surveys and nothing further transpired in reference to defendants fees until after the surveys had all been made and the field notes filed and approved by defendant.

7 Defendant on about December 10. 1880 at the request of plaintiff appointed H. C. Barton deputy surveyor of Pecos County, and plaintiff made

March 30th 1882.

his bond as such deputy and the same was approved by the County Commis-
-sioners court of Pecos county. Barton did no surveying as deputy for any
one except plaintiff, and was wholly subject to plaintiffs orders.
8. The surveys in controversy, 974 in number, made by virtue of the 487 alter-
-nate certificates described in the pleadings were made by said H. C. Barton
as deputy surveyor of Pecos county under said appointment, Plaintiff furnished
all the chain bearers and other necessary hands and all the equipments for
making said surveys, and paid all the expenses of making same including
compensation to said deputy Barton, at the rate of $30.00 per month.
Barton made oath and entitled to all the field notes as deputy surveyor
of Pecos county, and filed the same in defendants office as county surveyor.
9 The defendant, as surveyor of Pecos county, examined approved and
recorded the field notes made and returned by Barton as deputy and
certified to the correctness of the same as required by law. The record
books were furnished by plaintiff.
10 There was no contract or understanding between defendant and said
Barton as to the fees for the work done by Barton in the field.
11. Defendant did no part of the work except to examine, approve and
record the field notes made by the deputy Barton and to certify to their
correctness.
12. The defendant has not prepared and certified the sketches or plats of
said surveys as required by law.
13. The distance actually run by said Barton in making said surveys
was 619 linal miles
14 The said surveys were all made by said Barton, and the field notes
filed in the defendants office between the first of March and the last of
October 1881
15. The actual and necessary expenses incurred and paid by plaintiff in
making said surveys in the field including the compensation paid Barton
as deputy was $1680.00
16 The sketches and plats produced by plaintiff in court, and designated
as plats "B" "C" and "D" are correct sketches and plats of said 974 surveys
as actually made on the ground.
17 The petition in this case was filed and this suit was commenced on Novem-
-ber 17th 1881, at which time the certificates, field notes and other papers per-
-taining to said surveys were in the possession of the defendant in the City
of Austin. No tender of fees had ever been made to defendant, and no demand
for possession of the papers.
18 On November 18. 1881. the defendant at the solicitation of plaintiff made
out his account and presented the same to plaintiff for payment for filing
recording and signing field notes on 135 certificates at $12.00 each $1620.00
and on 352 certificates at $16.00 each $5632.00 Total fees claimed $7252.00
less a credit of $317.00 - Plaintiff declined to pay.
19 On November 18, 1881 plaintiff tendered defendant $1100.00 in payment of
his fees and demanded possession of the papers in controversy. Defendant
declined to accept the money tendered and refused to deliver possession of the
papers - Plaintiff immediately sued out a Writ of Sequestration

March 30th 1882

20. The certificates, filed notes and other papers were signed by the Sheriff by virtue of said writ of sequestration. Defendant having failed to replevy the same, plaintiff subsequently replevied them and filed them in the General land office where they now are.

21 The defendant has failed to prove that he has sustained any damages in consequence of the seizing out and levy of said writ.

22. Plaintiff paid defendant $312.00, amount of his fees on May 23d 1881.

Plaintiff now insists that the defendant is entitled only to his legal fees of one dollar each for inspecting filing and recording the filed notes of said 974 surveys, and that he is bound to make out and file the necessary sketches or plats of said surveys as required by law, before payment of his fees ought to be enforced,

Defendant insists. 1. That he is entitled to fees on the implied contract at the rate of $12.00 each for 135 certificates, and at the rate of $16.00 each for 352 certificates as charged in the bill presented to plaintiff in November 1881. Or. 2. If not entitled to recover on such contract, then that he is entitled to recover fees at the rate of $12.00 mileage for making each survey and one dollar for inspecting and recording the field notes of each survey, being at the rate of $26.00 for each certificate located- Or- 3. If not entitled to recover on that basis that he be allowed to recover at the rate of $3. per mile for each mile actually surveyed by said deputy, and one dollar for inspecting and recording the field notes of each survey, less the actual and necessary expenses paid by plaintiff in doing the work in the field,

From the foregoing facts the Court concludes!

1. That the defendant is only entitled under the law to fees at the rate of one dollar for inspecting, filing and recording the field notes of each survey,

2 That the defendant having done no part of the field work of making said surveys is not entitled to any fees therefor,

3. That plaintiff having paid all the expenses of making said surveys, and having paid said deputy Barlow for his services is only liable to defendant for the fees for inspecting, approving and recording the field notes,

4 That the fees are due and can only be demanded for the work actually done,

5 That the fees demanded by defendant are greater than are allowed by law,

6 That any contract by plaintiff express or implied for the payment of fees greater than are allowed by law, is void,

7 That defendant is bound to make out and certify correct sketches or plats of said surveys and file the same in the General Land office or deliver the same to plaintiff before he is entitled to said fees,

8. That plaintiff is liable for all costs incurred up to the time the tender was made - and defendant for all costs subsequent to the tender,

March 30th 1882.

The Court mike decree as follows:
1. That defendant recover of plaintiff the sum of $662.00 and all costs incurred up to the time the order was made,
2. That plaintiff recover of defendant all costs incurred since the order was made,
3. That no execution shall issue on this judgment in favor of the defendant until after he shall have filed in the Genral land office, or delivered to plaintiff properly certified sketches or plats of said 974 surveys.
4. That no interest shall be allowed on the sum adjudged to defendant until said sketches or plats are prepared and delivered by defendant and after that order is complied with to bear interest at the rate of eight per cent per annum. J W Robertson
Special Judge

After the rendition of said opinion in open Court the Court on written motion of Plaintiff of which defendant had notice so far modified said opinion as to require the plaintiff to pay defendant $662.00 with eight per cent interest per annum from date and all costs of the suit for which execution may issue without defendants making or tendering to the Genral Land office of Texas or to plaintiff properly certified sketches or plats of 974 surveys in controversy. those introduced in evidence being adjudged correct by the court,
It is therefore considered by the Court that the defendant E. W. Bates do have and recover of Plaintiff Rector M. Thomson the sum of $662.00) Six hundred and sixty two dollars with eight per cent interest per annum and all costs in this behalf incurred for which he may have his execution.
Court adjourned till tomorrow morning 9 oclock

March 31st 1882

Court mit pursuant to adjournment. Present came as on first day Whereupon the following proceedings were had viz:
R. M. Thomson, vs E. W. Bates } And now on this day the Hon J. W. Robertson Special. Judge presiding in this cause, come the parties by their attorneys and thereupon came on to be heard the defendants motion for a new trial in this behalf and the same being duly considered and fully understood by the court said Motion was by the court overruled. to which ruling of the court the defendant in open court excepted and in open court gave notice of Appeal to the Supreme Court. 5718
R. M. Thomson vs E. W. Bates } And now on this day the Hon J. W Robertson Special Judge presiding in this cause came the parties by their attorneys and thereupon came on to be heard the Plaintiffs motion to reform the judgment of the court heretofore rendered in this cause, Which said motion being submitted duly considered and fully understood by the court was by the court granted and the original Judgment 5718.

Rec'd March 2nd 1883 from M. W. Townsend for the plaintiff the balance of $400.00 of the amount of said judgment & costs for issuing the same.

March 31st 1882

affirmed as heretofore entered, and now appears of record.
The three preceding entries and all the entries made in the minutes of this court at this term of the court in Cause No 5718. of R. M. Thomson vs & W. Bales having been examined in open court found correct are hereby approved. and ordered that they stand as a part of the minutes of the present term of this court. J. H. Robertson

Special Judge.

5374. Amelia Brichta et al vs Harry Gilman

Now on this 12th day of January 1882 this cause was regularly called for trial and the plaintiffs and defendant appeared by attorneys and announced themselves ready for trial and no jury having been demanded by either party this cause was submitted to the court for decision. and the court having heard the pleadings. evidence and Argeuments of counsel held the same under advisement. And on March 6th 1882 the court announced its finding and decision as follows: That from a consideration of the law governing the facts in this case and weighing the evidence submitted to the court it appeared to the court that the plaintiffs were entitled to recover of and from the defendant the land sued for in this case in accordance with the survey thereof as made by Reuben W. Ford Esq which said survey included within the lines of the land owned by the plaintiff Valuable and permanent improvements made by the defendant; and it further appearing to the court that the defendant was a possessor of said land in good faith and had made said improvements more than one year prior to the bringing of this suit; and further that said improvements were of the value of four hundred dollars and that the land claimed by the defendant within the lines of the land owned by the plaintiffs amounting to about fifty acres and upon which are the said improvements made by defendant as aforesaid is worth exclusive of said improvements the sum of one hundred dollars; It is therefore ordered adjudged and decreed by the court that the plaintiffs Amelia Brichta. Cecelia. Townsend. Wife of Martin W. Townsend and Augustus Brichta do have and recover from the defendant Harry Gilman the tract of land sued for and which as resurveyed by said R. W. Ford is described as follows: —
Beginning at a stake on the south line of the R. B. Moore six hundred and forty acre survey 1224 varas N 60° W. from the beginning corner of said Moore survey. Thence N 60° W. 1226 varas to the S. W. corner of the said Moore survey a stone mound from which a cedar tree 14 in dia brs N 26½° W. 15 varas and another cedar tree brs N 33½° E 16 6/10 varas marked with 3 hacks. Thence N 30° E. 400 varas to the center of a creek at 720 varas into a dry creek at 848 varas to center of another branch near a spring on the left of this line at 1344 varas set a cedar stake with rock mound the N. W. corner of said Moore survey from which a cedar tree 18 in dia brs S 60° E 2 3/10 varas. This last line passes about 6 varas west of Gilmans crib. Thence S 60° E 1226 varas a stake

Rec'd. March 2nd 1883 From W. W. Townsend for the plaintiff the balance of $400.00 & costs of suit. for simple covenants to future use & benefit of Heirs (#120.00) and Rec'd. March 22nd 1883 from J. P. Hart Clerk $280.00 in full of the judgment — Harry Gilman

March 31st 1882

on West line of said Moore survey, Thence S 30 W. 1344 varas to the place of beginning. It is further ordered adjudged and decreed that if the plaintiffs shall within one year from this date pay to the defendant or into court for defendant the sum of four hundred dollars, then plaintiffs shall have their writ of possession for said land. But if the plaintiffs fail to pay the defendant or into court for him said sum of money within said year then the defendant shall have six months after the expiration of said one year in which to pay the plaintiffs or into court for them the sum of one hundred dollars and that if the defendant shall pay said one hundred dollars within said six months the plaintiffs shall be thereafter forever barred of their writ of possession for said land and the defendant shall be from thence forever quieted in his possession of said land, the title thereto claimed by him in said Moore survey described as follows: to wit: About forty acres of land of the pre-emption claim of said Gilman as embraced in the foregoing field notes made by R. W. Ford off the West end of said Moore survey, the West boundary of which forty acres passes about 6 varas West of said Gilmans crib. The course of which line runs North 30° E from the S.W. corner of said Moore survey as defined by said R. W. Ford. said forty acres being the conflict between said Gilmans pre-emption and said R. B. Moore as located on the ground by said R. W. Ford. Should the defendant fail to pay said sum of one hundred dollars within said six months then the plaintiffs shall have their writ of possession for said land.

It is further ordered and adjudged that the plaintiff have and recover of the defendants all costs in this behalf expended for which execution

Court adjourned till tomorrow morning 9 o'clock.

April 1st 1882

Court met pursuant to adjournment. Present same as on first day Whereupon the following proceedings were had viz:

G. W. Levin vs The State of Texas. } The Hon A. S. Walker, Judge of the 16th Judicial District of Texas being disqualified to try this cause and having certified this disqualification to the Governor the parties having failed to agree upon a proper person to try the cause, the Hon C. S. Mott was commissioned by the Governor to try the cause, and the said C. S. Mott having duly qualified as such special Judge by taking the Constitutional oath of office prescribed by law- and presiding the following proceedings were had in said cause to wit:

3368

G. W. Levin vs The State of Texas. } And now on this day came the parties by their attorneys and thereupon came on to be heard the motion of the Attorney General on behalf of the State to dismiss this cause for want of prosecution, and the same being considered by the court; it is ordered that said motion be granted and that this cause be and the same is hereby dismissed at plaintiffs costs for which execution may issue,

3364

State of Texas } Acting for myself and
County of Travis } as Justice of the Peace

April 1st 1882.

3368 G. W. Levin vs The State of Texas } And now on this day came the parties by their attorneys and thereupon came on to be heard the motion of the A. J. Lee to withdraw title papers in this cause, which being heard and fully considered by the Court; it is ordered that said motion be and the same is hereby granted upon plaintiff leaving certified copies of such title papers withdrawn, and paying costs for such copies, and costs of this motion

The foregoing minutes in cause No 3368. of G. W Levin vs The State of Texas having been examined in open court found correct and hereby approved.

C. S. West Special Judge.

4953 A. S. Roberts vs Crockett Harbert et al } The Hon A. S. Walker Judge of the 16th Judicial District of Texas being disqualified to try this cause, and the parties having failed to agree upon a proper person to try the cause, and Judge A. S. Walker having certified his disqualification to the Governor, the Hon N. G. Shelby was commissioned by the Governor to try the cause, as Special Judge, and the said N. G. Shelby having duly qualified as such Special Judge by taking the constitutional oath of office as prescribed by law; and the Hon N. G. Shelby Special Judge presiding in said cause the following proceedings were had viz!

4953 A. S. Roberts vs C. Harbert & R. J. Freeman } On this day came on to be heard this cause, and the parties appearing by their attorneys a jury being waived and the matters in controversy as well of law as of fact were submitted to the Court, and the evidence and argument of Counsel for plaintiff and for defendant being fully heard and understood; it is considered by the court that the plaintiff A. S. Roberts do have and recover from the defendant R. J. Freeman the sum of $2282.38 with interest thereon from the date of this judgment at the rate of 1½ per cent per month, And it is further ordered and decreed that the defendant Harbert acting through his agent C. W. Willis seized and sold the property described in plaintiffs petition wrongfully and without due and lawful authority therefor; that the value of said property as ascertained from the testimony was $1300.00; that defendant Harbert had a claim and landlords lien on said property at the time of the Execution of the note and mortgage sued on and for the benefit of plaintiff Roberts as set out in the petition, for the sum of $369. for rents due and unpaid at that time, and that plaintiff do have and recover from said defendant Harbert the sum of $1300.00 the value of the property as aforesaid less the sum of $369. the amount of Harbert lien as aforesaid to-wit the sum of $931.00 with interest thereon from June 15th 1876 to date of Judgment at the rate of 8% per annum making the aggregate sum of $1362.20, and that the last named sum or any part thereof when collected and paid shall be credited upon the before mentioned Judgment against R. J. Freeman, and that the plaintiff do further have and recover of the defendants

State of Texas, County of Travis, } Acting for myself and for P. Wiess & Bro. I hereby acknowledge receipt of the within certified copy of the application of A. J. Lee to withdraw papers in cause No 3368 G. W. Levin vs The State of Texas, and delivered to him this day. Witness my hand at Austin Texas May 5th 1882. A. S. Roberts and C. Harbert by Willis & Bro. attorneys

68.

April 1st 1882

all costs in this behalf expended for which Judgment and cost execution may issue.

A. S. Robuls vs Crockett Harbut. } And now on this day come the parties by their Attorneys. And thereupon came on to be heard the motion of the defendant Crockett Harbut for a new trial in this behalf. And the same being submitted duly considered and fully understood by the court. said motion was by the court overruled. to which ruling of the court said defendant Harbut by attorney in open court excepted and in open court gave notice of appeal to the Supreme Court, and ten days allowed the parties in which to make up and file statements of facts in this cause from and after this date of this court. The above and numbered cause No 4953. of A. S. Robuls vs Crockett Harbut et al having been examined in open court found correct are hereby approved

4953

N. G. Shelby
Special Judge.

A. C. B. Hays. vs Ed Cleary Sheriff. } In this case ten days after the adjournment of the term is allowed within which the parties may file a statement of facts.

3765

The foregoing minutes having been read in open court, examined and found correct, It is ordered that the same stand as a part of the minutes of the present term of this court, And it is further ordered that this court now stand adjourned until the next regular term thereof

A. S. Walker,
Judge 16th Judicial District of Texas

May 1st 1882

The State of Texas } Be it remembered that at a term of the Hon. Dist-
County of Travis } rict Court begun and holden within and for the County
and State aforesaid at the Court House thereof at the city of Austin on the
1st day of May A.D. 1882. that being the first Monday in said month
and the day fixed by law for the meeting of said Court and the Hon
A. S. Walker Judge of the 16th Judicial District of the State of Texas
presiding and E. Hallemann Clerk of said Court and Ed Creary Sheriff
of said County being present the following proceedings were had viz:

5789v Thomas Nilon et al } It is ordered by the Court that J. W. Smith Esq be
vs } and he is hereby appointed guardian ad litem for each-
Edward White et al } -one. Walton and Billy White minor defendants in this
cause.

Court adjourned till tomorrow morning 9 o'clock.

May 2nd 1882.

Court met pursuant to adjournment. Present same as on first
day. Whereupon the following proceedings were had viz:

2931v Thos. F. McKinney vs A. M. Cox. No counsel appearing Continued.
2955v Abby Thompson Admx. vs Baines & Miriell. Continued.
2958v Abby Thompson Admx vs Geo Saunders. Death of the defendant Geo Saun-
-ders noted and cause continued
2960v Abby Thompson Admx vs H. L. Rann Continued.
3030v Giles H. Burdett vs W. P. Burdett et al. Passed for report &c.
3934v Chandler Carlton & Robinson vs Geo W. Amey. W. P. Abormandes Garnishee
No counsel appearing cause continued.
4007v M. D. Miller vs F. M. Randle & Emanuel Nolda. Continued for service.
4795v John C. Duval et al vs Robt Craig et al. Continued for report of sale &c.
4828v Bethel Cooper et al. vs Wm Alexander. Death of defendant noted and
cause continued.
4890v J. B. Barron vs W. B. Bush & C. W. White. It is ordered by the Court
by consent of the parties and the costs having been paid that this cause
be and the same is hereby dismissed.
4900v The State of Texas vs B. Brimm et al Continued
5194v Andrew Neal vs Western Union Telegraph Company. Passed to end of the docket.
5246v C. T. Garland vs C. W. Garland Continued for service
5257v Wm Bray vs T. E. Tullis et al. No counsel appearing continued,
5267v Laura A. Ormond vs Charles J. Ormond. Passed to end of docket.
5274v J. R. Ray et al vs Vincent Chambers et al. Continued
5292v James F. Johnson vs W. W. Laing et al Passed to end of docket.
5323v James Lockwood vs T. Jordan. Continued,
5356v Desha Burden Ex parte. The applicant being dead it is ordered
by the Court that the proceedings in this case abate.
5371v J. E. Clarke vs P. C. Wells. Passed to end of docket.
5383v Becky Pickett vs Lee Pickett Continued.
5389v M. C. Hamilton vs James Ellison. Continued by consent.
5431v W. S. Carothers vs R. W. Crawford. Continued for service.
5443v Mary A. Smith vs Smith & Lorraine Continued
5447v Mary A. Smith vs Smith Burgen & Campbell. Continued

May 2nd 1882.

Thos. F. Kemp vs Geo King. Continued for report of Commissioners 3449.
Mary A. Smith vs Smith & Campbell Continued 3452.
Mary A. Smith vs Smith & Shands. Continued 3454.
A. Guido Pelligrini vs Forest Leighton & Co. Passed to end of docket 3468
Robt Craigbaun vs Wm Smyth et al Continued 3469
Lucy H. Field et al. vs Thomas H. Field et al Continued for final report 3500
Herman Schenck vs Cardwell & Morris Continued 3528
Jacob E. Crawford vs Hemilla Crawford Upon motion of defendants 3556
attorney it is ordered by the Court that this cause be and the same is hereby
dismissed for want of prosecution and that plaintiff pay all costs in this behalf
expended for which execution may issue.
D. L. Coss et al vs Ella Carter et al. Continued 3559
J. C. T. Phelps vs Upton Springley et al Continued for report of Commission 3563
Joe. H. Stewart vs A. H. Belo & Co. Passed to end of docket 3584
Francis O. Goodale vs John F. Goodale et al. Continued for report 3588
Jorge Pflugen vs Samuel Stauffer et al. Passed to end of docket 3639
Julius Zilch vs J T Blount. It is ordered by the Court that
Commission issue to take answer of Garnishee in this case to Madison
County Texas 3652
Catherine Wagoner vs Joseph Wagoner. It is ordered by the Court that
W. Von Rosenberg Jr. be and he is hereby appointed to represent defendant
in this case. 3677.
Richard J. Galloway vs Martha M. Galloway. Passed to end of docket 3679
Florence Chynoweth vs John Chynoweth Set for 3rd May 1882. 3682.
R. N. Lane vs Wm M. O'Leary Continued by Consent 3689
Aultman & Taylor Company vs Jno. F. McGehee. Passed to end of Intin docket 3699
Foreli & Co vs W. S Lee Continued for service 3702
Allilia Baillie et al vs Swante J. Samson et al Passed to end of docket 3704
W. T. Nish vs H. & T. C. R. R. Co. et al Set for May 29th 1882 3715
Edgar Jones vs H & T C. R. R. Co et al Set for May 29th 1882 3716
Ambrose O. Duby vs Richard Fowler. Continued for further orders that 3717.
may be necessary
The State of Texas vs Richard Wille et al. Passed to end of Criminal docket 3731.
The State of Texas vs F. L. Busch et al Passed to end of docket 3739.
The State of Texas vs M. M. Ogmuch et al } This cause being called for trial on the 2nd day of May AD 1882. the plaintiff appeared by attorney and announced ready, and the defendants although served with process as required by law failed to appear but wholly made default, and no jury having been demanded in the cause, the trial was had before the Court, and the Court after hearing the pleadings and evidence and after fully considering the cause is of the opinion that the law is with the plaintiff, and that there is due the plaintiff from the defendants the sum of $608.47 as principal with interest thereon from the first day of July AD 1881 at the rate of eight per cent per annum until paid which makes the further sum of $40.83 due at this date as interest. It is therefore considered ordered adjudged and decreed by the Court that the State of Texas do have and recover of and 3755

May 2d 1882.

from the defendants M. M. Ozmunt. J. M. Lindsay. Chas. M. McClain Wm Hudson and Wm Howith the sum of Six hundred and forty nine & 30/100 ($649.30) dollars with interest thereon from this date until paid at the rate of eight per cent per annum, and all costs of suit in this cause expended. for all of which execution may issue. And it appearing to the court that the said defendants Lindsay McClain Hudson and Howith are sureties of the said M. M. Ozmunt, it is therefore ordered by the court that the said sureties do have and recover a judgment over against their said principal for whatever amount they may be compelled to pay of this judgment. and that execution issue against their said principal in their favor. therefor.

5771 R. G. Cooz et al. vs D. L. Doyle admr. Set for Thursday June 1st 1882.

5778 Bertram. Bruggerhoff & Moeller. vs O. F. Nash. Upon motion of plaintiffs attorney it is ordered by the court that this cause be and the same is hereby dismissed at plaintiffs costs for which execution may issue.

5788 M. A. Taylor et al vs August Ekstrom et al } It is ordered by the court that plaintiff have leave to make new parties defendant. and to file necessary amended pleadings and cause continued by consent.

Court adjourned till tomorrow morning 9 o'clock

May 3d 1882

Court met pursuant to adjournment; Present same as on first day whereupon the following proceedings were had. viz:

5682 Florence Chenoweth. } In this cause appeared the plaintiff by her attorney vs and the defendant by J. M. Morphis his attorney John Chenoweth } appointed by the Court to defend. he. the defendant having failed to appear and answer by himself or by attorney and the parties announced themselves ready for trial. And it appearing to the court that the defendant John Chenoweth has been legally served with citation by publication, the defendant submitted to the court the demurrer to plaintiffs petition. and the same having been considered it is ordered by the court that the demurrer be and the same is overruled, and the court after hearing the evidence introduced by the plaintiff and having fully considered the same. It is ordered adjudged and decreed by the court that the bonds of matrimony between the plaintiff Florence Chenoweth and the defendant John Chenoweth be and the same are hereby dissolved. It is further ordered and decreed by the court that the plaintiff Florence Chenoweth do retain and have the entire custody and control of the two children Henry Chenoweth and Frances Chenoweth with full power to raise and educate them. It is further ordered adjudged and decreed by the court that the officers of court do have and recover of and from the plaintiff all the costs of this suit including ($10.00) Ten dollars atty fee for defending this suit for all which execution may issue.

Court adjourned till tomorrow morning 9 o'clock

May 4th 1882.

May 4th 1882

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

Ada E. Thaxton vs William Thaxton } This day came the plaintiff by her attorney, and the said defendant having failed to appear and answer herein but wholly made default, although having duly accepted service of petition, thereupon the cause was submitted to the court, a jury having been waived and after hearing the evidence in support of the allegations contained in the plaintiffs petition, and the same being considered it is ordered adjudged and decreed by the court that Plaintiff and defendant be divorced from the bonds of matrimony, and it is further ordered adjudged and decreed that the said Plaintiff have the custody of the minor child Mabel Thaxton, and the Plaintiff having consented to pay all costs of the case it is ordered adjudged and decreed that she pay all costs in this behalf expended for which execution may issue. 5316

The State of Texas. vs J. M. Wyell et al. It is ordered by the court that Plaintiff have leave to file 1st amended original petition 5736,

Court adjourned till tomorrow morning 9 o'clock

May 5th 1882.

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

B. H. Jaynes Sons vs R. F. Campbell et al. Continued for service, and ordered by the court that F. W. Chandler Esq be and he is hereby appointed guardian ad litem for Walter Gorin a minor defendant 5591,

B. H. Jaynes Sons vs Landon Brown et al. Continued for service 5592

Joseph Harris vs D. A. Baker It is ordered by the court that the Sheriff be and he is hereby granted leave to amend his return on citation 5681.

The State of Texas vs N. J. Garland et al. Continued to perfect service 5727.

The State of Texas vs F. A. Landrith et al. Continued until after the criminal docket 5746

The State of Texas. vs J. W. Jones et al. This suit having been settled and costs paid it is ordered by the court. It is ordered by the court that this suit be and the same is hereby dismissed 5749.

The State of Texas vs W. J. Wedeiger et al Continued for service 5757.

Nunnella Brown vs Henry Brown. Continued for service 5769.

W. J. Tannehill & Wife vs J. S. Abbe & J. S. Warner. Continued by operation of law 5771.

John Hedley vs Austin & North Western Railway Company. Upon motion of Plaintiffs attorney it is ordered by the court that this case be and the same is hereby dismissed- the same having been settled and costs paid. 5786

The State of Texas. vs Richard Wells et al. Set for May 26th 1882 5787.

Thos Nilson et al vs Edward White et al. It is ordered by the court that defendants have leave to file 1st amended original answer 5789

Virginia Nilson et al vs T. J. White et al It is ordered by the court that defendants have leave to file 1st amended original Answer. 5790

Wm Bruggerhoff vs Carl Lehmberg Continued for service 5791.

Smith & Blackburn et al. vs Nancy Gillum et al Continued for service 5793

May 5th 1882.

J. E. Haynes & co
vs
5797 Jno A. Webb & Bro

On this day the plaintiffs by their attorneys present their petition and bond for the removal thereof to the United States Circuit Court. The petition and bond appearing regular are received and the bond is approved. It is therefore ordered that further proceedings in this cause in this court be suspended.

H. B. Newhall
vs
5798 Jno A. Webb & Bro

On this day the plaintiff by his attorneys presents his petition and bond for the removal thereof to the United States Circuit Court. The petition and bond appearing regular are received and the bond is approved. It is therefore ordered that further proceedings in this cause in this court be suspended.

W. J. Griffin
vs
5799 Jno M. Brinn et al

On this day the plaintiff by his attorney presents his petition and bond for the removal thereof to the United States Circuit Court. The petition and bond appearing regular are received and the bond is approved. It is therefore ordered that further proceedings in this cause in this court be suspended.

5736. Charles Frances Hamm et al by next friend.
vs
5800 Jimmie Stewart et al minors in this cause.

It is ordered by the court that J. W. Robertson Esq be and he is hereby appointed guardian ad litem of the plaintiffs who are

John W. Knightly
vs
5812 Jno A. Webb and Joseph W. Webb

Ex Book 5 pp 115

This day came the plaintiff by his attorney and the defendants although having filed their written acceptance of service herein having failed to appear and answer in this behalf but wholly made default, Wherefore the said John W. Knightly plaintiff ought to recover against the said Jno A. Webb and Joseph W. Webb defendants under the firm name and style of John A Webb & Bro his damages by occasion of the premises, and it appearing to the court (no jury having been demanded) after hearing the pleadings read and evidence submitted by plaintiff, and it appearing therefrom that the said defendants are justly indebted to the said plaintiff in the sum of ($1598.41) Fifteen hundred and ninety eight & 41/100 dollars. It is therefore considered ordered adjudged and decreed that the said plaintiff John W. Knightly do have and recover of the said defendants Jno A. Webb and Joseph W. Webb the sum of ($1598.41) One thousand five hundred and ninety eight & 41/100 dollars with interest thereon at the rate of eight per cent per annum together with his costs in this behalf expended and that he have his execution.

A. J. Jernigan
vs
5804 Annias Brinn

Ex Book 5 p. 123.

On this day came the plaintiff by attorney and the defendant though duly served with process failed to appear but wholly made default, Wherefore the said plaintiff ought to recover his damages against said defendant by occasion of the premises, And it appearing to the court that the plaintiffs cause of action is liquidated and proved by an instrument in writing, and it appearing therefrom that the said

May 5th 1882

defendant is justly indebted to the said plaintiff in the sum of $232 90
It is therefore considered and adjudged that said plaintiff A. J. Jennigan
do have and recover of the said defendant Annias Bonn said sum
of $232.90 with interest at the rate of 12% per annum and all the
costs of this suit.
And it further appearing to the court that said note was executed on
the 5th day of February 1877 to secure the payment of the purchase money
for the following tract of land to wit: Lot No 10 in the subdivision of lots
No 10 & 11 in the original subdivision of out lot No 55 Division B, of
the city of Austin, It is therefore ordered adjudged and decreed by the
court that the vendors lien as it existed on the above described tract of
land on the day of 18 be and the same is hereby foreclosed
and that the clerk of this court do issue an order of sale directed to
the Sheriff or any constable of Travis County commanding him to seize
and sell the above described lot and premises as under execution - that
he apply the proceeds thereof to the payment and satisfaction of said sum
of $232.90 together with all interest that may be due thereon and
the costs of this suit; and if said lot shall sell for more than enough
to satisfy said sum of money then the said officer is directed to pay over
the excess to said defendant. But if the same shall not sell for enough
to pay off and satisfy this judgment then the balance due as under
execution -

Edwin Bates & Co. vs A. J. McCreary & Geo. L. Robertson — This day came the plaintiffs by their attorney and the defendants although duly served with process therein failed to appear and answer in this behalf but wholly made default, and no jury having been demanded the cause was submitted to the court, whereupon the plaintiffs by their attorney read the pleadings and submitted the evidence to the court, and the court after hearing the pleadings and evidence and considering the same is of opinion that the law is with the plaintiffs and it appearing to the court from the pleadings and evidence that said defendants are justly indebted to said plaintiffs in the sum of $587.61 five hundred and eighty seven & 61/100 dollars, It is therefore ordered adjudged and decreed by the court that the plaintiffs Edwin Bates, Charles K. Bates and Thomas R. McGraham partners doing business under the firm name and style of Edwin Bates & Co do have and recover of the said defendants A. J McCreary and George L. Robertson formerly doing business under the firm name and style of McCreary and Robertson said sum of ($587.61) five hundred and eighty seven & 61/100 dollars with interest at the rate of eight per cent per annum and all costs of this suit for which execution may issue, 5808 Ex Docket 5 p 116

Jennie Bannerman vs William Bannerman — And now on this the 5th day of May A D 1882 this cause came on to be heard in its regular order for trial and the plaintiff appearing by her attorney and the defendant failing to appear although he having duly accepted service of the petition in this cause and the plaintiff by her attorney announced ready for trial and a jury not having been demanded the cause was tried by the court, and the court after hearing the 5802

In Chancery Edwin Bates & Co vs A. J. McCreary & Geo. L. Robertson Decree for foreclosure May 5, 1882 5/24 page

pladings and evidence in the cause and argument of Counsel was of the opinion that the facts stated in plaintiffs petition were true and that the divorce as prayed for be granted. Whereupon it is ordered adjudged and decreed by the Court that the bonds of matrimony heretofore and now existing between the plaintiff Jennie Bamerman and the defendant William Bamerman as husband and wife be and are hereby seperated and this decree of divorce is hereby granted and that said plaintiff and defendant now and hereafter no longer sustain the relation of husband and wife to each other. That plaintiff pay all costs in this behalf expended for which let execution issue.

5/147
24 Book 5
page 115

The State of Texas
vs
A. P. Garrington et al

On this the 5th day of May A D 1882 came the State of Texas plaintiff by her attorneys E. T. Moore County attorney and D. W. Doom and says that because the defendant D. M. Jones was not served with citation in this cause she will not further prosecute this suit as to said defendant Wherefore this is discontinued as to him, and the said plaintiff by the said attorneys having announced ready for trial as to the other defendants and the said defendants A. P. Garrington, James W. Riddle, M. A. Terry and F. A. Hertz after having been duly served with citation as required by law having failed to appear and answer in this behalf but wholly made default. Wherefore the said plaintiff ought to recover against the said defendants the damages by occasion of the premises, and no jury having been demanded by any party to this suit and the pleadings and evidence including a certificate from the Comptroller of Public accounts showing the allowance of credits since suit was brought having been heard and fully understood it is considered ordered adjudged and decreed by the court that the said plaintiff the State of Texas do have and recover of the said defendants A. P. Garrington, James W. Riddle, M. A. Terry and F. A. Hertz jointly and severally the sum of Four thousand three hundred and Eighty Eight & 11/100 dollars with interest thereon from this date until paid at the rate of eight per cent per annum together with all costs in this behalf expended and that plaintiff have her execution. And it further appearing to the court that the defendant A. P. Garrington is the principal in the official bond sued on in this case and that the said defendants James W. Riddle M. A. Terry and F. A. Hertz executed said bond as sureties and as such sureties are entitled to the benefit of the Statute in such case made and provided, it is therefore further ordered adjudged and decreed by the court that the Sheriff levy the execution issued by virtue of this judgment first upon the property of the said A. P. Garrington subject to execution and situate in the County of Travis before a levy shall be made upon the property of said sureties or any of them, provided so much property of the said A. P. Garrington subject to execution shall be found in said Travis County as will be sufficient to make the amount of said execution, otherwise the levy thereof to be made on the property of the said A. P.

May 5th 1882

Yarrington that may be found if any and upon so much of the property of the said sureties as may be necessary to make the amount of said execution. And it is further ordered adjudged and decreed by the court that in case said sureties or any of them shall make any payment which is applied on this judgment by reason of their suretyship on said official bond this judgment shall not be discharged by such payment but shall remain in full force and be prosecuted to execution against the said A. P. Yarrington principal for the use of the sureties or surety making such payment to the amount of such payment and interest thereon. And it is further ordered adjudged and decreed by the court that in case this judgment is paid by the said sureties or any of them and one or more of said sureties fails to pay his proportionate part of said judgment and in consequence of such failure one or more of said sureties is compelled to pay more than his proportionate part of said judgment then execution may issue against the said A. P. Yarrington for the use of the surety who shall have paid more than his proportionate part of said judgment for the whole amount paid by him and interest thereon and also against his co sureties for their proportionate part of the excess so paid by him and interest thereon. And it is further ordered that execution may issue on behalf of the officers of the court for all costs in this behalf incurred.

The State of Texas } This cause being regularly called for trial on this
vs } the 5th day of May A.D. 1882 the plaintiff appeared by attorney and dismissed as to the
Millon Mask et al } defendants R. M. McRae and A. P. Travenk who were improperly joined in this suit and by leave of the court filed a first supplemental petition, and thereupon plaintiff announced ready for trial and the defendants although duly served with process as required by law failed to appear but wholly made default, and no jury being demanded in the case the matters in issue were submitted to the court, and the court after hearing the pleadings and evidence is of the opinion that the law is with the plaintiff and that the defendants are indebted to the plaintiff in the sum of $2663.$^{34}/_{100}$. It is therefore considered ordered and decreed by the court that the State of Texas do have and recover of and from the defendants Millon Mask. V. J. Simpson. Baker Gillikin. J. M. Montes. A. J. Simpson. G. W. Rector. W. M. Abbe. L. S. Whittaker A. J. Muckelroy. W. M. Pate. E. M. Penn and J. T. Mask the sum of sixty six hundred and sixty three & $^{34}/_{100}$ ($2663.34) dollars with interest thereon from this date until paid at the rate of eight per cent per annum and all costs of suit for all of which execution may issue and it appearing to the court that the said Millon Mask is the principal, and that the other defendants above named are all his sureties it is therefore ordered by the court that the said surety defendants do have and recover a judgment over against the said Millon Mask for whatever amount they may pay upon this judgment, and that execution may issue for the same in their

V 37 34.

57

1882 May 20 $2663.34 Rec'd pay in full

favor against the said Milton Mash.

5/H.L. & Dock 5 p 113

The State of Texas } This cause being regularly called for trial on this
vs } the 5th day May A.D 1882, the plaintiff by leave
P. A. Hunter et al } of the court filed a 2d Supplemental petition
and announced ready for trial and the defendants although duly cited
with process as required by law. failed to appear but wholly made default
and no jury being demanded in the case the matters in issue were sub-
-mitted to the court. and the court after hearing the pleadings and the
court after hearing the pleadings and evidence is of the opinion that
the law is with the plaintiff and that there is due plaintiff from the
defendants the sum of $1346.86. It is therefore considered ordered
adjudged and decreed by the court that the State of Texas do have
and recover of and from the defendants P. A. Hunter. D. G. Borden
D. C. Rachel and James Mahoney the sum of thirteen hundred
and forty six & 86/100 ($1346 86) dollars, with interest from this
date until paid at the rate of eight per cent per annum and all costs
of suit for all which execution may issue. and it appearing to
the court that the defendants D. G. Borden. D. C. Rachel and
James Mahoney are sureties for the defendant P. A. Hunter. it is
therefore ordered by the court that the said surety defendants shall
have and recover a judgment over against their said principal
P. A. Hunter for whatever part of this judgment they may pay
and that execution may issue in their favor for the same against
the said P. A. Hunter

734.

5/H.

Received May 20th 1882 $913.83 in full payment of the amount of this judgment & costs with interest thereon up to date hereof. Allen W. Flanagan

The State of Texas. } This cause being regularly called for trial
vs } on this the 5th day of May A.D 1882, the
T. W. Gee et al } plaintiff appeared by attorney and announced
ready for trial and the defendants although served with process as
required by law failed to appear. but wholly made default. and
no jury being demanded in the case the matters in issue were sub-
-mitted to the court. and the court after hearing the pleadings
and evidence is of opinion that the law is with the plaintiff
and that there is due the plaintiff from the defendants the sum
of $912.83. It is therefore considered ordered adjudged and
decreed by the court that the State of Texas do have and recover
of and from the defendants. T. W. Gee. E. T. Heard and J. H. Flippin
the sum of nine hundred and twelve & 83/100 ($912. 83) dollars with interest
thereon from this date until paid at the rate of 8 per cent per Annum
and all costs of suit: for all of which execution may issue, and it
appearing to the court that the defendants E. T. Heard and J. H.
Flippin are sureties for the defendant T. W. Gee. it is therefore ordered
by the court that the said surety defendants do have and recover
a judgment over against their said principal T. W. Gee. for whatever
part of this judgment they may pay. and that execution may
issue for the same in their favor against the said T. W. Gee

5/5/H

The State of Texas. vs W. A. Whatley et al. This cause being regularly
called for trial on this the 5th day of May A.D 1882, the plaintiff ap-

May 5th 1882

-peared by attorney and discontinued as to the defendant A. C. Whitlow not served with process and announced ready for trial as to the other defendants and the defendants W. A. Whatley. C. C. Galloway. Henry Dennis and William Lambirth although duly served with process failed to appear and answer but wholly made default. and the balance of the defendants having been served with process, appeared by attorney. filed an answer and announced ready for trial: and no jury being demanded by either party the matters in issue were submitted to the court. and the court after hearing the pleadings and evidence is of the opinion that the law is with the plaintiff. and that there is due the plaintiff after allowing all proper credits the sum of $1746.48. It is therefore considered ordered adjudged and decreed by the court that the State of Texas do have and recover of and from the defendants W A. Whatley. C. C. Galloway. Henry Dennis W. W. Henderson. William Lambirth. C. P. Cartright. Ash G. Harrell. L. A. Whatley. B. O. W. Whatley. W. H. Whatley and P. A. Smith the sum of Seventeen hundred and forty six & 48/100 ($1746.48) dollars with interest thereon from this date until paid at the rate of eight per cent per annum and all costs of this suit. for all of which execution may issue. And it appearing to the court that said W. A. Whatley is principal. and that the balance of the above named defendants are his sureties. it is therefore ordered by the court that the said surety defendants do recover a judgment over in their favor against their said principal W A Whatley for whatever amount they may pay on this judgment and that execution may issue in their favor against the said principal for the same,

The State of Texas
vs
James. M. Carson et al

This cause being regularly called for trial on this the 5th day of May A.D 1882, the plaintiff appeared by attorney and announced ready. and the defendants although duly served with process failed to appear and answer but wholly made default. and a jury not being demanded in the case the matters in issue were submitted to the court, and the court after hearing the pleadings and evidence is of the opinion that the law is with the plaintiff and that the defendants are the plaintiff at this date the sum of $863.45, It is therefore considered ordered adjudged and decreed by the court that the State of Texas do have and recover of and from the defendants J. M. Carson. R. Westmoreland. E. B. Gray. T. S Dunn A. K. Carson and J. R. Johnson the sum of Eight hundred and sixty three & 45/100 ($863.45) dollars with interest thereon from this date until paid at the rate of 8 per cent per annum, and all costs of suit. for all which execution may issue. And it appearing to the court that all of the above defendants are sureties except J. M. Carson who is the principal, it is therefore ordered by the court that the said surety defendants do have a judgment over against their said principal J. M. Carson for whatever amount of this judgment they may pay. and that execution issue for the same

This cause coming on to be heard in vacation on the 2nd day of May A.D 1882 and being called for trial the plaintiff appeared by attorney and announced ready for trial. and the defendant although duly served with process failed to appear and answer but wholly made default. and a jury not being demanded in the case the matters in issue were submitted to the court, and the court after hearing the pleadings and evidence is of the opinion that the law is with the plaintiff and that the defendant owes the plaintiff at this date the sum of $1746.48, It is therefore considered ordered adjudged and decreed by the court that the State of Texas do have and recover of and from the defendants W. A. Whatley. C. C. Galloway. Henry Dennis W. W. Henderson. William Lambirth. C. P. Cartright. Ash G. Harrell. L. A. Whatley. B. O. W. Whatley. W. H. Whatley and P. A. Smith the sum of Seventeen hundred and forty six & 48/100 ($1746.48) dollars with interest thereon from this date until paid at the rate of eight per cent per annum and all costs of this suit. for all of which execution may issue. And it appearing to the court that said W. A. Whatley is principal. and that the balance of the above named defendants are his sureties. it is therefore ordered by the court that the said surety defendants do recover a judgment over in their favor against their said principal W A Whatley for whatever amount they may pay on this judgment and that execution may issue in their favor against the said principal for the same,

This cause coming on to be heard in vacation on the 2nd day of May A.D 1882 and being called for trial the plaintiff appeared by attorney and announced ready for trial. and the defendant although duly served with process failed to appear and answer but wholly made default. and a jury not being demanded in the case the matters in issue were submitted to the court, and the court after hearing the pleadings and evidence is of the opinion that the law is with the plaintiff and that the defendants owe the plaintiff at this date the sum of $863.45, It is therefore considered ordered adjudged and decreed by the court that the State of Texas do have and recover of and from the defendants J. M. Carson. R. Westmoreland. E. B. Gray. T. S Dunn A. K. Carson and J. R. Johnson the sum of Eight hundred and sixty three & 45/100 ($863.45) dollars with interest thereon from this date until paid at the rate of 8 per cent per annum, and all costs of suit. for all which execution may issue. And it appearing to the court that all of the above defendants are sureties except J. M. Carson who is the principal, it is therefore ordered by the court that the said surety defendants do have a judgment over against their said principal J. M. Carson for whatever amount of this judgment they may pay. and that execution issue for the same

5762.

May 5th 1882

in thier favor against the said J. M. Carson.

Sf 93 (Cr. No 5941) & docket page 112

The State of Texas vs John G. Gales et al

This cause being this day called for trial came the State by her attorney but the defendants came not but wholly made default, and it appearing to the court that the said defendant John G. Gales as principal Mich Vardy Skains and Josiah Johnson as sureties did on the 27th day of April 1880. (and approved by the Sheriff of Travis county April 30th 1880.) enter into an appearance bond payable unto the State of Texas in the penal sum of Ten hundred dollars ($1000.00) payable jointly and severally, conditioned that the said principal John G. Gales should file and they make his personal appearance before the Honorable District Court of Travis County at the Court House thereof at the City of Austin on the first Monday in May 1880 and then remain from day to day and from term to term of said court until discharged by due course of law, to answer the State of Texas upon an indictment in said court filed. Whereby he is charged with having committed the felony of "uttering and passing as true and genuine a forged transfer in writing relating to land in the state of Texas with the intent to defraud." And it further appearing to the court that at the October term A.D 1881 of said Court and on the 30th day of November 1881, the aforesaid cause being called for trial and the said defendant John G. Gales failing to appear the said appearance bond was declared forfeited and judgment nisi entered of record against the said principal and said sureties, And it further appearing to the court that writs of Scire facias had been properly issued against both of said sureties and had been duly served upon them the said writs to wit. Vardy Skains and Josiah Johnson summoning them to appear before this court on the first Monday in May A.D 1882 then and there to show cause why the aforesaid judgment nisi should not be made final and absolute against them, And said parties having failed to appear and answer, it is therefore ordered adjudged and decreed by the court that the said judgment nisi be and the same is hereby made final and absolute, as against the said John G. Gales, Vardy Skains and Josiah Johnson, and that the State of Texas do have and recover of and from the said John G. Gales, Vardy Skains and Josiah Johnson (the last two being sureties of the said Gales) the sum of ($1000.00) Ten hundred dollars jointly and severally together with all costs of this suit for all which let execution issue

Court adjourned till tomorrow morning 9 o'clock

May 6th 1882

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

5-684 & No 5 page 118

Joseph Harrell vs W. A. Baker

And now on this day came the plaintiff by his attorney and the defendant J. W. Robinson Esq appointed by the court to defend this suit and announced themselves ready for trial No jury having been demanded, the cause was submitted to the court, and the court having heard the evidence in the cause it is ordered adjudged and decreed by

May 6th 1882

the court that the plaintiff Joseph Harrell do have and recover of and from the defendant D A. Baker the sum of Ninety seven hundred and eighteen 7 96/100 dollars principal and interest up to this date with ten per cent interest from this date until paid together with all costs of this suit including Ninety five dollars attorneys fee J. W Robinson for all which execution may issue.

Sarah A. Gormy vs W. F. Gormy } This cause being this day called for trial came the plaintiff in person and by attorney, but the defendant although having duly accepted service herein failed to appear and answer in this behalf but wholly made default. Whereupon the court appointed R. J. Hill Esq an attorney of this court to represent the absent defendant. and the court after hearing the pleadings read and evidence introduced by the plaintiff finds that the material allegations contained in plaintiffs petition are true and doth order adjudge and decree that the bonds of matrimony heretofore existing between the plaintiff Sarah A Gormy and the defendant W. F. Gormy be and the same are hereby forever dissolved, and that defendant pay all costs in this behalf incurred for which execution may issue. V 3815

The State of Texas vs John M. Elkins et al } On this 5th day of May A.D 1882. Comes the State of Texas plaintiff by her attorney E. T. Moore County attorney and D. W. Doom and says, that because the defendant D. A. McClair is dead and never served with citation in this cause she will not further prosecute this suit as to said defendant Whereupon this suit is discontinued as to him and the said plaintiff by the said attorney having announced ready for trial as to the other defendants, and the defendants John M. Elkins. C. M. Mann and G. K. Elkins after having been duly served with citation as required by law having failed to appear and answer in this behalf but wholly made default Whereupon the said plaintiff ought to recover against the said defendants the damages by occasion of the premises, and no jury having been demanded by any party to this suit and the pleadings and evidence, including a restatement of the account in suit made by the Comptroller of Public accounts of the State of Texas since the institution of the suit having been heard and fully understood by the court it is considered ordered adjudged and decreed by the court that the said plaintiff the State of Texas do have and recover of the said defendants John M. Elkins. C. M. Mann and G. K. Elkins jointly and severally the sum of eight hundred and fifty four and 50/100 dollars with interest thereon from this date until paid at the rate of eight per cent per annum together with all costs in this behalf expended and that plaintiff have her execution. And it further appearing to the court that the defendant John M Elkins is the principal in the official bond sued on in this case, and that the defendants C M. Mann and G. K. Elkins executed said bond as sureties and as such sureties are entitled to the benefit of the Statute in such case made and provided, it is therefore further ordered adjudged and decreed by the court that the sheriff levy the execution issued by virtue of this judgment first upon the property of the said John. M. Ellkins subject to ex- V 3781. Ex docket 5 page 114

J-8

May 6th 1882

-ecution and situate in the county of Travis befor a levy shall be made upon the propuly of said sureties or of either of them. provided so much propuly of the said John. M. Elkins subject to execution shall be found in said Travis County as will be sufficient to make the amount of said execution, otherwise the levy then of to be made on the propuly of the said John. M. Elkins that may be found, if any, and upon so much of the propuly of said sureties as may be necessary to make the amount of said execution, And it is further ordered adjudged and decreed by the court that in case said sureties or either of them shall make any payment which is afflicted on this judgment by reason of their suretyship on said official bond this judgment shall not be discharged by such payment but shall remain in full force and be prosecuted to execution against the said John. M. Elkins for the use of the sureties or surety making such payment to the amount of such payment and interest thereon, And it is further ordered adjudged and decreed by the court that in case this judgment is paid by the said sureties or either of them and one of said sureties fails to pay his proportionate part of said judgment and in consequence of such failure the other one is compelled to pay more than his proportionate part of said judgment then execution may issue against the said John M. Elkins for the use of the surety who shall have paid more than his proportionate part of said judgment for the whole amount paid by him and interest thereon, and also against his co surety for his proportionate part of the excess so paid by him and interest thereon. And it is further ordered that execution may issue on behalf of the officers of the court for all costs in this behalf incurred.

Court adjourned till Monday Morning 10 oclock

May 8th 1882.

Court met pursuant to adjournment, Present same as on first day Whereupon the following proceedings were had viz:

Charles Frances Houre
Carrie Ella Houre &
Lillian Estelle Houre.
by next friend
vs
Jennie Stuart
J. A. Stuart

On this day came the plaintiffs by J. M. Robulson guardian ad litem and the defendants by J. H. Burts their attorney and no jury having been demanded submitted the matters in controversy as well of fact as of law to the court, And the court having heard the pleadings and evidence, finds that the minor plaintiffs Charles Frances, Carrie Ella, and Lillian Estelle Houre are the owners in fee of an undivided half of Lot No 12 in Block No 3 in the Subdivision of out lots No 15-16-& 17 in Division W. of the city of Austin- said lot being 48 feet front by 130 feet back, fronting on Laman Street according to the map of said subdivision of lots 15-16- and 17. made by Raymond and Whitis. and being the same lot of land and the improvements thereon conveyed by James A. Raymond and C. W. Whitis to F. K. Houre by their deed dated July 14th 1871. that said plaintiffs own the same as the heirs

May 8th 1882

of said F. N. Howe deceased, and that the defendant Jennie Stewart-
own the remaining undivided half in fee simple. And it further appearing to
the court that a necessity exist for the partition of said lot as prayed
for said petition and that the plaintiff are entitled to partition thereof,
it is ordered ordered adjudged and decreed by the court that said
plaintiffs do have and recover of the said defendants one undivided half
of said lot and that the same be partitioned and set apart to them,
that said partition shall be made as follows: To said plaintiffs Charles
Frances, Carrie Ella, and Lillian Estelle Howe jointly one half thereof,
and to the said Jennie Stewart the remaining one half. It is further
ordered that Wm A. Pile, Andrew Neill and A. J. Jernigan be appointed
Commissioners of partition to partition said property and that they report
to the present term of this court and as soon as practicable, and that
the writ of partition issue as provided by law.

Christian and Radkey
vs
The Texas Building Association

This cause being regularly called, come the plaintiffs, but the defendants comes not nor answer but wholly make default and it appearing to the court that the defendant has been duly served with citation more than five days before the first day of the present term of this court. It is ordered and adjudged that the allegations in plaintiffs petition be taken as true and confessed as against the defendant, and this cause is now submitted to the court without the intervention of a jury for the assessment of plaintiffs damages, and the court after hearing plaintiffs petition and the evidence in the cause does find that the defendant is indebted to the plaintiffs in the sum of ten thousand dollars as principal and the sum of one thousand three hundred and forty three and thirty three and one third cents interest making the sum of $11.343.33 1/3) eleven thousand three hundred and forty three and thirty-three and one third cents. With interest thereon at the rate of twelve per cent per annum from this date, and the further sum of one thousand dollars as attorneys fee with interest thereon from this date at the rate of eight per cent per annum from this date, and the further sum of one thousand dollars as attorneys fee with interest thereon from this date at the rate of eight per cent per annum together with the costs in this behalf expended and accruing costs for all of which execution may issue. Proceedings

5784.

Ed Christian & Bennett Radkey vs Texas Building Association. Judgment in favor of plaintiffs for $11000.00 & interest & costs.

A. J. Jernigan
vs
D. M. Wilson

This cause being this day regularly called for trial came the plaintiff by his attorney and announced ready for trial, but the said defendants although duly served with process failed to appear and answer in this behalf, but wholly made default. Wherefore the said plaintiff A. J. Jernigan ought to recover against the said defendant D. M. Wilson his damages by occasion of the

5804

A. J. Jernigan vs D. M. Wilson. Judgment in favor of plaintiff. Ex Docket 5 p. 116

pomises, and no jury having been demanded, the cause was submitted to the court, and the pleadings and evidence having been heard and fully understood by the court, it is considered ordered adjudged and decreed by the court that the said plaintiff A. J. Jernigan do have and recover of the said defendant W. M. Wilson the sum of $2387.50 two thousand three hundred and eighty seven & 50/100 dollars with interest from this date until paid at the rate of ten per cent per annum. together with all costs in this behalf expended for all which execution may issue.

5700 Jno. M. Smith vs Ed Cleary et al. No counsel appearing. continued.
5720 Mollie Ake vs Isaac Ake, No counsel appearing Continued
5726 James A. Chandler vs Robt. B. Bradshaw. Continued
5736 The State of Texas vs J. M. Wyll et al. Set for May 19th 1882
5763 Tobe Thompson vs Susan Thompson. Passed to end of docket;
5785 Edmund Paine vs Sarah A. Paine, Continued to perfect service.
5789 Thos. Nelson et al vs Edward White et al. No counsel appearing continued
5790 Virginia Nelson et al. vs T. J. White et al. No counsel appearing continued.
5795 Charles Horst vs W. H. Randolph; Passed to end of docket;
5803 B. R. Townsend vs Joe Barron et al Continued for service on Thomas Barron.
5805 Elizabeth Brown vs R. D. Brown. set for May 12 1882.
5807 Lewis Morris vs Emona Morris, No counsel appearing continued,
5810 Louis Wise vs C. G. James et al No counsel appearing continued.
5811 Paddock Hawley Iron Co. vs Jno A. Webb Continued, No counsel for plaintiff present, counsel for defts consents to continuance

5767 C. N. Richardson et al vs R. A. Richardson } The Honorable A. S. Walker being disqualified to sit in the trial of this cause, and the parties having failed to agree upon a proper person to try the cause - and the Hon A. S. Walker having certified his disqualification to the Governor and the Hon David Shanks having been commissioned by the Governor as Special Judge to try the cause appeared and qualified as such special judge by Taking and subscribing the Constitutional oath of office as required by law. Which said Commission and oath of office are in file with the papers of this cause - and thereupon the Hon David Shanks Special Judge presiding, the following order was made in said cause -- It is ordered by the court that the plaintiff have leave to file 1st amended original petition. - The foregoing being examined

David Shanks Special Judge.

3934 Chandler Carlton & Robertson. vs Jno. W. Stacy, W. P. deNormandie Garnishee } On May 5th 1882, upon motion of plaintiffs it is ordered by the court that the continuance heretofore entered in this cause be set aside, and ordered that this cause be and the same is hereby dismissed at plaintiffs cost for which execution may issue.

5321 James Lockwood vs Fredrick Jordan } Upon motion of plaintiffs attorney it is ordered by the court that the continuance heretofore entered in this cause be set aside and on this 5th day of May 1882 this cause is dismissed by plaintiffs at his cost for which

May 8th 1882

execution may issue.

Court adjourned till tomorrow morning 9 o'clock.

May 9th 1882.

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

P. H. Gerhard vs W. S. Lee

On the 6th day of May 1882 came the plaintiff by his attorney and the defendant having failed to appear and answer in this behalf, but wholly made default. Whereupon the said P. H. Gerhard plaintiff ought to recover against the said W. S. Lee defendant his damages by occasion of the premises, and it appearing to the court that the cause of action is liquidated and proved by instruments of writing, it is ordered that the Clerk do assess the damages sustained by the plaintiff. And the said Clerk now here having assessed the damages aforesaid at the sum of $856.75. It is ordered by the court that the said plaintiff do have and recover of the said defendant the sum of $856.75. With interest thereon at the rate of 12% per annum. together with his costs in this behalf expended and that he have his execution.

5 703 Ex docket 5 p 113

And it appearing to the court that a writ of attachment heretofore issued in this cause, was on the 14th day of October A.D. 1881 by the Sheriff of Travis County levied upon the following described property of the defendant.

1 Box Candy	50 lb.	7.50
2 # mixed Candies		40
3 3/4 doz Plain Pickles		9.00
18 # mixed Teas		10 80
6 1/2 " Cloves		3.90
1 Sk Cinnamon Bark		1.00
6 # All Spice		48
1/3 Box Mustard and		50
1/2 " Vermicello		75
3 glass Jars		45
2 doz 2lb Blueing		4.00
1 Bx. Blk Tea 4/8 full		2.40
12 doz Taylors Blueing	6/-	9.00
11 " Gammels "	6/-	8.25
12 " Bays "	6/-	9.00
6 1/2 " Small "	6/-	4 87
1 1/2 " Pepper Sauce		2.40
6 " Baby Pickles		6 00
42 Bottles "Mexican Hot"		14 00
3 1/2 doz Vanilla Extract	1.00	5.70
1 Box Candles	(2 1/2 Boxes)	4.00
1 Bucket Blk Pepper		50
2 doz Eureka Burners.		1.00
1 " Star - Stands		1.50

May 9th 1882.

3/4 doz	Lamp Chimnies	.75
2	Vials & 2 Pr Pants.	1.00
5	Looking Glasses	1.00
7	Rat traps	5.25
7	Hats	3.50
12	Parasols	1.50
10	Pr Mens Shoes.	10.00
	1st Page	$130.90.
6	Pr Children Shoes.	3.00
22	Sifters	2.75
11	Sieves	1.10
10	Scrubbing Brushes	1.50
1	Bx Soap	2.00
1	Tub	.30
1	Lot Shingles	1.00
2	Buckets & 1 Measure	.50
1 doz	Bx Lye	1.00
1	Pump	.75
5	Brooms	.50
1	Saw	.50
3	Mat Handles	.25
11	Halves - 4 Hoe Handles	1.10
3	Pump Suckers	.25
1 doz	Iron Spoons	1.25
1	" Basting Spoons	.75
1	Lot Chewing Gum	.40
10	Steelyards	2.00
9	Bars Shaving soap	.30
2	Pr Toy Scales	.15
4	Match Safes	.30
1	Lot Fish hook & Lobs.	2.50
1	Toilet set	.25
6	Bots Vermifuge	.30
6	" Calomel	.50
4	" Pain Killer	.25
30	" Coolaney Ext. #1 50 per doz	3.75
4	" Paregoric.	.40
3	" Ointment	.30
23	" Fever Ointment	1.75
2	Bx Starch	.30
8	" G. D. Cake,	.50
2½ doz	Mason Blacking	.37
2	Bots Tonic Syrup	.20
4	Bx Blacking	.20
3	Bot Mucilage	.15
2	" Pepper sauce	.20
2	Balls twine.	.10

May 9th 1882.

3	Boxes Allspice	15
9	Ink Stands	45
2	Boxes Cinnamon	20
1	doz Bottle Mustard	1 20
1	Sharpening Stone	20
12	Pkg Sage	60
16	Bx Condensed Milk	2.10
1	Bx Cigarette Papers	1.50
3	Pkg Corn Beef	75
1	Box # 6	25
5	Bxs Potted Ham	75
9	lbs smoking tobacco	4 50
15	Cans Vegitables	2 10
4	Bx Condensed Milk	50
3	Cans Oysters	50
56	" Spoon Can baking powder	3.60
3	doz Can Peaches	3.60
22	Boxes Colemans Mustard	2.20
10	Cans Mackerel	1.20
16	Bottles Mixed Pickles	3 20
18	" Worcster Sauce	1 50
1	" Pepper	70
2	doz 1 Spoon baking powders	1 50
5	box Sea Foam	60
30	Cans Reliable baking powder	1 90
5	Bottles Olive oil	1 50
5	Bx Yarnells baking Powder	4 50
11	" " " "	3 50
40	" " " "	4.00
3	doz French Baking Powder	3.00
25	lbs Soda	2 00
15	Bottles Pepper	1.50
22	" baby Pickles	2 20
9	" Catsup	1.35
10	" Pepper (Small)	1 00
3	" " Sauce	25
7	" Glass Jelly	85
16	Goblets "	2 00
1	Lot Lamp Mcks	50
1	Box Slate Pencils	10
30	" R. R. Smyth	65
70	"Garnetts" "	1.75
20	lbs Candy (Buckeh)	3.00
21 1/2	doz Goat Cakes	3 50
28	Boxes Chromos	7.00
1	doz Horse Brushes	9.00
5 1/8	" Extract Vanilla	11.00

May 9th 1882.

100	"No Humbug" Cigars	4.00
550	"Ah Chi Go" "	18.00
4	Bot P. (Broken lot) "	3.00
4	lbs Twist Tobacco (in lub)	2.00
20	" "Little Nunnie" tobacco	10.00
12	" "Lady Finger" "	6.00
14	" "Planters Choice" "	7.00
17	" "Bedford" "	8.50
2	" "Golden Lily" "	1.00
5	" Common twist "	1.25
8	" "Stonewall" "	4.00
19	" Arriaca "	9.50
36	" Clifton "	18.00
	Amount brought forward	$364.72.
46	lbs "Navy Plantation" Tobacco.	23.00
50	" "Texas Ranger" "	25.00
27	" "Agans"	13.50
5	" Durham Smoking "	2.50
4	Pkgs Matches	20
2	doz Jews Harps	1.00
2/3	Case Extract Coffee	4.50
1	Pkg Washing Soda	25
2	½ Gal Pickles	1.00
4	Pkg Shoe Polish	10
27	Lb Bl Bluing	2.70
2½	doz Drawer Handles	1.25
1½	" Starch Gloss	1.80
5	" Laundry Blue	2.75
7	" Tin Spoons	3.50
5	" Hat Hooks	1.25
8	Pkg Corn Starch	50
½	doz Mol Jars	1.20
5	Lb Lye	50
22	" Axle Grease	1.10
9	lbs Lead	45
1	doz Horse Brushes	3.00
4	Measures	40
4	Pad Locks	15
½	doz Coffee Mills	1.80
3	doz Argent Chimneys & ½ doz plain	3.60
1	Lot Lamp Burners	1.00
6	Hammers 1.50 4 Hatchets 1.00	2.50
½	doz Bx Coolts Pills	60
1	Pr Nail Hooks	25
4	Wooden Spoons	10
8	Fancy Stand Lamps	8.00
3	Hand & 3 Bracket Lamps.	.75

May 9th 1882.

5 Pickle dishes 50¢ 1 Chamber 50¢	1 00
2 Yellow Bowls	25
1 Jar (Stone)	15
1 Lot Cups & Saucers	1 50
3½ doz Plates	1 75
1 Butter dish	25
1 doz Sugar Bowls	3 50
2 Glass Globes	50
19 Dishes	1 60
½ doz Vegetable dishes	1 50
9 Mica Covers	90
7 Mill Buckets	1 75
1 Tin Can	25
1 doz Frying Pans	1 50
1 doz Tin Pans 1st 1 doz. Tin Pans 2nd	3 50
½ " Cake " 1st 5 Cake Pans 40¢	1 40
1 " " " 1st 3 Pans 1st	1 60
1 Can Kerosene oil	1 00
3 doz Tin Cups	90
1 " " Funnels	2 00
3 pt. Coffee Pots 40¢ 11 2 pt. Cups 1st	2 30
9 Drip Coffee "	1 00
1 Doz Straining dishes	1 50
10 Iron Spoons	1 00
½ doz Mica Buckets	75
4 Water dishes	50
5 Tin Buckets (large)	2 50
2 Coffee Pots	50
2 Small Tin Buckets	40
16 Wash Pans (Handles) 2/-	4 00
5 Ladles	1 25
10 Tin Pails	1 25
25 Dish Pans	12 50
12 Coffee Pots	8 00
1 Pans	1 00
5 Tin Buckets	75
8 Oil Cans	1 60
8 Coffee Pots	2 00
3 Tin Buckets	75
6 " "	2 50
3 Cloths Buckets	1 50
8 Small "	2 00
1 Water Keg Bucket	25
1 Bbl. Coffee 120 lb. at 10-	12 00
1 Bk Coffee 140 lbs. 13¢	18 00
1 Lot Rope & Stand	10 00
½ Bbl. Currants 89 lbs. at 10¢	8 90

May 9th 1882.

7	lbs	Sugar	50
126	"	Flour (in Bbl)	75
3½	lbs	Flour	3.00
¼	Bbl	Onion	1.00
1	box	Bath Bricks	100
1	"	"Church" Soda	200
2½	"	Globe Soap -	3.00
1	"	Polarb	1.00
8	"	Bluing (Laundry)	4.50
1	Pr	Counter Scales	5.00
1	"	Platform	10.00
3	box	Crackers	3.00
2	Show	Cases	5.00
1	"	" Table	1.50
1	Spice	Tin Case (Fancy) Contents	5.00
1	Lot	Tin Ware in use	100
1	"	Paper, Paper bags - Wrapping &c.	10 00
3	Counters	Shelving & fixtures	25.00
1	Safe		20.00
1	Desk		3.00
2	Spade		1.00
1	Ice	Chest	30.00
	W T.	Barnes & Barl. Covers.	1.50
½	Bbl	Molasses	6 00
½	"	Vinigar	5 00
1	lot	Nails	6 00
20	boxes	paper Collars	1 00
1	Chest	Tea	1 00
50	lbs	each	75
1	Jar	Honey	1.00

Total $754.22

Also lots number fifty eight (58) and number fifty nine (59) Sub division of out lot number fifty five (55) in Division "B" of City of Austin Texas,

And it further appearing to the Court that a writ of attachment heretofore issued out of this Court was on the 24th day of Oct A D 1881 levied by the Sheriff of Travis County Texas upon 4 boxes soap at the Int and G. C. & S. F. R. R Co. depot in the City of Austin Texas the property of the defendant W. T. Lee, it is therefore ordered adjudged and decreed that the said attachments vesting a lien upon the property heretofore described as it existed upon the 14th and 24th days of Oct A D 1881 respectively as aforesaid be and the same is hereby foreclosed and that an order of sale be issued. Commanding the sale of said property or so much thereof as may be necessary for the satisfaction of this judgment And it further appearing to the court that a writ of attachment heretofore issued in this cause. was on the 17th day of October A D 1881 by the Sheriff of Lee County Texas levied upon the following described property of the defendant

May 9th 1882

W. S Lee Vs. part of the W. T. Charles survey in Lee County and is the same set apart by the District Court of Lee County in a decree entered in cause No 140 F. A. R. Erike et al Vs William Wolf et al on the 27th day of Febry 1877 and known as lot No 4 in partition of the Erike estate set apart to Henry Erike described and bounded as follows: Beginning at the S. W. corner of survey No 3 from which a P. O 16 in dia + brs N 70° W. 2 3/4 vrs, Thence N 71 E with the south boundary line of survey No 1298 varas to a stake from which a black Jack 3 in in dia brs S 26 E 4 vrs, Thence S 19° E 426 3/4 to a stake from which a black Jack 10 in dia mkd X brs S 24 W 11 vrs, Thence S 71 W 1298 vrs to a stake from which a Post oak 18 in dia mkd X brs N 41 W 10 vrs, Thence N 19 W 426 3/4 varas to the place of beginning containing ninety eight acres of land. And is the same land conveyed by Henry Erike to Hellman & Sons, and by Hellman & Sons to M. Sons and by M. Sons to W. S Lee, it is therefore ordered adjudged and decreed that said attachment lien as it existed on the 17th day of Oct A D 1881, be and the same is foreclosed and that an order of sale be issued commanding the sale of said propity or so much thereof as may be necessary to satisfy this judgment,

And it further appearing to the court that a writ of attachment heretofore issued in this cause was on the 20th day of October A D 1881 by the Clerk of McLennan County Texas levied upon the following propity hereinafter described of the said defendant W. S. Lee, viz: One hundred acres of land in McLennan County Texas conveyed by M. Sons to said W. S Lee part of Uriah Sanders survey bounded on the Brazos River, It is therefore ordered adjudged and decreed that said attachment lien as it existed on the 20th day of October A D 1881 be and the same is foreclosed and that an order of sale be issued commanding the sale of said propity or so much thereof as may be necessary for the satisfaction of this judgment.

Court adjourned till tomorrow morning 9 o'clock

May 10th 1882.

Court met pursuant to adjournment. Present same as on first day Whereupon the following proceedings were had viz:

Jas. A. Chandler Vs Robt. B. Bradshaw } Now on this day came the plaintiff by his attorney and moved the court to set aside the continuance heretofore entered in this case. Which motion was granted by the court, and it is therefore ordered by the court that the continuance heretofore entered in this cause be set aside. And this case being thereupon regularly called for trial the plaintiff by his attorney appeared and announced ready for trial. But the defendant came not. Whereupon the plaintiff by his attorney moved the court for judgment against the defendant in favor of the plaintiff by default. and it appearing to the court that the defendant had been duly summoned according to law and had failed to appear and answer the plaintiffs petition. It is therefore ordered and adjudged by the court that the

V 57

V 57

V 57 26, V & Book 5 p 115.

May 10th 1882

Plaintiff James A. Chandler have and recover of the defendant Robt B. Bradshaw the amount due the plaintiff on the note sued on in this case, which amount due the plaintiff as appears from evidence offered by plaintiff is one hundred and twenty one & 80/100 dollars principal and interest to date with interest thereon from this date at the rate of ten per centum per annum, And it further appearing to the court that the note sued on in this case was given for the unpaid purchase money for the tract of land hereinafter described, and that the plaintiff has a Vendors lien on said land. It is therefore decreed by the court that said Vendors lein be foreclosed on said land to wit: The South East quarter of the North West quarter of section number twenty three (23) East of the Baylor and South of Red Oak Creek of the subdivision of the Rafael de la Pena Eleven League grant situate in Ellis County State of Texas, according to the map of said subdivision now on record in deed records of said Ellis County. It is further ordered by the court that order of sale be issued by the Clerk of this court directed to the Sheriff of Ellis County in this State directing him to sell said land as under execution and that of the proceeds of said sale he first pay all costs incurred in this case together with his costs for executing said order. 2nd That he pay to the plaintiff the amount due on this judgment, and the balance if any to the defendant. It is further ordered that in case said land does not sell for an amount sufficient to pay and satisfy this judgment then that plaintiff have execution for the balance which may be due on said judgment. It is further ordered that the plaintiff do have and recover of defendant all costs in this behalf incurred.

5782 Thomas K. Hawkins vs The H. & T. C. R. R. Co et al for May 29th 1882.

Court adjourned till tomorrow morning 9 o'clock

May 11th 1882.

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

5755 The State of Texas vs W. M. Ogilvie et al — Upon motion and affidavit of the defendant W. M. Ogilvie and by consent of the County Attorney representing plaintiff in this case it is ordered by the court that the judgment heretofore rendered in this case be set aside and held for naught and by consent of the parties judgment rendered for the State upon the account of the defendants as restated at office of Comptroller of the State and filed with the papers of this cause. It is therefore ordered by the court after hearing said motion and affidavit and the account introduced in evidence as restated and fully considering the same that the State of Texas do have and recover of and from the defendants W. M. Ogilvie, J. W. Lindsay Chas. M. McClain, Wm Hudson and Wm Hewith the sum of ($129.39) one hundred and twenty nine & 39/100 dollars with interest thereon from this date until paid at the rate of eight per cent per annum and all costs in this behalf incurred for all which let execution issue. Court adjourned till tomorrow morning 9 o'clock

May 12th 1882

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

Mollie Ake
vs
Isaac Ake

This day came the parties to this cause, the plaintiff by her Attorney W Van Rosinberg Jr. and the defendant by R. J. Hill Esq appointed by the court to represent the absent defendant, and by consent the continuance heretofore entered in this cause was by the court set aside and the cause called for trial, whereupon both parties announced ready, and no jury having been demanded by either party the cause was submitted to the court, And it appearing to the court after hearing the pleadings and evidence that the material allegations contained in plaintiffs petition are true, It is therefore ordered adjudged and decreed by the court that the bonds of matrimony heretofore existing between the plaintiff Mollie Ake and the defendant Isaac Ake be and the same are hereby forever dissolved and that the defendant pay all cost in this behalf expended for which execution may issue. 57 20

Court adjourned till tomorrow morning 10 o'clock

May 13th 1882

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

The State of Texas
vs
J. M. Brown et al

And now on this the 13th day of May 1882 came on to be heard the motion of W. H. Gaston one of the defendants in the above styled cause against his co sureties to wit: Nath. M. Binford. John H. Cole. M P. J. Dickles Executrix of Jno. W. Hayne died and John J. Eakins for contribution, said Gaston appeared by attorney and the defendants made default though duly cited except M.P.J Dickles whose answer was by the court held to be insufficient in law, and it appearing to the court that W. H. Gaston one of the sureties on the official bond of said J. M. Brown has paid the sum of $4883 63/100 dollars in excess of his prorata share of said judgments in the above styled cause and that he is therefore entitled to a decree for contribution against his solvent cosureties, and it further appearing to the court that there is now due to said Gaston the sum of $3447 84/100 dollars from his said solvent cosureties. It is therefore considered ordered adjudged that an execution issue in the name of the State of Texas for the use of said Gaston against his cosureties Nath. M. Binford. John H. Cole. M. P. J. Dickles as the executrix of John W. Hayne deceased to be made out of the assets of said Estate and John J. Eakins for the sum of $861 96 dollars each, with interest at the rate of 8 per cent per annum from the 26th day of September 1879. And it is further ordered that successive Executions issue for the use of said Gaston against his solvent cosureties until he shall be fully reimbursed for the amounts paid by him on said judgments in excess of his proportionate part thereof. 30 91 37 09

Court adjourned till Monday Morning 10 o'clock

May 15th 1882.

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz;

5779. 4 Book 5 page 113

The State of Texas. } On this the 5th day of May A.D. 1882 came the
vs } State of Texas plaintiff by E. T. Moore County attorney
Jeptha Williams et al } of Travis County and B. A. Posey attorney's, and announced ready for trial and the said defendants Jeptha Williams, Thomas O. Connor, John H. Wood and J. O. Driscoll after having been duly served with citation as required by law, having failed to appear and answer in this behalf but wholly made default. Whereupon the said plaintiff ought to recover against the said defendants the damages by occasion of the premises and no jury having been demanded by any party to this suit, and the pleadings and evidence including a certificate from the Comptroller of Public accounts showing the allowance of credits since suit was brought to the amount of $158.60 dollars, having been heard and fully understood, it is considered ordered adjudged and decreed by the court, that the plaintiff the State of Texas do have and recover of the said defendants Jeptha Williams, Thomas O Connor, John H. Wood and J. O. Driscoll jointly and severally, the sum of One thousand and forty nine dollars and sixty cents ($1049.60) with interest thereon from this date until paid at the rate of eight per cent per annum together with all costs of suit in this behalf expended for which execution may issue, and it further appearing that Jeptha Williams is the principal in the official bond sued on in this case and that the said defendants Thomas O'Connor, John H. Wood and J. O. Driscoll executed said bond as sureties are entitled to the benefit of the Statute in such case made and provided. It is therefore further ordered adjudged and decreed by the court, that the Sheriff levy the execution issued by virtue of this judgment first upon the property of the said Jeptha Williams subject to execution and situate in the County of Travis before a levy shall be made upon the property of said sureties or any of them provided so much property of the said Jeptha Williams subject to execution shall be found in said Travis County as will be sufficient to make the amount of said execution otherwise the levy thereof to be made on the property of the said Jeptha Williams that may be found, if any, and upon so much of the property of said sureties as may be necessary to make the amount of said execution, And it is further ordered adjudged and decreed by the Court that in case said sureties or any of them shall make any payment which is applied on this judgment by reason of their suretyship on said official bond this judgment shall not be discharged by such payment but shall remain in full force and effect and may be prosecuted to execution against the said Jeptha Williams, principal for the use of the sureties or surety making such payment to the amount of such payment and interest thereon, and it is further ordered adjudged and decreed by the court that in case this judgment is paid by the said sureties or any of them, and one or more of said sureties fails to pay his proportionate part of said judgment and in consequence of such failure one or more of said sureties is compelled to pay more than his proportionate part of said judgment then execution may

Credit on this judgment by order of Comptroller $6726.45 $3350.85
for $3345.34 less bill of cost 5 Hart $8.26 3342.59
Total credits 6692.84
June 7/83 Reisky Stenart Holabird Lt. Finnerty Downs — 157.60

sion against the said Jesika Williams for the use of the sureby who shall have paid more than his proportionate part of said judgment for the whole amount paid by him and interest thereon and also against his securities for their proportionate part of the excess so paid by him and interest thereon, And it is further ordered that execution may issue on behalf of the officer of the court for all costs in this behalf incurred.

August Fredrick Zacharias, Ex parte } Declaration of intention to become a citizen ✓5818.

The State of Texas, } August Fredrick Zacharias being duly sworn
County of Travis } according to law in the District court of said county doth declare that he was born in the year 1832 in the King-dom of Prussia where he emigrated in the year 1881 to the United States of America and was elected the State of Texas as the place of his intended settlement, and he further declares that it is bona fide his intention to become a citizen of the United States and of the State of Texas, and renounces forever all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty Whatsoever and particularly to the Emperor of Prussia of whom he was a subject.

August Friedrich Zacharias

Sworn to and subscribed before me this the 1st day of May 1882

E Hallenbeck clk

By James R Ward deputy

M. C. Hamilton vs Richard Flinn Sal. Set for May 22nd 1882 ✓4277.
Carleton & Robinson vs Bingham Trigg. No counsel appearing Continued ✓4935.
T. L. Wynn vs Edmund Green. No counsel appearing continued ✓4975.
E. W. Shands. J. C. Norby & wife Intervenors. vs Milton Wallace. No counsel appearing continued. ✓5205.
The State of Texas vs Mill Livingston et al. By consent case continued and set for the first week of the civil jury docket at the October term 1882. ✓5366.
D. Weinberger & wife vs H. & T. C. R. R. Co. continued by consent ✓5392.
D. Weinberger Guardian &c vs H. & T. C. R. R. Co continued by consent ✓5404.
John T. Allen vs A. A. Belo & co. No counsel appearing continued ✓5521.
D. Thos. Ayres vs W. L. Walsh Comr. No counsel appearing continued ✓5530.
John & Louis Hancock vs R. Kaumacher et al. Passed to end of civil docket ✓5564.
Jos A. Stewart vs A. A. Belo & Co. No counsel appearing Continued ✓5584.
The State of Texas vs D. M. Strayhorne et al Set for June 26th 1882 ✓5595.
John Benton Nat guard &c. vs Ed Cleary Stiff et al. Jno A Webb & Bro intervenors. Passed to the end of the docket ✓5690
The State of Texas. vs W. R. Edwards et al. Passed to end of docket ✓5774.
J. A. Raymond vs J. D. Sayre. No counsel appearing can continued ✓5796.
W. E. Smith vs D & G. N. R. R. Co. Set for June 26th 1882 ✓5809.
Elizabeth Brown vs R. D. Brown. On the 12. May 1882. It is ordered by this court that the defendant have leave to file 1st amended original Answer and cause set for May 20th 1882 ✓5805.

Court adjourned till tomorrow morning 9 O'clock

May 16th 17th and 18th 1882.

Court met each day pursuant to adjournment. Present same as on first day and thus being no civil minutes to be recorded of either of the above dates. Court adjourned on the 18th inst. till tomorrow morning 9 o'clock.

May 19th 1882

Court met pursuant to adjournment, Present same as on first day whereupon the following proceedings were had viz:

The State of Texas, vs J. M. Wyatt et al) On this 19th day of May A.D. 1882 came the State of Texas plaintiff by her attorneys E. T. Moore County attorney and D. W. Doom and says that because the defendants Sam Lawrence and W. B. Hill are dead and was never served with citation in this cause plaintiff will not further prosecute this suit as to them. Wherefore this suit is discontinued as to the said defendants Sam Lawrence and W. B. Hill, and the said plaintiff by her said attorneys having announced ready for trial as to the other defendants. John. M. Wyatt. John. W. Tooley. A. H. Adams. Geor. H. Krohne. W. F. Thomas. W. Sternes. F. Glaspie W. A. Lyons and J. W. Ryan. having been served with citation as required by law and having filed their answer in this cause, but now abandon said answer by failing to appear either in person or by attorney. And the cause being regularly called for trial and no jury having been demanded the cause is tried by the Court without a jury and the pleadings and evidence including a certificate of the Comptroller showing the allowance of a credit of Eight hundred and fifty nine 4/100 dollars since the institution of the suit having been heard and fully understood it is considered ordered adjudged and decreed by the court that the plaintiff the State of Texas do have and recover of the defendants John. M. Wyatt. John. W. Tooley. A. H. Adams. Geor. H. Krohne. W. F. Thomas. W. Sternes. F. Glaspie. W. A. Lyons and J. W. Ryan jointly and severally the sum of three thousand four hundred and thirty 26/100 dollars with interest from this date until paid at the rate of eight per cent per annum together with all costs in this behalf expended, and that plaintiff have her execution. And it further appearing to the court that the defendant John. M. Myer is the principle in the official bond sued on in this cause and that the said defendants John. W. Tooley. A. H. Adams Geor. H. Krohne. W. F. Thomas W. Sternes F. Glaspie, W. A. Lyon and J. W. Ryan executed said bond as sureties and as such sureties are entitled to the benefit of the statute in such cases made and provided, it is therefore, further ordered adjudged and decreed by the court that the sheriff levy the execution issued by virtue of this judgment first upon the property of the said John M. Wyatt subject to execution and situate in the County of Travis before a levy shall be made upon the property of said sureties or any of them provided so much property of the said John M. Wyatt subject to execution shall be found in said Travis County as will be sufficient to make the amount of said execution otherwise the levy thereof to be made on the property of the said John M. Wyatt that may be found if any and upon

5736
4 Do 5 page 114

Received December 30, 1882 on this judgment in favor of Caldwell & Lyon dated December 28, 1882 for $1750.00 the sum of twelve hundred and twenty five Dollars by virtue of the within execution issued by D. W. Doom Atty for pltff

May 19th 1882.

so much of the property of said surties as may be necessary to make the amount of said execution. And it is further ordered adjudged and decreed by the Court that in case said surties or any of them shall make any payment which is applied on this Judgment by reason of their suretyship as said official and this Judgment shall not be discharged by such payment but shall remain in force and be prosecuted to execution against the said John. M. Wyatt for the use of the surty or surties making such payment to the amount of such payment and interest thereon. And it is further ordered, adjudged and decreed by the Court that in case this Judgement is paid by the said surties or any of them and one or more of said surties fails to pay his proportionate part of said Judgment and in consequence of such failure one or more of said surties is compelled to pay more than his proportionate part of said Judgment then execution may issue against the said John M. Wyatt for the use of the surety who shall have paid more than his proportionate part of said Judgment for the whole amount paid by him and interest thereon, and also against his cosurties for their proportionate part of the excess so paid by him and interest thereon. And it is further ordered that execution may issue on behalf of the officers of the Court for all costs in this behalf incurred.

Court adjourned till to-morrow morning at 9. O' clock.

May 20th 1882.

Court met pursuant to adjournment Present same as on the first day. Whereupon the following proceedings were had. Viz:

Charles Francis Hause
Carrie Ella Hause
Lilian Estelle Hause
by next Friend &c
vs
Jennie Stuart & J.A. Stuart

} And now on this day came on to be heard the report of the Commissioners of partition W.A. Pitts, Andrew Neill, and A.J. Jernigan appointed by the Court on May 8th 1882. and the same having been considered by the Court the same is approved. And it appearing to the Court that said property is incapable of partition and that a necessity Exists for the sale of the same for the purpose of partition - And the said plaintiffs and defendants having filed an application for the appointment of a commissioner to sell said property for the purpose of partition, such sale to be made for cash or on time as may appear most advantageous to the parties interested. And it appearing to the Court that the appointment of such commissioner is necessary. It is therfore considered ordered adjudged and decreed by the Court that Tom Murrah Esq. be and he is hereby appointed Commissioner to sell the property described in the decree rendered in said cause on Jany 8. 1882. to wit: Lot No 12. in Block No 3 in the subdivision of Aut. lots 14 to 15-16 & 17 in division D of the City of Austin. Said lot being 48 feet front by 120 feet deep, and being the corner lot fronting on Lamar street and running back with Orange street. According to the Map or plat of the subdivision of said lots 15-16 & 17 made by Raymond & Whitis - Such sale to be made by said Commissioner. Either of the

May 20th 1882.

interest of the minor plaintiffs therein, or of the whole of said lot on time or for cash. And any contract for the sale thereof made by said commissioners shall be by him reported to this Court for Confirmation And the sale when complete to be subject to approval and confirmation by this Court- Said commissioner may report at any Time.

5795 Charles Horst vs W. W. Randolph } On this day comes the plaintiff Charles Horst by his attorney J. W. Robertson and the defendant W. W. Randolph by his attorneys Walton & Will, and announce themselves ready for trial, and no Jury having been demanded, submit the matters in controversy as well of fact as of law to the Court. And the court after hearing the pleadings. Evidence and argument of counsel doth find that the plaintiff is entitled to recover the land and premises sued for and described in the plaintiffs petition. Wherefor it is considered ordered and adjudged and decreed by the Court that the said plaintiff Charles Horst, do have and recover of the said defendant W. W. Randolph the title and possession of the land and premises described as follows; Lot No 17 in Block No 21 in the subdivision of Division D of the City of Austin, County of Travis & State of Texas in what is known as Horsts addition to said City for which he may have his writ of possession, and also the sum of one dollar nominal damages and all his costs of suit in this behalf expended for which execution may issue.-

5807 Lewis Morris, Pltff vs Emma Morris Defts } And now on this the 12th day of May A. D. 1882. the above entitled and numbered cause came on to be heard in its regular order for trial and the Plaintiff appearing in person and by his attorney John Dowell Esq & the Defendant appearing in person and by her attorneys Messrs Smith & Pegg and both parties announced ready for trial and a jury not having been demanded the cause was tried by the court without a jury and the court after hearing the pleading Evidence and argument of counsel in the cause announced that it would consider the case and render the proper decision on the 15th day of May A. D. 1882 & after so considering the same on said 15th day of May A. D. 1882 gave Judgment for the Plaintiff as prayed for in the Petition- Whereupon it is ordered, adjudged and decreed by the Court that the bonds of Matrimony heretofore & now existing between the Plaintiff Lewis Morris & the defendant Emma Morris as husband and wife be and are hereby seperated, and this decree of divorce be and is hereby granted and that said Plaintiff & defendant, now & forever hereafter no longer sustained to each other the said relation of husband and Wife- And it is further ordered and decree by the Court that the Plaintiff Lewis Morris and the sureties on his cost Bond to wit Henry Siller and Thos. F. Purnell pay all costs incurred by the Plaintiff Lewis Morris in this Cause and that the defendant Emma Morris pay all costs incurred by her in this cause for collection of which let execution issue. And it being made known to the Court

May 20th 1882.

that their is a probability of the parties agreeing as to the disposition and rights of the property involved in this suit the same is postponed at request of parties and will be taken up for finial disposition at some future day:—

A. N. B. & L. Association
vs
W. W. Randolph, Charles Horst, Edward Christian W. P. Hulbut & N. E. Hulbut

On this day came the parties plaintiff and defendants by their Attys and withdraw the certificate of disqualification of his honor Judge Walker, withdrawn by consent of parties, and John Dowell Esq. was appointed by consent of parties as special Judge to try said cause, who appeared and qualified by taking the oath prescribed by law. And thereupon the parties announced ready for trial: The Deft. Charles Horst withdraws his cross bill hereinbefore filed, and the defendants W. P. & N. E. Hulbut also withdraw their cross bill hereinbefore filed. And thereupon by agreement of parties the said plaintiff The Austin Home building and Loan Association dismiss this suit at the cost of the deft. W. W. Randolph. It is therefore considered by the court that the said suit be dismissed and that the plaintiff and the defendants Charles Horst, E. Christian and W. P. & N. E. Hulbut receive of the defendant W. W. Randolph all their costs in this behalf expended, and that said plaintiff take nothing further by its said suit. It is further ordered that execution issue in behalf of the parties respectively for their costs aforesaid.

✓ 5691

Lois Morris
vs
Emma Morris

And now on this day came on to be heard the motion of the defendant Emma Morris mik. affidavits attached for a new trial in this behalf, and also the affidavits filed by the plaintiff in opposition to said motion, and the court having heard said motion and affidavits and argument of counsel thereon, and duly considering the same orders that said motion be and the same is hereby overruled. John Dowell Special Judge.

✓ 5807

Elizabeth Brown vs R. D. Brown — Continued

✓ 5805

The State of Texas, County of Travis } In District Court of Travis County May term 1882

To the Honorable A. S. Walker Judge of the 16th Judicial District of the State of Texas.

I herewith tender to your Honor my resignation as Clerk of the District Court of Travis County to take effect upon the qualification of my successor. — Most respectfully your obedient servant

E. Hallmann Clerk D. C. Travis Co.

State of Texas, County of Travis } The resignation of E. Hallmann having been tendered resigning the office of Clerk of the District Court of Travis county State of Texas — Now therefore —

By virtue of the authority vested in me by the constitution and laws of the State of Texas I have appointed and hereby do appoint James P. Hart to fill the vacancy, to have and to exercise the office of Clerk of the District Court of Travis County until the next General election, said appointee to enter upon the duties of said office upon giving bond and qualifying

May 20th 1882.

as required by law. Given under my hand this May 20th A. D 1882.
(Of) A. S. Walker,
Judge 16th Judicial Dist. Ct.
Court adjourned till Monday morning 9 O'clock.

Monday May 22nd 1882

Court met pursuant to adjournment. Present Hon A. S. Walker Judge of the 16th Judicial District of the State of Texas. and Jas. P. Hart Clerk of the District Court and Ed Creary Sheriff of Travis County Whereupon the following proceedings were had viz:

#4277 M. C. Hamilton vs Rich Flume et al } This cause being this day regularly called for trial came the parties by their attorneys and announced ready for trial. Thereupon came a jury of twelve good and lawful men of Travis County who being duly elected tried empannelled and sworn according to law, and thereupon by consent of the parties this case is withdrawn from the jury and submitted to the Court and it is ordered by the Court that plaintiff have leave to file a trial amendment.

Court adjourned till tomorrow morning 9 O'ck

May 23rd - 24th 25th 1882

Court met each day pursuant to adjournment. Present same as on the 22nd inst. and there being no civil minutes to be recorded of either of the above dates. Court adjourned on the evening of the above date the 25th till tomorrow morning 9 O'clock,

May 26th 1882

Court met pursuant to adjournment. Present same as on the 22nd inst. Whereupon the following proceedings were had viz;

5811 Paddock Hawley Iron Company vs Jno A. Webb, } It is ordered by the Court that plaintiff be allowed to file 1st amended petition making Joseph W. Webb a party defendant, process to issue against him, returnable to next term,

4277 M. C. Hamilton vs Rich - Flume et al } Now on the 22nd day of May A.D. 1882 this case being regularly called for trial the plaintiff and Defendants appeared by their attorneys and announced themselves ready for trial and the defendants having withdrawn their demand for a Jury the case was submitted to the Court. And Court after having heard the pleading the evidence and argument of counsel took the same under consideration. And now on this Twenty sixth day of May 1882 the Court having fully considered of said case. It is ordered, adjudged and decree that the plaintiff Morgan C Hamilton do have and recover of the defendants Richard Flume, Della Flume, Ida S. Brophy Adaline Flume and Emma Flume, a one half undivided interest in the following described lot of land situate in the City of Austin County of Travis State of Texas to wit; a part of out lot number Thirty three in Division E of the Government Out Lot adjoining the City of Austin according to

May 26th 1882.

map of said City and out lots now on file in the Grnl. Land office. Beginning at the South East Corner of said Out Lot No 33 - Thence North with the East line of said Out lot one Hundred and twenty Eight (128) feet to corner on the alley. Thence West on a line paralelled with Linden Street forty Six (46) feet to corner. Thence South on a line parallel with Guadalupe Street one hundred and twenty eight (128) feet to a corner of south line of said Out lot. Thence East with the South line of said Out Lot forty Six (46) feet, to the place of beginning. It is further ordered that the plaintiff do have and recover of the defendants all costs in this behalf incurred. for which execution may issue. It is further ordered that the plaintiff do have and recover of the Defendants the sum of Forty 87/100 Dollars being the one half of the amount paid by plaintiff in his purchase of the Tax Sale of said property at the sale made on June 6th 1878 which amount shall be a lein and charge upon the one half undivided interest of the defendants in said property. And if not paid by the day of 1882 the plaintiff shall be entitled to an order for the sale of said property to satisfy said sum of money. It is further ordered that said property be partitioned between the plaintiff and defendants according to quality and value, due regard being had for improvements on said Lot and that one half be awarded to the plaintiff and one half to the defendants and that, R. A. Chadwick, August Zeller & A. McMorris be appointed commissioners to make said partition and that they report their action to this term of the Court for further action of the Court in regard to the same. It is further ordered by the Court that the defendants take nothing by their plea in reconvention for the taxes paid by them. It is further ordered that from and after the rendition of this decree that all costs incurred in making partition of said property be taxed one half against the plaintiff and one half against the defendants.

Court adjourned till tomorrow morning 9 oclock.

May 27th 1882

Court met pursuant to adjournment. Present same as on the 26th Whereupon the following proceedings were had viz:

Louis C. Wise, vs E. G. James et al } And now on this day came on to be heard the motion of the plaintiff to set aside the continuance heretofore granted and entered in this cause, which being heard argued and considered by the court said motion was granted and ordered by the court that the cost of continuance and of this motion be taxed against the plaintiff. 5810

Court adjourned till Monday Morning 9 Oclock.

May 29th 1882

Court met pursuant to adjournment. Present came as on 27th Whereupon the following proceedings were had viz:

E. E. and E. C. Batcholomew vs D. V. Whiting et al } And now on this the 29 day of May 1882 came on to be heard the motion of T. L. Wann one of the defendants in this cause to cross- 4969

May 29th 1882

and annul the return of the Sheriff Ed Cosby which appears on the execution in this cause dated 13th day of January A D 1882 and time the 10th Execution and the same being duly considered by the Court it was ordered that said Motion be granted - Whereupon it is ordered adjudged and decreed by the court that the said sheriff be allowed to correct his return by interlineation so as to show that the said propelty was advertized to be sold on the 1st Tuesday in February 1882. That at all lots numbers one (1) and two (2) in Block number (20) twenty subdivision of out lots (13) thirteen and (29) twenty nine in Division O of Out Lots of City of Austin Travis County Texas was sold to Joseph and Rachel Whitlock and that lot number (9) nine in same block was sold to F. G. Morris. That defendant T. L. M[illegible] pay costs of this motion.

5716 W. T. Walk vs H & T. C. Ry Co — Upon motion of counsel of the plaintiff and statement that the demand of plaintiff had been settled since suit was commenced it is ordered by the court by agreement of the parties that this case be and the same is hereby dismissed at cost of the defendant. For which execution may issue.

5716 Edgar Jones vs H. & T. C Ry Co. — Upon motion of counsel of the plaintiff and statement that the demand of plaintiff had been settled since suit was commenced it is ordered by the court by agreement of the parties that this case be and the same is hereby dismissed at cost of the defendant for which execution may issue.

5787 Thos K. Hawkins vs A. & T. C. Ry Co. Continued by consent

5690 John Burton Guard &c. vs Ed Cosby Sheff et al Continued by defendant

Court adjourned till tomorrow morning 9 o'clock

May 30th 1882.

Court met pursuant to adjournment. Present same as on yesterday - terday - Whereupon the following proceedings were had viz:

5789 Thos Nelson et al vs Ed. White et al Set for July 11th 1882

5790 Virginia Nelson et al vs T. J. White et al Set for July 10th 1882

Court adjourned till tomorrow morning 9 o'clock.

May 31st 1882.

Court met pursuant to adjournment. Present same as on yesterday and there being no civil Minutes to be recorded of this date. Court adjourned till tomorrow morning 9 o'clock

June 1st 1882.

Court met pursuant to adjournment. Present same as on yesterday Whereupon the following proceedings were had viz:

5771 R. G. Cross et al, vs J. L. Doriskill Admr &c — The resignation of J. L. Doriskill Administrator being suggested it is ordered by the court that Mrs Mabel Day [illegible] have leave to enter appearance as defendant, as administrator de bonis non of estate of W. H. Day and case continued by consent. - Court adjourned till tomorrow morning 9 o'clk

June 2nd 1882

Court met pursuant to adjournment. Present same as on yesterday and there being no civil minutes to be recorded of this date Court adjourned till tomorrow morning 9 oclock

June 3d 1882

Court met pursuant to adjournment, Present same as on yesterday whereupon the following proceedings were had viz:

The State of Texas } On this 3d day of June A D 1882 came on to
vs } be heard the Motion of the plaintiff in this cause 5742 3/4
James Martin et al } for an order granting leave to W. B. Slaughter
Sheriff of Erath County to amend his return on the fourth execution issued
in this cause to Erath County and the same having been heard and
considered it is ordered by the court that the said Sheriff have leave
to amend his said return on said execution in accordance with facts,

Tobe Thompson } On this day came the plaintiff and this cause being
vs } regularly called for trial and the defendant not
Susan Thompson } appearing though duly served with process, and no 5763/4
jury having been demanded, the Court after hearing the pleadings and
evidence is of the opinion that the facts alleged in the plaintiffs petition
are true - It is therefore considered ordered, adjudged and decreed
by the court that the bonds of matrimony heretofore existing between
the plaintiff Tobe Thompson and the defendant Susan Thompson be and
same are forever dissolved, it is further ordered that each party pay
the costs incured by him in this cause -

The State of Texas } On this the 27th day of May A D 1882 the 5787 1/2
vs } above entitled cause being called for trial the
Richard Wells. } parties appeared by their Attorneys and announced
John A. O'Neal et al } ready and the exceptions of plaintiff and the
defendants, were submitted to the court, and the court after fully considering
the same overruled all the exceptions on both sides except plaintiffs
exceptions to defendants plea of non est factum and to defendants plea
of limitation. Which the court sustained, to which several rulings the defen-
dants then and there excepted. And neither party having demanded a jury
the matters in issue were submitted to the court, and the court after hearing
the pleadings evidence and argument of Counsel upon request of plaintiffs
Counsel states in writing the conclusions of fact found by him seperately
from the conclusions of law to be as follows viz:

The State of Texas } No 5787. - In Dist. Court of Travis Co May 29, 5787
vs } 1882.
R. Wells et al } In this case the court find the following facts -
On August 13. 1877. R. Wells as principal with Jno A. O'Neal H.
Fallin and Thmas Oldfield sureties made their bond to the "State of Texas"
in the sum of $6750.00 conditioned that Wells perform his duties as
Collector of taxes for Van Zandt Co - The bond was acknowledged by the
Sureties on Aug 14th and at a term of the County Court of Van Zandt Co,
began Aug 13 - an order was made touching the sufficiency of the said
official bond of R. Wells Sheriff" in which order the bond was approved

June 3d 1882

and ordered to be recorded.
On Aug 1877 sureties of Wells who was Sheriff of said County had taken proceedings to be released from further liability. In consequence of said proceedings the new official bond of Aug 13 was made.
The bond was recorded Sept 12 1877. and was by the Co Clk sent to the Comptroller. The document reached the office of the Comptroller in Sept 1877 - the package opened and placed with other papers of like purpose upon the table of Evans a clerk in the office. In pursuance with his routine duties the bond was by Evans examined. The bond was payable to "The State of Texas" The ordinary oath of office was not endorsed thereon and there was no accompanying affidavits of solvency & showing real estate owned by the sureties as the basis of the approval of the bond of the County Court; There was noted by Evans the Clerk, under previous and strict orders of the Comptroller Darden, to be defects, a letter was prepared by Evans noting these defects. The bond was altered by crossing out the words "The State of Texas" and inserting them = The Governor and his successors in office" As objected and the defects of want of affidavits as to real estate security had by the sureties and want of oath were noticed in the letter and it was required that the defects be corrected. The letter was approved and signed by the Comptroller and was together with the bond returned by mail to Williams the Co Clk who had forwarded it. The package was received at the office of the Co Clk and the bond and the notice of its defects handed by Ly Evans a deputy Clerk in the office to the principal Wells. The bond has never been heard of since. A certified copy from the records of Van Zandt County was obtained by the Comptroller and said copy from the County records was over objection admitted in evidence A statement certified from the Comptrollers office shows Wells indebtedness as claimed in the petition. The sheriff Wells continued to discharge the duties of Sheriff and Tax collector of Van Zandt County with the knowledge of the sureties! who are not shown to have been informed of the action taken by the Comptroller upon the bond signed by them -
The Court holds as effect of these facts -
1 That the bond sued on was disapproved and rejected by the Comptroller,
2 That regularly and the consequence of such disapproval the bond was returned to Wells for correction,
3 Being regularly in custody of Wells and his failure to deliver it. Appearing there is no obligation upon the sureties
4 Indebtedness of Wells as set out in the petition. As matters of law, the court holds.
1 The Comptroller had the right to disapprove or reject the bond.
2 That the return of the bond to the maker had the effect of releasing the makers from liability thereon -
It is adjudged 1. That the State recover of Wells the principal, the amount sued for,

June 3d 1882

2 That the State take nothing of the costs

A. S. Walker
Judge 16th Dist Ct.

It is therefore considered ordered adjudged and decreed by the Court that the plaintiff Union the State of Texas do have and recover of and from the defendant Richard Wills the sum of Twenty two hundred and fifty five + 42/100 ($2255.42) dollars, with interest thereon from this date until paid at the rate of eight per cent per annum, and all costs of this suit. For all of which execution may issue. It is further considered ordered and decreed by the Court that the defendants John A O'Neal, A Fuller and Thomas Oldfield go hence without day and that they recover of the plaintiff Union the State of Texas all their costs in this behalf expended. To the conclusions of fact and of law as stated above by the Court as its findings and the judgment rendered thereon the plaintiff thereupon in open Court excepted and gave notice of appeal to the Supreme Court of Texas.

The State of Texas vs F. A. Lambith et al } Upon motion of Plaintiffs atty it appearing to the Court that this suit has been settled and costs paid it is ordered by the Court that the same be and is hereby dismissed — 5746

Court adjourned till Monday morning at 9 o'clock

Monday June 5th 1882.

Court met pursuant to adjournment. Present same as on 3rd inst and their being no civil minutes to record Court adjourned till to-morrow morning at 9 o clock.

June 6th 1882.

Court met pursuant to adjournment Present same as on 5th inst. Whereupon the following proceedings were had.

William. J. Griffin vs John W. Brown, John Richards, P. W. Kendall & Juliet M. Kendall } On this day came the said plaintiff by his attorney J. W. Robertson, and the said defendants by their Attorneys Rector & Thompson and file their agreement in writing to set aside the order of this Court made on May 5th 1882 for the transfer of said cause to the Circuit Court of the United States for the Western District of Texas at Austin — And it appearing to the Court that the transcript of said cause has not been removed from this Court, and has not yet been filed in said United States Circuit Court, and the parties agreeing and praying for the same, It is ordered and adjudged by the Court that the said order made in said cause on the 5th day of May, 1882. transferring the same to said United States Circuit Court be and the same is hereby set aside and held for naught and that said cause be reinstated upon the docket of this Court. And therefore the plaintiff asked leave to withdraw his petition 5799 & Docket b. 118

June 6th 1882.

and bond for the removal of said cause to said United States circuit Court filed herein on May 5th 1882 - it is therefore considered and ordered by the Court that plaintiff have leave to withdraw said petition and bond for removal to said United States circuit court. It is further ordered that the plaintiff have leave to file a first amended petition - Also that defendants have leave to file a first amended answer - And thereupon the parties announced themselves ready for trial and no Jury having been demanded, the Court after hearing the pleadings, evidence and argument of Counsel, doth order, adjudge and decree that the said plaintiff William S. Griffin do have and recover of the said defendants John W. Brown, John Richards, P. W. Kendall and Juliett. M. Kendall the title and possession of the following described real estate, sued for and described in his petition filed in this cause to wit: All of the North half of out Lot No fifty three (53) in Division D. of the outlots adjoining the city of Austin Travis County, State of Texas also all that portion of the South half of said out lot No 53 Division D. aforesaid described as follows: Beginning at the South East corner of said Out Lot No 53 and running thence West with the south line of said lot 53, One hundred (100) feet a stake. Thence north parallell with the East and West lines of said Lot 53 to intersect a line drawn East and West through the center of said lot. Thence East on a line parallell with the North & South lines of said lot One hundred (100) feet to intersect the East line of said lot. Thence south with said last line of said lot to the said South East corner of same. the place of beginning. And it is ordered, adjudged and decreed by the court that the said William. S. Griffin and his assigns be and that he and they are hereby forever quieted in the title and possession of the said North half of said lot and to the said portion of the South half thereof above described - And it is further ordered adjudged and decreed by the court that the said defendants John W. Brown, John Richards, P. W. Kendall and Juliet. M. Kendall do have and recover of the said plaintiff William. S. Griffin the title and possession of all the remaining portion of said South half of said Lot No 53 not herein decreed and set apart to the said William. S. Griffin to wit: Beginning at a stake in the south line of said lot One hundred (100) feet West of the South east corner of said Lot. Thence North on a line parallell with the East and West lines of said lot to intersect a line drawn East and West through the center of said lot - Thence West on a line parallell with the North and South lines of said lot to intersect the West line of said lot - Thence South with the west line of said lot to the South West corner of said lot - Thence East with the south line of said lot to the place of brginning -

And it is ordered, adjudged and decreed that the said defendants be and they are hereby forever quieted in their title and possession of that portion of the South half of said Lot last above described - It is further ordered, adjudged and decreed

June 6th 1882.

that the parties plaintiff and defendant aforesaid hold the portions of said lot as herein severally decreed to them by fee simple title.

It is further ordered that the said defendants pay all costs in this behalf expended for which execution may issue.

Court adjourned till to-morrow morning at 9 O. clock.

June 7th 1882.

Court met pursuant to adjournment. Present came as on first day Whereupon the following proceedings were had viz:

Lewis Morris vs Emma Morris } It appearing to the Court that the Question of property has been settled between the parties, It is ordered by the court by consent of the parties that the pleadings of the parties as to the property be dismissed. 5807

Charles L. Tamble vs Ira M. Breedlove et al. This cause having been affirmed by the Supreme Court and Mandate filed cause dropped from the docket 4293

Jos A Stewart vs Int & G. N. R. R. Co. This cause having been affirmed by the Supreme Court and Mandate filed cause dropped from the docket 4973

W. A. Taylor. vs Jno M. Swisher, This cause having been affirmed by the Supreme Court and mandate filed cause dropped from the docket. 5470

John. M. Swisher vs W. A. Taylor This cause having been affirmed by the Supreme Court and mandate filed cause dropped from the docket 5477

William Steele vs The State of Texas. This cause having been affirmed by the Supreme Court and Mandate filed cause dropped from the docket 5661

Court adjourned till to-morrow morning at 9 O clock

June 8th & 9th 1882.

Court met on each of these days pursuant to adjournment. Present same as on the 7th inst. and there being no civil minutes to record. Court adjourned till to-morrow morning at 10 O clock. 57

June 10th 1882.

Court met pursuant to Adjournment. Present same as on Yesterday. Whereupon the following proceedings were had viz.

Thomas. R. Hoxey Ex Parte Application of minor for removal of his disabilities. } And now on this day the petition of Thomas. R. Hoxey. a minor. to have his disabilities of minority removed. coming on to be heard, and the same being duly submitted to the court for its action and the same being duly considered and understood by the Court: and it appearing that said Thomas R. Hoxey is a minor over the age of Nineteen years: a resident of Travis County. Texas: that his father is long since dead: that such minor is sufficiently matured. and is capable to be entrusted with the management of his estate: that it would be for the interest of said minor. for the interest of his estate and advantageous to him in person and estate to have his disabilities of minority removed: and the Hon J. T. Fulmore. County Judge of Travis County having duly waived the issuance and service of a copy of the petition 5821 30

June 10th 1882.

herein and acknowledged himself in court for the purposes of this petition: and this court having duly appointed George S. Crisen, a competant person and of full age, as special Guardian in this proceeding to represent and protect the interests of said Thomas R. Noxey: and said special guardian having been duly sworn as such guardian; and neither said County Judge nor said special guardian having made any objection to the granting of the petition herein: and said special guardian having duly filed his answer, as such guardian, consenting to the prayer of the petition herein and affirming the reasons therein alleged: and it fully appearing to the court that the material allegations of such petition are true, and that its prayer should be granted: — It is therefore ordered, adjudged and decreed by the court, that the prayer of said petitioner be granted, that the disabilities of said minor petitioner Thomas R. Noxey, as a minor, be and the same are, hereby removed, that the said petitioner shall be deemed and held from this time, for all legal purposes, of full age, shall be subject to the same duties, entitled to the same privileges, and as fully responsible and answerable, as if he were of the full age of twenty one years, save that he may not exercise the right of suffrage until he arrives at said age of twenty one years; and said minor shall have the right to take charge of, manage and control himself and his estate.

Court adjourned till Monday Morning 10 oclock.

Monday June 12th 1882

Court met pursuant to adjournment. Present same as on Saturday whereupon the following proceedings were had viz:

5793 — Smith & Blackburn et al vs Harry Gillum et al — Upon Motion of plaintiffs attorney it is ordered by the court that the continuance heretofore entered in this cause be and the same is hereby set aside and cause dismissed by plaintiffs and at their cost.

Court adjourned till tomorrow morning 9 oclock.

June 13th 1882.

Court met pursuant to adjournment. Present same as on Yesterday whereupon the following proceedings were had viz:

3030. — Giles H. Burdett vs W. B. Burdett et al — And now on this 13th day of June 1882 came on to be heard the report of Giles H. Burdett Administrator of the estate of Jesse Burdett deceased as Commissioner heretofore appointed to make sale of certain lands for partition among the heirs of Jesse Burdett deceased showing sale of 154 acres part of tract No 6 of the subdivision of the J. W. Carpenter league and labor of land as same appear by the plat of record in the minutes of this cause, and it appearing to the satisfaction of the court after hearing the evidence adduced, and making due inquiry as to the manner of making said sale, that said Giles H. Burdett has made sale of the land hereinafter described to J. H. Davidson of the County of Falls, State of Texas for the sum of Four hundred

June 13th 1882

and fifty dollars cash. That said sale has been fairly made. That said amount agreed upon is a full and fair price for the land sold, and that the best interest of all parties hereto require. confirmation of said sale. That said sale is in all things affirmed, and it is ordered adjudged and decreed that on receipt of the said sum of $450.00 the said Silas H. Burdett do execute and deliver to the said J H. Davidson all necessary deeds of conveyance. conveying to said Davidson in fee simple all the right title and interest of the estate and interest of the heirs of Jesse Burdett deceased as well as all other parties to this suit in and to the following described tract of land Viz: 154 acres in Falls Co Texas, out of the John M. Carpenter league and labor, part of tract No 6 as shown by report of Commrs in partition, appointed by Dist Court, Travis Co — June 1881.

Beg at N. E. cor of said tract No 6. a stone for corner, from which a P. O. 30 in dia brs S 8° E. 6½ vrs. Thence S 30° E 780 vrs. with E. line said tract No 6. to its S. E. cor a stone, from which a P. O. 24 in dia brs N 34° W 19 vrs. and B. J. 10 in dia brs S 80° W 16 vrs. Thence S 60° W. 1085; with S. line said tract No 6 to stone for corner, Thence N 30° W 780 varas to stake on N line said tract No 6 from which a B. J. 12 in dia brs S 81° W 6 vrs do 7 in dia brs S 34° E 5½ vrs. Thence N 60° E 445 to stake on W. edge of Brimond and Rosser Road from which a P. O 4 brs N 66° W 3½ vrs. Thence N 15° E 140 vrs to stake from which a hickory 15 in dia brs N 64° W 3 vrs Thence N 60° E 87 vrs to stake from which a B. J. 15 in dia brs S 74° W 7 vrs. Thence S 75° W 122 vrs to a stake at the mouth of a lane from which a P. O 8 in dia brs N 88° W. 6 vrs. Thence N 63° E 380 vrs to place of beginning and that this cause stand open for further report of sales as heretofore ordered.

Court adjourned till to morrow morning at 9 O Clock.

June 14th 15th & 16th 1882.

Court met on each of the above named dates pursuant to adjournment and there being no civil minutes to record Court adjourned till to morrow Morning at 9 O Clock.

June 17th 1882.

Court met pursuant to adjournment present same as on first day. Whereupon the following proceedings were had. Viz:

M. C. Hamilton vs Rich Flinn } Now on this day the report of the Commissioners appointed by the Court in this case at a former day of this Term. Coming on to be heard and it appearing to the Court that the facts stated in said report are true. and there being no opposition to said report. it is ordered that said report be approved and confirmed and it is further ordered that the property described in the decree heretofore entered in this case be sold for the purpose of partition in accordance with said decree, and at the request of all the parties here to it is ordered that John P. Kirk is hereby appointed Commissioner to sell said property and that the Clerk issue to him an order directing him to sell said property for cash as under execution. And that he

✓ 4277
Ex Book 5 page

June 19th 1882

report to this court all his acts under said order.
Court adjourned until Monday morning at 10 O Clock.

June 19th 1882

Court Met pursuant to adjournment present same as on first day. and there being no civil minutes to record Court adjourned until to morrow morning at 10 O clock.

June 20th 1882.

Court met pursuant to adjournment present same as on first day.
Whereupon the following proceedings were had. viz:

V5820 & D No 5 page 115

J. W. Nauston vs Dft Griffith Bro } And now on this the 20th day of June 1882 Comes the Plff by attorney and asks leave to file his first Amended original Petition which is granted by the Court & said amended Petition filed. And this cause being reached upon the trial docket of said court come the parties and announce themselves ready for trial and a jury not being demanded submit the matters in controversy to the court and the court having heard the pleadings and evidence. it is ordered adjudged and decreed by the court that the plaintiff Julius. W. Nauston do have and recover of and from the said Defendants Theodore Griffith and Dafadon Griffith, the sum of four hundred and Seventy Eight & 5/100 (478 5/100) dollars with 10% Interest therron from date of this Judgment and the further sum of forty Seven & 52/100 (47 52/100) dollars with 8 pr ct. interest from date hereof. being attorneys fees provided for in the promissory note sued upon together with all costs in this behalf expended. And it further appearing to the court that said promissory note, sued upon herein. was executed by the said Defendant to the plaintiff for the tract of land described in plaintiffs petition. and was secured by the vendors lein reserved and retained by Plff therein. which said tract of land is 388 acres more or less and being all the unsold balance of the Alexander McKinzie survey of land situated about one and one-half miles from the Town of Salado in Bell County, in the State of Texas, said original McKinzie survey containing 2. 697. 544 square varras of land patented to John. N. Nauston assignee of said McKinzie by patent No 126 vol 19 & is described as follows. Beginning at the extreme Eastern corner of said McKinzie survey at a stone maund in the line of Squire Noggard survey. — Thence S. 71° W 2540 varas to the N. W. corner of an old survey in the name of M. R. Mott also a corner of V. R. Palmer survey. Thence North with Palmers East line 4028 varas to the South west corner of J. Langford labor survey a stone maund in Prairie. Thence S. 71 E. 2066 varas to a stone maund in West line of Squire Naggards survey — Thence S. 19 W. 350 varas to S. W. corner of Naggards survey. Thence S 71 E. 610 varras to the place of beginning said 388 acres more or less being all of said original survey, save and except a tract of land sold out of the said original survey by the Plaintiff and James. N. Nauston and William A. Nauston to E. Sterling C. Robertson which said tract so sold to said Robertson is described as follows: Beginning at the S. W. corner of the J. Langford labor survey and which is the N. W. corner of the said McKinzie survey. Thence south 252 varas a corner in V. R. Palmer

(See assignment to Mary E. Brick. Kansas)

June 20th 1882.

East line Thence South 71 East 2064 vrs to a rock mound in Squir Naggard West line. Thence N 19 E with East line of McKenzie survey 299 varas to S.E. corner of E Brown labor. Thence N 71 W 2146 varas with N. line of A McKenzie survey to beginning.

It is therefore ordered, adjudged and decreed by the court that the vendors lein so retained and reserved upon said 388 acres more or less of land brand the same is hereby foreclosed and that an order of sale do issue directed to the Sheriff or any constable of Bell County, commanding him to seize and to sell the same as under execution in satisfaction of this judgment. and if the proceeds of such sale be insufficient to satisfy the Judgment then to make any balance thereof remaining unpaid out of any other property of said Defendants subject to execution as in other ordinary executions.

Albert Quintens vs Ida Quintens } And now on this the 20th day of June A.D. 1882 the cause came on to be heard in its regular order for trial and the Plaintiff appearing in person and by his Attorney John Dowell Esq. and the defendant failing to appear although the said defendant duly accepted service of the Petition in this cause and consented that the cause be tried at this term of the Court and had waived the five days notice and service as required by law. All of which was in writing and the Plaintiff demanding a trial a trial was ordered and given and a Jury not having been demanded the cause was submitted to the court who after hearing the pleadings Evidence and argument of counsel considered and adjudged that the matters and things set fourth in Plaintiffs Petition was true and that the decree of divorce as prayed for be granted. — Whereupon it is ordered, adjudged and decree by the Court that the bonds of matrimony now and heretofore existing between the Plaintiff Albert Quintens and the Defendant Ida Quintens as husband and Wife be now and is hereby separated and it is ordered and adjudged that said parties now and hereafter no longer sustain this relation to each other and this decree of divorce is hereby granted that Plaintiff pay all costs in this behalf expended for collection of which execution issue. — 5824

Louis C. Wise vs E. G. James et al } This cause being this day called for trial. came the plaintiff by his attorney A. M Jackson Jr. and announced ready for trial. The defendants appearing by answer duly filed. No Jury having been demanded by either party the cause was submitted to the Court both upon the issues of law and fact. and the court having heard the pleadings of both parties and the evidence adduced to sustain the issues is of opinion that the law is with the plaintiff. It is therefore ordered. adjudged and decreed that the plaintiff Louis. C. Wise. do have and recover of and from the defendants Edmund. G. James, and Francis, J. James the full sum of $1489 75/100 that being the full amount of principal and interest due at this date upon the notes sued on. It is further adjudged that said Judgment shall bear interest at the rate of 10 % per annum from this date, that being the rate of interest specified in the notes - And it further appearing to the satisfaction of the Court that the notes sued on in this case, were given for a part of the purchase money of Lots 10 & 15 1/2 in Division D of the out lots of the city of Austin Texas. and for their payment reserved 581 a Ex Doc 5 p 116

June 20th 1882

a vendors Lein thereon it is further ordered adjudged and decreed that said vendors leim be foreclosed. and that said lots No 15 & 15½ in Division D of the outlots of the City of Austin, together with all the improvements thereon situate, be sold for the purpose of satisfying this Judgment. It is further ordered adjudged & decreed that the pleaintiff do have & recover of & from the defendants all costs in this behalf expended.

5819V
4 Dec 5 p 116

John B. Niff
vs
Wm M. McGregor &
F. W. Chandler

} And now on this the 20th day of June 1882 this cause being regularly reached on the docket and called for trial came the plaintiff by his attorney and announced ready for trial. and the defendants failing to appear although having duly accepted service of the petition in this cause and returned that the cause be tried at the present term of this court and had waived the five days notice and service as required by law, and no jury having been demanded by either party the cause was submitted to the court upon the issues of law and fact. and the Court having heard the pleadings and evidence is of the opinion that the law is with the plaintiff. It is therefore ordered adjudged and decreed by the Court that the plaintiff John. B. Niff do have and recover of and from the defendants Wm M. McGregor and F. W. Chandler the sum of ($563.50) five hundred and Sixty-three & 80/100 dollars being the full amount of principal and interest due at this date with interest from this date at the rate of eight per cent per annum and all costs of suit for which execution may issue.

5194V Andrew Neal vs Western Union Telegraph Company. Continued.

J. E. Clarke
vs
P. C. Wells

} Upon motion of plaintiffs attorney it is ordered by the court that this case be and the same is hereby dismissed at plaintiffs cost for which execution may issue.

5371V

5468V A. Guidey Pellegrini vs Foster Ludlow & Co. Continued

5595V The State of Texas vs S. M. Strayhorn et al Continued by plaintiffs

5639V George Pflugen vs Samuel Stauffer et al. No counsel appearing Continued.

5652V Julius Zuschlag et al vs J. F. Plumb. Continued.

5677V Catherine Wagoner vs Joseph Wagoner. Continued

5679V Rich J. Galloway vs Martha M. Galloway Continued

5699V The Hutchings & Taylor Co. vs John F. McGhee Continued

5704V Alitia Baker vs S. J. Swinson et al Continued

5731V The State of Texas vs Richard Wills et al. Continued. Plaintiff amending in absence of defendants.

5739V The State of Texas vs F. L. Busch et al Continued by consent.

5774V The State of Texas vs W. R. Edwards et al Continued by consent.

Court adjourned till tomorrow morning 9 o'clock.

June 21st 1882.

Court met pursuant to adjournment. Present same as on yesterday Whereupon the following proceedings were had viz:

5789V Thomas Nelson et al vs Ed Wheeler et al Continued consent.

June 21st 1882

Virginia Nelson et al. vs F. J. Wheeler et al Continued by consent 3790.
Court adjourned till to-morrow morning at 9 o'clock.

June 22nd 1882.

Court met pursuant to adjournment Present same as on yesterday. Whereupon the following proceedings were had.

Francis O. Goodale
vs
Julia F. Goodale et al } Now comes the plaintiff in the above cause and submits his motion to confirm the sale of lots No 45 and 46 and the East half of lot no 47 in Block No. 47 of the subdivision of lot 20 Division O of the out lots of the City of Austin described in plaintiffs petition as appears by the report of Ed. Creary sheriff of Travis County herein filed and the Court having considered the same and duly examined said report of said sale and considering the amount bid for said lots the fair value of said lots doth order that said motion be sustained. and it appearing to the court that the terms of said sale have been complied with by the payment to said sheriff of the sum of two hundred and fifty dollars in Cash and the delivery of a note executed by Albert L. Teagarden the purchaser thereof for the sum of $250cc payable twelve months after date. It is ordered that said Ed. Creary Sheriff do execute and deliver to said Albert L. Teagarden a deed conveying to him all the right title and interest in and to said premises which Francis O. Goodale Julia F. Goodale Edie F. Goodale Minnie L. Goodale, Alonzo Goodale Nattie M. Goodale and Mattie V. Goodale had in and to said premises at the date of the filing of the petition in this cause. And it further appearing that said Sheriff had paid into this Court the entire proceeds of this sale. and that Francis O. Goodale is entitled to one half of said proceeds and the defendants to the other half of the same share and share alike it is further ordered that James. P. Hart clerk of this court pay over to said Francis O. Goodale his attorney or assigns one half of the same and to the legally appointed guardian of the defendants the other half of the same after deducting all costs according to the decree heretofore rendered herein and taking their receipts therefor. 3790. V 5588

Court adjourned till to-morrow morning at 9 O'clock.

June 23rd 1882

Court met pursuant to adjournment, present same as on yesterday and there being no civil minutes to record. Court adjourned till June 26th at 10 O Clock.

June 26th 1882.

Victor Etienne de Savary } Declaration of Intention to become a Citizen- V 5824
Ex Parte } The State of Texas. County of Travis. Victor Etienne de Savary. being duly sworn according to law, in the District Court of said county. doth declare that he was born in the year A.D. 1855 in the Republic of Mexico whence he emigrated. in the year 1878. to the United States of America. and has selected the State of Texas as the place of his intended settlement.

June 26th 1882.

and he further declares that it is bona fide his intention to become a citizen of the United States, and of the State of Texas, and renounces forever all allegiance and fidelity to every foreign Prince. Potentate, state or sovereignty whatsoever and particularly to the Republic of Mexico of whom he was a subject.

Victor Etienne de Savary

Sworn to and subscribed before me, this 26 day of June 1882

Jas. P. Hart Clerk.

5809. Wm. E. Smith vs G. H. & S. A. R. R. Co. } It is ordered by the court as per written agreement on file that this case be continued, the continuance to be charged to the defendant.

Court adjourned till tomorrow morning 8 O'clock.

June 27th 1882

Court met pursuant to adjournment. Present same as on yesterday. Whereupon the following proceedings were had viz;

Empanneling of jury commissioners. This day came into Open Court, Jno. W. Brown, Geo. S. Carter and Jno M. King Jury Commissioners duly appointed by Court and summoned to appear on this day who were duly empannelled and sworn according to law and instructed as to their duties in selecting Jurors for this Court for the October term 1882 of this court and were ordered to retire on their discharge of said duties. The said Jno. M. King having been appointed in the place and stead of Thomas Anderson who was disqualified, and that said Jurors select jurors as follows:

Ordered— That jurors for the October term be called as follows.

16 - from which to select Grand jury,

30 - for 4th week, beginning 23d October

30 - " 5 " " 30 - "

30 - " 6 " " 6 - November -

30 " 7 " " 13. "

30 " 8 " " 20 " .

For October term 1882

Ordered

1 That the Civil non jury docket be taken up Tuesday October 3d —

2 The Civil Jury docket will be taken up Monday 23d October,

3. The Criminal docket will be taken up Nov 6 -

4 After the Criminal docket work on the Civil docket will be resumed

5 Motions will be heard on Saturdays. —

Order of Court appointing Board of Medical Examiners for the 16th Judicial District of Texas

Ordered (The Judge presiding appointing) That Thos. D. Woolen J. W. McLaughlin and W. J. Burk be and they are appointed a board of Medical Examiners for the 16th Judicial District of the State of Texas.

Court adjourned till to morrow morning at 9 O'clock

June 28th 1882.

Court met pursuant to adjournment. Present same as on yesterday. Whereupon the following proceedings were had: Viz

Mary H. Walker et al vs N. G. Shelley } The Judge presiding. Hon A. S. Walker being a party plaintiff in this cause, having entered his disqualification on the docket. the parties plaintiff by their attorney, and the defendant in his own proper person. appointed D. W. Doom Esq. a practicing attorney of this court. Special Judge herein. by agreement in writing as follows

Mary H. Walker et al vs N. G. Shelley-5794- In District Court Travis County May Term 1882. In the above entitled cause, the Hon A. S. Walker being disqualified and having entered his disqualification on the record. It is hereby agreed that D. W. Doom a practicing Attorney in said court be and he is hereby selected as Special Judge to try and determine said cause. And deft also hereby withdraws his answer heretofore filed. June 28th 1882.

S. A. Posey Atty for plaintiffs.
N. G. Shelley propria persona.

And the said D. W. Doom Esq. having qualified by taking and subscribing the constitutional oath of office as required by law. And thereupon the said D. W. Doom special Judge presiding on calling the cause for trial it appearing to the court from the written agreement on file between the parties, that the plaintiffs are entitled to recover by reason of the premises. And that the defendant. N. G. Shelley is indebted to the plaintiff Mary. H. Walker in the sum of One thousand seven hundred and ninety three Dollars and ninety one cents ($1793 90/100) that the note sued on bears interest at the rate of twelve per cent per annum: that said note is secured by the deed of trust set out in the plaintiffs petition on Lots. 1.2.3.4.5.6.7.8.9&10 in Block No 1 of subdivision of out Lot No 18 division "O" Austin City Travis County Texas. and that said note is a lein on said property. And the parties consenting hereto. It is considered, ordered adjudged and decreed by the court that the said pltffs Mary H. Walker joined by her husband A. S. Walker do have and recover of and from the defendant N. G. Shelley said sum of $1793 90/100 principal and interest with interest thereon from this date at the rate of twelve per cent per annum, together with all costs in this behalf expended- And it is further ordered, adjudged and decreed by the court that the lein created by said deed of Trust, as it existed on the 26th day of May 1873 upon the above described lots be and the same is hereby foreclosed; and that the clerk of the court do issue an order of sale, directed to the Sheriff or any constable of Travis County commanding him to seize and sell the above described tract of land as under execution, and that he apply the proceeds thereof to the payment and satisfaction of the said sum of $1793 90/100 together with all interest that may be due thereon and the costs of this suit and if the said land shall sell for more than sufficient to pay off and satisfy said sums of money then the said officer is hereby directed to pay over the excess to the defendant but if the said land shall not sell for enough to pay off and satisfy this Judgment. then the said officers shall make the balance due as under execution.

And in accordance with said written agreement between the parties it is further ordered that no order of sale shall issue on this Judgment before the 1st day of december 1882 and that said defendant may discharge this

5794 Rec'd and filed in my office this 17th day of Nov A.D. 1882 at 10 o'clock A.M. Jno. Fitzhugh Clk By [illegible] Deputy

Rec'd Austin Nov 17th 1882 of A. S. Walker one hundred and eighty seven dollars & 90 cts in full satisfaction of this judgment & costs. $187.90 Jno. Fitzhugh Clk By [illegible] Deputy

Judgment at any time before said 1st day of December 1882 by paying into court the sum of One thousand dollars with twelve per cent per annum interest thereon from this date until time of payment. but in default of payment by said defendant of said one thousand dollars by said 1st day of Dec. 1882 process shall issue to enforce the payment of the entire amount of this Judgment $1793 70/100 and interest. and payment in full of said last amount with interest will alone satisfy the same. D. W. Doom Special Judge

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

June 29th 1882.

Court met pursuant to adjournment present same as on yesterday whereupon the following proceedings were had. Viz:

5796 James. N. Raymond vs Joseph. D Sayers } On this day came the parties plaintiff and defendant by their attorneys. and by agreement set aside the continuance here to fore entered. and withdraw the demand for a Jury. and announce themselves ready for trial. and consent that Judgment may be rendered as per agreement on file of date May 6th 1882. And the court having heard and considered the pleadings and Evidence and the agreement aforesaid. doth find that the defendant is justly indebted to the plaintiff in the sum of Two thousand six hundred and sixteen 66/100 dollars $2616 66/100. with interest at the rate of 10 per cent from May 16th 1882. and in the further and additional sum of 10% on said sum of $2616 66/100 amounting to $261 66/100 for his attorneys fees as contracted in the face of the note sued on. And the court doth further find that the notes sued on were given for part of the purchase money of Lots 5-6-7 & 8 in Block no. 10 in Raymon Plateau in the City of Austin Travis County. State of Texas. and that plaintiff has a vendors lein on said lots to secure the same - It is therefor considered, ordered, adjudged and decreed by the Court that the plaintiff James N Raymond do have and recover of the defendant. Joseph D. Sayers the said sum of $2616 66/100 with interest thereon at the rate of ten per cent per annum from the 6th day of May 1882 until paid. It is further ordered adjudged and decreed by the court that the vendors lein on Lots 5-6-7 & 8 in Lot No 10 in Raymond Plateau in the city of Austin, County of Travis and State of Texas. be and the same is hereby foreclosed. And it is further ordered and decreed that an order of sale do issue from this court to the Sheriff or any constable of Travis County commanding him to seize and sell said Lots as under execution. and to apply the proceeds to the satisfaction of this Judgment. It is further ordered that the plaintiff do have and recover of the defendant the additional and further sum of $261 66/100 with Eight per cent interest from this date as his attorneys fees aforesaid for which he may have execution. It is further ordered that execution may issue for any value remaining unpaid after the sale of said lots - It is further ordered and adjudged that the plaintiff do have and recover of said defendant all his costs in this behalf expended for which execution may issue. It is further ordered that

June 29th 1882.

in conformity with the agreement aforesaid that no execution or order of sale shall issue on this Judgment until the expiration of Ninety (90) days from May 6th 1882.

The State of Texas vs E.T. Moore Co. Atty } Mandate of the Supreme Court.

The State of Texas. To the District Court of Travis County, Greeting: Before our Supreme Court, on the 13th day of June A.D. 1882. the cause upon appeal to revise or reverse your Judgment between The State of Texas Appellant & E.T. Moore County Attorney of Travis County Appellee was determined: and therein our said Supreme Court made its order in these words: No 4582. "This cause came on to be heard on the transcript of the record, and the same being inspected because it is the opinion of this Court that there was error in the Judgment it is considered, adjudged and ordered that the judgment of the court below be reversed. and this court proceeding to render such judgment as the court below should have rendered it is further considered, adjudged and ordered that the appellant The State of Texas recover of the Appellee E.T. Moore the sum of Twelve Hundred and Twenty one & 96/100 dollars ($1221 96/100) the same being the amount of money retained by the appellee after deducting the sum of Ninety seven & 90/100 Dollars ($97 90/100) paid into the State Treasury at the time of the rendition of the Judgment in the Court below, with eight per cent per annum interest on said sum of $1221 96/100 from this date. and all costs in this cause incurred both in this Court and in the Court below. and this decision be certified below for observance."

Wherefore we command you to observe the order of our said Supreme Court in this behalf, and in all things to have it duly recognized, obeyed and executed.

Witness. The Hon. Robert S. Gould chief Justice of our said Supreme Court. with the seal thereof annexed. at the City of Austin, this the 29th day of June A.D. 1882.

Seal

Chas. S. Morse Clerk
By Alex Lamont Deputy.

And said defendant E.T. Moore having exhibited to the Court Deposit Warrant showing payment on the 26th day of June 1882 of said above named judgment into the State Treasury such payment satisfying this judgment in full. It is therefore ordered by the court that this case be now and the same is hereby dropped from the docket.

R.H. Jaynes Ins vs Leander Brown et al. The motion to set aside the judgment by default against R. J. Nill Admr. entered in this cause heretofore is ordered continued till the next term of this Court.

Louis C. Wise vs E.G. Jaynes & wife } And now on this day came on to be heard the motion of the defendants for a new trial in this behalf and the same having been duly considered and fully understood by the court, said motion was overruled to which ruling of the court the defendant in open court excepts and gives notice of appeal to the Supreme Court.

Court adjourned till tomorrow morning 9 o'clock

June 30th 1882

Court met pursuant to adjournment; Present same as on yesterday

June 30th 1882.

Whereupon the following proceedings were had viz:
Alitia Baker et al
vs
5704 Swante J. Swenson
A. H. Ramsey Warrantor
} And now comes the plaintiffs by attorney and moves the Court to set aside the continuance heretofore entered in this cause and to dismiss this suit at their costs. It is therefore ordered by the Court that this cause be and the same is hereby dismissed at plaintiffs costs for which execution may issue.
Court adjourned till to morrow morning at 9 O'clock.

July 1st 1882.

Court met pursuant to adjournment. Present same as on Yesterday. Whereupon the following proceedings were had viz:
Westley Campbell
vs
5823 Lydia Ann. Campbell
} And now on this the 1st day of July A.D. 1882 the above entitled and numbered cause came on to be heard in Open Court in its regular order for trial and the plaintiff appearing in person and by his attorney John Dorrell Esq and the Defendant failing to appear and wholly made default, and it further appearing to the Court that Defendant had accepted service of the Petition and cause of action set forth in the same in this cause had waived the five days notice a required by law and consented that this cause of action be tried at once, which said waiver, acceptance and consent was in writing and filed among the papers in this cause and the plaintiff demanding a trial the same was ordered and a jury not having been demanded the cause was submitted to the Court who after hearing the pleadings, evidence and argument of Counsel considered and adjudged that the law and facts were with the plaintiff and that the facts in Plaintiffs Petition were true and the decree of divorce be granted. Whereupon it is ordered adjudged and decreed by the Court that the bonds of matrimony heretofore and now existing between the Plaintiff Westley Campbell and the defendant Lydia Ann. Campbell as husband and wife be and the same are hereby now and forever separated and this decree of divorce be and is hereby granted and that said parties now and hereafter no longer sustain to each other the relation of husband and wife. That Plaintiff pay all costs in this behalf expended for which execution issue.

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

July 1-1882.

A. S. Walker
Judge 16th Dist &c

October 2nd 1882.

State of Texas } Be it remembered that at a term of the Hon. District Court
County of Travis } begun and holden within and for the County and State aforesaid
at the Court House thereof at the city of Austin on the 2nd day of October A.D.
1882, that being the first Monday in said month and the day fixed by law for the
meeting of said court. and the Hon A. S. Walker Judge of the 16th Judicial District
of the State of Texas presiding, and James. P. Wall Clerk of said Court and Ed-
ward Sheriff of said County being present the following proceedings were had Viz:

The State of Texas } Declaration of intention to become a citizen. Robt K. Hatch Ex parte 5872
County of Travis } Robt K. Hatch being duly sworn according to law, in the
District Court of said County, doth declare that he was born in the year A.D 1832
in the Kingdom of England whence he emigrated, in the year 1872. to the United States
of America, and has selected the State of Texas as the place of his intended settlement;
and he further declares that it is bona fide his intention to become a citizen of the
United State, and of the State of Texas, and renounces forever all allegiance and fidelity
to every foreign prince, potentate, state or Sovereignty whatsoever, and particularly to the
Queen of England of whom he was a subject— Robt. K. Hatch.
Sworn to and Subscribed before me. this 2nd day of October 1882 in open Court Jas. P. Wall clerk.

John C Duval et als
vs } And now on this 2nd day of October A.D 1882 came on to be 4795
Robt. Cruzbaur et al } heard the report of Wm Von Rosenberg the Trustee & comm.
heretofore appointed to make sale of the lands in said report described - which report
is as follows - to wit - "Trustees report Case No 4795. Jno C Duval et al vs Robt Cruz-
baur et al— Hon A. S Walker. Judge District Court Travis County. Texas.

The undersigned trustee in above cause by decree of was required to
report sale of land in his charge on January Term 1882. and now asks respectfully that
no actual progress having, at that time, been had, on account of short crops last year
and consequent less demand for the character of farming land in charge - and under ex-
pectation however of realizing full price for the same by keeping the land in the market,
parties interested consenting — the Court will excuse for failure to report as required —
and submits for action by the court the following sales contracted comprising the residue
of the "Manchaca" lands in charge:

1st 188½ acres of land, described as No 4 in the Decree allotting the same to Plaintiffs,
being part of the George Herder ⅓ league in Hays County, Texas sale contracted to Ludwig
Hiep of Hays County. at six dollars per acre. to be paid as follows: $531.00 in cash at the de-
livery of deed, balance in two notes of $600.00 each, one payable in two years from date of deed,
and the other payable in three years from date of deed: said notes to bear interest at the
rate of ten per centum per annum from date of deed. and the interest payable annually: Note
secured by vendors lien.

2nd 150 acres of land, described as No 4 in the Decree allotting the same to plaintiff,
being part of the H. M. Dorman ⅓ league in Travis County, Texas: sale contracted to P. C
Beaty of Travis County at six dollars per acre: $900.00 to be paid cash when deed is made,
and $1000.00 payable within three years from date of deed, secured by vendors lien note
bearing ten per centum annual interest from date of deed, said interest payable annually.
This agreement of sale is made with full knowledge of by P. C. Beaty, the purchaser of a
claim or pretended claim of Henry & Shelley as a purchaser from the Sheriff of Travis
County, under an execution pretended to have issued under a decree of the District Court
of McLennan County in a case styled Chas Settle vs Jno C Duval, of the interest of

October 2nd 1882.

Jno. C. Duval in the H. M. Dorriman 1/3 league of land: R. C. Beaty assuming all risk that may arise out of said claim or pretended claim of Henry E. Shelley, and waiving any offset against the note he will execute for deferred payment, or delay in paying the same when due, because of any contest on account of the pretended claim above stated.

It is now respectfully asked, that the foregoing reported two sales of land be confirmed, and that your Trustee be instructed to make deeds to the purchasers— to transfer the notes to be received for deferred payments, amounting to $1100cts. to Geo. W. Sampson thereby extinguishing the balance due on Principal of the Judgment. said balance being $ 1769.40 — and the remainder to be credited against the interest that has accumulated on said Judgment. —

The undersigned respectfully submits the following report in regard to land in Colorado County. known as embraced in a suit of: Booth vs Stripplemann:

At its last Galveston Term the supreme Court affirmed the Judgment below, deciding the case against the parties represented by your trustee. Upon investigation it was found that this action was based upon an opinion of the Commissioners, and that they had taken action upon imperfect transcript before them. After consultation with the beneficiary of this trust, and acting in the capacity to guard the interest of the plaintiffs in said case. Booth vs Stripplemann, it was deemed advisable to make application for a rehearing. Messrs. Ballinger & Mott were employed, transcripts obtained and a rehearing has been granted. Expenses have been incurred by sending special messengers to Colorado County, procuring necessary transcripts from Court below, and to carry the same to Galveston in time to enable motion made for rehearing within the ten days allowed by law; these expenses amount to $76.65cts: Messrs Ballinger & Mott. will brief the case for $50cts: there will be additional expenses: printing brief &c. it is estimated about $150.00 will be required to meet the expenses, of which R. C. Cruzbaur should pay one third, leaving about $100cts to be paid by your Trustee. In case on rehearing the Judgment below should be finally affirmed, there will be no money in the hands of your Trustee to pay said expenses, unless provision be made from funds now in hands.

Your trustee therefore respectfully ask that it be ordered said amount of one hundred dollars to be set aside, and so accounted for in settlement of account now to be made for the "Manchaca" property — Respectfully submitted. W. Von Rosenberg. Trustee.

Austin October 2nd 1882.

Sworn to before me this the 2nd day of Oct. A.D. 1882. — Jas. P. Hart clk. D. C. T. C. Tex.

and the court having made inquiry into the manner of making sales & the advisability of making the allowance therein asked - it is ordered adjudged & decreed that said report be approved - & that said sales be and the same are in all things confirmed and it is ordered that said Wm Von Rosenberg make and deliver to said vendees in compliance by them with the terms of said sales respectively, proper deeds of conveyance, in conformity with terms of said sales - & take and receive the purchase money & notes & apply the same as in said report advised & requested. and that he deliver said purchase money, notes & assign & make the same payable to said G. W. Sampson & that the same constitute credits to the amount of the faces thereof on the judgment hereinbefore rendered in favor of said Sampson. And it is also ordered that said trustee be allowed said One hundred dollars ($100cts) for the purpose of paying expenses of said cause of Booth vs Stripplemann as prayed for. & that the same be paid out of the cash received on said sales & which amount should have been applied to the said Judgment in favor of said Sampson — But said Sampson shall be entitled to apply said notes first to the discharge of the interest on said Judgment. the same to be by him received as a general credit.

October 2nd 1887.

Chas Francis House et al
vs
Jennie Stewart & J. A. Stewart

On this day came the plaintiffs Charles. Francis House Carrie Ellen House, and Lillian Estelle House, plaintiffs in the above stated cause by J. M. Robertson their attorney ad litem. and Jennie Stewart and J. A. Stewart by their attorney James H. Burts. and thereupon came on to be heard the report of the commissioner. Tom Murrah heretofore appointed by the Court to make sale of the interest of the said Houses in the property ordered to be partitioned in said cause filed June 29th 1887 and also the supplemental report of said commissioner filed Oct 2. 1887. and it appearing to the court from said reports and from the evidence on the hearing thereof that the said Tom Murrah commissioner aforesaid has sold the interest of the said minors in the property aforesaid. to-wit: Lot No. 12 in Block No 3 in the subdivision of outlot No 15-16 & 17 in Division "D" of the City of Austin. Travis County. State of Texas, said lot being 48 feet front by 130 feet deep and being the corner lot fronting on Lamar Street according to the map of said subdivision of Lots No 15- 16 & 17 made by Raymond & Whitis and being the same lot of land and improvements conveyed by James H. Raymond and C. W. Whitis to F. K. House by deed dated July 14th 1870. their interest being an undivided one half thereof to the defendant Mrs Jennie Stewart for the sum of Two Hundred and seventy five dollars — And it further appearing to the court that the said Mrs Jennie Stewart has paid said sum of money to said Tom Murrah out of her own separate funds and estate. and that this purchase is intended by her as her separate property and estate— and it further appearing to the court that said sale has been fairly made and for the full value of the interest sold. and that it will be to the interest of the said minor plaintiffs to have the same confirmed— It is therefor considered, ordered, adjudged and decreed by the court that the sale of the interest of the said minor plaintiffs in the property aforesaid made by the said Tom Murrah commissioner to the said Mrs Jennie Stewart as her separate property, be and the same is hereby approved and confirmed, and the said Tom Murrah is hereby ordered to make title in accordance with this decree— It is further ordered adjudged and decreed by the court the said plaintiffs. Charles. Francis. Carrie Ella and Lillian Estelle House, upon the making and delivery of said deed by said Murrah be forever divested of all their right title interest and estate in the property aforesaid, and that the title and possession of the same be forever invested in the said Jennie Stewart her heirs and assigns as her separate property and estate. It is further ordered that a fee of Twenty five dollars be taxed in favor of J. M. Robertson as Guardian ad-litem and paid to him by said Murrah out of the proceeds of said sale and that one half of the costs of this suit be also taxed against plaintiffs and paid out of said proceeds. and that the remaining half of the costs be taxed to the defendants! It is further ordered that after said fee and costs are paid that the remainder of said fund be deposited with the clerk of this court to be there kept until the further order of this court - and that this cause remain on the docket until said funds are disposed of. And that Commissioner be allowed such compensation as in Sheriffs sales.

Mary A. Swisher
vs
Jas A. Swisher & A. Lorraine

This day came the parties by their attorney and submit the matter in controversy to the Court. and by consent of the parties hereto judgment is rendered for defendants. It is therefore ordered adjudged and decreed by the Court that the defendants Jas. A. Swisher and A Lorraine do have and recover of the plaintiff Mary A. Swisher all costs in this behalf expended for which execution may issue

October 2nd 1882

5801 5591V D. H. Jaynes vs R. F. Campbell et al } It is ordered by the Court that this case be set for October 16th 1882. and that Plaintiff have leave to file 2nd Amended original petition

5592V D. H. Jaynes vs L. Brown et al } It is ordered by the Court that the defendant L. Brown have leave to file 1st amended original answer and by consent of the parties the judgment by default heretofore rendered in this cause against R. J. Hill administrator of A. H. Parish died be set aside, and ordered that R. J. Hill be and he is hereby appointed guardian ad litem of Adela. Guy. R. and Clara Parish. and that this case be set for the 23d October 1882 subject to the regular call of the jury docket. Further ordered that Plaintiff have leave to file 2nd Amended original petition

Elizabeth Brown vs R. D. Brown. Continued by consent.

5864 Jas. A. Thompson Ex Parte } And now on this 2nd day of October 1882 came on to be heard the application of James. A. Thompson Jr for the removal of his disabilities by reason of minorage. And thereupon came J. P. Pullmore county Judge - and said minor James. Allen Thompson Jr and the court appointed James Thompson senior Special Guardian of said minor, to act with said county Judge in this behalf. And said special guardian being duly qualified and all parties having announced themselves ready for hearing. the court proceeded to a hearing of said application and the evidence in support thereof. And it appearing to the court that said application is in due form, that said minor is past nineteen years of age that he has no father living - That the requirements of the law in such cases have been complyed with & that the allegations in said petition are true. that it will be for the best interest of said minor and his estate & that ~~his~~ it is advisable that his petition be granted and his disabilities by reason of minorage be removed - and that said special Guardian of said minor consenting thereto - it is ordered adjudged and decreed that the disabilities as a minor of the said James Allen Thompson Jr - be and the same are hereby and now removed and that said James Allen Thompson Junior. shall be held and deemed for all legal purposes of full age & shall be held responsible & have all privileges & advantages of a person of full age. except the right of voting. & that this decree be duly recorded in the minutes of this court. It is further ordered that said applicant pay all costs of this proceeding for which execution may issue.

Court adjourned till 9 o'clock tomorrow morning.

October 3d 1882

Court met pursuant to adjournment. Present same as on first day Whereupon the following proceedings were had viz:

5873V Jno Wm Wilson Ex Parte. } Jno Wm Wilson having made application before the District Court of Travis County at the October term thereof A.D. 1882 for a permanent license to practice as an Attorney and Counsellor at law in the District and all inferior courts in the State of Texas, and the said Jno Wm Wilson having produced before the court his license issued to him by the Circuit Court for Dorchester County State of Maryland as an Attorney at law, and having been introduced to the court by W. M. Walton R. J. Hill. E. B. Hancock. John. B. Costa and N. S. Walton Esqrs (all) of

October 3rd 1882

as a man of good Moral character, and the said Jno Wm Willson having taken the oath as required by law It was ordered by the Court that his name be enrolled as an Attorney of this Court and that a license issue to him accordingly.

Meredith M. Henry et als vs Frank D. Henry et al } It appearing from the Petition filed in this case that the minor Plaintiffs have no legal guardian in this State and they pray the Court for a Guardian ad litem to be appointed for them to represent their interest in said Partition. It is therefore ordered by the Court that R. J. Hill Esqr is hereby appointed Guardian ad litem for said Minor Plaintiffs to-wit Stephen F. Henry, Elizabeth F. Henry, Hugh E. Henry, Robert C. Henry, Louisa A. Henry, Fulton F. Henry, Walter W. Henry, Albert A. Henry, Thomas F. Henry and James J. Henry to represent the above named Minors in said Partition. 5867

Thos. F. McKinney vs A. M. Cot. Passed to end of the docket. 2931.

Abby Thompson Admrx vs A. H. Barnes & W. Merrill. No Counsel appearing Continued 2955.

Abby Thompson Admrx vs George Saunders. No Counsel appearing Continued 2958

Abby Thompson Admrx vs H. L. Bass No Counsel appearing Continued 2960

Giles H. Burditt vs W. B. Burditt et al. Passed for report of sale 3030.

Cockrell & Carothers vs Wm Alexander. No Counsel appearing Continued 4828.

J. R. Nixon vs H. & T. C. R. R. Co. Passed to end of docket 4887.

The State of Texas vs R. Brown et al } This cause being this day regularly reached on the call of the docket came the Plaintiff by attorney and asks leave to dismiss this case. It is therefore ordered by the the Court that this case be and the same is hereby dismissed at Plaintiffs cost. For which Execution may issue. 4900

Andrew Neal vs Western Union Telegraph Co. Set for Oct 6th 1882. 5194.

C. F. Garland vs C. W. Garland Continued for service 5246.

William Bray vs T. E. Tullis et al This cause being this day regularly called for trial came the defendants by attorney: but the Plaintiff failed to appear either in person or by attorney and they having been called at the Court House door and still failing to appear. it is ordered by the Court that this cause be and the same is hereby dismissed for want of prosecution and that the defendants do have and recover of said Plaintiff and his surety on his cost bond to wit: R. Platt all costs in this behalf expended. for which execution may issue. 5251

Laura A. Ormond vs Charles J. Ormond. Passed to end of docket. 5267.

J. R. Ray vs Vincent Chambers et al. Passed to end of docket 5274

James F. Johnson vs W. W. Lacy et al } This cause being regularly called for trial. came the defendants by attorney. but the Plaintiff failing to appear either in person or by attorney, and they having been called at the Court House door by the sheriff and still failing to appear it is ordered by the Court that this cause be and the same is hereby dismissed for want of prosecution and that the defendants do have and recover of the Plaintiff James F. Johnson all costs in this behalf expended for which execution may issue. 5292.

Becky Pickett vs Lee Pickett - No Counsel appearing case continued 5383

M. C. Hamilton vs James F. Ellison, No Counsel appearing case continued 5389.

Mary A. Smith vs Smith Burgin & Campbell - Continued by consent 5447

October 3rd 1882

5449 Thos. T. Kemp vs Leo King. Passed for report of Commissioners
5452 Mary A. Smith vs Smith & Campbell. Continued by Consent.
5464 Mary A. Smith & Shaud. No counsel appearing Case Continued
5466 The State of Texas vs I. & G. N. R. R. Co. This case having been affirmed in the Supreme Court. It is now ordered dropped from the docket.
5469 Rott-Cruegbaur vs Wm Smyth et al. Set for Oct 9th 1882.
5490 The State of Texas vs Western Union Tele Co. Passed to end of docket.
5500 Lucy H. Field Adl. vs Thos. A. Field et al. Passed for further report of Commissioner to sell.
5521. John T. Allen vs A. H. Belo & Co. Continued by consent.
5528. Herman Schmidt vs Cardwell & Morris. Passed to end of docket.
5559 D. L. Cross et al. vs Ella Carter et al. Passed to end of docket.
5563 J. C. T. Phelps et al vs Upton Swingley. Passed for further report of Commissioner to sell.
5584 Joe H. Stewart vs A. H. Belo & Co. Continued by consent.
5604 The State of Texas vs W. A. Whalley et al Passed to end of docket.
5620 The State of Texas vs A. H. McGinn et al. Passed to end of docket.
5625 George Thomas vs Easter Thomas. Continued for service
5639 George Pfluger vs Samuel Stauffer et al. Passed to end of the docket.
5652 Julius Zulch et al vs J. T. Blount. No counsel appearing Continued.
5677 Catherine Wagoner vs Joseph Wagoner. No counsel appearing Continued
5679 Richard J. Galloway vs Martha M. Galloway. No counsel appearing for plaintiff Continued.
5689 R. R. Lane vs W. M. O'Leary. Passed to end of Criminal docket.
5693 Alcacia R. Hollit et al vs Henry Rishe et al. Passed to end of docket.
5700 John M. Smith vs Ed Cleary et al. No counsel appearing Continued
5717 Ambrose O. Duty vs Richard Fowler. Passed to end of docket.
5731 The State of Texas vs Richard Wells et al. Passed to end of Criminal docket.
5739 The State of Texas vs F. L. Busch et al Passed to end of docket.
5757 The State of Texas vs H. J. Rieiger et al. Passed to end of docket.
5777 H. J. Tannehill & wife vs Adler & Warner. Passed to end of docket.
5784 Ed Christian et al vs The Texas Building Assc et al. Passed to end of docket.
5789 Thos Nelson et al vs Edwd. White et al. Passed to end of docket.
5790 Virginia Nelson et al vs F. J. White et al Passed to end of docket.
5791 Wm Bruggerhoff vs Carl Lehmberg. No counsel appearing Continued
5811 Paddock Manley Iron Co. vs Jno A. Webb & Bro. Plff has leave to file 2nd amended original Petition.
5837. M. A. Taylor et al. vs The A. & P. Co. R. R. Co. Plaintiff has leave to file 1st amended original petition

Court adjourned till tomorrow morning 9 o'clock

October 4th 1882

Court met pursuant to adjournment. Present same as on yesterday whereupon the following proceedings were had viz:
5771 R. J. Cross et al vs Mabel Day et al. By agreement case set for October 30th 1882.

Court adjourned till tomorrow morning 9 o'clock

October 5th 1882.

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings were had:

Hinton Smith } It is ordered by the Court that J. M. Robinson, J. B.
Ex parte. } Pickle and T. S. Maxey Esq^rs be and they are hereby appointed to examine the applicant Hinton Smith as to his qualifications for Germanuk license to practice law, and that the examination be had for October 6th 1882. V.S. 874.

Meredith W. Henry et al } And now on this day come the aduck plaintiffs by their Attorneys Hancock and Westfall
vs } V.S. 867
Frank D. Henry et al } and the minor plaintiffs by their guardian ad litem R. J. Hill and the said defendants in person having filed their answer to the plaintiffs petition in this case, admitting all the allegations and statements in said petition contained to be true and join in the prayer of said plaintiffs for the partition of the land described in said petition: and the Court being satisfied that the plaintiffs and defendants hereinafter specially named are the only heirs at law of Elizabeth Henry deceased and entitled to a share of the land of said deceased estate as hereinafter stated, in and to the said 200 acres of land described in said petition; the premises considered and by the Court fully understood: It is therefore ordered and decreed by the Court that the following described track of land, situated in Travis County State of Texas, being a part of the Dilvalle grant and a part of 667 acres track out of said grant, known as Elizabeth Henry homestead: Beginning at a stone planted in the ground at the South boundary line of said 667 acres track from which a Mesquite tree 14 inches in diameter marked X bears S 71½° W. 109¼ varas: Thence N 45° W. 491½ varas to a stone set in the ground on the North boundary line of said 667 acres tract from which a Post oak tree 12 inches in diameter marked X bears 10° E. 37½ varas, another Post Oak 6 inches in diameter marked X bears S 49½ E 27½ varas: Thence N 45° E 2319⅘ varas to a stone set in the ground: Thence 45° E 401⅓ varas to a stone set in the ground on the North boundary line of a survey of 19 acres of land owned by William Sneed: Thence S 45° W 120⅘ varas to the most Westerly corner of said 19 acres survey: Thence S 45° E 90 varas to the most Southerly corner of said 19 acres track: Thence S 45° W 399 varas to Thomas Branch, running South East 1954 varas to said branch - running North West 2199 varas to the place of beginning containing 200 acres. being the 200 acres reserved by the said Elizabeth Henry now deceased as her homestead in her deed made to her children and grand children. September 18th 1876. and recorded in Book No 32. pages 618. 619. & 620 in records of said County of Travis to which deed reference is here made for more full description of said 200 acres of land: That said 200 acres be partitioned in kind shares according to quantity - quality and value. as they apart to Meredith W. Henry. Elizabeth T. Bates. Amanda M. Frogden. Thomas J Henry David N. Henry. Frank D. Henry. Frauna C. Shaw and Mary J. Brown sons and daughters of said Elizabeth Henry died. one share each - to John Wm Henry. Stephen T. Henry. Elizabeth T. Henry. Hugh E.

October 5th 1882.

Henry. Robt. C. Henry and Louisa S. Henry grand Children of said died one share jointly. To Fulton F. Henry. Walter W. Henry. Albert A. Henry. Thomas T. Henry. and James J. Henry grand children of said Elizabeth died one share jointly. the above named parties being the only legal heirs of the Estate of the said Elizabeth. Henry died,

It is further ordered and decreed by the court that A. R. Morris. A. M. Mills and A. J. Jernigan. be and they are hereby appointed Commissioners to make said partition in accordance with the above and foregoing decree and the law, and that the Clerk of this court issue the writ of partition with copy of this decree as the law directs returnable at the present term of this court.

5875 Anton Zumbuhl } The State of Texas. County of Travis: Be it remembered. that at
Ex Parte } the District Court for the County of Travis aforesaid. held at the
court house thereof, in the City of Austin on the 5th day of October A.D 1882
Anton Zumbuhl, a native of Switzerland exhibited a petition praying to be admitted to become a citizen of the United States: and it appearing to the court that he had declared. on oath, before the clerk of the court of Common Pleas for the city and County of New York aforesaid, on the 5th day of July 1878, that it was bona fide his intention to become a citizen of the United States and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty what soever and particularly to the Republic of Switzerland of whom he was at that time a subject and the said Anton Zumbuhl having on oath declared, and also made proff thereof, agreeably to the satisfaction of the court. that he has resided one year and upwards within the State of Texas. and within the United States of America upwards of five years. both periods immediately preceding his application. and that during said period of five years he had 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 having declared on oath before the said court that he would support the Constitution of the United States. and that he did absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince. potentate. state. and sovereignty whatsoever, and particularly to the Republic of Switzerland, of whom he was before a subject: and having in all respects complied with the laws in regard to naturalization: Thereupon the said Court admitted the said Anton Zumbuhl to become a citizen of the United States and ordered all the proceedings aforesaid to be entered in the records of said Court.

Court adjourned till tomorrow morning 9 o'clock

October 6th 1882.

Court met pursuant to adjournment. Present same as on first day
Whereupon the following proceedings were had viz:

5811 √ Paddock Hawley Iron Co. vs Jno A. Webb & Bro. Defendant Jno A. Webb has leave to file 1st Amended original Answer.

5827 √ Smith Mrs Nelmes vs W. S. & N. K. Lee. Continued by operation of law.

5834 √ Dan Feidburger vs Jno D. and Lucy Elliott Continued by operation of law.

5836 √ Wm Brueggerhoff vs Frank Goldberg. Continued by operation of law.

October 6th 1882

Sarah E. Pittman v. Jo R. Pittman, Continued by operation of law. 5838

Adolph Dohme Sol v. Ann N. Jones et al Continued by consent 5842

Letitia C. Illingsworth v. Alfred Smith et al, On motion of defendants it is ordered by the Court that the plaintiff be required to give cost bond in this case and that the Clerk notify plaintiff attorney 5843

Alilia Baugh vs Swante. J. Swenson Continued for service 5852

Thos. M. Dodd v Jno P. Dodd et al. Set for October 21st 1882 5860

Page McDaniell vs Caroline Wahrmberger Continued for service 5868

First National Bank of Austin vs Hume Bros. This case being regularly called came the plaintiff by Attorney and moved the Court to dismiss this case at plaintiffs cost- It is therefore ordered adjudged and decreed by the court that this case be and the same is hereby dismissed and that the defendants Hume Bros. recover of and from Plaintiff all costs of this prosecution for which execution may issue 5871

Ellen Stewart vs Henry Stewart. And now on this the 6th day of October A D 1882 this cause came on to be heard in its regular order for trial and the plaintiff appearing in person and by attorney John Donell Esq and the defendant failing to appear although duly and legally cited and wholly making default and the plaintiff demanding a trial and there being no cause why a trial should not be had the same was ordered and a jury not being demanded the cause was heard by the court who after hearing the pleadings evidence and argument of counsel and the same being submitted to the court was of the opinion that the allegations in plaintiffs petition were true as alleged and plaintiff was entitled to the decree of divorce as prayed for. Whereupon it is ordered adjudged and decreed by the Court that the bonds of matrimony heretofore and now existing between the Plaintiff Ellen Stewart and the defendant Henry Stewart as husband and wife be and are hereby seperated and this decree of divorce be and is hereby granted and they no longer sustain such relation to each other. that Plaintiff pay all costs in this behalf expended for collection of which execution issue 5829

M. A. Taylor et al vs August Ekstrom et al } And now on this 2nd day of October came the plaintiffs and defendants Grooms and Earnest and wife and Smith and wife by their attorneys and ask that a second survey be ordered to be made in this cause and it appearing to the Court that one of the questions in this cause is that of boundary of the lands claimed by said parties in this Suit. It is ordered by the Court that Dennis Cormier be and he is hereby appointed survey or to make such second survey and in making such survey the said Cormier is directed to ascertain and locate on the Ground the south boundary line of the M. Castro League on Gilleland's creek in Travis County: and also to ascertain and locate on the ground the North East corner and East boundary line of the Lucas Munos Survey: and also to ascertain and locate on the ground the Wm. H. Saunders survey of one League parts of which are claimed by said plaintiffs and said defendants and also to ascertain and locate on the ground the land claimed by plaintiffs and said defendants respectively and that said Cormier run such lines of contiguous surveys to the said Saunders Survey as may be necessary to establish its relation on the ground to the said Castro and Munos Surveys and also V 5-788

October 6th 1882.

to the James Burleson head Right - The said plaintiffs and defendants will furnish said Corrin with the field notes of the land claimed by them respectively on his demand for the purpose of said survey: and said Corrin is required to give said plaintiffs and defendants or their Attorneys three days notice of the time he will make said survey and of the place he will begin to make said survey — Said Corrin will report to the next Term of this Court in writing, under oath, the work done by him under this order accompanied by such diagrams and sketches as may be necessary to illustrate and explain his report

Andrew Moffat } Declaration of Intention to become a Citizen

5876 Ex Parte } The State of Texas, County of Travis: Andrew Moffat being duly sworn according to law, in the District Court of said County, doth declare that he was born in the year A.D. 1855, in the Kingdom of Scotland whence he emigrated, in the year 1875, 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 bond fide his intention to become a citizen of the United States, and of the State of Texas, and renounces forever all allegiance and fidelity to every foreign prince, Potentate, State or Sovereignty whatsoever, and particularly to the Queen of England of whom he was a subject.

Andrew Moffat.

Sworn to and Subscribed before me this 6th day of Oct. A.D. 1882 — Jas P Hart clk

5856 Louisa Schornert et al } On this day came the plaintiffs by J. W. Robertson guardian ad litem and the defendant having appeared and filed answer

vs } in this behalf and no jury having been demanded, the matters

Wm Schornert } in controversy as well of fact as of law were submitted to the court. And the court having heard the pleadings and evidence finds that the minor plaintiffs, Louisa, Julia and Lony Schornert are the owners in fee of one undivided half of lot No 12 of Block No 3, Division B. of the outlots of the City of Austin and known as Stuart & Mair's addition to the City of Austin, being the same lot of land and the improvements thereon conveyed by R. C. Stuart and A. J. Mair to H. Schornert by their deed the 7th day of March, 1876 that said plaintiffs own the same as the heirs of Augusta Schornert deceased wife of the said H. Schornert, and that the defendant Wm Schornert owns the remaining undivided half in fee simple. And it further appearing to the court a necessity exists for the partition of said lot as prayed for in said petition and that the plaintiffs are entitled to partition thereof: it is ordered, adjudged and decreed by the court that said plaintiffs do have and recover of the defendants one undivided half of said lot and that the same be partitioned and set apart to them: that said partition shall be made as follows. To said plaintiffs Louisa, Julia and Lony Schornert jointly one half thereof and to the said Wm Schoenert the remaining one half. - It is further ordered that W. A. Pitts, A. J. Jernigan and Sam Metz be appointed commissioners to partition said property and that they report to the present term of this court and as soon as practicable, and that the writ of partition issue as provided by law.

5833 Minnie Doris et al } This day this cause came on to be heard, and the plaintiffs

vs } appearing by their Attorney Wm Walton, and John R. Rector

John R. Rector } in person, and it appearing to the court that the plaintiffs and defendants had agreed upon a statement of facts in this case which are on file: It is therefore considered by the court that the Defendants John R. Rector do have and recover from the Plaintiffs. D. C. Raby, M. T. Raby, George Pope, and Minnie Doris

October 6th 1882

and her husband E. Davis the following described tract of land to be owned & held by him the said Rector in Severalty in fee simple title one of Survey of one League of land in Fisher County Survy No 315 Patented to the heirs of Thomas H Cashy Beginning at the N. E corner of said league from which a cluster of walnut trees brars S 84° W. 25 varas and a Hackberry brars S. 22° W 14 varas— Thence S 15° E 165 varas to the main elm Fork of the Brazos 7500 varas to a Stake and mound the south east corner of said League. Thence S. 75° W along the South boundary line of said league to a point in Said line. Where a line drawn Northward parallel with the east boundary of said league and extended until it strikes the north boundary line of said league. and Thence with North boundary line of said league East ward to the place of beginning will cut off (2431/4) Fourty four hundred and thirty one 1/4 acres of land. for the said Rector- with all the improvements on the same-

2nd It is further ordered by the court that the plaintiffs D. C Roby. M. J. Roby George Pope by next friend E. Davis. Minnie Davis. joined by her husband E Davis. and E. Davis as next friend for the use of George. - do have and recover from the said John B. Rector defendant all of the balance of said several tracts of land described in plaintiffs petition. 1st The said league less the (2431/4) Fourty four hundred and thirty one 1/4 acres above set apart to said Rector- Said league is described as follows.

Beginning at a stake, the S.E. corner of survey No 314 from which a mesquite brars S 78° E 15 varas. another brars S 35½° E 15 varas— Thence N 75° E crossing a creek and the main Elm fork 10.000 varas to a stake from which a cluster of Walnut trees brars S 84° W. 25 varas. a hackberry brars S 22° W. 14 varas. Thence S 15° E. 165 varas to the main Elm fork, 7500 varas to a stake and mound— Thence S. 75° W. Crossing a creek 10. 000 to a Stake. from which a Mesquite brars N 43° E 20 varas another N 34½ E 18 varas. Thence N 15° W 1800 varas to a creek. 7500 varas to the beginning. Bearing marked X.

2nd The 1920 acres granted to the heirs. of Thos. H. Cosby deceased situated and described as follows In Bexar County known as survey No 321 in section No 16, on the South bank of the main Elm fork of the Clear fork of the Brazos river about 35½ miles above Fort Phantom Hill. by virtue of Bounty Warrant No 1147 issued by the adjutant General on the 8th day of October 1852 Beginning at a stake the N. E. corner of survey No 315- from which a hackberry brars S 38 E. 16 varas, another brars N 65 W. 70 varas— Thence S 15 E at 9271 varas a stake and mound, Thence N 75. E at 1444 varas a stake and mound, Thence N 15° W at 5757 varas a stake and mound from which a mesquite brars N 10½ W. 40 varas, another brars N 2½ W 60 varas: Thence up the River with its meandus to the beginning. Bearings marked X

3d The 640 acres of land granted to the heirs of Thos H. Cosby deceased. situated and described as follows: In Bexar County, known as survey No 320. in section No 16 on the North bank of the little Elm fork of the Clear fork of the Brazos River about 25 miles above Fort Phantom Hill; by virtue of Donation warrant No 451 issued by the Adjutant- General the 8th of October 1852 in consideration of the said Cosby having fallen with Fannin; Beginning at a stake the upper corner of survey No 219. from which a China brars S. 44½ W. 4 varas, a Pecan brars N 4° E 2 varas: Thence North 15° West. 2835 varas to a stake and mound: Thence S. 75° E 4765 varas, to a stake from which a willow brars S 58½° E 2 varas, an Elm, brars S 30° W 8 varas— Thence down the River with its meandus to the beginning Bearing- marked X.

October 6th 1882

4th The one labor of land granted to the heirs of Thomas H. Cosby dec'd situated and described as follows: In Bexar County, Survey No 361. in section No 16 on the waters of the Clear fork of the Brazos River about 18 miles S 32° W. from Fort Phantom Hill; by virtue of certificate No 132. issued by the Adjutant Genral in consideration of said Cosby having entered into the service of Texas and fallen with Col J. W. Fannin, Countersigned by the Commissioner of the Genral Land Office; Beginning at a stake, the N E. corner of survey No 130, from which a mesquite brans S 66° E. 25 varas, another brans S 35 1/4° W 35 varas. Thence S. 15° E 1000 varas to a stake and mound; Thence N 75° E. 1000 varas to a stake and mound; Thence N 15° W 1000 varas to a stake and mound on the line of survey No 131; Thence S 75° W 1000 varas to the beginning, Bearings marked X - It is further ordered and adjudged that the costs be paid equally by plaintiff and defendant.

4887 J. R. Nixon vs H & T. C. R. R. Co. - By consent of the parties it is ordered by the court that this cause be and the same is hereby dismissed at cost of the defendant. It is therefore ordered and adjudged and decreed by the court that the plaintiff J. R. Nixon do have and recover of the defendant H & T. C. R. R. Co all costs of this prosecution for which execution may issue.

3794 Andrew Neal vs Western Union Telegraph Co. Rusk Co. for October 13th 1882

Court adjourned till tomorrow morning 9 o'clock

October 7th 1882

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings were had viz:

5833 Winnie Davis et al vs John. B. Rector - And now come the plaintiffs in this case and by leave of the court and by consent of the defendant and file this their supplemental petition and say that they have agreed among themselves, as to a partition of their respective undivided interests in the lands described in original petition, or rather they agree that Wm M. Wallen and R. J. Hill shall make the designated several separate tracts - and they having done so, plaintiffs pray that the said partition be made by decree of the court in accordance therewith which is as follows -

1 The said D. C. and M. L. Roby shall take together the west end of the league, being 1996 1/2 acres, which is the whole of the league, after taking therefrom 2 & 31 1/2 acres partitioned off to John. B. Rector off the East end thereof - They shall take two hundred and twenty and 1/4 acres off the most Easterly side of the Six hundred and forty acres - with a proportionate part on the creek on which said 640 acres are situated thus making up to them Twenty two hundred Sixteen and 3/4 acres of land - Which they take together without further subdivision,

2. The said Winnie A. Davis who acts with her husband E. Davis shall take the North half of the 1920. beginning to point on the creek - the division line to commence in the bank of the creek at such point as running parallel with the original side lines of the original survey, shall contain northerly of said line 960 acres of land, She shall also take the tract-

(labor) of one hundred and seventy seven acres, which amount of 1137 acres, constitute her full proportion of said land. less 14¼ acres which is included as excess in that which is allotted to Jno Pope,

3 The said George Pope shall take the remaining 960 of the 1920 not allotted to Winnie Davis and the remaining four hundred and ninety seven and ¼ acres, not allotted to the said D. C. and M. L. Roby, which constitutes his full share of 1215, and 14¼ acres in excess thereof, the same amount there was of deficit to the said Winnie Davis.

4. The said George C. Pope, because of said excess to pay to Winnie Davis fourteen & 25/100 dollars - which is the reasonably estimated value of the land per acre which he recives over his share from the grant of the said Winnie Davis, They further ask that the decree divest title from and in one another and vest the same in and to one another in and to the forgoing tracts of land as stipulated & as in duty &c. Wallen & Hill for Pltffs.

It is therefore ordered adjudged and decreed by the court that the forgoing decree of partition be and the same is in all things confirmed and that the title to each tract of land as set apart and allotted in this decree be and the same is hereby vested in each of the parties in severally above named free from all claim and demand of the others. and cost adjudged against the parties severally for which execution may issue.

Ernst Burchard { Declaration of intention to become a citizen. 5877

Ex parte. } The State of Texas. County of Travis,

Ernst Burchard being duly sworn according to law, on the District Court of said County, doth declare that he was born in the year A.D. 1855 in the Kingdom of Germany Where he emigrated in the year 1881 to the United States of America, and has selected the State of Texas as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen of the United States and of the State of Texas and renounces all allegiance and fidelity to any foreign prince Potentate, State or Sovereignty Whatsoever and particularly to the Emperor of Germany of Whom he was a subject, Ernst Burchard.

Sworn to and subscribed before me, this 7th day of October 1882

Jas R Hart Clerk Dist Court Travis Co.

B. H Jaynes Exrs vs R. F. Campbell Sal. Defendants have leave to file amended original answer 5591

B. H. Jaynes Exrs vs L. Brown Sal Defendants have leave to file amended original Answer. 5592

C. N. Rutherford Sal } vs R. A. Rutherford } On this day came on to be heard the motion of defendants for security for costs in this case which being considered by the court it is ordered that said motion be granted and that the clerk notify the Plaintiff or their attorney of record of the same, 5767

J. W. Graham Ex Est J. D. McGary decd } vs R. A Chadwick and N. W. Chadwick } On this 6th day of October A.D. 1882 came the plaintiff by his attorney and the defendants having failed to appear and answer in this behalf. but wholly made default Wherefore the said J. W. Graham Ex Est of James D. McGary decd ought to recover against the said R. A. Chadwick and N. W. Chadwick defendants his damages by occasion of the pre- 5786 Ex docket 5 page 113

October 7th 1882.

mises. And it appearing to the court that the defendant R.A. Chadwick is indebted to the plaintiff in the sum of nine hundred and Sixty one 75/100 Dollars principal debt and interest, and the further sum of Eighty ~~six~~ dollars and forty five cents. Attorneys fees as stipulated in the note sued on herein and that said note bears interest at the rate of ten per cent per annum. and it further appearing to the court that said note was executed on the 22nd day of August 1881 to secure the purchase money for Lots Seven (7) eight (8) nine (9) ten (10) & eleven (11) in block No 9. Lot Nos three (3) four (4) five (5) and six (6) in Block No Eleven (11) and Lots Nos one (1) two (2) three (3) four (4) five (5) and six (6) in Block No 12 of out Lot No nineteen (19) Division "O" Austin City Travis County Texas. conveyed to defendant N.W Chadwick the wife of Deft. R.A. Chadwick by Plff J.W. Graham and that said property is held by the Deft N.W. Chadwick subject to the vendors lein retained thereon by said note. It is therefore considered by the court that the plaintiff J.W. Graham Executor of the estate of J.D.W^c Jay dec^d do have and recover of the said defendant R. A. Chadwick said sum of Nine hundred and sixty one 75/100 dollars principal and interest with interest thereon from this date at the rate of ten per cent per annum. and the said further sum of Eighty Six 45/100 Dollars Attorneys fees, as in said note provided, said last sum to bear eight per cent per annum interest from this date together with his costs in this behalf expended. — And it is ordered, adjudged and decreed by the Court that the lein as it existed upon the 22nd day of August 1882 upon the above described lots of land be and the same is hereby foreclosed: as against both of said defendants R. A Chadwick and N.W. Chadwich: and that the clerk of the court do issue an order of sale directed to the Sheriff or any constable of Travis County Commanding him to seize and sell the above described lots of land as under execution: and that he apply the proceeds thereof to the payment and satisfaction of the said sum of Nine hundred and Sixty one 75/100 dollars. and said Eighty six and 45/100 dollars together with all interest that may be due thereon and the costs of this suit: And if the said land shall sell for more than sufficient to pay off and satisfy said sums of money. Then the said officer is hereby directed to pay over the excess to the defendant N.W. Chadwick but if the said land shall not sell for enough to pay off and satisfy this judgment. then said officer shall make the balance due as against the said Deft. R.A. Chadwick as under execution

Court adjourned until Monday morning at 9 O'clock.

October 9th 1882.

Court met pursuant to adjournment. Present same as on first day: Whereupon the following proceedings were had.

Declaration of Intention to become a Citizen.

5878. The State of Texas } Ernest Gleitsmann being duly sworn according to law, in the County of Travis } District Court of said County, doth declare that he was born in the year A.D. 1858. in the Kingdom of Germany. whence he emigrated, in the year 1881 to the United States of America and has selected the State of Texas as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen of the United States. and of the State of Texas, and renounces forever all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatsoever. and particularly to the Emperor of Germany of whom he was a subject.

Ernest Gleitsmann

Sworn to and Subscribed before me. this 9 day of October 1882. Jas P. Hart Clerk.

5874. Hinton Smith } Hinton Smith having made application before the Dis-
Ex parte. } trict Court of Travis County Texas. at the October
term A.D. 1882 thereof: for license to practice as an attorney and Counsellor

October 9th 1882

at law: and he having produced the cutificate required by law, showing that he is twenty one years of age and a man of good moral character and honorable deportment: and the court being satisfied upon examination in open court and by the report of the examining committee of his legal qualifications: it is ordered by the court that the said Hilon Dorich be and he is hereby admitted and authorized to appear plead and practice as an attorney and counsellor at law in all District and inferior courts of the State of Texas, and further ordered that the Clerk of this court issue to him a license accordingly.

Edmund Paine vs Sarah A. Paine } This case being regularly called for trial came the plaintiff by attorney and announced ready. But the defendant came not, and it appearing to the court that the defendant in this case had been duly and legally served by citation by publication it was thereupon ordered by the court that Jno Wm Wilson an attorney at this bar be and he is hereby appointed by the court to represent the absent defendant thereupon it was ordered by the court that the plaintiff have leave to file 1st amended original petition and the trial ordered to proceed, and the court after hearing the pleadings evidence and argument of counsel thereon finds that the material allegations in plaintiffs petition contained are true and that he is entitled to his divorce, It is therefore ordered adjudged and decreed by the court that the bonds of matrimony heretofore existing between the plaintiff Edmund Paine and the defendant Sarah A Paine be and the same are hereby forever dissolved, and further ordered by the court that a fee of ten dollars be taxed as costs for the attorney appointed by court, and costs of suit by counsel taxed against the plaintiff. 5785 v

Court adjourned till tomorrow morning 9 o'clock

October 10th 1882

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

It is ordered by the court that the Clerk of this court draw a certificate upon the County Treasurer of Travis County in favor of Radcliff Platt for the sum of ($18.80) Eighteen 80/100 dollars, necessary expenses incurred in examining Witnesses for Grand jury from the Asylum and Dan Kinney's livery stable carriage, said account having been approved by Ed Christian Foreman of Grand jury, and now ordered filed and certificate issued. order of court 5 8

M. C. Hamilton vs Richard Flinn } Now on this 2nd day of October A.D. 1882 the motion to confirm the sale of the commissioner heretofore appointed in this case coming on to be heard. And there being no opposition to said Motion to confirm said sale, and it appearing to the court that said sale was in all things conducted according to law and was fair; It is therefore ordered and decreed that said sale be in all things approved and confirmed and that John R. Kirk Commissioner as aforesaid, make a deed of conveyance conveying the lot of land described in the former decree in this case to the purchaser Morgan C. Hamilton, that out of the proceeds of said sale said commissioner pay. First the costs incurred in this case in- 4278

October 10th 1882.

cluding his fee as commissioner. Second. that he pay the pleaintiff Morgan C. Hamilton the sum of Five Hundred and Sixty Eight Dollars. Third that he pay to Thomas. E. Sneed Esq the sum of One Hundred Dollars for his services as guardian ad-litem for the defendants in said case. and that he pay the balance of the proceeds of said sale to the defendants Richard Plume. Della Plume. Ida S. Brophus. adaline Plume and Emma Plume, Or to their attorney. It is further ordered that the pleaintiff Morgan C. Hamilton have his writ of possession for the lot of land described in the former decree of this Court. Certificate of Naturalization. United States of America,

5880 ✓ Frederick Hötz / Ex Parte

The State of Texas, County of Travis. Be it remembered, that at the District Court for the County of Travis aforesaid. held at the court house thereof, in the City of Austin on the 10th day of October A. D. 1882. Frederick Hatz a native of Germany, exhibited a petition praying to be admitted to become a citizen of the United States; and it appearing to the court that he had declared on oath before the clerk of the Criminal Court of Saint Louis County Missouri. that it was bona fide his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state or Sovereignty whatsoever, and particularly to the Emperor of Germany, of whom he was at that time a subject: and the said Frederick Hatz having on oath declared, and also made proof thereof, agreeably to law, to the satisfaction of the court, that he had resided one year and upwards within the State of Texas, and within the United States of America upwards of five years, both periods immediately preceding his application, and that during said period of five years he had 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 having declared on oath before the said court that he would support the constitution of the United States. and that he did absolutely and entirely renounced and abjured all allegiance and fidelity to every foreign, prince, potentate, state and sovereignty whatsoever, and particularly to the Emperor of Germany, of whom he was before a subject: and having in all respects complied with the laws in regard to naturalization; Thereupon the said Court admitted the said Frederick Hatz, to become a citizen of the United States. and ordered that all the proceedings aforesaid to be entered in the records of said Court.

5817 ✓ The State of Texas vs F. L. Busch et al

On this 10th day of October A. D 1882 came the pleaintiff by attorney and the defendants F. L. Busch and D. H. Reagan after being duly cited as required by law having failed to appear and answer in this behalf but wholly made default. wherefore the pleaintiff ought to recover against said defendants F. L. Busch and D. H. Regan her damages by occasion of the premises it is therefore considered ordered adjudged and decreed by the court that the pleaintiff the State of Texas have Judgment by default against said defendants F. L. Busch and D. H. Regan and that pleaintiff have her writ of enquiry to be executed at some future time.

5366 ✓ The State of Texas vs Will Livingston et al Set for November 24th 1882

5468 ✓ A Snider Pilligrini vs Forster Sudlow & Co. No Counsel appearing Continued.

5592 ✓ B. H. Jaynes Heirs vs Leander Brown et al. It is ordered by the Court that Thos. E Sneed Esq be and he is hereby appointed guardian ad litem of the Minor defendants Samuel W. Josiah P. John L. and Wm H. Kinney.

5727 ✓ The State of Texas vs N. J. Garland et al. Set for October 13th 1882.

October 10th 1882.

M. A. Taylor et al vs Aug. Ekstrom et al. Continued by operation of law 5788
R. R. Townsend vs Jos. Barron et al. Continued for service 5803
Wm. E. Smith vs I. & G. N. R. R. Co. Set for Nov 22nd 1882 5809
Paddock Hauley Iron Co vs Jno A. Webb & Bro. Passed to end of docket 5811
David Stewart vs August Fontech. Passed by consent until after the criminal docket 5814
Jas. Dittrich vs D. M. Wilson Continued for service 5830
Robt Adams vs Laura Adams. No counsel appearing case continued 5831
Bailey Sparks vs Leah Sparks. No counsel appearing case continued 5832
Alice M. Burdett vs Thomas P. Burdett Continued by operation of law 5841
Letitia C. Illingsworth vs Alfred Smith et al Set for November 13th 1882 5843
Rufus Howard vs Martha Howard alias M. Elgin. No counsel appearing Continued 5844
John Rainey vs Dicey Rainey No counsel appearing Continued 5845
W. C. Denny vs Jas. D. Easton et al. Continued by operation of law 5846
W. D. F. Pyle & wife vs I. G. N. R. R. Co & M. P. Ry Co. Set for Nov 20 1882 5847
Joe H. Stewart vs Mc E. Reagan. No counsel appearing Continued 5848
T. L. Winn vs T. H. Miller et al Passed to the end of docket 5849
Elizabeth James vs Philip James. no counsel appearing Continued 5850
A. R. Temple et al vs R. M. Duke et al. Passed to end of Criminal docket 5851
Alitia Parker et al vs Isaac J. Swenson, It is ordered by the Court that Plaintiff have leave to file supplemental petition 5852
T. H. Miller vs Joseph Guaman et al. Passed to end of Criminal docket 5853
Wm Radam vs. Miles widow and heirs of Saml. D. Miles decd. Continued by operation of law 5854
Thos. J. Moore et al vs H. N. Burdett et al Continued to forfeit service 5835
John C. Alexander vs James R. Alexander et al. Passed to end of docket 5861
The State of Texas vs Richard A. Harvin et al. Passed to end of docket 5865
The State of Texas vs Richard A. Harvin et al Passed to end of docket 5866

Court adjourned till tomorrow morning 9 o'clock

October 11th 1882.

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

Frank W. Wisk vs Delia Wisk } This cause having been regularly called and set for trial on this day came the Plaintiff by Attorney and in person and announced ready, but the defendant failed to appear or answer in this behalf although duly and legally served with process; the Court thereupon ordered the trial to proceed, and the Court having heard the pleadings evidence and argument of counsel thereon finds that the the material allegations contained in Plaintiffs petition are true; It is therefore ordered adjudged and decreed by the Court that the bonds of matrimony heretofore and now existing between the Plaintiff Frank W. Wisk and the defendant Delia Wisk be and the same are hereby dissolved and that the Plaintiff recover all costs in this behalf expended for which execution may issue. 5858

October 11th 1882.

5788
5803
5809½
5811
5814½
5830
5831
5832½
5841
5843½
5844
5845½
5846½
5847½
5848½
5849½
5850½
5857½
5852½
5853½
5854½
5855½
5861½
5865½
5866½
5858½

5839

Mary J. Allen vs George P. Allen

And now on the 10th day of October A. D. 1882 this cause came on to be heard and the plaintiff appeared in person and by her attorneys and the defendant failed to appear and answer but wholly made default, and the court after hearing read the petition and the evidence does find that the material facts alleged in the said petition are true: Wherefore it is ordered adjudged and decreed that the bonds of matrimony heretofore existing between Mary J. Allen and George P. Allen be and the same are hereby forever dissolved. And it further appearing to the court that the said Mary J. Allen is the owner in fee simple & in her separate right in her own right of Lots No. five (5) and Six (6) in Block No. one (1) of the subdivision of Outlot Number three (3) in Division A of Austin City Outlots now embraced in the City of Austin conveyed to her by deed of date the 3rd day of January A. D. 1882 from Mary Peck joined by her husband R. N. Peck, the court finds that the said Mary J. Allen is entitled to have said property above described set apart to her Wherefore it is ordered adjudged and decreed by the court that the title to the said above described property be and the same is hereby forever vested and quieted in the said Mary J. Allen as against the said George P. Allen. And it further appearing to the court to be right and proper that the custody and education of the children of said Mary J. Allen and George P. Allen to wit!

should be given to the said Mary J. Allen, the court finds that the said Mary J. Allen should have the custody and education of the said children subject however to the condition that the said George P. Allen shall be permitted to visit them and see them at reasonable times and reasonable intervals. Wherefore it is ordered adjudged and decreed by the court that the said Mary J. Allen do have the custody and education of said children above named conditioned however that the said George P. Allen may visit and see said children at reasonable times and at reasonable intervals. And it is further ordered, adjudged and decreed by the court that the said Mary J. Allen do have and recover of the said George P. Allen all costs &c.

Court adjourned until to-morrow morning at 9 O'clock.

October 12th 1882.

Court met pursuant to adjournment, present same as on yesterday. and there be no civil minutes to record, court adjourned till to-morrow morning at 9 O'clock.

October 13th 1882.

Court met pursuant to adjournment present same as on first day, Whereupon the following proceedings were had viz:

5727

The State of Texas vs H. J. Garland et al

On this 13th day of October A. D 1882 came on to be heard the motion of the State of Texas plaintiff to substitute for the original citation by publication to the defendant H. J. Garland issued in this cause on the 31st day of March A. D. 1882 and which has been lost. a substantial copy thereof which is presented with said motion. and it appearing to the court that said original citation by publication to H. J. Garland was issued in said cause on the 31st day of March A. D. 1882. returnable to the next regular term of this court beginning on the first monday in may A. D 1882 and placed in the hands of the Sheriff of Travis County who executed the same by making publication thereof in the Austin Daily Dispatch a newspaper published in the county of

October 13th 1882.

Travis. once in each week for four consecutive weeks previous to the return day thereof. said publications being made on the 1st 7th 14th 22nd and 28th days of April A.D. 1882 and that before the said citation was returned it was lost and can not be found and that a certified copy thereof can not be had and that the copy of said citation presented with said motion is a correct copy in substance of the said original citation, it is considered, ordered, adjudged and decreed by the Court that said copy of said original citation be and the same is hereby substituted as the original citation by publication to A. J. Garland issued in this cause on the 31st day of March A.D. 1882 and shall hereafter be the said original citation having the same force and effect of the said original citation and the sheriff of Travis County is hereby permitted and authorized to make and endorse his return on said substituted copy as on the said original citation and the clerk of the court is hereby directed to file the said substituted copy with the Sheriffs return thereon with the papers of this cause as the said original citation by publication.

Court adjourned until to-morrow morning at 9 O clock.

October 14th 1882

Court met pursuant to adjournment present same as on first day; Whereupon the following proceedings were had. viz:

The State of Texas } Declaration of Intention to become a citizen. 5884
County of Travis } Mr Lowenstein being duly sworn according to law. in the District Court of said County doth declare that he was born in the year A.D 1851, in the Kingdom of Germany, whence he emigrated, in the year 1868. to the United State of America, and has selected the state of Texas as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen of the United States, and of the State of Texas. and renounces forever all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatsoever and particularly to the Emperor of Germany of whom he was a subject.

Mr Lowenstein

Sworn and Subscribed before me. this 14th day of October 1882 in open Court.

Jas P. Wark clk

Forsha & Co } It appearing to the court on this 12th day of October 1882 that 5708
vs } the defendant in this cause was cited by publication. It is
W. S. Lee } now ordered that the judgment by default nich nisi of inquiry heretofore awarded in this case be now set aside and held for naught and further ordered that D. W. Doom Esq be and he is hereby appointed to represent the absent defendant W. S. Lee.

Court adjourned till Monday morning at 9 O clock.

October 16th 1882

Court met pursuant to adjournment: Present same as on first day. Whereupon the following proceedings were had. viz:

Louisa Schoenert et als } On this day came on to be heard the report of the commission- 5880-6
vs } ers appointed. N.A. Pitts. A.J. Jungman, and Hans Metz
Wm Schoenert } appointed by this court on October 6th 1882 and the same being heard by the court duly considered is hereby approved - And it appearing to the court that there is a mistake in the description of said property in the judgment rendered herein on October 6. 1882 the said description is amended so as to read as follows:

October 16th 1882.

Lot No 17 in Block No 3 of outlot No 4 Division B. of the City of Austin - And it further appearing to the Court that said property is incapable of partition and that necessity exists for its sale, for the purpose of partition. And the said plaintiffs and defendant having filed application for the appointment of a commissioner to sell said property for the purpose of partition such sale to be for cash or on time as may appearing most advantageous to the parties interested, and at public or private sale as may be found best. And it appearing to the court that the appointment of such commissioner is necessary and proper to be made. It is therfore ordered, adjudged and decreed by the court that Tom Murrah Esq. be and he is hereby appointed Commissioner to sell said property as described in said decree of Oct 6/82 and in this order. Said sale to be made by said commissioner of the whole of said property or of the interest of the said minor peffs. alone on time or for cash and at either public or private sale as may seem best. And any contract of sale shall be by said commissioner first reported to this court for its approval and confirmation, and the sale when made shall be subject to the approval or Confirmation of this court. said Commissioner may report at any time.

Edward Pitt. } Declaration of Intention to become a Citizen.

5 88 G Ex Parte } The State of Texas, County of Travis. Edward Pitt being duly sworn according to law, in the District Court of said County, doth declare that he was born in the year A.D. 1857, in the Kingdom of Germany, whence he emigrated in the year of 1880. to the United States of America, and has selected the State of Texas as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen of the United States, and of the State of Texas, and renounces forever all allegiance and fidelity to every foreign Prince, Potentate, State or sovereignty whatsoever, and particularly to the Emperor of Germany of whom he was a subject.

Edward Pitt.

Sworn to and Subscribed before me, this 16th day of October 1882 in open court.

Jas R Hart, clk.

Gustaf Reuder } State of Texas, County of Travis. Gustaf Reuder being duly

Ex Parte } sworn according to law in the District Court of said County, doth

5 887 declare that he was born in the year A.D 1858, in the Kingdom of Germany, whence he emigrated in the year of 1882, to the United States of America and has selected the State of Texas as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen of the United States, and of the State of Texas and renounces forever all allegiance and fidelity to every foreign prince, potentate, State or Sovereignty whatsoever, and particularly to the Emperor of Germany of whom he was a subject.

Gustaf Reuder.

Sworn to and Subscribed before me, this 16th day of October 1882 in open court.

Jas R Hart clk

F. R. Zachrisson } State of Texas. County of Travis.

5 888 Ex Parte } F. R. Zachrisson being duly sworn according to law, in the District Court of said County, doth declare that he was born in the year A.D. 1850, in the Kingdom of Sweden, whence he emigrated in the year of 1879, to the United States of America, and has selected the State of Texas as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen of the United States, and of the State of Texas, and renounces forever all allegiance and fidelity to every Foreign, Prince Potentate, State or Sovereignty whatsoever, and particularly to the King of Sweden of whom he was a subject.

F. R. Zachrisson

October 16th 1882.

Sworn to and Subscribed before me, this 16th day of October 1882, in open court.
Jas P Hart clk

Henrich R. Arnold / The State of Texas County of Travis.
Ex Parte / Henrich R. Arnold being duly sworn according to law, in the District Court of Travis County. doth declare that he was born in the year A.D. 1852 in the Kingdom of Germany. whence he emigrated in the year 1874 to the United States of America. and has selected the State of Texas as the place of his intended settlement: And he further declares that it is bona fide his intention to become a citizen of the United States: and of the State of Texas. and renounces forever all allegiance and fidelity to every foreign prince. Potentate. State and sovereignty whatsoever, and particularly to the Emperor of Germany of whom he was a subject. 5891

Henrich R. Arnold,
Sworn to and Subscribed before me. this 16th day of October 1882. in open court,
Jas P Hart clk.

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

October 17th 1882.

Court met pursuant to adjournment. present same as on first day. Whereupon the following proceedings were had viz:

J. Walter Eggiman / Declaration of Intention to become a citizen,
Ex Parte / The State of Texas, County of Travis. 5890

J. Walter Eggiman being duly sworn according to law, in the District Court of said County, doth declare that he was born in the year A.D. 1858, in the Republic of Switzerland whence he emigrated in the year 1879, to the United States of America, and has selected the State of Texas as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen of the United States, and of the State of Texas, and renounces forever all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty, and particularly to the Republic of Switzerland of whom he was a subject. J. Walter Eggiman
Sworn to and Subscribed before me, this 17th day of October 1882. in open Court.
Jas P Hart clk

Jaynes heirs vs R. F. Campbell et al / On this 16th day of October 1882 came the plffs in the above cause by their attorney and the defendants D. M. Harrell, John Stringer J. F. Adams Wm Bray & N. B. Knight having been duly cited failed to appear and answer in this behalf but wholly made default. Wherefore the said Plaintiffs Amos A. Jaynes. Juliet F. Camp and her husband Augus F. Camp in her right and Caroline P. McFarland and her husband Thos. J. McFarland in her right. Brewster J. Williams and Oscar W. Williams ought to recover against the said. D. M. Harrell. John Stringer J. F. Adams Wm Bray & N. B. Knight by occasion of the premises. Court adjourned till tomorrow 9 oclock 5891

Nov 19, 1882.

B. H. Jaynes heirs vs Leander Brown et al / On this the 19th day of October A.D. 1882 came the plaintiff by their Attorney and J. F. Crosby one of the defendants in the above cause having been duly cited failed to appear and answer in this behalf but wholly made default. Wherefore the said plaintiffs Amos. A. Jayne, Juliet. F. Camp and her husband Augus. F. Camp in her right. Caroline P. McFarland and her husband Thos. J. McFarland in her right. Brewster J. Williams and Oscar. W. Williams ought to recover against the said J. F. Crosby by occasion of the premises. 5894

Court adjourned till tomorrow morning 9 oclock.

October 10th 1882.

Court Met pursuant to adjournment present same as on first day. Whereupon the following proceedings were had. Viz;

State of Texas - County of Travis

N. N. Gammel / Nelson N. Gammel being duly sworn according to law in the
Ex Parte / district court of said County, doth declare that he was born in the
year A.D. 1856 in the Kingdom of Denmark, whence he emigrated in the year of
1873, to the United States of America, and has selected the State of Texas, as the place of his
intended settlement: And he further declares that it is bona fide his intention to
become a citizen of the United States, and of the State of Texas, and renounces forever
all allegiance and fidelity to every foreign Prince, Potentate, State or sovereignty what
soever, and particularly to the King of Denmark of whom he was a subject.

Nelson N Gammel.

Sworn to and Subscribed before me, this 10th day of October 1882. in open court.

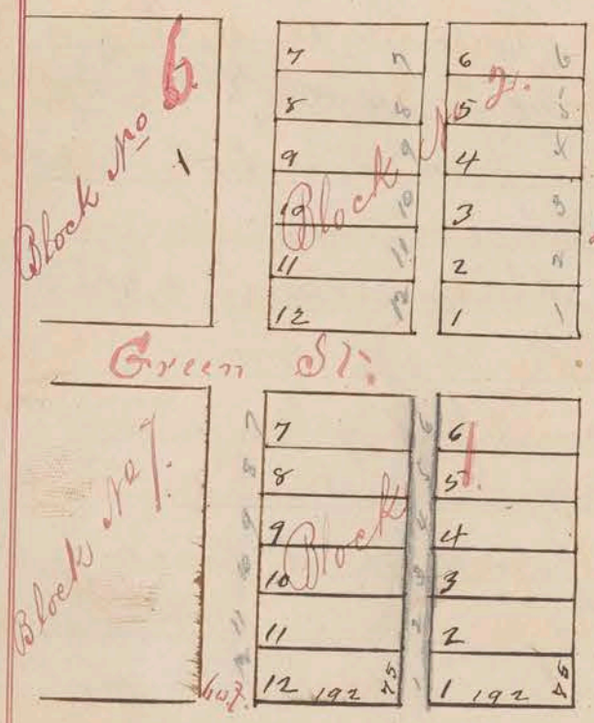
Jas R Hark Clerk

R. H. Jaynes heirs. Amos. A. Jayne. Julia F. Camp
Augus. J. Camp. Caroline P. McFarland. Thomas J.
McFarland. Brewster J. Williams. Oscar W. Williams
vs
R. F. Campbell Wm M. Walton. John A. Green, R. J. Will
D. M. Harrall L. D. Matthews. W. S. Matthews. D. B.
Matthews. M. E. Matthews. J. S. Matthews R. H.
Matthews. R. P. Matthews. Geo. F. Pendexter. A. L.
Townsend Wm Smythe. John Stringer. D. W. Crews
J. W. Hamming. George Whiteford, Gustav. Frick.
Jos. Spence Mary Teasdale Robert Teasdale
Walter Green. E. L. Hancock. Thomas Pitt. Wk
Jackson. Jas. F. Adams. Wm. Bray

On this the 16th day of October A. D. 1882 came the plaintiffs by their Attorney and William Bray Jas. F. Adams and N. C. Knight though duly cited to appear and answer herein come not but wholly made default wherefor the said plaintiffs ought to recover against them the said William Bray, Jas. F. Adams and N. C. Knight and have their order and decree of partition by occassion of the premises — And also came the other defendants and a jury not being demanded by any one of either parties the parties submit the matters in controversy as well of fact as of law to the court. The deft Jas Spence disclaimed title. And then came on to be heard the demurrers of the defendants respectively to the plaintiffs petition which were submitted to the court without argument - it is the opinion of the court that the law is for the plaintiffs. It is therfor considered by the court that the defendants demurrers respectively be overruled and that the plaintiffs recover of the defendants respectively the costs of their said demurrer for which they may have their execution. Then came on to be heard the demurrer of plaintiffs to the pleas of the defendants respectively as therein set up and the argument of counsel thereon being heard it is the opinion of the court that the law is for the defendants, it is therfor considered by the court that the demurrer of plaintiffs be overruled. and that the said defendants recover of the plaintiffs the costs of said demurrer for which they may have their execution — And the evidence and argument of counsel having been heard and fully understood, it is considered and adjudged by the court that the plaintiffs take nothing by their suit as to the defendants Robert F. Campbell. William M Walton John A. Green. R. J. Will. Mrs Louisa D. Matthews. William S. Matthews. Daniel. B. Matthews Miss Mary E. Matthews James. P. Matthews, Robert H. Matthews. Rufus. P. Matthews. George F. Pendexter Mrs Augusta L Townsend. William Smyth. D. W. Crews. J. W. Hamming George Whiteford Gustave Forich. Mrs Eliza L. Hancock and W. R. Jackson and that they go hence without day and that they be quieted in their respective titles as pleaded and that they recover of the plaintiffs their costs in this behalf expended and that they have their execution. It is further considered adjudged and decreed by the court that the plaintiffs and the defendants William Bray, James F. Adams. N. C. Knight. Thomas Pitt - John Stringer and Mrs D. M. Harrell are tenants in common and that they to-gether hold an undivided Estate and title in the lots numbered Nos. one two - three. and four in block one. and three four five - seven - eight - nineteen - eleven. and

October 20th 1887.

twelve in block two the same being parts of lot No seventy five in division D of the Government tract adjoining the city of Austin in Travis County. as shown by map of Smythes addition to City of Austin. — And that the plaintiffs together hold and undivides one half of said lots equal in valur location and situation and that defendants William Bray and Mrs D.M. Harrell together in some way hold and undivided (9/26) Nine-twenty Sixths of said lots and that defendants Thomas Pitt. A.C. Knight and John Stringer together in some way hold and undivided (3/26) two twenty-Sixths of said lots and that defendant James F. Adams hold and undivided (2/26) two twenty-Sixths of said lots. It is further considered adjudged and decreed by the Court that one half of said lots equal in Valur location and Situation be partitioned off to the plaintiffs together so as not to include improvments or the least thereof if it can so be done and that the other half thereof be left for the last aforesaid defendants.



It is further ordered that D.C. Sandell. M.V. Crenshaw and J.P. Kirk are here appointed commissioners any two of whom can act to partition the said lots in accordance with the order of the court herein. And report make as early after servici hereof as they can reasonably do so. It is further ordered adjudged and decreed by the court that the plaintiffs do have and recover of the said defendants William Bray. Mrs D. M. Harrell. Thomas Pitt. A.C. Knight and John Stringer all the costs in this behalf expended and that they have their execution. It is further ordered that execution issue for the use of the officers of Court against each party respectively for the unpaid costs by them in this behalf incurred.

The disclaimer of deft. Spence not having been controverted he recover cost herein for which execution may issue. & this decree concludes his interest in the land sued for.

The court having been been requested to file a Statement of the facts & law as found by him Such Statement has been filed of record

Court adjourned until to morrow morning at 9 O clock.

October 21st 1887.

Court met pursuant to adjournment Present same as on first day. Whereupon the following proceedings were had viz:

Louisa Schobert et al / vs / Wm Schobert

On this day came the plaintiffs Louisa. Julia and Tonay Schobert by J.W. Robertson, their atty ad. Litem and the defendant Wm Schobert in his own proper person and thereupon came on to be heard the report of the commissioner Tom Munah heretofore appointed by the Court to sell the interest of the said minor plaintiffs in the property heretofore ordered partitioned in said cause. And it appearing to the court from said report and from the evidence on the hearing thereof. that the said Tom Munah commissioner aforesaid. has sold the interest of the said minors, in the property aforesaid to wit Lot No 12 Block No 3 and Lot No 4. Division D. of the city of Austin, Travis County Texas. and in what is known as Stewart & Mairs addition to said city of Austin. and being the same lot and the improvments thereon sold and conveyed to H. Schobert by R.C. Stewart and A.S. Mair. by the deed dated March 7. 1876. their interest being one undivided one half thereof to the defendant William Schobert for the sum of One hundred & forty dollars cash. And it

October 21st 1882.

further appearing to the court that said Wm Schorment has paid said purchase money into the hands of said Tom Murrah - And it appearing to the court that said sale has been fairly made and for the full value of said interest, and that it will be to the interest of said minor plaintiffs to have the sale confirmed. It is therefore considered, ordered adjudged and decreed by the court that the sale of the interest of said minor plaintiffs in the property aforesaid made by the said Tom Murrah. commissioner as aforesaid to the said Wm Schorment for the sum of $1140.00 - cash be and the same is hereby approved and confirmed. and the said Tom Murrah. is hereby ordered to make title to the said Wm. Schorment in accordance with this decree. It is further ordered adjudged and decreed by the court that the said plffs. Louisa. Julia & Tony Schorment on the making and delivery of the deed aforesaid by the said Murrah to the said Wm Schorment be and they are jointly and severally forever divested of all their right title, and interest in and to the property aforesaid and that the title and possession of the same. be and the same is forever invested in the said Wm Schorment his heirs and assigns - It is further ordered that a fee of Twenty five Dollars be taxed in favor of J.W. Robinson guardian ad. litum and that the same be paid by said Tom Murrah out of the proceeds of said sale. And that he pay one half the costs of this suit out of said proceeds. And that the remaining one half be taxed to the said defendant - It is further ordered that after said fee & costs are paid the remainder of said fund be deposited with the clerk of this court untill the further order of this court. and that this cause remain on the docket untill said fund is disposed of.

Court adjourned till Monday Morning 9 oclock,

October 23d 1882.

Court met pursuant to adjournment. Present same as on friday Whereupon the following proceedings were had viz:

5817 The State of Texas vs. F. L. Busch et al. On Oct 13th this cause by consent of parties was set for trial for October 28th 1882

5845 John Rainey vs Dicey Rainey } On the 20th day of October 1882. the continuance entered heretofore in this cause is now set aside and cause called for trial and on witness examined, and now on this 23d day of October 1882 upon motion of plaintiffs attorney it is ordered that this case be now withdrawn from trial and continued.

4935 Carlton & Robinson vs B. Trigg. Passed to end of Jury docket.

4975 T. L. Nunn vs Edmund Green. Passed to end of Jury docket.

5205 E. M. Stands et al vs Milton Wallace, Passed to end of Criminal docket.

5366 The State of Texas. vs Wm P. Livingston et al. Continued by consent.

5375 The State of Texas vs W. R. Middleton et al. Set for Nov 24th 1882.

5392 D. Weinbergen & wife vs H. & T. C. R. R. Co. Continued by Plaintiff

5404 D. Weinbergen Guardian &c. H. & T. C. R. R. Co. Continued by Plaintiff

5521 Jno. T. Allen vs A. N. Belo & Co. Continued by consent.

5530 D. The Ayres. vs W. C. Walsh Comp. &c. No Counsel appearing. Continued.

5564 John & Lewis Hancock vs R. Kaumacher et al Continued.

5598 The State of Texas. vs S. M. Straughan et al Set for November 30th 1882

5690 John Benton Nat Guard &c. vs Ed Cleary et al. Passed to end of Criminal docket.

5771 R. J. Capes et al. vs J. L. Dis Kill Admr. Set for October 30th 1882.

5774 The State of Texas vs W. R. Edwards et al. Passed to end of Criminal docket

October 23d 1882.

Thomas K. Hawkins vs H. & T. C. R. R. Co Continued by consent 5782
Wm E. Smith vs I & G. N. R. R. Co. Set for Nov 22d 1882 5809
F. C. & L. A. Evans vs City Water Company. Passed to end of Criminal docket 5825
Travis County vs H. & T. C. R. R. Co. Set for Nov 3d 1882 5826
M. A. Taylor et al vs H. & T. C. R. R. Co. Set for Nov 3d 1882 5837
H. B. Hillyer. vs Jos. W. Haynie. Set for November 13th 1882 5840
R. O Johnson et al vs H. & T. C. R. R Co. Continued on affidavit of defendant 5859
J. R. Morgan vs M. E. Morgan set for Nov 20th 1882 5863
V. and A. Myer and Co. vs W. A. Randolph Continued 5870
A. N. B. & L. Association vs F. B. Forshe. The Hon A. S. Walker having heretofore filed and entered his disqualification in this cause Now come the parties and file the following agreement in writing viz: A. N. B. & L. A. } In District Court of Travis County Texas.
vs No 5687 } In the above styled and numbered cause Hon
F. B. Forshe. } A. S. Walker Judge of said Court being disqualified, and Hon C. S. West heretofore agreed upon as special Judge to try said cause having refused to act longer as such special Judge we hereby agree to and do select Fred Carleton Esq as Special Judge to try said cause. This Oct 23d 1882.
J. W. Robinson atty for A. N. B. & L. A.
John Dowell atty for defendant.
Thereupon the Hon Fred Carleton having taken the Constitutional oath required by law as such Special Judge made the following order in said cause — viz: Hon Fred Carleton Special Judge presiding, It is ordered by the Court upon motion of plaintiff that this cause be and the same is hereby dismissed. and that plaintiff do have and recover of and from the defendant Francis. B. Forshe all costs in this behalf expended for which execution may issue.
Fred Carleton
Special Judge 5687

N. Martini } Declaration of intention to become a Citizen.
Ex Parte }
The State of Texas. County of Travis — N. Martini being duly sworn according to law, in the District Court of said County. doth declare that he was born in the year A. D. 1847. in the Kingdom of Germany whence he emigrated in the year of 1881. to the United States of America, and has selected the State of Texas as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen of the United States, and of the State of Texas, and renounces forever all allegiance and fidelity to every foreign Prince. Potentate. State or Sovereignty whatsoever. and particularly to the Emperor of Germany of whom he was a subject. 5892

N. Martini.

Sworn to and Subscribed before me. this 24 day of Oct 1882. in open Court
Jas R. Hart Clerk.

Court adjourned till to-morrow morning at 9. O'clock

October 25th 1882

Court met pursuant to adjourned present same as on first day. And there being no civil minutes to record. Court adjourned untill to-morrow morning at 9 O'clock.

October 26th 1882.

Court met pursuant to adjournment present same as on first day. Whereupon the following proceedings were had: Viz:

5893 The State of Texas } Albert Pitt being duly sworn according to law, in the District Court
County of Travis } of said County, doth declare that he was born in the year A.D. 1850, in the Kingdom of Germany whence he emigrated in the year of 1880, to the United States of America, and has selected the State of Texas as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen of the United States, and of the State of Texas, and renounces forever all allegiance and fidelity to every foreign Prince Potentate, State and Sovereignty whatsoever, and particularly to the Emperor of Germany of whom he was a subject.

Albert Pitt.

Sworn to and Subscribed before me, this 26th day of October 1882 in open Court.

Jas P. Hart clerk.

Court adjourned till tomorrow morning 9 Oclock.

Octobr 27th 1882

Court met pursuant to adjournment. Present same as on first day whereupon there being no civil business transacted of this day or minutes to record. Court adjourned till tomorrow morning 9 oclock

Octobr 28th 1882.

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings were had viz:

5882 ✓ Harriet Maxwell } And now on this day this cause coming on to be
vs ✓
Aaron Maxwell } heard the plaintiff appeared in person and by her attorney but the defendant failed to appear and answer in his behalf although having duly accepted service herein, but wholly made default and the Court after hearing the petition read and the evidence doth find that the material facts alleged in the said petition are true. Wherefore it is ordered adjudged and decreed that the bond of matrimony heretofore existing between Harriet Maxwell and Aaron Maxwell be and the same are hereby forever dissolved. and it further appearing to the Court to be right and proper that the custody of the children of the said Harriet Maxwell and Aaron Maxwell to wit: Fannie. Amanda. and Henrietta Maxwell, should be given to the said Harriet Maxwell the Court finds that the said Harriet Maxwell should have the custody of the said children subject however to the condition that the said Aaron Maxwell shall be permitted to visit them at reasonable time and reasonable intervals, Wherefore it is ordered adjudged and decreed by the Court that the said Harriet Maxwell do have the custody and education of said children above named conditioned however that the said Aaron Maxwell may visit and see said children at reasonable times and at reasonable intervals. It is further ordered that the defendant pay all costs in this behalf expended for which execution may issue.

5727 ✓ The State of Texas vs H. J. Garland et al. Passed until tomorrow 4th 1882 after call of motion docket.

October 28th 1882.

The State of Texas vs F. L. Busch Def't Set for November 4th 1882 — 5817
Court adjourned till Monday morning 9 o'clock.

October 30th 1882

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz: — 5860

Thos. M. Dodd vs Jno P. Dodd & Mary Spillman

This case coming on to be heard on the 21st day of October A D 1882 the plaintiff appeared by Jno N. Lyle his attorney and the defendants by Robinson and Williams their attorneys and thereupon the parties announced ready for trial, And no jury having been demanded the said parties submitted the questions of fact as well as of law to the court; And the court after having heard the pleadings evidence and argument of counsel took said cause under advisement and reserved his decision to a future day of the term; And now on this 30th day of October A D 1882 came the parties aforesaid and the court having fully considered said cause doth adjudge and decree as follows: It is ordered adjudged and decreed by the court that the plaintiff Thos M. Dodd do have and recover of the defendant Jno. P. Dodd the amount of principal and interest due upon the note described in the petition to wit: the sum of $919 63/100 with interest from this date at the rate of 12 per cent per annum and all the costs of this suit as against the defendant Jno. P. Dodd for which he may have his execution. It is further ordered adjudged and decreed that the said plaintiff take nothing by his said suit as against the defendant Mary Spillman and that the defendant Mary Spillman recover of the said plaintiff all costs by her incurred in this suit for which she may have her execution. It is further ordered adjudged and decreed that the mortgage executed by said Jno. P. Dodd to the plaintiff Thos M. Dodd, dated May 21st 1878 and recorded in Williamson County records of deeds in Book No 21 on pages 431 & 432 on April 16th 1879 upon the following described tract of land situated in the county of Williamson and State of Texas and described in said mortgage as follows. "All that tract or parcel of land, a part of the Thos. P. Davy survey lying on the waters of Lake Creek in Williamson County viz: and purchased by us from S. A. Brown and Mary J. Brown April 3rd 1872, and said to contain fifty acres of land" and referring to said deed of Brown and wife to Jno. P. Dodd as recorded in the records of deeds of Williamson County Texas on June 7th 1873 in Book No 13 page 681 in which said last named deed said tract of land is described as follows. " Beginning at the S. W. corner of the T. P. Davy 1/4 league in Williamson County on Lake Creek: Thence N 19° W along the west line of said survey 375 7/10 vrs to a stake: Thence N 71° E 757 vrs. to a stake: Thence S 19° E 375 7/10 vrs to a stake on the south line of said Davy survey: Thence S 71° W 757 vrs to the place of beginning" be and the same is hereby cancelled, annulled and held for naught, and it is further ordered, adjudged and decreed that the cloud cast-

October 30th 1882

upon the title of the said Mary Stillman to said track of land by the said mortgage be and the same is hereby forever annuled and that the same forth hold the same free of all liens created thereby. But this decree shall not in any manner effect the vendors lien to secure the balance of purchase money due by the said Mary Stillman. the same being unaffected in the hands of the holder of the purchase money notes, to which judgment of the court the plaintiff excepts.

Giles A. Burdett Admr. } And now on this 25th day of October 1882
vs } came on to be heard the report of Giles A.
W. B. Burdett et al } Burdett Administrator of the estate of Jesse
Burdett deceased as Commissioner heretofore appointed to make sale of
certain lands for partition among the heirs of Jesse Burdett deceased, which
report is as follows: "Austin Texas July 1st 1882, To Hon A. S. Walker
Judge District court of Travis County Texas. Your petitioner Adm. of Est
of Jesse Burdett died and appointed Commissioner by your honorable Court
term 1881 for sale of part of the John M. Carpenter L & L of land
in the County of Falls and State of Texas. most respectfully reports: that
he has sold to Cornelius Barnes of the County of Falls and State
of Texas 92 acres of land out of said Carpenter League & La described
as track No 12 in the report and plat returned by the Commissioners
appointed for the purpose of partition of said Leag & labor in Cause No 3030
Giles A. Burdett vs W. B. Burdett et al for the price of four hundred
dollars - Cash to be paid on confirmation of sale, said sale is made
subject to accrued taxes and reserving the right of way claimed by the
H & T C R.R. which is not to be conveyed, Your petitioner believes that
the price offered is a fair and just valuation, and prays that said
sale be approved and confirmed. S. A. Burdett Administrator & Commissioner
Subscribed and sworn to before me this July 1st 1882.
Flavius Cornell Not Pub Travis Co Tex.

And it appearing to the satisfaction of the Court after hearing the evidence
adduced and making due inquiry into the manner of making said
sale; that said sale has been fairly made; that said amount of
Four hundred dollars agreed upon is a full and fair price for the land
sold and that the first interest of all parties herein requires confir-
-mation of said sale, That said sale is in all things approved and
confirmed, and it is ordered adjudged and decreed that on receipt
of said sum of $400.00 the said S. A Burdett do execute and deliver
to the said Cornelius Barnes all necessary deeds of conveyance, con-
-veying to said Barnes in fee simple all the right title and interest
of the heirs of Jesse Burdett died as well as all other parties to this
suit in and to said above discribed track or parcel of land and cause
continued for term.

Court adjourned until to-morrow morning at 9 O'clock.

October 31st 1882.

Court met pursuant to adjournment present same as on yesterday: Whereupon
the following proceedings were had viz.

October 31st 1882

Julius F. Schmidt / Declaration of Intention to become a citizen. 5895

Ex Parte / The State of Texas. County of Travis. Julius F. Schmidt being duly sworn according to law. in the District Court of said County. doth declare that he was born in the year A. D. 1859 in the Kingdom of Germany. whence he emigrated in the year of 1877. to the United State of America. and has selected the State of Texas as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen of the United States. and of the State of Texas. and renounces forever all allegiance and fidelity to every foreign Prince, Potentate. State or Sovereignty whatsoever. and particularly to the Emperor of Germany of whom he was a subject:

Julius F. Schmidt.

Sworn to & Subscribed before me. this 31st day of October 1882 in open court.

Jas R. Hart Clerk

Minnie Davis et al / On this the 28th day of October 1887. The motion of the plaintiff 5833

vs / to amend and consolidate the decrees heretofore entered in this cause coming on to be heard. and the same being submitted and the parties agreeing thereto. It is ordered by the court that said motion be allowed. and that said decrees and the same are hereby consolidated so that they read as follows:

Jno. B. Rector / This day this cause came on to be heard and the plaintiffs. appearing by their attorneys Wm M. Walton, and John B. Rector in person. And it appearing to the court that the plaintiffs and defendant had agreed upon a statement of facts in this case which are on file. It is therefore considered by the court that the defendant John. B. Rector do have and recover from the plaintiffs. D. C. Roby. M. F. Roby. George Pope & Minnie Davis, and her husband E. Davis the following described tract of land to be owned & held by him the said Rector in Severalty in fee simple title one of survey of one league of land in Fisher County. Survey No 315 Patented to the heirs of Thomas. H. Conby. Beginning at the N E. Corner of said league from which a cluster of Walnut trees brans S. 8 deg W. 25 varas and a Hackberry brans S. 72 deg W 14 varas - Thence S. 15 deg E 165 vrs to the main Elm Fork of the Brazos 25.00 vrs to a stake & mound the S.E. corner of said league. Thence S 75 deg W. along the S. Boundery line of said league to a point in said line. Thence a line drawn Northward parallel with the east boundary of said league & extended until it strikes the North boundery line of said league & thence ~~north~~ with north boundery line of said league Eastward to the place of beginning will cut off (2431/4) Twenty four hundred and thirty and 1/4 acres of land. for the said Rector with all the improvments on the same. X 2nd It is further ordered by the court that plaintiff D. C. Roby. M. F. Roby George Pope by next friend - E. Davis. Minnie Davis joined by her husband E. Davis. and E. Davis as next friend for the use of George Pope do have and recover from the said John B. Rector defendant all of the balance of said surval tracts of land described in plaintiffs petition. 1st The said league less the (2431/4) Twenty four hundred & thirty one 1/4 acres above set apart to said Rector. Said league is described as follows. Beginning at a stake. the S.W. corner of survey No 314 from which a mesquite brans S. 78 deg E 15 vrs another brans S 35 1/2 deg E 15 varas - Thence N 75 deg E crossing a creek and the main Elm fork 10.000 varas to a stake from which a cluster of walnut trees brans S 84 deg W. 25 varas a hackberry brans S 72 deg W varras. Thence S. 15 deg E 165 varras. to the main Elm fork 25 00 varas to a stake & mound - Thence S 75 deg W. crossing a creek 10.000 to a stake from which a mesquite brans N 43 deg E 20 varas another N 34 1/2 E 18 varas. Thence N 15 deg W 1800 varas to a creek 25 00 varas to the beginning. Bearings marked X

2nd The 1920 acres granted to the heirs of Thos. H. Conby deceased situated and described as follows

October 31st 1882.

In Bexar county known as survey No 321 in section No 16 on the south bank of the main Elm fork of the clear fork of the Brazos river about 35½ miles above Fort Fort Phantom Hill by virtue of Bounty warrant No 1147 issued by the adjutant General on the 8th day of October 1852. Beginning at a stake the N.E. corner of survey No 315 from which a hackberry brs S. 38E. 16 varas another brs N 65 W 70 varas. Thence S. 15 E at 971 varas a stake & Mound. Thence N 75 E at 1444 varas a stake & mound. Thence N 15° W at 5751 varas a stake & mound from which a mesquite brs N. 10½ W 40 varas another brs N. 2½ W 60 varas. Thence up the River with its meanderings to the beginning: Bearings marked X. 3rd. The 640 acres of land granted to the heirs of Thos H. Cosby deceased. situated and described as follows In Bexar County known as survey No 220 in section No 16 on the North bank of the little Elm fork of the Clear fork of the Brazos River about 25 miles above Fort Phantons Hill: by virtue of Donation warrant No 451 issued by the Adjutant General the 8th of October 1852 in consideration of the said Cosby's having fallen with Fannin: Beginning at a stake the upper corner of survey No 219 from which a china brs S 44½ W 4 varas a Pecan brs N 4° E 2 varas: Thence North 15° West 7835 varas to a stake and mound: Thence S 75° W 950 varas to a stake and mound. Thence S. 15° E 765 varas to a Stake from which a willow brs S. 58½° E 2 varas on Elm brs S 30° W 8 varas— Thence down the River with its meanderings to the beginning. Bearings marked X 4th The one labor of land granted to the heirs of Thos H. Cosby dec'd. situated & described as follows: In Bexar county being survey No 361 in section No 16 on the waters of the Clear forks of the Brazos River about 18 miles S 32° W from Fort Phanton Hill: by virtue of certificate No 132. issued by the adjutant General in consideration of said Cosby having entered into the service of Texas. And fallen with Col J. W. Fannin counter-signed by the Commissioner of the General Land Office. Beginning at a Stake the N. E corner of survey N 130. from which a mesquite brs S 66° E 25 vrs. another brs S 35½° W 35 vrs. Thence S. 15° E 1000 varas to a stake & Mound: Thence N 75° E 1000 varas to a stake & mound: Thence N 15° W. 1000 varas to a stake & mound on the line of survey No 131: Thence S 75° W 1000 vrs to the beginning. Bearings marked X. It is further ordered and adjudged that the costs be paid equally by the plaintiffs & defendants:

And now comes the plaintiffs in this cause and say that they have agreed among themselves. as to a partition of their respective undivided interests in the lands described in original petition, or rather they agree that Wm. M. Walton & R. J. Hill shall make the designated several separate tracts. And they having done so plaintiffs pray that the said partition be made by decree of court in accordance therewith which is as follows

1st The said D. C & M. T. Roby shall take together the West end of the League being 1996½ acres which is the whole of the league. After taking therefrom 1431½ acres partitioned off to John. B Rector off the east end thereof: They shall take two hundred & twenty 3/4 acres off the most Easterly side of the Six hundred & forty acres. with a proportionate part on the creek on which said 640 acres are situated thus making up to them twenty two hundred Sixteen & 3/4 acres of land. which they take together without further Subdivision.

2nd The said Winnie A. Davis who acts with her husband E. Davis shall take the North half of the 1920 lengthwise to front on the creek the division line to commence on the bank of the Creek at such point as running parallel with the original side line of the original survey. shall contain Northerly of said line 960 acres of land. She shall also take the tract (labor) of one hundred & seventy seven acres. which amount of 1137 acres. constitute her full proportion of said land less 14/4 acres which is included as excess in that which is allotted to Geo. Pope.

3 The said George Pope shall take the remaining 960 of the 1920 not allotted Winnie

November 1st 1882.

Davis and the remaining four hundred & nineteen 3/4 acres not allotted to the said D. C. & M. S. Roby which constitutes his full share of 1215 and 14/4 acres in excess thereof. the same amount there was of deficit to the said Winnie Davis.

4. The said George C. Pope release of said excess to pay to Winnie Davis fourteen & 25/100 Dollars. which is the reasonable estimated value of the land per acre which he receives over this share from the part of the said Winnie Davis * They further ask that the decree divest & vest title from and in one another. And vest the same in and to one another in and to the foregoing tracts of land as stipulated & as in duty &c. Walton & Hill for plaintiff

It is therfore ordered adjudged and decreed by the court that the foregoing decree of partition stand the same is in all things confirmed. And that the title to each tract of land as set apart & allotted in this decree be and the same is hereby vested in each of the parties in severalty above named free from all claim and demand of the others. And costs adjudged against the parties pro-rata for which executions may issue * /

590

Roderick Mc Iver } The State of Texas county of Travis. Roderick Mc Iver
Ex Parte } being duly sworn according to law, in the District Court of

5 896V

said County doth declare that he was born in the year A. D. 1844, in the Kingdom of Scotland whence he emigrated in the year 1871, to the United States of America and has selected the state of Texas as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen of the United States, and of the state of Texas, and renounces forever all allegiance and fidelity to every foreign prince. potentate, state or sovereignty whatsoever, and particularly to the Queen of England of whom he was a subject. Roderick Mc Iver

Sworn to and subscribed before me. this 31 day of October 1882, in open court.

Jas. P. Hart clerk.

Court adjourned untill to morow morning at 9 O. clock.

575

November 1st 1882

Court met pursuant to adjournment Present counsel as on first day. Whereupon the following proceedings were had Viz:

Andrus Nyberg } State of Texas, County of Travis. Andrus Nyberg. being duly

5 898

Ex Parte } sworn according to law. in the district court of said County doth declare that he was born in the year A. D. 1846 in the kingdom of Sweden whence he emigrated in the year 1880 to the United State of America. and has selected the State of Texas as the place of his intended settlement And he further declares that it is bona fide his intention to become a citizen of the United States. and of the State of Texas. and renounces forever all allegiance and fidelity to every Foreign Prince. Potentate, State or Sovereignty whatsoever. and particularly to the King of Sweden of whom he was a subject. Andrus Nyberg.

Sworn to and subscribed before me, this 1st day of November 1882 in open Court.

Jas P Hart clerk.

590

Ernest Spreher } The State of Texas. County of Travis. Ernest Spreher being duly

5 897

Ex Parte } sworn according to law in the District court of said County do th declare that he was born in the year A. D. 1843. in the Kingdom of Germany whence he emigrated in the year 1882, to the United States of America. and has selected the State of Texas as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen of the United States and of the

November 1st 1882.

State of Texas. and he renounces forever all allegiance and fidelity to every foreign Prince Potentate. State or Sovereignty whatsoever, and particularly to the Emperor of Germany of whom he was a subject Ernest Sprecher

Sworn to and Subscribed before me, this 1st day of November 1882 in open Court.

Jas P Hart clerk

Court adjourned till tomorrow morning 9 o'clock.

November 2nd 1882

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

5900 Guido Lange } Declaration of intention to become a citizen.
Ex parte. } The State of Texas. County of Travis.

Guido Lange being duly sworn according to law in the District Court of said County doth declare that he was born in the year A.D 1861 in the Kingdom of Germany whence he emigrated in the year 1881 to the United States of America, and was elected the State of Texas as the place of his intended settlement, and he further declares that it is bona fide his intention to become a citizen of the United States and of the State of Texas and renounces forever all allegiance and fidelity to every foreign prince, Potentate, State or Sovereignty whatsoever and particularly to the Emperor of Germany of whom he was a subject. Guido Lange

Sworn to and subscribed before me this 2nd day of November 1882 in open Court. Jas P Hart Clerk.

5756 A. Jones Est of } Now on this day came on to be heard the application of T. F. Fulmore Administrator of the estate
Ex parte } of Achilo Jones deceased for a discharge, and the same having been duly considered and it appearing to the Court that said Administration has properly accounted for all funds of said estate coming into his hands and paid all expenses of Administration and that said estate has been in all respects duly and legally administered. And it further appearing that there are no funds in the hands of the administrator and that the said estate is insolvent; it is therefore ordered adjudged and decreed that the said T. F. Fulmore Admr. as aforesaid be finally and forever discharged from all liability as such Admr.

Court adjourned till tomorrow morning 9 O'clock

November 3d 1882

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

5902 August Reinert } Declaration of intention to become a citizen.
Ex parte } The State of Texas — Travis County —

August Reinert being duly sworn according to law, in the District Court of said County, doth declare that he was born in the year A D 1827 in the Kingdom of Germany whence he emigrated in the year 1881 to the United States of America and has selected the State of Texas as the place of his intended settlement; and he further declares

November 3d 1882

that it is bona fide his intention to become a citizen of the United States and of the State of Texas and renounces forever all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty whatsoever and particularly to the Emperor of Germany of whom he was a subject.

August Reinert

Sworn to and subscribed before me this 3d day of November 1882 in open Court.

Jas P Hart Clerk.

Heinrich Reinert Ex Parte. } Declaration of intention to become a citizen

The State of Texas. County of Travis. 5903

Heinrich Reinert being duly sworn according to law in the District Court of said County, doth declare that he was born in the year 1859 in the Kingdom of Germany whence he emigrated in the year 1881 to the United States of America and has selected the State of Texas as the place of his intended settlement; and he further declares that it is bona fide his intention to become a citizen of the United States of America and of the State of Texas, and renounces forever all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty whatsoever and particularly to the Emperor of Germany of whom he was a subject. Heinrich Reinert

Sworn to and subscribed before me this 3d day of November 1882 in Open Court.

Jas P Hart Clerk.

S A Anderson Ex Parte. } Declaration of intention to become a citizen

The State of Texas. County of Travis. 5904

S. A. Anderson being duly sworn according to law, in the District Court of said County doth declare that he was born in the year AD 1857 in the Kingdom of Sweden whence he emigrated in the year 1880 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 this intention to become a citizen of the United States and of the State of Texas, and renounces forever all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatsoever and particularly to the King of Sweden of whom he was a subject.

S A Anderson

Sworn to and subscribed before me this 3d day of November 1882 in open court.

Jas P Hart Clerk

Court adjourned till tomorrow morning 9 o'clock.

November 4th 1882.

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

James A Martin Ex Parte. } And now on this 4th day of November 1882 came on to be heard the application of James A Martin 5899

for the removal of his disabilities by reason of minorage and thereupon came J. T. Fulmore County Judge, James A. Martin by his atty. and the Court appointed J. M. Martin Special guardian of said minor, to act with said County Judge in this case the said Special guardian being duly qualified and all parties announced themselves ready for

November 4th 1882

hearing, the Court proceeded to a hearing of said application and the Witnesses in support thereof: and it appearing to the Court that said Application is in due form, that said minor is past twenty years of age, that he has no Father living that the requirements of of the law in such cases have been complied with and that the allegations in said petition are true; that it will be for the best intrest of said minor and his estate and that it is advisable that said petition be granted and his disabilities be removed, and said guardian Consenting thereto. It is therefore ordered and decreed by the Court that the disabilities as a minor James A Martin be and the same are hereby removed and that said James A. Martin shall be held for all legal purposes of full age, and shall be held responsible and have all privileges and advantages of persons of full age except the right of voting and that this decree be duly recorded in the minutes of this court, and said Applicant pay all costs of this proceeding for which Execution may issue.

Henry Struve | The State of Texas, County of Travis;

5894 Ex. Parte | Be it remembered that at the District Court for the county of Travis aforesaid. held at the court house thereof at the City of Austin on the 25th day of October A.D. 1882. Henry Struve a native of Germany exhibited a petition, praying to be admitted to become a citizen of the United States: and it appearing to the court that he had declared on oath before the clerk of the District Court of the United States for the Western District of Texas, on the 30th day of October 1877. that it was bona fide his intention to become a citizen of the United States and to renounce forever all allegiance and fidelity to any foreign Prince, Potentate, State or Sovereignty whatsoever, and particularly to the Emperor of Germany, of whom he was at that time a subject. and the said Henry Struve having on oath declared, and also made proof thereof, agreeably to law, to the satisfaction of the court that he has resided one year and upwards in the The State of Texas, and within the United States upwards of five year both periods immediately preceding his application. and that during said period of five years he has behaved as a man of good moral character, attached to the principles of the constitution of the United, and well disposed to the good order and happiness of the same, and having declared on oath befor the said court that he would support the constitution of the United States! and that he did absolutely and entirely, renounce and abjure all allegiance and fidelity to every foreign Prince, Potentate, State and Sovereignty whatsoever, and particularly to the Emperor of Germany of whom he was before a subject: And having in all respects complied with the laws in regard to naturalization: Thereupon the said Court admitted the said Henry Struve to become a citizen of the United States. and ordered all of the proceedings aforesaid to be entered in the records of said court.

Witness my hand and the seal of said court at office in Austin this 25th day of October A. D. 1882

(Seal)

Jas. R. Wart clerk

The Court adjourned until Monday morning at 9 Oclock

November 6th 1882

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings were had. Viz:

590½

Richard. P. Lamont } United States of America. The State of Texas Travis County
Ex Parte } Be it remembered that at the District Court for the County of Travis aforesaid held at the court house thereof in the City of Austin on the 6th day of November A. D 1882 Richard P. Lamont a native of Ireland exhibited a petition Praying to be admitted to become a citizen of the United States & it appearing to said Court that he had declared on oath before the Clerk of said Court on the day and date aforesaid that it was bona fide his intention to become a citizen of the United States & to renounce forever all allegiance & fidelity to any foreign Prince, Potentate, State or Sovereignty whatsoever & particularly to the Queen of Great Britain & Ireland of whom he was a subject. & the said Richard. P. Lamont having on his oath declared & also made proof thereof by competent testimony to the satisfaction of the Court, that he had resided within the United States of America three years next preceding his arriving at the age of twenty one years & continued to reside therein to the time of making his application that including the three years of his minority he had resided within the limits & Under the Jurisdiction of the United five years and upwards, & that during the three years next preceding it had been bona fide his intention to become a citizen of the United States: And it appearing to the satisfaction of the Court that during the said period of five years he had behaved as a person of good moral Character attached to the principles of the Constitution of the United State & well disposed to the good order & happiness of the same. & the said petitioner having declared on oath before said Court that he would support the Constitution of the United States & that he did absolutely & entirly renounce & abjure all allegiance & fidelity to every foreign Prince, Potentate, State & Sovereignty whatever & particularly to the Queen of Great Brittain & Ireland of whom he was before a subject: Thereupon the Court admitted the said Richard. P. Lamont to become a citizen of the United States & ordered all the proceedings aforesaid to be recorded in the records of said Court.

591

In testimony whereof, I Jas. P. Hart Clerk of the District Court in & for the County of Travis aforesaid have hereunto signed my name & affixed the seal of said Court this 6th day of November A. D. 1882

Jas. P. Hart
Clerk District Court Travis Co. Texas

Charles Winkler } Certificate of Naturalization United States of America.
Ex Parte } Be it remembered, that at the District Court for the County of Travis aforesaid. held at the Court house thereof. in the City of Austin on the 4th day of October A.D. 1882 Charles Winkler, a native of Germany. exhibited a petition praying to be admitted to become a citizen of the United States: And it appearing to the court that he had declared on oath before the Clerk of the District Court aforesaid, on the 12th day of February A. D. 1881. that it was bona fide his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign Prince, Potentate, State or Sovereignty whatsoever, and particularly to the Emperor of Germany, of whom he was at that time a subject: And the said Charles Winkler having on oath declared and also made proof thereof agreeable to law to the satisfaction of the Court. that he had resided one year and upward in the state of Texas. And within the United States of America upward of five years. both periods immediately preceding his application. And that during said periods of five years

592½

590

November 6th 1882

he had 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 having declared on oath before the said court that he would support the constitution of the United States, and that he did absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign, Prince, Potentate, State or Sovereignty whatsoever, and particularly to the Emperor of Germany of whom he was before a subject: and having in all respects complied with the laws in regard to naturalization: Thereupon the said court admitted the said Charles Winkler to become a citizen of the United States, and ordered all the proceeding aforesaid to be entered of record in said Court. In witness whereof I Jas. P. Hart, clerk of the District Court in and for the County of Travis aforesaid, have hereunto signed my name and affixed the seal of said Court this 14th day of October A.D. 1882.

Jas P Hart Clerk
D. C. T. C. Texas

5916 E. F. A. Martin } United States of America:
Ex Parte } The State of Texas, County of Travis.

Be it remembered that at the District Court for the County of Travis aforesaid, held at the Court House thereof in the city of Austin on the 6th day of November A.D. 1882. E. F. A. Martin a native of Prussia exhibited a petition praying to become a citizen of the United States: and it appearing to the court that he had declared on oath before the clerk of the District Court of Travis County aforesaid on the 1st day of November 1880 that it was bona fide his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign Prince, Potentate, State or Sovereignty whatsoever and particularly to the Emperor of Prussia of whom he was at that time a subject: and the said E. F. A. Martin having on oath declared, and also made proof thereof, agreeably to law to the satisfaction of the court, that he had resided one year and upwards within the State of Texas, and within the United States of America upwards of five years, both periods immediately preceding his application, and that during said period of five years he had behaved as a man of good moral character attached to the principles of Constitution of the United States, and well disposed to the good order and happiness of the same: and having declared on oath before the said Court that he would support the Constitution of the United States, and that he did absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, State or Sovereignty whatsoever and particularly to the Emperor of Prussia of whom he was before a subject: and having in all respects complied with the laws in regard to naturalization: Thereupon the said Court admitted the said E. F. A. Martin to become a citizen of United States and ordered all the proceedings aforesaid to be entered in the records of said Court. In Witness whereof I Jas P Hart clerk of the District Court in and for the county of Travis aforesaid have hereunto signed my name and affixed the seal of said Court this 6th day of November A. D. 1882.

Jas P Hart. clerk. District Court Travis County Texas

5907 Gustaf Anderson } Declaration of Intention to become a citizen.
Ex Parte } The State of Texas County of Travis.

Gustaf Anderson being duly sworn according to law, in the District Court of said county, doth declare that he was born in the year A.D. 1809 in the Kingdom of Sweden whence he emigrated in the year of 1870. to the United

November 6th 1882

States of America. and has selected the State of Texas as the place of his intended settlement. And he further declares that it is bona fide his intention to become a citizen of the United States, and of the State of Texas. and renounces forever all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatsoever, and particularly to the King of Sweden of whom he was a subject.

Gustaf Anderson

Sworn to and Subscribed before me this 4th day of Nov 1882 in open court

Jas P. Hart Clerk.

Ben Muschamp } Declaration of Intention to become a Citizen.
Ex Parte } The State of Texas. County of Travis. 5908

Ben Muschamp being duly sworn according to law. in the District Court of said County. doth declare that he was born in the year A. D 1851. in the Kingdom of England whence he emigrated in the year of 1879. to the United States of America, and has selected the State of Texas as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen of the United States. and of the State of Texas. and renounces forever all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatsoever. and particularly to the Queen of England of whom he was a subject. Ben Muschamp.

Sworn to and Subscribed before me. this 4th day of November 1882. in open Court. 59

Jas P. Hart clerk.

James Muschamp } James Muschamp being duly sworn according to law in
Ex Parte } the District Court of said County. doth declare that he was 5909
born in the Year A. D. 1856 in the Kingdom of England whence he emigrated in the year of 1879. to the United States of America. and has selected Texas as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen of the United States. and of the State of Texas. and renounces forever all allegiance and fidelity to every foreign Prince Potentate. State and Sovereignty whatsoever. and particularly to the Queen of England of whom he was a subject. James Muschamp.

Sworn to and Subscribed before me. this 4th day of November 1882 in open Court.

Jas P. Hart clerk.

Joseph Muschamp } State of Texas. County of Travis.
Ex. Parte } Joseph Muschamp being duly sworn according to law. in the 5910
District Court of Travis County. doth declare that he was born in the year A. D. 1857 in the Kingdom of England whence he emigrated in the year of 1878. to the United States of America. and has selected the State of Texas as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen of the United States. and of the State of Texas. and renounces forever all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatsoever. and particularly to the Queen of England of whom he was a subject. Joseph Muschamp.

Sworn to and Subscribed before me. this 4 day of November 1882 in open Court

Jas P. Hart clerk.

Joseph Ashwood } The State of Texas. County of Travis.
Ex Parte } Joseph Ashwood being duly sworn according to law. in the 5911
District Court of said County, doth declare that he was born in the year A. D 1857 in the Kingdom of England. whence he emigrated in the year of 1878. to the United States of America and has selected the State of Texas, as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen

of the United States of america and of the State of Texas and renounces forever all allegiance and fidelity to every foreign. Prince. Potentate State and sovreignty whatsoever and particularly to the Queen of England of whom he was a subject. Joseph Schenwood
Sworn to and Subscribed before me, this 4th day of November 1882 in open Court
Jas R. Hart Clerk.

V 5912 William Counter } The State of Texas. County of Travis.
Ex Parte } William Counter being duly sworn according to law. in the District Court of said County. doth declare that he was born in the year A.D 1852, in the Kingdom England whence he emigrated in the year of 1881. to the United States of America and has selected the State of Texas as the place of his intended settlement: And he further declares that it is bona fide his intention to become a citizen of the United States and of the State of Texas. and renounces forever all allegiance and fidelity to every Foreign Prince. Potentate. State or Sovereignty whatsoever and Particularly to the Queen of England of whom he was a subject. William Counter.
Sworn to and Subscribed before me, this 4th day of ~~Oct~~ November 1882 in open Court
Jas R. Hart clerk

William Knivton } The State of Texas. County of Travis.
Ex Parte } William Knivton being duly sworn according to law. in the
5913 V District Court of said County. doth declare that he was born in the year A. D. 1847. in the Kingdom of England whence he emigrated in the year of 1871. to the United States of America. and has selected the State of Texas as the place of his intended settlement: And he further declares that it is bona fide his intention to become a citizen of the United States. and of the The State of Texas. and renounces forever all allegiance and fidelity to every Foreign Prince, Potentate. State or Sovereignty whatsoever. and particularly to the Queen of England of whom he was a subject. William Knivton.
Sworn to and Subscribed before me, this 4th day of November 1882 in open Court
Jas R Hart clerk.

Fred Braun } The State of Texas. County of Travis.
5914 V Ex Parte } Fred Braun being duly sworn according to law in the district Court of said County. doth declare that he was born in the year A.D. 1845. ~~in~~ in the Kingdom of Germany. whence he emigrated in the year of 1864 to the United States of America and has selected the State of Texas as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen of the United States and of the State of Texas. and renounces forever all allegiance and fidelity to every Foreign Prince. Potentate, State or Sovereignty whatsoever and particularly to the Emperor of Germany of whom he was a subject
Fred Braun
Sworn to and Subscribed before me. this 4th day of November 1882 in open Court.
Jas R Hart clk.

Cause adjourned to Monday
Matias Holub } The State of Texas County of Travis.
5915 V Ex Parte } Matias Holub being duly sworn according to law in the District Court of Travis County Texas do the declare that he was born in the year A.D. 1850 in the Kingdom of Bohemia. whence he emigrated to the United States of America. and has selected the State of Texas as the place of his intended settlement: And he further declares that it is bonafide his intention to become a citizen of the United States and of the State of Texas. and renounces forever all allegiance and fidelity to every

November 6th 1882

Foreign Prince. Potentate State or Sovereignty whatsoever and particularly to the Emperor of Austria of whom he was a subject. Matias Holub.
Sworn and Subscribed before me, this 6th day of Nov A.D. 1882 in open Court.
Jas. R. Hart. clerk

J. Lundbeck } The State of Texas. County of Travis
Ex Parte } J. Lundbeck being duly sworn according to law in the District Court 5917
of said County, doth declare that he was born in the year A.D. 1859, in the Kingdom Sweden whence he emigrated in the year of 1880. to the United States of America and has selected the State of Texas as the place of his intended settlement! and he further declares that it is bona fide his intention to become a citizen of the United States, and of the State of Texas, and renounces forever all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatsoever, and particularly to the King of Sweden of whom he was a subject. J. Lundbeck
Sworn to and Subscribed before me, this 6th day of November 1882 in open Court
Jas R. Hart

J. O. Palm } The State of Texas. County of Travis.
Ex Parte } J. O. Palm being duly sworn according to law in the District 5918
Court of said County. doth declare that he was born in the year A.D. 1849. in the Kingdom of Sweden whence he emigrates in the year of 1880 to the United States of America, and has selected the State of Texas as the place of his intended settlement: And he further declares that it is bona fide his intention to become a citizen of the United States and of the State of Texas, and renounces forever all allegiance and fidelity to every foreign Prince Potentate State or Sovereignty whatsoever and particularly to the King of Sweden of whom he was a subject J. O. Palm.
Sworn to and Subscribed before me, this 6th day of November 1882 in Open Court.
Jas R Hart clerk

J. Brostech } The State of Texas. Travis County.
Ex Parte } J. Brostech being duly sworn according to law in the District 5919
Court of said County. doth declare that he was born in the year A. D. 1836 in the Kingdom of Germany whence he emigrated in the year 1880 to the United States of America. and has selected the State of Texas as the place of his intended settlement. And he further declares that it is bona fide his intention to become a citizen of the United States and of the State of Texas, and renounces forever all allegiance and fidelity to every foreign Prince Potentate State or sovereignty whatsoever and particularly to the Emperor of Germany of whom he was a subject. J. Brostech.
Sworn to and Subscribed before me this 6th day of November 1882 Jas R. Hart clerk

J. Gustafson } The State of Texas. County of Travis. 5920
Ex Parte } J. Gustafson being duly sworn according to law in the District Court of Travis County, doth declare that he was born in the year 1857. in the Kingdom of Sweden whence he emigrated in the year of 1881 to the United States of America and has selected the State of Texas as the place of his intended settlement: And he further declares that it is bona fide his intention to become a citizen of the United States and of the state of Texas. and renounces forever all allegiance and fidelity to every foreign Prince. Potentate. State of Sovereignty whatsoever and particularly to the King of Sweden of whom he was a subject. J. Gustafson.
Sworn to and subscribed before me. this 6th day of Nov 1882 in open Court. Jas R Hart clerk.

November 6th 1882

5924 C. G. Carlsson / The State of Texas County of Travis
Ex Parte / C. G. Carlsson being duly sworn according to law, in the District Court of said County, doth declare that he was born in the year A. D. 1854 in the Kingdom of Sweden whence he emigrated in the year of 1878, to the United States of America; and has selected the State of Texas as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen of the United States, and of the State of Texas and renounces forever all allegiance and fidelity to every foreign Prince Potentate State or Sovereignty whatsoever, and particularly to the King of Sweden of whom he was a subject.

C. G. Carlsson.

Sworn to and Subscribed before me, this 6th day of November 1882, in open Court. Jas P. Hart clerk.

John Lundbirk / The State of Texas County of Travis.
5925 Ex Parte / John Lundbirk being duly sworn according to law, in the District Court of said County, doth declare that he was born in the year A. D. 1854, in the Kingdom of Sweden whence he emigrated in the year of 1881, to the United States of America, and has selected the State of Texas as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen of the United States, and of the State of Texas and renounces forever all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatsoever, and particularly to the King of Sweden of whom he was a subject.

J. Lundbirk.

Sworn to and Subscribed before me, this 6th day of November 1882 in open Court.

Jas P. Hart clerk - By Jas. J. Neill Deputy

Rudolf Schear / The State of Texas County of Travis.
5926 Ex Parte / Rudolf Schear being duly sworn according to law, in the District Court of said County, doth declare the he was born in the year of 1858 in the Kingdom of Germany whence he emigrated in the year of 1880, to the United States of America, and has selected the State of Texas as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen of the United States and of the State of Texas, and renounces all Allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatsoever, and particularly to the Emperor of Germany of whom he was a subject.

Rudolf Schear.

Sworn to and Subscribed before me, the 6th day of November 1882 in open Court.

Jas P. Hart clerk.

5927 John. E. Broström / The State of Texas County of Travis
Ex Parte / John. E. Broström being duly sworn according to law in the District Court of said county, doth declare that he was born in the year A. D. 1848, in the Kingdom of Sweden whence he emigrated in the year 1875, to the United States of America and selected the State of Texas as the place of his intended settlement: And he further declares that it is bona-fide his intention to become a citizen of the United States & of the State of Texas, and renounces forever all allegiance and fidelity to every foreign Prince, Potentate, State, or Sovereignty whatsoever, and particularly to the King of Sweden of whom he was a subject.

John E. Broström

Sworn to and Subscribed before me this November 1882, in open court

Jas P. Hart clerk

November 6th 1882.

Soloman Johanson } The State of Texas. County of Travis.
Ex Parte } Solomon Johnson being duly sworn according to law, in the District Court of said County, doth declare that he was born in the year A.D. 1841, in the Kingdom of Sweden, whence he emigrated in the year of 1870, to the United States of America, and has selected the State of Texas as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen of the United States and of the State of Texas, and renounces forever all allegiance and fidelity to every Prince, Potentate, State or Sovereignty whatsoever and particularly to the King of Sweden of whom he was a subject.

Solomon Johnson

Sworn to and Subscribed before me, this 6th day of November 1882 in open Court.

Jas P. Hart clerk.

V 5925

John Gilmaun } The State of Texas County of Travis.
Ex Parte } John Gilmaun being duly sworn according to law, in the District Court of said County, doth declare that he was born in the year in the year A.D. 1858. in the Kingdom of Scotland, whence he emigrated in the year of 1881 to the United States of America and has selected the State of Texas as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen of the United States and of the State of Texas, and renounces forever all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatsoever, and particularly to the Queen of Scotland of whom he was a subject

John Gilmaun

Sworn to and Subscribed before me, this 6th day of November 1882 in open Court.

Jas P. Hart clerk.

V 5927

Geo. Isherwood } The State of Texas. County of Travis
Ex Parte } Geo Isherwood being duly sworn according to law in the District Court of said county, doth declare that he was born in the year of A.D. 1854. in the Kingdom of England whence he emigrates. in the year 1872. to the United States. of America. and has selected the State of Texas as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen of the United States and of this State of Texas, and renounces forever all allegiance and fidelity to every foreign Prince, Potentate, State or sovereignty whatsoever, and particularly to the Queen of England of whom he was a subject.

Geo. Isherwood

Sworn to and Subscribed before me, this 6th day of November 1882 in open Court

Jas P. Hart clerk.

V 5928

P. A. Juhlin } The State of Texas. County of Travis.
Ex Parte } P. A. Juhlin being duly sworn according to law in the District Court of said County, doth declare that he was born in the year A.D. 1848. in the Kingdom of Sweden whence he emigrated, in the year 1880. to the United States of America, and has selected the State of Texas as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen of the United States and of the State of Texas, and renounces forever all allegiance and fidelity to every Foreign Prince Potentate State or Sovereignty whatsoever and particularly to the King of Sweden of whom he was a subject: P. A. Juhlin.

Sworn to and Subscribed before me, this 6th day of November 1882 in open Court

Jas P. Hart clerk

V 5929

November 6th 1882.

Ole Oleson } The State of Texas. County of Travis.
5930 Ex Parte } Ole Olsson being duly sworn according to law. in the District Court of Travis County. doth declare that he was born in the year A.D. 1856, in the Kingdom of Norway whence he emigrated, in the year 1880, to the United States of America. and has selected the state of Texas as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen of the United States. and of the State of Texas, and renounces forever all allegiance and fidelity to every foreign Prince Potentate. State and Sovereignty whatsoever, and particularly to the King of Norway of whom he was a subject

Ole Oleson.

Sworn to & Subscribed before me, this 6th day of November 1882. in open Court.

Jas. P. Hart Clerk.

J. S. Johnson } The State of Texas County of Travis
5931½ Ex Parte } J. S. Johnson being duly sworn according to law in the District Court of said County. doth declare that he was born in the year A. D. 1851, in the Kingdom Sweden whence he emigrated in the year of 1882. to the United States of America, and has selected the state of Texas as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen of the United States and of the State of Texas. and renounces forever all allegiance and fidelity to every foreign Prince, Potentate. State or Sovereignty whatsoever and particularly to the King of Sweden of whom he was a subject.

J. S. Johnson.

Sworn to and Subscribed before me this 6th day of November 1882 in open Court.

Jas P. Hart clerk. By Jas. J. Neill Deputy.

John Ahl } The State of Texas. County of Travis.
5932 Ex Parte } John Ahl. being duly sworn according to law, in the District Court of Travis County. doth declare that he was born in the year 1860. in the Kingdom of Sweden whence he emigrated in the year 1880. to the United States of America. and has selected the State of Texas as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen of the United States: and of the State of Texas. and renounces forever all allegiance and fidelity to every foreign Prince. Potentate State or ~~State~~ Sovereignty whatsoever. and particularly to the King of Sweden of whom he was a subject.

John Ahl.

Sworn to and Subscribed before me, this 6th day of November 1882 in open Court

Jas P Hart clerk By Jas. J. Neill Deputy.

4
5867 Meredeth N. Henry et al
vs
Frank D Henry et al } And now on this 6th day of November 1882 come the parties by their attorneys. and said minors by their Guardian Ad litem. and also the commissioner appointed by the court at the present term to partition the 200 acres of land in this suit among the heirs of Elizabeth Henry deceased and present to the court their report in writing under oath. Stating that in their opinion no fair and equitable division could be made of the said 200 acres of land described in said decree of partition and giving their reason for their opinion: and the court being satisfied. that the report of said commissioners is correct and no objection having been made to said report. it is ordered by the court that the same be and is in all things approved & confirmed
on this the 6th day of Nov 1882
And the parties interested herein desiring and agreeing that said land

with improvements be sold at private sale for cash by commissioner for that purpose to be appointed by this court, and the sale to be approved by the Court the premises duly considered and by the court fully understood. It is therefore ordered adjudged and decreed by the court that the said 200 acres of land with improvements be sold at a fair price for cash at private sale, for partition of the proceeds of said sale among the parties entitled thereto, and that John B. Costa of Travis County Texas, be and is hereby appointed the commissioner of the court with Power to make sale of the said 200 acres of land with improvements thereon subject to the confirmation of this court and the report of said commissioner. It is further ordered and decreed by the court that said commissioner make his report of said sale of said land to embrace in said report the amount of costs due to the officers of this county in this case, including $75.00 Guardian ad-litem fee, and his commission on the amount of said sale, so that the net amount be shown, and partition of the same be made by the court among the parties entitled to the same and that said commissioner report his action in the premises at a future day of this term of the court, or by the next term thereof; all other matters not disposed of is hereby reserved until further order of this Court.

Meredeth H. Henry et al
vs
Frank D. Henry et al

To the Honorable District Court of Travis County.

The undersigned commissioners appointed by your Honorable court at present term to partition 200 acres of land of the Estate of Elizabeth Henry deceased among the heirs of said Estate 5867
named in said decree of Partition report that it is the opinion of the commissioners that a fair and equitable division of the said 200 acres of land described in said decree cannot be made for the following among other reasons - Said land is situated 582
in a farming community when there is little or no demand for such small tracts as would result from the subdivision thereof into ten shares. said land also has on it a house and other improvements incapable of subdivision and together 583
said improvements constitutes a desirable country farm homestead. And we therefore recommend that the said land with the improvements be sold for cash or otherwise as the court may direct. And that the proceeds be divided according to 583
the decree of said court. And we further estimate the land and improvements to be of the value of $4000.00 Four thousand Dollars - 578
A. R. Morris
H. M. Metz. A. J. Jernigan.

Sworn to and subscribed before me by A. R. Morris. H. M. Metz & A. J. Jernigan 579
this Oct 9th 1882. Jas. P. Hartwick & C. Co. Texas. (Seal).

M. H. Henry et al
vs
Frank D. Henry et al

In the District Court of Travis County
And now comes on this day, the parties in the above cause 867
by their attorney, and the minors by their Guardian ad-litem and consent and agree for a decree in this case to be entered authorizing the sale of said two hundred acres of land at private sale for cash and for the Court to appoint a commissioner to make said sale subject to the approval of the Court.

Haucock & West Attorneys for said parties
A. J. Hill Guardian ad litem for minors

Court adjourned until Wednesday morning Nov 8th at 9 O'clock

372

November 8th 1887

Court met pursuant to adjournment present same as on first day. Thereupon the following proceedings were had viz:

Chas. E. Davidson / Ex parte / 5933 — Chas. E. Davidson having made application befor the District Court of Travis County at the October Term thereof A.D. 1882 for a license to practice as an attorney and Counsellor at law in the District and all inferior Courts in the State of Texas, And the said Chas. E. Davidson having produced in court his license issued to him by the Supreme Court of the State of Calafornia as an attorney at law and having been introduced to the Court by S.A. Posey and Jas D Shieks Esq attys as a man of good moral character. and the said Chas. E. Davidson having taken the oath prescribed by law. It was ordered that his name be enrolled as an attorney of this court and that a license issue to him accordingly.

J. Simon Orchner / Ex parte / 5934 — The State of Texas. County of Travis: J. Simon Orchner being duly sworn according to law in the District Court of said County. doth declare that he was born in the year A.D. 1852 in the Kingdom of Germany whence he emigrated in the year 1872, to the United States of America, and has selected the State of Texas as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen of the United States and of the State of Texas. and renounces forever all allegiance and fidelity to every foreign Prince, Potentate, State and Sovereignty whatsoever: and particularly to the Emperor of Germany of whom he was a subject.

J. Simon Orchsner

Sworn to and Subscribed before me, this 11 day of November 1887 in open Court,

Jas P. Hart Clerk

5826 — Travis County vs H. & T. C. R.R. Co. on the 2d day of Novemb 1882 it was ordred by the Court that plaintiff have leave to file 1st Amended original petition

5836 — Travis County vs H. & T. C. R.R. Co. on the 3d day of Novemb 1882 it was ordred by the court that this case be set for trial for the 21st day of Nov 1882.

5837 — M. A. Taylor vs H. & T. C. R.R. Co. On the 3d day of Novemb it was ordred by the Court that this case be set for trial for Nov 21st 1882

5789 — Thomas Nelson et al vs Ed Whulet et al on Nov 3d 1882 it was ordred by the Court that this case be set for Dec 11th 1882.

5790 — Virginia Nelson et al vs T. J. Whulet et al on the 3d day of Novemb 1882 it was ordred by the Court that this case be set for trial for Dec 11th 1882

Court adjourned till tomorrow morning 9 o'clock

67

Novemb 9th 10th 1882

Court met each day pursuant to adjournment: Present same as on first day and there being no civil minutes of either of the above dates to record court adjourned till tomorrow morning 9 o'clock.

Novemb 11th 1882

Court met pursuant to adjournment: Present same as on first day Whereupon the following proceedings were had viz:

3723 — James Brown et al. vs Lucinia Brown et al. It is ordred by the court that the

November 11th 1882

defendants leave leave to file an amended original Answer. and cause set for November 26th 1882.

Court adjourned till Monday Morning 10 o'clock

November 13th 14th 15th 1882

Court met each of the above dates pursuant to adjournment. Present same as on first day. but there being no Civil minutes to be recorded Court adjourned till tomorrow morning 8 o'clock,

November 16th 1882

Court met pursuant to adjournment. Present same as on first day, whereupon the following proceedings were had viz:

Bailey Sparks vs Leah Sparks } And now on this day came the plaintiff by attorney and moves the Court to set aside the continuance heretofore entered in this cause which motion was granted by the Court and ordered that said continuance be and the same is now set aside and cause called for trial, whereupon the plaintiff announced ready and it appearing to the Court that the defendant had been duly and legally served with process in this cause but failed to appear or answer in this behalf but wholly made default, and the Court after hearing the pleadings evidence and argument of counsel thereon is of the opinion that the material allegations contained in plaintiffs petition are true, It is therefore ordered adjudged and decreed by the Court that the bonds of matrimony heretofore existing between the plaintiff Bailey Sparks and the defendant Leah Sparks be and the same are hereby dissolved and plaintiff granted his divorce, and that defendant pay all costs in this behalf expended for which execution may issue. Court adjourned till tomorrow morning 9 o'clock 5832

November 17th 18th 1882

Court met each day pursuant to adjournment, Present came as on first day and there being no Civil minutes to be recorded of either of the above dates. Court adjourned till Monday morning 9 o'clock.

Monday November 20th 1882

Court met pursuant to adjournment. Present came as on first day whereupon the following proceedings were had viz:

James Brown et al vs Lucretia Brown et al It is ordered by the Court that plaintiff have leave to file 1st amended original petition under the rules. also 1st Supplemental petition 372 3/4

F. L. & L. H. Evans vs City Water Company Set for November 27th 1882 5825

W. D. F. Pyle & wife vs T. & P. R. R. Co. Continued as on affidavit of defendant 5847

R. Y. Crop et al vs J. Driskill Admr. Est of W. H. Day } And now on this the 30th day of October 1882 came the parties to this cause plaintiffs and defendant and thereupon came on to be heard the Demurrers and exceptions of defendant to plaintiffs original petition, and the same having been fully heard & considered the court is of opinion that the law is with the plaintiffs. and said demurrers and exceptions 5771

November 20th 1887.

were by the court overruled. to which ruling the defendant in open court excepts. And demand having been made by both parties for the appointment of a Stenographer to take down the testimony in this cause Thomas. H. Wheeless Esq was duly appointed by the court and qualified for that purpose. And afterwards to wit on the 2nd day of November 1887 the day to which the further hearing of this cause had been postponed. again came the parties. R. Y. Cross. William Mullins. Charles Mullins, Julia Barron and Barron her husband plaintiffs herein by Walton and Hill and Coleman and Randolph their attorneys. And also came the defendant Mabel Day Administratrix de bonis non of the estate of W. H. Day deceased defendant herein by Mrs Smith & Trigg. Shuks and Sneed and Hancock and West her attorneys. And there upon came on to be heard plaintiffs exceptions to defendants first Amended original answer which being considered by the Court were overruled - And thereupon both parties announced themselves ready for trial. And thereupon came a jury of good and lawful men of Travis County to wit. Thomas. F. Purnell & eleven others who were duly selected, sworn and empannelled according to law and after hearing the pleadings of both parties and all the evidence adduced together with the argument of counsel thereon, and the charge of the Court said jury retired to wit. on the 9th day of November 1887. to consider of their verdict and afterwards to wit on the 10th day of November 1887 returned in open court their verdict as follows to wit: "We the jury in the case of R. Y. Cross et al. vs J. H. Driskill Administrator of the Est of W. H. Day deceased: find for the Plaintiff the sum of Twenty Thousand nine hundred and Eighty seven 28/100 Dollars. And we further find that the said Plaintiffs by failure to comply with the contracts have damaged the said estate of W. H. Day deceased the sum Fifteen hundred dollars, "Thomas. F. Purnell Foreman." which verdict was received by the court. and it is therefore ordered adjudged and decreed that the plaintiffs R. Y. Cross. William Mullins. Charles Mullins and Julia Barron are entitled to have and recover of and from the estate of W. H. Day deceased - the said sum of Twenty Thousand Nine Hundred and Eighty Seven Dollars 28/100 cents ($20987 28/100) And that the defendant is entitled to recover of and from plaintiffs. said sum of Fifteen hundred dollars ($1500.) as damages accrued by reason of the failure of plaintiffs to deliver cattle according to the contract which is the basis of plaintiffs said claim. Therefore it is considered and adjudged by the court that said damages ought to be deducted from the amount due said plaintiffs and set off against the same as a credit thereon of the date at which the debt ~~the said~~ found due to plaintiffs began to bear interest. to wit the first day of April 1881. Therefore it is ordered adjudged and decreed that said plaintiffs do have and recover of and from the estate W. H. Day deceased the excess of their said debt over and above said damages to wit the sum of Nineteen Thousand Two Hundred Forty Six 7/100 Dollars ($19246 7/100) and interest thereon from this the 10th day of November 1887. until paid at the rate of ten per centum per annum as in said contract stipulated. And it appearing to the court that the said claim herein sued upon was to wit. on the 12th day of December A. D. 1881 in due form according to law presented for allowance to the administration of the estate of said W. H. Day deceased and was by said admr in writing rejected as to the whole thereof it is therefore adjudged that said plaintiffs do have and recover of and from the estate of W. H. Day deceased all their costs in this behalf expended and said sum of Nineteen Thousand Two Hundred and forty six Dollars & two cents and said costs are established and adjudged to be a valid claim in favor of said plaintiffs & against said estate of W. H. Day decd and it further appearing to the court that said claim is based upon the written contract sued upon and in evidence. which contract is as follows to wit,

32

November 20th 1881.

The State of Texas } This agreement, this day entered into, by and between Isaac Mullens
County of Concho } William Mullens, Charles Mullens and Riley Cross of Tom Green
County parties of the first part, and William H. Day of Coleman County Texas, by
his Agent and Attorney in fact S.A. Goodwin, party of the second part witnesseth:
1st That said parties of the first part, do hereby bargain and sell unto party of the
second part all of the cattle in the following marks and brands, viz: IC. IC IT
IH IC: ten thousand head more or less: save and except one
hundred head of the she cattle of each of the following brands. I.C. mm also Fifty
head in the IT brand— Said party of the second part to pay to said parties of the
first part, at the rate of nine Dollars & fifty cents per head for each and every head
of said cattle delivered on or before the first of August 1881.

2nd Said parties of the first part, do hereby agree and bind themselves to deliver all of said
cattle at the Chute in Days pasture at Days Ranche in the County of Coleman &
State of Texas, by the first day of August 1881— And they do further agree and
bind themselves to deliver to said party of the second part five thousand head
of said cattle at said Chute before the First day of April A.D. 1881.

3rd It is expressly understood, that only the cattle in the aforementioned marks & brands
which are actually delivered to party of the second part, by parties of the first part,
are sold to said party of the first part, and that all the cattle in said brands left on the
Range after the first of August 1881, are not embraced in this sale but remain the
property of the parties of the first part.

4th Said party of the second part hereby agrees and binds himself, to pay to parties of the first
part, the sum of Nine Dollars & fifty cents per head for each and every head of cattle in said
marks and brands delivered to him at his pasture as above set out, on or before the first
day of August 1881— Increase of the cattle born after the first of January 1881, are to be
delivered but not be counted or paid for—

5th Said Party of the second part, hereby binds himself to make the payments for said cattle
as follows. Twenty Thousand Dollars to be paid to parties of the second part, on the
1st day of April A.D. 1881 at Coleman City in the County of Coleman: provided there shall
have been a sufficient number of the cattle delivered to amount to thirty thousand dollars.
The balance of the purchase money to be paid in two equal payments as follows:
the first payable on the first of April 1882, and the second to be made on the
first of April 1883— And it is hereby agreed that party of the second part shall
execute his promissory notes to parties of the first part, for said two deferred pay-
ments, when the delivery of said cattle is completed on the first of August 1881,
and that said notes shall bear interest from the 1st of April 1881, at the rate of ten
per cent per annum until paid.

6th Party of the second part hereby binds himself to pay to parties of the first part, the sum
of Ten Thousand Dollars at the Banking house of J.H. Raymond & Co in the city
of Austin, on or before the 15th of December 1881— and is to be and constitute a
cash payment on said cattle, in addition to the twenty thousand to be paid
on the 1st of April 1881 — said Ten thousand dollars to be placed to the credit of
Parties of the first part, at said Bank of J.H. Raymond & Co.

7th And it is hereby agreed and understood by all the parties to this instrument
of writing, that there is hereby retained a lein or mortgage upon said cattle, to
secure Parties of the first part in the payment above stipulated for.

8th And it is hereby agreed by parties of the first part, that party of the second

November 20th 1882.

part, may relieve himself from the lein obtained in article seven of this agreement at any time by executing to parties of the first part a mortgage or trust deed upon other good and sufficient property, to secure them in the payments stipulated for in this instrument or agreement. said parties of the first part to be the Judges of the Value of the property upon which Lein is Proposed to be given, as mentioned in this article. In Testimony whereof, Witness Our hands this 29th day of November A.D. 1880— Isaac Mullins. R. Y. Cross, Chas Mullins. Wm Mullins per chas Mullins agent W. H. Day per J. R. Goodrum Agt.

The State of Texas } Before me J.W. Ratchford clerk of the County Court, in and for Concho County Texas
County of Concho } on this day personally appeared Isaac Mullins, R.Y. Cross, Charles Mullins. Wm Mullins per chas Mullins Agent, W.H. Day per J.R. Goodrum agt to me known, & acknowledged themselves to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes & considerations therein expressed. Given under my hand and seal of office, this 29th day of November A.D. 1880

(seal) J.W. Ratchford Clerk County Court Concho Co Texas.

The State of Texas } I, L. C. Williamson, County Clerk in and for said County & State
Coleman County } do hereby certify that the foregoing instrument of writing dated the 29th day of November 1881 was filed in my office for record July the 1st 1881 at 5 O'clock P.M. and was duly recorded July the 2nd 1881, at 8 O'clock A.M. in Book 5 pages 27 to 30, records of chattels for said county. Witness my Official seal and signature at office in Coleman, the day and year last above written.

(seal) L. C. Williamson, Clerk County Court Coleman County Texas. By W.C. Berry Deputy.

Whereby a lein is created and exists in favor of said Plaintiffs for the security of said claim against said estate upon the Cattle, mentioned in said contract & which were delivered by said parties of the first part named in said Contract or their legal representatives - to said W.H. Day and which contract also fixes the time for payment of the claim sued upon it is adjudged and decreed that the said sum of $19146/100 Constitutes and the same is hereby established as a secured claim against said estates and a valid and subsisting lein upon all of the cattle in the marks & brands mentioned in said contract which were delivered under said contract to W.H. Day deceased and which are now in the possession of defendant Mabel Day Admx de bonis non of said est. And all of said Cattle which now belong to said estate: And it is further adjudged that the one half of said $19146/100 is now due and payable as is also said Costs adjudged to plaintiffs and that the remainder of said claim will be due & payable on the first day of April 1883: And it is further ordered that the clerk of this court certify a copy of this Judgment to the County Court of Jarvis County where the administration of said estate is pending, and that the said claim as herein established be paid in due course of said administration

Court adjourned until to morrow morning at 9 O'clock.

November 21st 1882

Court met pursuant to adjournment. Present same as on first day. and there being no civil minutes to record. Court adjourned until to-morrow morning at 9 O. clock.

November 22nd 1882.

Court met pursuant to adjournment present same as on yesterday. Whereupon the following proceedings were had viz:

John Campbell Alexander vs James R. Alexander. Thomas B. Alexander Francis A. Atchison & John C. Raymond and the defendants John C. Raymond by his Attorneys Davis & Ruggles and the other defendants by their Attorneys S.C. Posey and Saml D. Atchison Jr. and a jury being waived and the said cause being submitted to the Court upon the pleadings Exhibits and proofs the Court doth now here order adjudge and decree as follows: And now on this the 22nd day of November A.D 1882. this cause coming on to be heard & the plaintiff being represented in open Court by A.J. Perlee. T.S. Mavey & S.R. Fisher his attorneys 586 1/2

1st That the demurrers & exceptions to plaintiffs petition be overruled.

2nd That the plaintiff John Campbell Alexander and the defendants James R. Alexander Thomas B. Alexander & Francis A. Atchison are as sole devisees under the last will and testament of William Alexander late of the County of Travis, State of Texas deceased each entitled to one fourth part or share of all the property real personal & mixed or interest therein of every character whatsoever of which the said William Alexander died seised and possessed or to which he was entitled at the time of his death or which now belongs to his estate. 551

3rd That the said plaintiff John Campbell Alexander And the said defendants James R. Alexander. Thomas B. Alexander and Francis A. Atchison are as devisees as aforesaid and as joint owners each entitled to one fourth share or interest in the following described real estate in plaintiffs petition mentioned to wit Lot seven (7) in Block Ninety Eight (98) and lot seven (7) in Block Eighty three (83) with the improvements thereon situate in the City of Austin County of Travis. State of Texas and it is ordered & directed that said real estate be partitioned between the said John Campbell Alexander James R. Alexander. Thomas B. Alexander. and Francis A. Atchison. according to their respective shares and interests that is to say one fourth part to the said John Campbell Alexander. One fourth part to the said James R. Alexander one fourth part to the said Thomas B. Alexander and one fourth part to the said Francis A. Atchison and it is further ordered that Swante Palm. J.H. Collett & W. Von Rosenberg be and they are hereby appointed as commissioners to make such partition in accordance with this decree and the law, and that the clerk of this Court do issue a writ of partition directed to said Commissioners notifying them of their appointment as such. said writ to be accompanied with a certified copy of this decree. and the said Commissioners shall report their action and doings in this behalf to this court as required by law on the 28th November 1882. 537

4th That the accounts and report of the said John C. Raymond Executor of the last will and testament of the said William Alexander deceased as filed in connection with his answer in this case be and the same is approved and adjudged correct. and the parties to this suit now here in open Court by their respective counsel agreeing thereto it is ordered that the said Raymond Executor as aforesaid after paying to Davis & Ruggles the sum of One hundred dollars being the amount of fee allowed them by the Court for legal services rendered in connection with this suit to said Executor and after paying to D.W. Doom Esq the sum of fifty dollars by said decedent for the purpose of a cash deposit and which did not in fact belong to his Estate do turn over and deliver to ~~their~~ said John Campbell Alexander. John R. Alexander. Thomas B. Alexander and Francis 53

November 22nd 1882.

A. Atchison or to their attorneys in fact or attorneys of record in this suit all moneys assetts, or personal property in his hands or under his control belonging to said estate to be disposed of and divided among the said parties in the like proportions and interests as hereinbefore decreed, with respect to the real Estate taking receipts therefor and filing a copy thereof with the papers in this case and the said Raymond executor as aforesaid is adjudged to be no longer required to discharge any further duties as Executor as aforesaid.

5th That the costs of this suit and proceeding herein be equally divided between the said John Campbell Alexander. James R. Alexander. Thomas B. Alexander & Francis A. Atchison.

6th That all matters and things not settled by this decree be reserved untill the Coming in of the report of the commissioners or for future action without prejudice to the right or interest of any of the parties to this suit.

7th That from and after the compliance by said Executor John. C. Raymond with the terms of this (in so far as the performance of any duty by him as required herein) he the said executor shall stand discharged from any further responsibility or liability as such Executor shall thereupon cease

Andrew Neal vs The W.U. Telg. Co. } This cause being regularly called for trial on this 13th day of Oct 1882 the parties both plff and deft appear and announce themselves ready for trial, and this cause being submitted to the court without the intervention of a jury for trial. the Court after hearing the evidence. does find for the plaintiff in the sum of five dollars. It is therefor ordered adjudged and decreed that the plaintiff do have and recover from the defendant. The Western Union Telegraph Company the sum of five dollars and his costs in this behalf laid out and expended. To which finding and judgt of the court the plaintiff excepts and gives notice in open Court of appeal to the Supreme Court of the State of Texas.

Court adjourned till to-morrow morning 9 O'clock.

November 23rd 1882

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings were had viz:

The State of Texas vs W. B. Middleton et al. } Plaintiff has leave to file amended original petition.

Court adjourned untill to-morrow morning at 9 O'clock.

November 24th 1882.

Court met pursuant to adjournment present same as on first day Whereupon the following proceedings were had viz:

The State of Texas vs W. B. Middleton et al } On this 24th day of November A. D. 1882 came the plaintiff by her attorneys E. T. Moore & D. W. Doom and the defendants by their attorneys Shelley & Cannington and John B. Rector and plaintiff by her attorneys suggest the death of defendants W. B. Middleton and A. G. Rogers and says she will not further prosecute her suit as to them wherefore this cause is discontinued as to said W. B. Middleton & A. G. Rogers and the plaintiff and the other defendants thereupon announce themselves ready for trial and waive a jury and submit the matter in controversy as well of fact as of law to the Court and it appearing from the pleadings and evidence that the principal Defendant W. B. Middleton is dead and the pleading and evidence having been heard and fully understood it is considered, ordered

November 24th 1882.

adjudged and decreed by the Court that the plaintiff the State of Texas do have and recover of the defendant D. C. Carrington. R. B. Coleman. W. P. Evans W. M. Evans. H. B. Pruitt. N. N. Thompson W. L. Rogers and A. W. Sanders jointly and severally the sum of Six hundred and twenty five Dollars with interest thereon from this date until paid at the rate of Eight per cent per annum together with all costs in this behalf expended and that plaintiff have his execution.

Bertram Brueggenhoff & Moller vs O. F. Nash — This cause being regularly called for trial on this the 6th day of October 1882 came the plaintiffs by their attorneys Wooten & Pendexter - but the said defendant though duly served with citation more than five days - before the commencement of the present term of this court having failed to appear and answer in this behalf but wholly made default - Therefore the said plaintiffs ought to recover against the said defendants their damages by occassion of the premises - And it appearing to the Court that the cause of action is liquidated and proved by an instrument of writing - it is ordered that the clerk do assess the damages aforesaid at the sum of ($1039 22/100) One thousand & thirty nine 8 89/100 dollars: It is therefore considered, ordered, adjudged and decreed by the court that the said plaintiffs. A. Bertram. Wm Brueggenhoff & H. W. Moller under the firm name and Style of Bertram. Brueggenhoff & Moller do have and recover of & from said defendant O. F. Nash the sum of ($1039 89/100) One thousand & thirty nine and 89/100 dollars. with interest thereon from date of Judgment at the rate of eight per cent per annum to-gether with all costs in this behalf expended for all which execution may issue. Court adjourned till tomorrow morning 9 oclock

5835
4 Docks page 120
5582

November 25th 1882.

Court met pursuant to adjournment. Present came as on first day whereupon the following proceedings were had viz:

James Bowen et al vs Lucentia Bowen et al — This cause being this day regularly called for trial came the parties by their attorneys, and thereupon came on to be heard the motion of defendants to dismiss this case as to Orr and this motion, and the same being considered by the court it is ordered that this case be and the same is hereby dismissed as to said parties, and thereupon came on to be heard the motion of defendants to strike out, which motion was by the court overruled, and the death of the defendant Mary E. Orr being suggested and that Willie Daniels is the sole heir, it is ordered by the court that this case be and the same is hereby continued for service on said minor Willie Daniels.

(Carried to page 404)

Court adjourned till Monday morning 9 oclock

Monday November 27th 1882.

Court met pursuant to adjournment. Present came as on first day whereupon the following proceedings were had viz:

R. G. Cross et al vs J. L. Davis Coll Admr Est W. A. Day died — On the 23d day of November A.D. 1882 the motion of the defendant for a new trial in this behalf coming on to be heard and argument of Counsel for defendant being heard the motion was postponed until the

5771

November 27th 1882

the 24th day of November 1882 for further argument, Whereupon on said last named day said motion was submitted and taken under advisement by the Court; And now on this the 27th day of November 1882 said motion having been duly considered and fully understood by the court, it is ordered by the court that said motion be and the same is hereby overruled to which ruling of the court the defendant in open Court excepts and gives notice in open court of appeal to the Supreme Court of Texas.

B. N. Jaynes this
vs
Leander Brown et al

On the 23d day of October 1882 upon motion of plaintiffs attorney it is ordered by the Court that the Sheriff have leave to amend his return on citation in this case so as to show service on Peter Hehl a defendant, and that plaintiff have leave to file 1st supplemental petition, and defendants have leave to file 1st amended original answer, and thereupon came the plaintiffs by their attorney, and said defendant Peter Hehl having been duly cited failed to appear and answer in this behalf but wholly made default Whereupon the said plaintiffs Agnes A. Jayne, Juliet T. Camp and her husband Angus G. Camp in her right Caroline P. McFarland and her husband Thos. J. McFarland in her right, Bronston J. Williams and Oscar W. Williams ought to recover against the said Peter Hehl by occasion of the premises.

5592

5825

F. C. & L. A. Evans vs City Water Company. It is ordered by the Court that defendant have leave to file 1st amended original answer, and cause continued as on application of plaintiffs.

Court adjourned till tomorrow Morning 9 Oclock

November 28th 1882

Court met pursuant to adjournment, Present same as on first day Whereupon the following proceedings were had viz:

5592

B. N. Jaynes this
vs
Leander Brown et al

And now on the 23d day of October 1882, this cause coming on to be heard the plaintiffs Agnes A. Jayne, Juliet T. Camp and her husband Angus G. Camp, Caroline P. McFarland and her husband Thomas J. McFarland and Bronston J. Williams and Oscar W. Williams, Who sue as the heirs of Bronston A. Jayne deceased appeared by their attorney John R. Peel Esqr. and defendants Peter Hehl and J. F. Crosby having been duly cited to appear and answer the petition of said plaintiffs but having wholly made default at a former day of this term of this Court judgment by default having been taken against said defendants Peter Hehl and J. F. Crosby for want of an answer; it is therefore ordered by the Court that said plaintiffs recover from said Peter Hehl and J. F. Crosby one half undivided in and to the several parts of Out lot No 72. in Division D. of the Government tract adjoining the City of Austin as claimed by said Peter Hehl and Crosby respectively as shown by plaintiffs petition and that said plaintiffs have partition of said parts of said Out lot No 72. with said Hehl and Crosby respectively so as to have one half of each of said

771

November 28th 1882.

parts of said lot set apart to said plaintiffs, And also appeared the other defendants towit: Leander Brown. D F. Waddell, D. E. Thomas William M. Walton. John Hildinger. A. J. Jernigan. S.W. Ford. Don Wilson Louis Heil R. J. Hill, Mrs Millie Parish, Robert Byrd. Mary Byrd. Mrs Alice Kitchens C. W. Hill and Charlott Hill by their respective attorney and also the minors Adele Parrish. Guy. R. Parrish and Clara Parrish by their guardian ad-litem R. J. Hill Esq duly appointed by the court to represent the interest of said minors in this suit, and also the minors Lemuel. M. King. Josiah King. John L. King and William W King. by their guardian ad litem Thos. E. Sneed Esqr. duly appointed by the court to represent the interest of said last named minors in this suit; and a jury having been waived all matters both of law and of fact being submitted to the Court and the demurrers and exceptions of defendants to the petition of plaintiffs being submitted to the court and fully understood it is ordered by the court that said demurrers and exceptions be overruled. to which action and ruling of the court said defendants excepted, and thereupon the demurrers and exceptions of said plaintiffs to the several Answers of said defendants being submitted to the Court and fully understood it is ordered by the court that said exceptions of plaintiffs be sustained to such parts of the Answers of said defendants as specifically plead "not guilty" and that said demurrer and exceptions of plaintiffs to all other parts of said Answers of defendants be overruled to which ruling the plaintiff excepted And the Court then proceeding to hear the evidence in the Cause and it appearing to the Court among other things by the agreement on file which was submitted to the court that the decision and judgment in this case as to defendants D. E. Thomas is to abide the decision and judgment in this case as defendant Don Wilson, and the argument of Counsel being heard and the Court being of opinion on the case made that the law of the case is with said defendants, It is therefore ordered adjudged and decreed by the court that said plaintiffs take nothing in this suit as against said defendants Leander Brown D. F. Waddell. D. E. Thomas. William. M. Walton. John Hildinger A. J. Jernigan. S. W. Ford. Don Wilson. Louis Heil. R. J. Hill. Millie Parrish Adele Parrish. Guy. R. Parrish. Clara Parrish. Robert Byrd. Mary Byrd Lemuel M King. Josiah King. John. L. King. William. W. King Alice Kitchens C. W. Hill and Charlotte Hill, and it appearing to the court that the said defendants own and have a good and perfect title to the several parts of said out lot No 72 as claimed by them respectively; that is to say; that said defendant Leander Brown is the owner of the South East Quarter of said out lot No 72 containing ten acres with the exception and qualification hereinafter shown. it is therefore ordered adjudged and decreed by the court that said Brown be forever quieted in his right title and possession of the same as against said plaintiffs except as to a small piece off the same contracted to be sold by said Brown to Robt. Richter as hereinafter more fully specifically provided for = and that defendant Don Wilson has a good and perfect title to the following portion of the south West Quarter of said out lot No 72 towit: Beginning at a point on the

November 28th 1882

South line of said out lot 75 2/3 varas S 60° E from the South West corner of said out lot No 72: Thnce N. 30° E 171 varas. Thnce S. 60° E. 254 1/3 varas Thnce S. 30° W 171 varas to the South line of said out lot No 72. Thnce N. 60° W. 254 1/3 varas to the place of beginning; And that defendant D. E. Thomas is the owner by good and perfect title to the remainder of the South West quarter of said out lot No 72 not owned by the said Don Wilson as aforesaid; and that Mary Bird as the surviving wife and Alice Kilchrist Lemuel W. King, Josiah King, John L. King and William W. King as the sole children and heirs at law of J. L. King deceased are the owners by good and perfect title to two and one half acres of the North East quarter of said out lot No 72 described as follows towit: Beginning at S. E corner of 2 1/2 acres sold by Leander Brown to J. L. King - Thnce in a Westerly direction with said J. L. Kings South line 435 ft feet - Thnce in a Southerly direction 250 feet - Thnce in a Easterly direction and parallel with the first line herein named 435 6/10 feet - Thnce in a Northerly direction 250 feet to the place of beginning; it is therefore ordered adjudged and decreed by the Court that said Don Wilson be forever quieted in his right title and possession to said part of said out lot owned by him as aforesaid, and that said D. E. Thomas be forever quieted in his right title and possession to said part of said out lot owned by him as aforesaid and that said Mary Bird Alice Kilchrist Lemuel W King Josiah King John L. King and William W. King be forever quieted in their right title and possession to said part of 2 1/2 acres of said out lot owned by them as aforesaid,

And it appearing to the Court that defendant Robert Richter has made a contract of purchase from Leander Brown of a small piece of ground in the South West corner of the South East quarter of said out lot; that Richter has not paid the purchase money for the same and refuses to pay said purchase money and that the purchase money for the same has been due since March 1882 and that said Brown is in possession of said small piece of ground and the said Brown having declared to the Court his purpose to take said contract of said Robert Richter as abandoned by said Richter, and the said Robert Richter though duly cited did answer but does not appear and defend in this behalf and the said Brown in his answer having set up title in himself to the entire South East quarter of said out lot including the small piece of ground embraced in his contract of sale to said Robert Richter and said Brown having shown a perfect title in himself to the entire South East quarter of said out lot except as affected by said contract of purchase of said small part thereof by said Robert Richter, It is therefore ordered adjudged and decreed by the Court that in case said plaintiff shall pay to said Leander Brown the full balance of the purchase money due and owing to said Brown from said Robert Richter for said small piece of ground on or before the first day of January A.D. 1883 then and in that case said plaintiff shall recover from said Richter one half interest in said small piece of ground and shall be subrogated to the rights of said Brown in and to said piece of ground contracted to be sold by said Brown

to said Richelu, and have partition thereof with said Richelu accordingly, but in case said plaintiffs shall fail to so pay said Brown the full amount of balance of purchase money due him on his said contract of sale to said Richelu on or before January 1st 1883. then said plaintiff shall not recover any interest in said piece of ground contracted to be sold by Brown to Richelu and shall be denied partition thereof, in which event said Brown shall be forever vested in his right title and possession to all of the South East Quarter of said Out lot No 72. including said small piece thereof contracted to be sold to said Robert Richelu as against said plaintiffs, And it is further ordered adjudged and decreed by the court that D. C. Sandell. M. V. Comeaux and Jno P. Kirk be and they are hereby appointed commissioners to make partition between said plaintiff and said Pelu Ackel of the lot held by said Pelu Ackel as tenants in common with said plaintiffs of Lot No 3 in the Walton and Parish subdivision of said out lot No 72: and to make partition between said plaintiffs and said J. F. Crosby of the five acres of said out lot No 72 held by said Crosby as a tenant in common with plaintiffs said five acres of land lying the North East Quarter of the east half of said out lot No 72 in Division "D" and in making said partition said commissioners will so divide said Lot No 3. in Walton and Parish subdivision between said plaintiffs and Pelu Ackel as to give plaintiffs one half thereof and said Pelu Ackel the other half thereof, due regard being had by said commissioners to Quality, Quantity, situation and value; and that in making partition between said plaintiffs and J. F. Crosby of said five acres of land said Commissioners will so divide the same as to give the said plaintiffs one half thereof and to the said Crosby the other half thereof, due regard being had to Quantity Quality situation and value, And it is further ordered adjudged and decreed by the court, in case the said plaintiffs shall on or before the first day of January 1883 pay off and fully satisfy the purchase money due and owing to the said Leander Brown from Robert Richelu for the small piece of land in the South West corner of the South East Quarter of said out lot No 72 contracted to be sold by said Brown to said Richelu then and in that event the said Commissioners shall make partition of said piece of ground between said plaintiff and said Robert Richelu so as to give said plaintiff one half thereof and Robert Richelu the other half thereof due regard being had to Quantity Quality situation and value, and in case said plaintiffs shall so pay off said purchase money owing on said piece of ground from said Richelu to said Brown by the first day of January 1883 then and in that event it is ordered adjudged and decreed by the court that the said plaintiffs shall be subrogated to all the rights of said Brown as vendor of said Richelu in and to said piece of ground so contracted to be sold by said Brown to said Richelu: but should said plaintiffs fail to pay said purchase money to said Brown owing by said Richelu by the first day of January 1883 then and in that case said plaintiffs are denied and refused partition with said

Novmbr 28th 1882

Richlu and the said Bonn shall be from thence quieted in his right title and possession of said piece of ground Contracted by him to be sold to said Richlu as against the said plaintiffs,
And it is further ordred adjudged and decred that the defendants Leander Bonn, D. F. Waddell, D. E. Thomas, Wm M. Walton, John Hildinger, A. J. Jernigan, S. M. Ford, Don Wilson, Louis Heil, R. J. Hill, Millie Parish, Adele Parish, Guy R. Parish, Clara Parish, Robt Burl, Mary Burl, Samuel W. King, Josiah King, John L. King Wm W. King, Alice Kitchens, C W Hill and Charlotte Hill each pro rata from said plaintiffs and their sureties on their cost bond to wit: A. F. Anderson and Jno. R. Peel xx xxxxx all costs incurred in this case by reason of said last named defendants being made parties to this suit; and that said plaintiffs recover from said defendant Robt Richlu all the costs incurred in this case by reason of said Richlu being made a party to this suit; and that said plaintiff pay one half the costs incurred in this case by reason of J. F. Crosby and Pilu Hehl being made parties hereto, and that said Crosby and Hehl each pay the other one half of the costs incurred by reason of said Crosby and Hehl being respectively made parties hereto.
And it is further ordred that the sum of dollars be allowed to R. J. Hill for his services as guardian ad litem for the minor defendants Adele Parish, Guy. R. Parish and Clara Parish, and that the sum of dollars be allowed Thos. E. Sneed for his services as Guardian ad litem for the minor defendants Samuel W. King, Josiah King, John L. King and Wm W. King that the same to be taxed and collected as part of the costs herein adjudged against the plaintiffs, and execution shall issue for the costs as herein adjudged.

V5861. John Campbell Alexander vs James R. Alexander Jal } This day came on to be heard the report of J. H. Collett and W. Von Rosenberg who constitute a majority of the Commissioners appointed by this court on the 22nd day of November 1882 to partition lot seven(7) Block 98 and Lot 4 in Block 83 with the improvements thereon situate in the city of Austin County of Travis and State of Texas between the plaintiff John Campbell Alexander and the defendants James R. Alexander Thomas. B. Alexander and Francis. A. Atchison, said report being in words and figures following to wit:

The State of Texas } In the District Court of Travis County Texas
County of Travis } To the Hon A. S. Walker Judge of said Court.
We the undersigned J. H. Collett and W. Von Rosenberg being a majority of the Commissioners appointed by this honorable Court on the 22nd day of November 1882 to partition the real estate hereinafter discribed, between John Campbell Alexander, James. R. Alexander, Thomas. B. Alexander and Francis. A. Atchison all divisees under the last will and testament of William Alexander died, having been duly sworn with the writ of partition issued by the Clerk of said District Court together with the accompanying certified copy of decree, beg leave to report, as follows:
We have examined the property in said decree mentioned and discribed to wit: Lot number seven(7) in Block number ninety eight 98 and

November 28th 1882

Lot number seven (7) in Block number Eighty three (83) with the improvements thereon situated in the City of Austin, County of Travis and State of Texas. The improvements on one of said lots consists of a stone house, which has been suited and occupied as a boarding house and, also, a small stone house adjoining formerly occupied by the late William Alexander as a place of residence and office as attorney at law and the other of said lots is without improvements of any kind and is about the usual dimensions of Austin City lots. The size of said lots and the character of improvements make it impracticable to make a fair and equitable division thereof, among four divisees, as a division of the same in four parts would, in our judgment greatly impair, if not destroy their value. We are therefore of opinion that such fair and equitable division of said lots cannot be made between said divisees and respectfully recommend that the same be sold and the proceeds divided among the parties entitled,

W. Von Rosenberg
J. H. Collett,

Sworn to and subscribed before me by W. Von Rosenberg and J. H. Collett this the 28th day of November A.D. 1882

(seal) Jas P. Hart Clk D.C.T.C. Travis

And it appearing to the Court, that said property cannot be fairly and equitably divided among said plaintiff and defendants, and that said report is correct, and the parties by their respective attorneys being now in open Court and assenting to the correctness of the same and making no objection thereto, the said report is, in all things confirmed. It is further ordered adjudged and decreed by the Court, all the parties plaintiff and defendant agreeing and assenting thereto, that said real estate being situate in the City of Austin, County of Travis and State of Texas, to-wit: Lot Number (7) seven in Block number ninety eight (98), and lot number (7) seven in Block number Eighty three (83) together with all improvements be sold on the first Tuesday in January 1883 at public auction at the door of the Court House of Travis County between the hours of 10 o'clock A.M. and 4 o'clock P.M. as under Execution for cash in hand to the highest bidder. It is further ordered that J. H. Collett and Wm Von Rosenberg be appointed Commissioners to make sale of said property; that said Commissioners publicly advertise said property for at least thirty (20) days successively next before the day of sale by posting up printed or written notices thereof at three public places in said County of Travis, one of which shall be at the Court House door of said County, stating in such advertisement the time place and terms of making said sale, It is further ordered that said Collett and Von Rosenberg Commissioners make a report of their proceedings hereunder and do return into this Court the proceeds of said sale to the end that if no objection be made thereto, the sale or sales made by them in pursuance thereof may be confirmed by this court and proceeds thereof divided among the parties thereto entitled

November 28th 1882.

3723. James Brown vs Lucilia Brown et al — And now on this the 25th day of November 1882 came the defendants and by leave of the court dismiss their Cross action against A W Orr and receive bond.

3723. James Brown vs Lucilia Brown et al — And now on this the 25th day of November 1882 comes the plff and suggests the death of the defendants Mary Orr and A.W. Orr the husband and asks leave to make Willie Daniel a minor the child of Mary Orr. by a second marriage defendant to this suit: Which leave is hereby granted

Court adjourned till tomorrow morning 9 oclock.

November 29th 1882

Court met pursuant to adjournment. Present same as on first day Whereupon the following proceedings were had viz:

5826 — Travis County vs The Houston and Texas Central Railway Company. — 4 Docket pag. 119 — And Now on this the 29th day of November A.D. 1882 in its regular order this cause came on to be heard, and the plaintiff Travis County appearing by its attorney John Dowell and the defendants The Houston and Texas Central Railway Company appearing by their attorney George Goldthwaite When the said defendants by their said Attorney asked leave of the Court to file an Amended original answer as their pleadings in this cause Which leave was granted by the Court and said defendants thereupon filed an amended original answer in said cause, and thereupon Plaintiff by its attorney asked leave of the Court to file a first supplemental Petition in this cause which leave was granted by the Court and plaintiff filed the same among the pleadings in this cause, thereupon both parties plaintiff and defendants by their respective attorneys announced ready for trial on the law and facts of the case, Thereupon suggestion by defendants attorney to the Court that Thos N. Whitee be appointed Stenographer to take down the evidence of the witnesses in the case the said Thomas N. Whites was by the Court duly and legally appointed and qualified as prescribed by law as such Stenographer to take down the evidence of the witnesses in this case and at once entered upon the discharge of his duties as such, Thereupon came on to be heard the general demurrer of the defendants to Plaintiffs cause of action as set forth in the Amended original Petition and after hearing the same read and argument of Counsel and duly considering the same the Court was of the opinion that said General demurrer of the defendants be sustained as to the amount of two Thousand dollars damages to the said public crossing and which amount is necessary in order to place said public crossing in as good condition as the same was prior to said Rail road crossing the same, and for the amount of one thousand dollars per annum since the first day of September A.D. 1871 up to the present time being the amount of damages to petitioner in being deprived of the use and benefit of said crossing in a proper and good condition since that date and for being compelled to use said crossing in its insufficient state that length of time, and for the

sum of Five Hundred dollars per year so long as said Railroad shall use and occupy said Crossing to be expended each year in repairs in maintaining and keeping said crossing in good order and condition and for the order of this court compelling and requiring said defendants under the direction of this court to procede at once to retore said crossing to as good condition as the same was prior to said rail road crossing the same as to a state as not to unnecessarily impair its usefulness and to keep such crossing in repair. And that plaintiffs cause of action so far as these said items of damages and prayer for order of court be dismissed but as to the cause of action as set out in the said amended original petition for money laid out and expended by the plaintiff in making a crossing of said Public Road over said Railway made necessary by the acts and doings of defendants as set forth in said petition and being an amount expended the sum of Five Hundred and Sixty six dollars and seventy two cents the said General demurrer be not sustained but overruled, and said cause of action for money expended and laid out as aforesaid be permitted to stand as a proper cause of action to which ruling of the court the plaintiff by its attorney in so dismissing said portions of its cause of action as aforesaid excepted in open court to the ruling of the court and tenders its bill of exceptions to this effect. Whereupon came on to be heard the General demurrer and special exceptions of the plaintiff as filed and contained in the First supplemental petition to defendants amended original answer and after hearing the same read and argument of counsel thereon and fully understanding the same the court was of the opinion that the general and special demurrers contained in said petition as to the plea of the Statute of limitation as pleaded by said defendants should be sustained and said plea of the Statute of limitations stricken out, for and on account of the fact that the plaintiff being a part of the political division of the State the Statute of limitations did not run against it and for and because of the fact that defendants had not plead the same in due order of pleading and was so ordered, but as to the remainder of said answer the said demurrers be and were overruled, to which ruling of the court in so striking out their plea of the Statute of limitations the defendants excepted in open court and tendered their bill of exceptions of the fact, thereupon the case proceeded to trial upon the facts, both parties announcing ready. Whereupon came a jury of twelve good-lawful and qualified men of Travis County Texas. consisting of Thomas F. Purnell and seven others who being tried and listed and found qualified and accepted by the parties as the jury in the case and being duly sworn, after hearing the pleadings, evidence, and argument of counsel and after receiving an oral charge from the court as to the law of the case (both parties having a written charge and expressly consenting the court might give an oral charge to the jury as to the law of the case, and the defendants further admitting to the court and the jury that they had no defense to plaintiffs cause of action as proved and consenting a verdict might be returned for amount as proved. retired to consider of their verdict and after duly considering the same and

Novembr 29th 1882

fully understanding the cause said jury returned into court the following verdict to wit: " Travis County, Plaintiff vs The Houston and Texas Central Railway Company Defendants. No 5826. In District Court Travis County Texas. We the Jury in this case of Travis County Plaintiff versus The Houston and Texas Central Railway Company defendants find for the plaintiff the sum of Five hundred and ~~Sixty~~ six dollars and twenty two cents as the amount due.

Thomas. F. Purnell Foreman."

as their verdict in this case. Whereupon it is ordered adjudged and decreed by the court that the plaintiff Travis County in this cause do have and recover of and from the defendants in this cause The Houston and Texas Central Railway Company the sum of Five hundred and Sixty Six Dollars and twenty two cents as the judgment in this cause and for all costs of suit in this behalf expended for collection of which execution may issue.

5817 ✓
24 Dec 8-
p 119

The State of Texas } On this 29th day of Novembr AD 1882 came the
vs } plaintiff by her attorneys E. T. Moore County attorney
F. L. Busch et al } and D.W. Doom and the defendants D Lewis and
J. M. Bickford by their attorneys Shultz & Breed, and the defendants
F.L. Busch and D H Reagan after having been duly cited as required
by law having failed to appear and answer in this behalf but wholly made
default and an interlocutory judgment by default having heretofore been
entered against them in this cause. Whereupon the said plaintiff the State
of Texas ought to recover against the said defendants F. L. Busch and
D H. Reagan the damages by occasion of the premises; and thereupon
came on to be heard the general and special demurrers of the defendants
D Lewis and J. M. Bickford to the plaintiffs original petition and the
argument of counsel thereon being heard it is the opinion of the court
that the law is for the plaintiff. It is therefore considered and ordered
by the court that the said general and special demurrers be overruled
to which ruling of the court the said defendants except, and thereupon
came on to be heard the demurrers of plaintiff to the 13th 14th 15th 16th
17th and 18th divisions of the amended original answer of the defendants
D Lewis and J. M. Bickford and the argument of counsel thereon being
heard it is considered and ordered by the court that the said de-
murrer as to the 13th 14th 17th and 18th divisions of said amended
original answer and to so much of the 15th division of said amen-
ded original answer as alleges that the bond sued on is null
and void on account of the facts recited in said bond be sustained
to which ruling of the court the said defendants except. and that
the said demurrer as to the remaining portion of the 15th and as
to the whole of the 16th division of the said amended original answer
be overruled to which ruling of the court the plaintiff excepts: and
thereupon both parties announced ready for trial on the facts and
waive a Jury and submit the matters in controversy as well of fact
as of law to the court and the pleadings evidence and argument
of counsel having been heard and fully understood it is considered
ordered adjudged and decreed by the court that the State of Texas

November 29th 1882.

plaintiff do have and recover of the defendants. F. L. Busch. D Lewis D H. Regan and J. M. Bickford jointly and severally the sum of Thirteen hundred and Thirteen Dollars with interest thereon from this date until paid at the rate of eight per cent per annum together with all costs in this behalf expended And that plaintiff have his execution.
And it appearing to the Court that the defendant F. L. Busch is the principal in the official bond sued on in this cause and that the defendants D Lewis. D H. Regan and J. M. Bickford executed said bond as sureties and as such sureties are entitled to the benefit of the statute in such cases made and provided it is therefore further ordered adjudged and decreed by the Court that the Sheriff levy the execution issued by virtue of this judgment first upon the property of the said F. L. Busch subject to Execution and situated in the County of Travis before a levy shall be made upon the property of said sureties or any of them, provided so much property of the said F. L. Busch subject to Execution shall be found in said Travis County as will be sufficient to make the amount of said execution otherwise the levy thereof to be made on the property of the said F. L. Busch that may be found, if any, and upon so much of the property of said sureties as may be necessary to make the amount of said execution, And it is further ordered adjudged and decreed by the Court that in case said sureties or any of them shall make any payment which is applied on this judgment by reason of their suretyship on said official bond this judgment shall not be discharged by such payment but shall remain in full force and be prosecuted to Execution against the said F. L. Busch for the use of the sureties or surety making such payment to the amount of such payment and interest thereon, And it is further ordered adjudged and decreed by the Court that in case this judgment is paid by the said sureties or any of them and one or more of said sureties fails to pay his proportionate part of said judgment and in consequence of such failure one or more of said sureties is compelled to pay more than his proportionate part of said judgment then execution may issue against the said F. L. Busch for the use of said surety or sureties who shall have paid more than his proportionate part of said judgment for the whole amount paid by him and interest thereon, and also against his co sureties for their pro-portionate part of the excess so paid by him and interest thereon, and it is further ordered that execution may issue in behalf of the officers of the Court for all costs in this behalf expended.

M. A. Taylor. et al. vs The Houston & Texas Central Railway Company. } On this day came the parties plaintiff and defendant by their attorneys of record and announced ready for trial, and said parties by their said attorneys having agreed that the 27 48/100 acres of land set forth and described in plaintiffs 1st amended petition be condemned for all the purposes of a right of way for defendants road and that the plaintiff take judgment for and recover of said defendant the sum of nine hundred dollars as

5837
& Docket 5 page 119

583

59

4

November 29th 1882

this fair and proper measure of damages in this cause, Therefore it is ordered adjudged and decreed by the Court that the 100 feet on either side of defendants road bed as it crosses about 967 acres of the Wm. Saunders survey in Travis County Texas claimed by plaintiffs be and is hereby condemned and declared to be the property of defendants for all the purposes of a right of way for its road bed and for no other purpose, and it is further ordered adjudged and decreed that the plaintiffs M. J. Millican. O. N. Millican. M. H. Taylor and M. A Taylor do have and recover of and from the defendant The Houston and Texas Central Railway Company the sum of Nine hundred dollars to draw interest from the date of this judgment at 8 per cent per annum and all costs of this suit for which execution shall issue.

Court adjourned till tomorrow morning 9 Oclock

November 30th 1882.

This being Thanksgiving day and a general holiday, and there being no business transacted. Court adjourned till tomorrow morning 9 oclock.

December 1st 1882.

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings were had viz:

5831 Robt Adams } vs Laura Adams. } And now comes the plaintiff by attorney and moves the court to set aside the continuance heretofore entered in this case, which motion was granted by the Court and the case regularly called for trial. Whereupon came the plaintiff by attorney and announced ready. But the said defendant although duly served with process more than five days before the commencement of the present term of this Court failed to appear or answer in this behalf but wholly made default, Whereupon the Court heard the evidence and pleadings of plaintiff and argument of counsel thereon and is of the opinion that the material allegations contained in plaintiffs petition are true, it is therefore ordered adjudged and decreed by the Court that the material allegations in plaintiffs petition of making heretofore existing between the plaintiff Robert Adams and the defendant Laura Adams be and the same are hereby forever dissolved. and that the plaintiff pay all costs of this suit for which execution may issue.

Court adjourned until to-morrow morning at 9. Oclock

December 2nd 1882.

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings were had Viz:

5936 Enoch Weber } Ex parte } Certificate of Naturalization. United States of America.

State of Texas County of Travis Be it remembered that at the District Court aforesaid. held at the Court house thereof. in the city of Austin on the

December 2nd 1882.

2nd day of December A. D. 1882. Enoch Weber a native of Germany. exhibited a petition praying to become a citizen of the United States: And it appearing to the Court that he had declared on oath before the Clerk of the District Court of the United States for the Western District of Texas on the 14th day of August A. D. 1877 that it was bona fide his intention to become a citizen of the United States. and to renounce forever all allegiance and fidelity to any foreign. prince potentate State or Sovereignty whatsoever and particularly to the King of Germany of whom he was ~~subject~~ at that time a subject: and the said Enoch Weber having on oath declared and also made proof thereof agreeable to law to the satisfaction of the Court. that he had resided one year and upwards within the State of Texas and within the United States of America upwards of Five Years. both periods immediately preceding his application and that during said period of five years 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 having declared on oath before said Court that he would support the constitution of the United States. and that he did absolutely and renounce and abjure all allegiance and fidelity to every foreign Prince. Potentate. State or sovereignty whatsoever and particularly to the King of Germany, of whom he was before a subject; and having in all respects complied with the laws in regard to naturalization: Thereupon the Court admitted the said Enoch Weber to become a citizen of the United States and ordered all the proceedings aforesaid to be entered in the records of said County. In Witness whereof I Jas R Hart Clerk of the District Court in and for the County of Travis aforesaid have hereunto signed my name and affixed the seal of said Court this 2nd day of December A. D. 1882. Jas R Hart Clerk District Court of Travis County Texas

(seal.)

Travis County
vs
N. & T. C. R. R. Co

And now on this day the motion of the defendant for a new trial in this behalf coming on to be heard and the same being submitted and said motion being duly considered and fully understood by the Court. it is ordered by the Court that said motion be and the same is hereby overruled. to which ruling of the Court defendant excepts and in open Court gives notice of Appeal to the Supreme Court. 5826½

Travis County
vs
N. & T. C. R. R. Co

And now on this day the motion of the plaintiff for a new trial in this behalf coming on to be heard and the same being submitted, and said motion being considered and fully understood by the Court. it is ordered by the Court that said motion be and the same is hereby overruled. 5826½

R. D. Cude
vs
M. A. Morris Admr. &c.

And now on this the 22nd day of November 1882 the mandate of the Hon Supreme Court of the State of Texas having been filed affirming the judgment of this court in this case it is now ordered that this case be and the same is hereby dropped from the docket. 4401

J. A Rivith
vs
Richard Walsh

The mandate of the Hon Supreme Court of the State of Texas having on the 27th day of November 1882 been filed affirming this case it is now ordered by the court that said cause be and same is hereby dropped from the docket 4407

December 2nd 1882.

5710 Blacknwd & Fragier vs T. E. P. Wright } The mandate of the Hon Supreme Court of the State of Texas having this day been filed affirming the judgment of this Court in this case. It is now ordered by the Court that this case be and the same is now dropped from the docket.

5595 v. The State of Texas vs D. M. Strayhorn et al. Continued by consent.

5809 v. Wm E. Smith vs G. S. N. R. R. Co. Continued on affidavit of defendant in Error. on November 22nd 1882.

5840 v. H. B. Hilleyer. vs J. W. Nanney. Continued by consent on the 2nd day of November 1882.

Court adjourned till Monday morning 9 o'clock.

December 4th 1882.

Court met pursuant to adjournment. Present same as on first day except as to Sheriff and M. M. Hornsby having qualified each now acting present in Court. Whereupon the following proceedings were had viz!

3935 v. John N. Johnson Ex Parte } On the 24th day of November 1882 the application of John N Johnson for permanent license to practice as an attorney and counsellor at law coming on to be heard. It is ordered by the court that N. S. Shelley J. B. Rector and W. W. Doom Esq be and they are hereby appointed a committee to examine the applicant. Examination to take place December 2nd 1882. and said examination having on said last named date taken place in open Court. and said applicant having produced the certificate as required by law showing that he is duly on years of age and a man of good moral character an honorable deportment: and the court being satisfied from examination in open court and by the report of the Examining Committee of his legal qualifications: It is therefore on this the 4th day of December 1882 ordered by the court that the said John N Johnson be and he is hereby admitted and authorized to appear plead and practice as an Attorney and Counsellor at law in all District and inferior Courts of the State of Texas, and further ordered that the Clerk of this court issue to him a license accordingly.

8261 v.

2931 v. Thmas. F. McSimmons vs A. M. Cox. } This case being this day regularly called for trial and neither party appearing. It is ordered by the court that the case be and the same is hereby dismissed for want of prosecution, and further ordered that the plaintiff pay all costs in this behalf expended for which execution may issue.

5739 v. The State of Texas vs F. L. Busch et al set for December 21st 1882.

5790 v. Virginia Nelson et al vs T. J. Whalen et al. Continued as on affidavit of Plff

5828 v. Wm Whalen vs G. S. N. R. R. Co. Continued by consent.

4935 v. Carleton & Robertson vs Bingham Trigg Continued

4975 v. T. L. Wray vs Edmund Green. No counsel appearing Continued.

5205 v. E. M. Shands et al vs Milton Wallace. Continued as on application of defendant.

5690 v. John Bunton Guard vs Ed Cheney Sheff et al Continued

5774 v. The State of Texas vs W R. Edwards Continued as on application of defts

5843 v. Letitia Shumpert vs Alfred Smith et al. Continued on suit for costs.

5863 v. J. R. Morgan vs M. E. Morgan. No counsel appearing case continued.

December 4th 1882

C. N. Richurford et al. vs R. A. Richurford. Special Judge David Sheets presiding. No counsel appearing it is ordered by the court that this cause be continued.

David Sheeks, Special Judge.

Ruffin Saunders vs Richard Shields } On the 30th day of November 1882 this cause being regularly reached on the docket and called for trial came the plaintiff and announced ready, but the said defendant failed to appear and answer in this behalf but wholly made default although duly served with process more than five days before the commencement of the present term of this court. Whereupon the said plaintiff Ruffin Saunders ought to recover against the said Richard Shields his damages by occasion of the premises, and it appearing to the court that the cause of action is liquidated and proved by an instrument of writing, it is ordered that the Clerk do assess the damages sustained by said plaintiff, and said damages having been assessed at the sum of ($101 45/100) one hundred and one 45/100 dollars, it is therefore considered by the court that the said plaintiff do have and recover of the said defendant the sum of one hundred and one 45/100 dollars with interest thereon at the rate of 12 per cent per annum together with his costs in this behalf expended and that he have his execution - And it further appearing to the court that the note sued on in this cause was given in part payment of the purchase money for the following described tract or parcel of land to wit: The East equality of a lot containing one acre sold to R. Saunders by J. V. Jones out of lot No 5 of a subdivision of said out lot, This lot to begin at the N. E. corner of the said one acre lot and to run thence with the East line thereof 200 feet - Thence at right angles 49 feet. Thence in a line parallel with the said East line of the aforesaid one acre tract 200 feet to the N line of same, and thence at right angle 49 feet to the place of beginning. purchased by defendant from plaintiff - It is therefore ordered adjudged and decreed by the court that the vendors lien existing on said above described tract of land be and the same is hereby foreclosed and that the Clerk of this court do issue an order of sale directed to the Sheriff of Travis County or any constable thereof, commanding him to seize and sell said above described property as under execution and the proceeds be apply to the satisfaction of said sum of $101 45/100 interest and cost - and if said lot shall for more than enough to satisfy said judgment and costs - the remainder thereof be pay to said defendant.

5767

5813

Deed of Partition recorded Nov 30th 1882 in Deed Book "Y" page 581 by order of this Court in favor of Richard Shields

Court adjourned till tomorrow morning 9 o'clock

December 5th 1882

Court met pursuant to adjournment. Present same as on December 4th 1882. Whereupon the following proceedings were had viz:

It is ordered by this court that E. H. Rogers, Thomas F. Purnell and A. Treibrim be and they are hereby appointed Jury Commissioners to select Jurors for the January term 1883 of this court and that the Sheriff summon them to report on Friday the 8th day of December 1882 at 9 o'clock A. M.

Order of Court appointing Jury Commissioners

5805

December 3rd 1882

5267 Laura A. Ormond vs Charles J. Ormond. Continued.
5274 J. R. Ray et al vs Vincent Chambers et al
5449 Thos. F. Kemp vs Jno King, No counsel appearing Case Continued,
5469 Robert Longbaur vs Wm Smyth et al. No counsel appearing continued
5490 The State of Texas vs Western Union Telegraph Company - Continued
5500 Lucy N. Fields et al. vs Thos. A. Fields et al. No counsel appearing Continued
5528 Herman Schmidt vs Caldwell & Morris Continued
5559 D. L. Cross et al vs Ella Carter, et al. No Counsel Appearing Continued
5563 J. L. T. Phelps vs Upton Swingley et al. No counsel appearing Continued
5639 Georg Pflueger vs Samuel Stauffer et al. Set for trial for December 18th 1882.
5689 R. S. Lane vs W. M. O'Leary No counsel Appearing Continued
5693 Alachia R. Holbert et al vs Henry Richie et al. No counsel appearing continued.
5702 Fowler & Co vs W. D. Lee. No counsel appearing Continued.
5717 Ambrose O. Duley vs Richard Fowler. Continued.
5739 The State of Texas vs F. L. Busch et al Set for December 21st 1882.
5757 The State of Texas vs W. J. Wilkison et al Continued for service.
5777 W. J. Tauchelee & wife vs J. J. Alle et al. Set for Thursday December 7th 1882.
5784 Christian & Radley vs Texas Building Association et al. Continued
5789 Thos Wilson et al vs Edwd White et al No counsel appearing Continued
5812 Paddock Hawley Iron Co. vs Jno A. Webb & Bro. Continued for service.
5814 David Stewart vs August Knetch, No counsel appearing Continued.
5849 T. L. Nunn vs T. A. Miller et al. No counsel appearing Continued
5857 A R. Timms et al vs Richard Duke et al No counsel appearing Continued
5853 T. A. Miller et al vs Joseph Yeamans et al No Counsel Appearing continued
5865 The State of Texas vs Richard A Harris et al. Continued to perfect service
5866 The State of Texas vs Richard A Harris et al Continued to perfect service.

Court adjourned till tomorrow Morning 9 O'clock.

December 6th 1882.

Court met pursuant to adjournment. Present same as on yesterday whereupon the following proceedings were had viz:

5817 The State of Texas, vs F. L. Busch et al } And now on this day the motion for a new trial in this behalf on the part of the defendants came on to be heard and the same being submitted duly considered and fully understood by the Court. Said motion was by the Court overruled, to which ruling of the Court the defendants in open court excepted and in open court give notice of appeal to the Supreme Court.

5805 Elizabeth Brown vs R. D. Brown } And now on this day comes the plaintiff by her attorney and by written request filed in this cause asks the court to dismiss this cause. It is therefore ordered adjudged and decreed by the court that this cause be and the same is hereby dismissed at cost of plaintiff, and that defendant recover of and from plaintiff all costs in this behalf expended for which execution may issue.

Court adjourned till tomorrow morning at 9 O'clock

December 7th & 8th 1882

Court met pursuant to adjournment on each of the above named days and there being no civil minutes to record Court adjourned until to morrow morning at 9. O Clock.

December 9th 1882

Court met pursuant to adjournment present same as on first day. Whereupon the following proceedings were had Viz:

Stephen F. Henry } Ex parte. } Filed now this the 9th day of Dec 1882 Came on to be heard the application of St. John. F. Henry for the removal of his disabilities by reason of minorage and thereupon Came J. T. Fulmore County Judge and said St. John. F. Henry, and the Court appointed Frank. D. Henry Special Guardian of said Minor to act with said County Judge in this behalf. and the said Special Guardian being duly Qualified and all parties announced themselves ready for hearing, the Court proceeded to a hearing of said Application and the evidence in support thereof: And it appearing to the Court that said application is in due form and that said minor is past fifteen years of age: that he has no father living. That the requirement of the law in such cases have been complied with, and that the allegations in said petition are true: that it will be for the best interest of said minor and his estate and that it is advisable that his petition be granted and his disabilities by reason of minorage be removed and that said Special Guardian of said minor be discharged. It is ordered adjudged and decreed that the disabilities as a minor of the said Stephen F. Henry be and the same are hereby and now removed, and that said Stephen F Henry shall be held and received for all legal purposes of full age and shall be held responsible and have all privileges and advantages of a person of full age except the right of voting and that this decree be duly recorded in the minutes of this Court.

It is further ordered that the applicant pay all costs of this proceeding.

W. J. Tannehill & wife } J. S. Able et al } On this day the above entitled and numbered cause coming on for trial came the parties respectively by their attorneys and announced ready for trial and no jury having been demanded by either party the issues of fact as well as of law were submitted to the Court, and the Court having heard the pleadings of the parties, the evidence in the cause and the argument of counsel finds as follows:

1st That the note and on in this case was executed by J. S. Able and J. L. Warren, the same bears for the sum of $875.00 bearing interest at the rate of 11% per annum from January 1st 1876.

2. That said note was in part consideration for the land described in plaintiffs petition, and that the vendors lien is reserved in said note on said land.

3 That on the note the following credits have been allowed Viz:

1877- May 24- Cash on Note of Am $10.00 Dec 13th $60.00 1878- Jan 22nd $34.00

December 9th 1882.

Feb 15th $300.00. May 7th $25.00 June 8 $16.40 July 29th $54.50 Oct 2nd $100.00 Nov 2nd $42.15 Dec 14th $50.00 - 1879. Feby 5th $61.20 July 9th $15.05 Aug 28th $55.50/100 Oct 16th $53.70. Dec 4th $17.80 - 1880 June 7th $18.00. Sept 21st $25.00 Nov 27th $109.00

4th Claims in answer of defendant disallowed as follows: -

1st $55.00 This amount as value of oxen credited on old note is disallowed - the issue of price $10.00 is allowed.

2nd $60.00 The testimony is contradictory. I cannot regard it as proven.

3d $44.00. This is evidently included in the credit of $60.00 of same date. allowed in petition.

4th $25.00 April 18th 1878 - of this item is no testimony

5th $3.00 of items of $9.60 May 7. & $10.60 June 1878 - The evidence makes the correction.

6th $53.75 Oct 16th 1879. Concerning this the testimony is contradictory, not satisfactorily proven.

7th $45.00 Jany 13th 1880. Evidence contradictory. Not satisfactorily proven.

On points of law the Court holds.

1st That plaintiff recover of defendant Able the sum of $158.68/100 (balance due on said note) and all costs of suit; The judgment to bear interest at the rate of 10% per annum.

2nd That the vendors lien upon said land, to the extent of one half interest thereon be enforced - and if the defendant Able has any greater interest in said land than one half, that said lien be enforced as to such additional interest - and that an order of sale of said land (that is the interest of said Able therein) issue to satisfy this judgment.

3d That as to the counter claim set up by the defendant Able. that he take nothing.

It is therefore ordered adjudged and decreed that the plaintiffs M. J. Tannehill and his wife Mary Ann Tannehill do have and recover of and from the defendant J. S. Able the sum of $158.68 the balance found to be due on the note sued on, and all costs in this behalf expended to-gether with interest thereon from and after this date at the rate of 10% per annum and that the vendors lien be foreclosed to the extent of one half of, or any such additional interest as the said J. S. Able may have in and to the following described tract or parcel of real estate viz: Fifty five 1/4 acres out of the J. C. Tannehill headright league in Travis County Texas and situated about four miles South East from the City of Austin, Beginning at the N. E. corner of Mrs Jane C. Burleson's pasture: thence S 30° W. 656 varas to a branch (Spear branch). Nine hundred and sixty five varas to Rail Road. S. W. William J. Tannehill's field - thence N 73½° E. along said Rail Road ditch 288 varas to a stake for Tannehills S. E. corner: Thence N 30° E with Bjohngs west line 860 varas to Bjohngs N. W. corner. Thence N 7° E. 258 vrs to cor. Thence N 60° W. 391 vrs to corner (Elms) from which a black jack 4 inches in diameter bears S. 50° W 3½ vrs. another 3 in dia bears N 11° West 3½ vrs distant. marked X Thence S 30 W. with Mrs Jane C. Burleson East line 321 vrs to a stone mound from which an Elm 20 inches in dia bears S 84° W 60 vrs: Thence S 60 E. with Mrs. Burleons North pasture fence 320 vrs to beginning. It is further ordered that-

This writ was issued from this office in favor of M. J. Tannehill & Mary Ann Tannehill vs J. S. Able & Wm. J. Tannehill Aug 6/80.

Decembr 9th 1882.

the Clerk of this court do issue an order of sale of said land to the ex'tnk of the said and any grader in which the said J. J. Atle may have them for the purpose of satisfying this judgment and costs,

The State of Texas vs N. J. Garland et al

On this 2d day of December A.D. 1882 came the State of Texas plaintiff by E. T. Moore County Attorney & D. W. Doom her attorneys and the defendant N.J. Garland by R.J. Hill his attorney appointed by the Court and the defendants H. W. McCaleb & Geo. N. Gray by John Donell their attorney and plaintiff says that because the defendant H. E. Pearl has not been legally served with citation she will not further prosecute this suit as to him wherefore this suit is discontinued as to the said defendant H. E. Pearl and it appearing to the court that the defendant N.J. Garland has been duly and legally cited by publication as required by law and that he has failed to file his answer within the time required by law and R. J. Hill an attorney of this court having been appointed by the court to represent the said defendant N. J. Garland and having filed an answer for said defendants and the said plaintiff by her said attorneys and the said defendant N. J. Garland by his said attorney and the said defendants H. W. McCaleb & Geo. N. Gray by their said attorneys having announced themselves ready for trial and no jury being demanded this cause is tried by the court without a Jury and the pleadings evidence & argument of counsel having been heard & fully understood it is considered Ordered adjudged & decreed by the court that the State of Texas plaintiff do have and recover of the defendants N. J. Garland H. W. McCaleb & Geo. N. Gray jointly & severally. the sum of Eighteen hundred & twenty eight & 99/100 Dollars as principals which is the amount shown to be due the State by the certified account sued on Eighteen hundred and Ninety four & 59/100 less the sum of Sixty five & 60/100 dollars payment shown by defendants,

5 727 D. Docket pag. 119

And the further sum of Two hundred & seven & 28/100 Dollars interest to this date in all Two thousand and thirty Six & 27/100 Dollars with interest thereon from this date until paid at the rate of Eight per cent per annum together with all cost in this behalf expended and that plaintiff have her execution. It is further ordered that the sum of twenty dollars be and the same is hereby allowed to R. J. Hill as his fee for representing the defendant N. J. Garland as attorney by appointment of the court to be taxed and collected as other costs. And it further appearing to the Court that the defendant N. J. Garland is the principal in the official bond sued on in this cause and that the defendant H. W. McCaleb and Geo. N. Gray executed said bond as sureties and as such sureties are entitled to the benefit of the Statute in such cases made and provided it is therefore further ordered adjudged & decreed by the court that the sheriff levy the execution issued by virtue of this judgment first upon the property of the said N. J. Garland subject to execution and situated in the County of Travis before a levy shall be made upon the property of said sureties or either of them provided so much property of the said N. J. Garland subject to execution shall be found in said Travis County as will be sufficient to make the amount of said Execution otherwise the levy thereof to be made on the property of the said N. J. Garland that may be found if any and upon so much of the property of said sureties as may be necessary to make the amount of said execution. And it is further ordered adjudged & decreed by the court that in case said sureties or either of them shall make any payment which is applied on this Judgment by reason of their surety ship on said official bond this Judgment shall not be discharged by such payment but shall remain in full force & be prosecuted to execution against the said N. J. Garland for the use of the surety or sureties making such payments to the amount of such payment and interest thereon And it is further ordered, adjudged and decreed by the court that in case this Judgment is paid by the said sureties or either of them and one of said sureties fails to pay

his proportionate part of said Judgment and in consequence of such failure the other one of said sureties is compelled to pay more than his proportionate part of such Judgment then execution may issue against the said H. J. Garland for the use of the surety who shall have paid more than his proportionate part of said judgment for the whole amount paid by him and interest thereon. and also against the other surety for his proportionate part of the excess so paid by him and interest thereon. And it is further ordered that execution may issue on behalf of the officers of the court for all costs in this behalf incurred.

5591

B. H. Jaynes heirs vs R. F. Campbell et al } Be it remembered that on this day of December A. D. 1882 came on to be heard and acted upon the motion of the plaintiffs to approve the report of D. C. Sandal and M. V. Crenshaw two of the commissioners Appointed by the Court in the above cause to partition between the plaintiffs and the defendants certain lots ordered to be partitioned in the Judgment and decree of the court which report was filed in said cause to wit on the 4th day of December A. D. 1882 which is a follows to wit. (

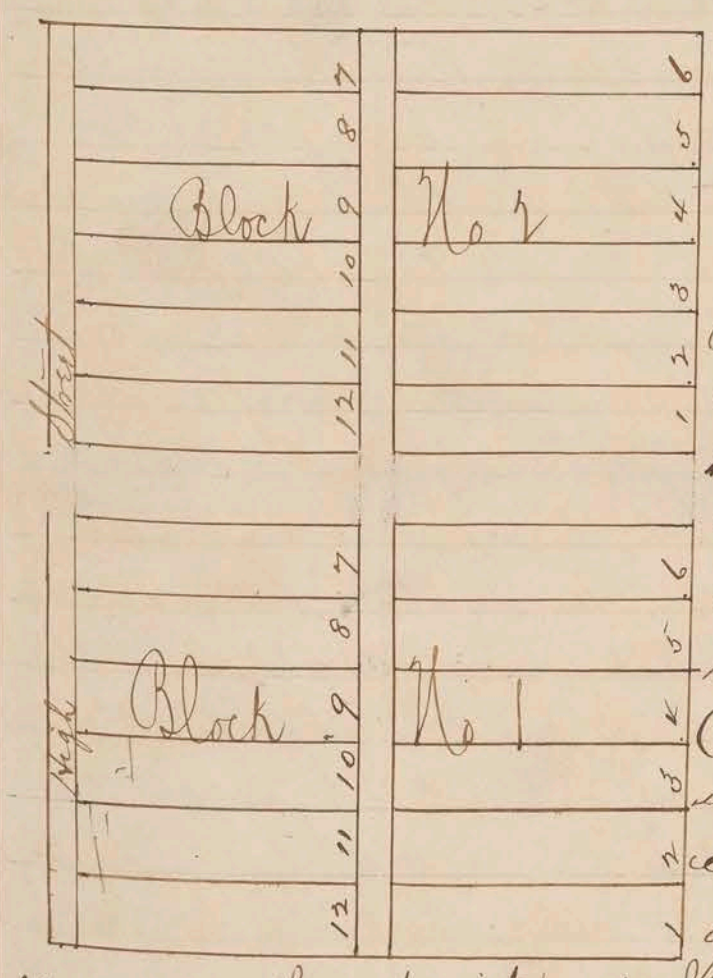
B. H. Jaynes heirs 5591 vs R. F. Campbell et al } In the District Court - October Term 1882. To his Honor. S. Walker Judge of the 16th Judicial District of the State of Texas —

We D. C. Sandal & M. V. Crenshaw two of the three commissioners appointed to partition the lots two wit: 1. 2. 3 & 4 in Block 1 - & 3. 4. 5. 7. 8. 9. 10. 11 & 12 in Block 2 in Lot 75 adjoining the City of Austin between the plaintiffs and the defendants - respectfully reports that to wit on the 1st day of December A. D 1882 we went out and viewed the said lots and found that lots 1 & 2 in block 1 are covered by improvements, and that lots 3 & 4 in block 1 are low and subject to overflow of water from the side of the hill and not fit for residence lots and only worth half the other lots and after carefully estimating ting of the value of said lots we allot and set apart to the plaintiffs the said lots 3 & 4 in Block 1 - and lots 3 - 4 - 5 - 11 & 12 in Block 2 and leave the said lots 1 & 2 in Block 1 and lots 7 - 8 - 9 & 10 in block 2 for defendants. There are no improvements on any of said lots except on lots 1 & 2 in block 1 as aforesaid - We completed our labors in one day.

D. C. Sandall
M. V. Crenshaw

Sworn to and subscribed before me this 4th day of December A. D 1882.

Jas. P. Hartcl'k By Jas. J. Neill Dpty



And after duly considering the said motion and the said report it is adjudged and decreed by the court that the said motion be sustained and the said report be in all things approved and confirmed and that the title in and to the said lots three and four (3 & 4) in block one (1) and lots three - four - five - ten & eleven (3-4-5-10 & 11) in block two (2) in lot seventy five (75) in division D of the Government tract adjoining the city of Austin in Travis County as shown by map of Smyths addition to the city of Austin be and the same are now here divested out of each and all of the defendants and the title in and to the same be and the same are now here vested in the plaintiffs. And that the title in and to the said lots one and two (1 & 2) in block one (1) and lots seven - eight - nine and ten (7. 8. 9 & 10) in block (2) two of said lot Seventy five of said division D. in said Smiths addition be and the same are now here divested out of each and all of the plaintiffs. and the title in and to the same, be and are now here

December 9th 1882

vested in such of the defendants as have title therein against each other.
It is further considered and adjudged by the Court that the said Commissioners D. C. Sandal & W. V. Crenshaw be each allowed three dollars to be taxed in the Bill of Costs, and that one half of the costs and expenses of partition be taxed against the plaintiffs and the other half thereof be taxed against the said defendants - Thos Pitt D. M. Harrell N. C. Knight. William Bray. John Stringer & James. F. Adams for which let execution issue - It is further ordered and adjudged by the Court that execution issue for the use of the officers of Court against each party and person respectively for the costs herein taxed as incurred

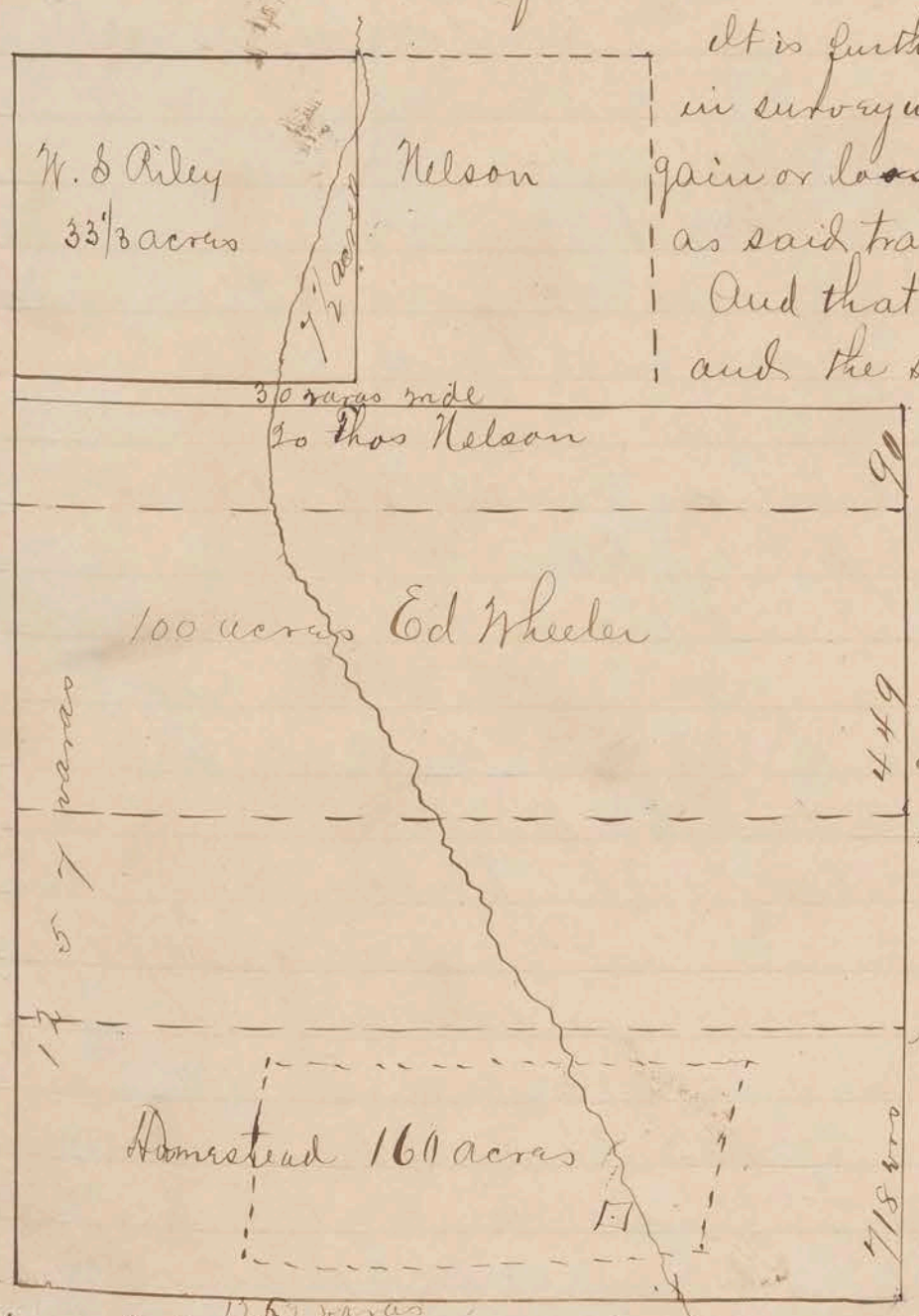
Court adjourned until Monday morning at 9 Oclock.

December 11th 1882.

Court met pursuant to adjournment. Present same as on December 11th 1882
Whereupon the following proceedings were had viz.
Thomas Nelson & W. S. Riley vs Edward Wheeler - Thos J. Wheeler Catharine Wheeler. Walter Wheeler & Bettie Wheeler
Be it remembered that on this 11th day of December A.D. 1882 came on the above cause to be heard and the parties appear by counsel & the minors being duly served with citation and represented by Guardian ad litem and they submit to the court their agreement in writing this day filed. And it appearing to the court that pffs are entitled to partition and upon inspection of the agreement of parties on file and in accordance therewith it is adjudged & decreed by the court that the community half of Catharine Wheeler dec'd shall be and is now here taken off the South side of the large tract described in Plaintiffs petition and that the same be and is now here set apart to defendant Thomas J. Wheeler & the minors Catharine, Walter & Bettie as a homestead to be used as such by them until the death of said Thomas J. Wheeler or until he abandons the same and in case of the death of said T. J. Wheeler, the said Catharine, Walter & Bettie Wheeler minor children of Catharine Wheeler & T. J. Wheeler shall have the right to occupy said 160 acres as a homestead so long as the Probate Court shall permit said minor children to use and occupy the same. which is described as follows to wit situated in Travis County and part of a survey made for Wm Block assignee of Williams & McKinney containing two hundred & Eighty acres - Beginning at the S. E. Corner of said survey at a stone mound which stands S 30° E 68 varas from the S. W corner of survey No 600 a live oak brs N 30° E 31 varas. Thence N 87° E 1257 vrs a stone corner a live oak brars N 80° W 3 varas. Thence N 3° W 778 vrs to stake for corner Thence S 87° W 1287 vrs to a small live oak for corner West line. Thence S 3° E 778 vrs to the place of beginning containing one hundred & Sixty acres of land and that the title therein be and the same is here now divested out of the said heirs of said George W Barnes deceased to wit Angeline Stroud Albert P. Barnes & Nelda Strydstrom and the same be and is now here vested in those taking as heirs and by the homestead laws of the State under the said Catharine: Subject to partition when the homestead rights shall cease or be extinguished And it is further adjudged and decreed by the Court that the community half of said lands of said George W. Barnes dec'd be the said forty acre tract & the balance of the said two hundred and eighty acres tract and that the title therein be divested out of T. J. Wheeler and the heirs of George W. Barnes dec'd and the said minors heirs of the said Catharine Wheeler dec'd.
And that Ed Wheeler take one hundred acres North of and adjoining the said homestead tract of 160 acres - described as follows to wit. Beginning at the N E Corner of said 160 acre homestead tract Stake for Corner, Thence N. 3° W. 449 vrs to stake for corner, Thence S. 87 W 1287 to stake for corner on west line of said survey, Thence S 3° E 449 varas to the N W Corner of said 160 acre homestead tract. Thence N. 87° E 1287 vrs to the place of beginning containing one hundred acres of land & that the title therein be and the same is now here divested out of said Thomas Nelson and W. S. Riley

December 11th 1882

And all other parties to this suit and vested in said Ed Wheeler. And it is further adjudged and decreed by the court that Thomas Nelson have and take twenty acres North of Ed. Wheelers tract and on north side of said survey of two hundred & Eighty acres to wit: Beginning at the N.E. Corner of said 280 acre survey at a stake for corner. Thence S 87° W. 1287 vrs to a small live oak for corner. Thence S 3° E 90 vrs to the N.W. corner of Ed Wheeler tract stake for corner. Thence N 87° E along Ed Wheelers North line 1287 vrs to his N.E. corner on East line of said 280 acre survey. Thence N 3° W 90 vrs to the place of beginning containing Twenty acres of land and also six and two thirds acres off the East side of said forty acre tract east of the branch of so much be east of the branch if not then the balance along said east side of said small 40 acre tract west of said branch, and that the title thereof be and the same is now here divested out of said W. S. Riley and Ed Wheeler and the other defendants and the title thereof be and the same is now here vested in said Thomas Nelson. And it is further adjudged and decreed by the court that W. S. Riley have and take thirty three and one third acres in said forty acres tract left after taking out said six & 2/3 acres for Thomas Nelson which forty acres tract is described as follows made for said Block assignee of said McKinney & Williams. Beginning S 9° E 5 1/3 vrs from S.W. corner of survey No 425 made for S.B.B.B. & Colorado R.R. Company at a mesquite stump from which a mesquite brans S 56° W 58 varas. Thence S 3° E 475 varas to the corner a pile of rocks from which a live oak brans S 85° E 30 varas. Thence N 87° E 475 varas to the corner. Thence N 3° W 475 vrs to a live oak for corner. Thence S 87° W 475 vrs to the beginning — and that the title to the tract thus set apart to W. S. Riley be and the same is now here divested out of the said Thomas Nelson and Ed Wheeler and the other defendants and the same be and is now here vested in said W. S. Riley.



It is further adjudged and decreed by the court that in surveying the said tract of land the parties shall gain or loose in proportion to their respective parts as said tracts shall gain or lose.

And that defendants Thomas. J. Wheeler and the said minors. Catharine Wheeler Walter Wheeler and Bettie Wheeler pay one half of the costs herein incurred and in default of payment Execution may issue. And that defendant Ed Wheeler is adjudged to pay on the other half of said costs in proportion to the amount of land set apart to him and in default thereof that execution issue.

And that plaintiff Thomas Nelson is adjudged to pay on the said other half said costs in proportion to the amount of land set apart to him and in default thereof execution may issue.

and that plaintiff W. S. Riley is adjudged to pay on the said other half of said costs in proportion to the amt of land set apart to him and in default thereof execution may issue. And that the plat here presented

5592 B. H. Jaynes Heirs vs L. Brown et al

And now on this 4th day of December 1882 came on to be heard in the above entitled & numbered cause the motion of the defendant Peter Hill to set aside the Judgment by default heretofore entered against him at a previous day of this term in said case, and the proofs and evidence in support of as well as against the motion being heard by the court as well as the arguments of Counsel for the plaintiffs and for the said defendant it is ordered by the

December 11th 1882

court that the said motion be granted and the said Judgment by default heretofore entered in said case at a previous day of said term against the said defendant Peter Nehl be and the same is hereby set aside and held for naught and the said defendant Nehl is hereupon authorized to file his answer in said cause and to defend the same as if said judgment by default had never been entered. And on the same day and in the same cause the motion of the defendant J. F. Crosby to set aside the judgment by default heretofore entered against him in said cause at a previous day of the term when the motion came on to be heard and the said plaintiffs and the said defendant Crosby being each in court and represented by their counsel. the court having heard the evidence and the arguments of counsel on both sides it is by the Court adjudged & ordered that the said judgment by default heretofore rendered in said cause at this term against defendant Crosby be and the same is hereby set aside and the said defendant Crosby has leave to file his answer and make defense in said cause the same as if said Judgment by default had never been entered. It is further ordered by the Court that the said plaintiff in said case do have and recover of & from the said defendant J. F. Crosby. all the costs occasioned by or connected with the making and hearing of said motion to set aside the said Judgment by default and all costs up to this date incurred by plaintiff in making said Crosby party. and execution may issue in favor of the plaintiff for the same against the said J. F. Crosby. To which action of the court in setting aside the said Judgment by default as to deft Crosby the plffs except.

Whereupon Court adjourned until to morrow morning at 9 O'clock.

December 12th & 13th 1882.

Court met on each of the above dates pursuant to adjournment present same as on Fourth day of December 1882 and then being no civil matters to record on the 12th court adjourned until the morning of the 13th at which time the following proceeding were had.

Amos A. Jay nr. Julia T. Camp & her husband Angus J. Camp
Caroline P. McFarland & her husband Thos. J. McFarland &
Brewster J. Williams & Oscar W. Williams

vs

L. Brown. D. F. Waddell. D. E. Thomas
N. M. Malbon John Kilduff Jr. A. Jernigan
S. W. Ford. ~~J. W. Ford.~~ Don Wilson & Louis Nehl
R. J. Hill. Mrs Mattie Parish Robert Devil
Mary Devil Mrs Alice Kitchens, C. W. Hill
& Charlotte Hill Peter Nehl & J. F. Crosby
& the minors Adele Parish. Guy. R. Parish
& Clara Parish by their Guardid ad litem
R. J. Hill Esq. & F. W. King J. King J. L. Knight H. King
by their guardeens ad litem J. E. Snead

And now at this day come all the parties to the above cause 539
all the parties plaintiffs by their attorneys of record and all the parties defendants by their attorneys of record and filed in open Court the following agreement.

"It is agreed in the above case in order that the same may be tried on its merits as to all the defendants including the defendants Nehl & Crosby, that the final Judgment heretofore rendered in said cause on the 2nd day of November 1882 be and the same is hereby agreed to be set aside and the whole cause (including that of the defendants Nehl and Crosby and all the other defendants) be now on this day by consent (a Jury being waived) again tried before the Court upon the same evidence and proof as was had on the former trial with the evidence also of the defendants Nehl and Crosby before the Court" And asks that the same be entered of record and thereupon in pursuance of said agreement it is ordered by the Court. that the final Judgment heretofore entered in said cause on the 2nd day of November 1882 be and the same is hereby set aside and held for naught.

And now on this 13th day of December A. D. 1882 this cause coming on to be

December 13th 1882

heard the plaintiffs Amos A. Jayne Julia T. Camp and her husband Augus G. Camp Caroline P. McFarland and her husband Thomas J. McFarland and Brewster J. Williams and Oscar W. Williams. who sue as the heirs of Brewster H. Jayne deceased appeared by their attorney John R Peel Esq. and also appeared the defendants to wit. Leander Brown D F. Waddell D. E. Thomas William M. Walton. John Hildingar. A. J. Jernigan. J. W. Ford. Dan Wilson Louis Hehl R. J. Hill. Mrs Mittie Parrish Robert Bevil. Mary Bevil Mrs Alice. Ketchum. C. W. Hill and Caroline Hill by their respective attorneys. and also the minors Adele Parrish. Guy R. Parrish and Clara. Parrish by their guardian ad litem R. J. Hill Esq. and duly appointed by the Court to represent said interest of said minors in this suit, and also the minors Samuel, W. King. Josiah King. John L. King and Wm W. King by their Guardian ad litem Thos E. Sneed Esq duly appointed by said Court to represent the interest of said last named minors in this suit and also the defendants J. F. Crosby and Peter Hehl by their attorneys; and a jury having been waived by all parties and all matters both of law and of fact being submitted to the court and the demurrers and exceptions of defendants to the petition of plaintiffs being submitted to the Court and fully understood it is ordered by the Court that said demurrers and exceptions be overruled to which action and ruling of the Court said defendants excepted and thereupon the demurrers and exceptions of the said plaintiffs to the several answers of said defendants being submitted to the court and fully understood it is ordered by the Court that the said exceptions of plaintiffs be sustained to such parts of the answers of said defendants as plead "Not Guilty" and that such demurrers and exceptions of plaintiffs to all other parts of said answers of said defendants be overruled to which ruling the plaintiffs excepted and the Court then proceeding to hear the evidence in the case. And it appearing to the court among other things by the agreement on file which was submitted to the court that the decision and Judgment as to the defendant D.E. Thomas is to abide the decision and Judgment in this case as to defendant Don Wilson. and the argument of counsel being heard. and the court being of the opinion on the case made that the law of the case is with the defendants. It is therefor ordered adjudged and decreed by the Court that said plaintiffs take nothing in this suit as against said defendants Leander Brown. D. F. Waddell. D. E. Thomas. Wm. M. Walton John Hildingar. A. J. Jernigan, J. W. Ford Don Wilson Lewis Hehl. R. J. Hill. Mittie Parrish. Adele Parrish. Guy. R. Parrish. Clara Parrish Robert Bevil. Mary Bevil. Samuel W. King Josiah King. John L. King. William M King Alice Ketchum. C. W. Hill Charlotte Hill Peter Hehl and J. F. Crosby. and it appearing to the Court that the said defendants own and have a good and perfect title to the several parts of out Lot No 72 in Division D. as claimed by them respectively. that is to say: that the said defendant Leander Brown is the owner of the south east quarter of said out Lot No 72 containing 10 acres with the exception and qualifications hereinafter shown it is therefor ordered adjudged and decreed by the Court that said Brown be forever quieted in his right title and possession of the same as against said plaintiffs (except as to a small piece of the same contracted to be sold by said Brown to Robert Richta as hereinafter more fully specially provided for): And that defendant Don Wilson has a good and perfect title to the following portion of the South west quarter of said out Lot No 72 to wit: Beginning at a point on the South line of said out Lot 75 2/3 varas S 60° E from the South west corner of said Out Lot No 72. Thence N 30° E 171 varas — Thence S 60° E 254 2/3 varas. Thence S 30° W 171 varas to the South line of said Out Lot No 72. Thence N 60° W 254 2/3 varas to the place of beginning.

And that defendant D. E. Thomas is the owner by good and perfect title

December 13th 1882

to the rimainder of the South west quarter of said out Lot No 72 not owned by the said Dan Wilson aforesaid. and that Mary Bevil as the surviving wife and Alice Kitchens. Samuel W. King. Josiah King. John L. King & William W. King as the sole children and heirs at law of J.L. King deceased are the owners by good and perfect title to two and one half acres of the North East quarter of said Out Lot No 72 described as follows to wit: Beginning S.E. corner of 2½ acres sold by Leander Brown to J.L. King - Thence in a westerly direction with said J.L. Kings south line 435 ⅚ feet - Thence in a Southerly direction 250 feet - Thence in a Easterly direction and parallel with the first line herein named 435 ⅚ feet - Thence in a Northerly direction 250 feet to the place of beginning: it is therefore ordered adjudged and decree by the Court that said Dan Wilson be forever quieted in his right title and possession to said part of said Out Lot No 72 owned by him aforesaid, and that said D.E. Thomas. be forever quieted in his right title and possession to said part of said out Lot No 72 owned by him as aforesaid and that said Mary Bevil. Alice Kitchens, Samuel W. King. Josiah King, John L. King & William W. King be forever quieted in their right. title and possession to said part of 2½ acres of said Out lot No 72 owned by them as aforesaid - And it appearing to the court that defendant Robert Richta has made a contract of purchase from Leander Brown of a small piece of ground in the south west corner of the South East quarter of said Out Lot No 72: that Richta has not paid the purchase money for the same and refuses to pay said purchase money and that the purchase money has been due since March 1882 and that said Brown is in possession of said small piece of ground and the said Brown having disclosed to the court his purpose to treat said contract of said Robt Richta as abandoned by said Richta. and the said Richta though duly cited did answer but does not appear on the trial and defend and in this behalf the said Brown in his answer having set up title in himself to the entire South East quarter of said Out Lot No 72 including the small piece of ground embraced in his contracts of sale to said Robert Richta and said Brown having shown a perfect title in himself to the entire South East quarter of said Out Lot No 72 except as affected by said contract of purchase of said small part thereof by said Robert Richta. It is therefore ordered, adjudged & decreed by the Court that in case such plaintiffs shall pay to said Leander Brown the full balance of said purchase money due and owing to said Brown from Robert Richta for said small piece of ground on or before the first day of January 1883 then and in that case plaintiffs shall recover from said Richta one half interest in said small piece of ground (and shall be subrogated to the rights of said Brown in and to said piece of ground contracted to be sold by said Brown to said Richta) and have partition thereof with said Richta according by but in case plaintiffs shall fail so to pay said Brown the full amount of purchase money due him on his said contract of sale to said Richta on or before January 1st 1883 then said plaintiffs shall not recover any interest in said piece of ground contracted to be sold by Brown to Richta and shall be denied partition thereof: in which event said Brown shall be forever quieted in his right title & possession to all of the South East quarter of said out Lot No 72 including said small piece there contracted to be sold to said Robert Richta as against said plaintiffs. And it is further ordered adjudged & decreed by the court that D.C. Saudell. M.V. Crenshaw & Jno P Kirk be and they are hereby appointed commissioners to make partition herein if it shall become necessary.

And it is further ordered adjudged & decreed by the court, in case the said plaintiffs shall on or before the first day of January 1883 pay off and fully satisfy the purchase money due

December 13th 1882

and owing to the said Leander Brown from Robert Richta for the small piece of land in the Southwest corner of the South East quarter of said out Lot No 72 contracted to be sold by the said Brown to said Richta then and in that event the said commissioners named aforesaid shall make partition of said piece of ground between said plaintiffs and said Robert Richta so as to give said plaintiffs one half thereof and Robert Richta the other half thereof due regard being had to quality situation quantity & value and in case said plaintiffs shall so pay off said purchase money owning on said piece of ground from said Richter to said Brown by the first day of January 1883. then and in that event it is ordered. adjudged & decreed by the court that the said plaintiffs shall be subrogated to all the rights of said Brown as vendor of said Richta. but should said plaintiffs fail to pay said purchase money to said Brown owing by said Richta by the first day of January 1883 then and in that case said plaintiffs are denied and refused partition with said Richta and the said Brown shall be from thence quieted in his right title & possession of said piece of ground contracted by him to be sold to said Richta as against the said plaintiffs— And it is further ordered adjudged & decreed that the defendants, Leander Brown. D. F. Waddell. T. E. Thomas. Wm. M. Walton. John Hildingre A. J. Jernigan. S. W. Ford Dan Wilson. Louis Kehl. R. J. Hill. Mattie Parrish. Adele Parrish. Guy. R. Parrish, Clara Parrish. Robert Breil. Mary Breil. Samuel H. King. Josiah King. John K. King. Wm H. King Alice Hutchens. C. W. Hill Charlotte Hill. Peter Kehl & J. F. Crosby each recover from said plaintiffs all costs incurred in this case by reason of said last named defendants being made parties to this suit except the costs heretofore adjudged to said plaintiffs as against the said defendant J. F. Crosby: and that said plaintiffs recover from said defendant Robert Richta all the costs incurred in said case by reason of said Richta being made a party to this suit: And it is further ordered that the sum of _____ dollars be allowed to R. J. Hill for his services as Guardian ad litem for the minor defendants. Adele Parrish. Guy. R. Parrish & Clara Parrish. and that the sum of $25.00 dollars be allowed Thos E. Sneed for his services as guardian ad litem for the minor defendants Samuel H. King. Wm H King. Josiah King and John K. King. these two sums to be taxed & collected as part of the costs herein adjudged against the plaintiffs.- And execution shall issue for the costs as herein adjudged. to which Judgment the plaintiffs except and in open court give notice of Appeal to the Supreme Court.

5731

The State of Texas vs Richard Wells et al } On the 2nd day of Dec. 1882 this cause being called for trial the plaintiff discontinued as to defendants W. H. Walter and Geo. L. Ellis who are dead thereupon both parties announced ready for trial. the matters in issue were submitted to the court. and the court after hearing the pleadings and evidence took the case under advisement. and afterwards to wit: On the 13th day of December 1882 at the request of plaintiff in open court stated the conclusions of fact in writing found by him. separately from the conclusions of law. which conclusions of fact and law are as follows to wit: The State of Texas vs Richard Wells et al No 5731

On the trial before the court without Jury upon the evidence the court holds that the following facts were proven.

1st The execution and approval of the bond. as alleged in the petition, by the defendants

2nd The account as alleged showing balance due the State by deft for taxes for 1878 of $1850 08/100. State Taxes for Van Zandt County. Texas.

3rd That Aug 1877 at a session of the county Commissioners Court of said County of Van Zandt. The application of G. W. Tull one of the sureties of deft Wells to be released from the bond of said Wells (the bond sued on) was acted upon and an order was made by said Court that said Wells cease exercising the functions of

December 13th 1882

of his office as collector of State Taxes for Van Zandt until a new bond was given and approved: said order also in terms released the sureties for any default subsequent to said date.

4th That Aug 13th 1877. The New official bond of said Wells sheriff &c was by the same court. (Commissioners court of Van Zandt County) approved.

5th Touching said New bond the defendant proved — That on Aug 13th 1877. R. Wells as principal with Jno. A. O. Neal. H. Fuller & Thos Oldfield sureties made their bond to the State of Texas in the sum of $6750.00 conditioned that Wells perform &c his duties as collector of Taxes for Van Zandt Co.— The bond was acknowledged by the makers on Aug 14. & at a term of the Co. Court of Van Zandt Co. began Aug 13- an order was made touching the sufficiency of the New Official bond of R. Wells Sheriff in which order the bond was approved & ordered to be recorded. On Aug. 1877 Sureties of Wells who was sheriff of said County had taken proceedings to be released from further liability - in consequence of said proceedings the New official bond of Aug 13 was made. The bond was recorded Sept 13- 1877 & was by the Co- clk sent to the Comptroller. The document reached the office of the Comptroller in Sept 1877. the package opened and placed with other papers of like purport upon the table of Evans a clerk in the office. In pursuance with his entire duties the bond was by Evans examined. The bond was payable to "The State of Texas" the ordinary oath of office was not endorsed thereon and there was no accompanying affidavits of solvency &c showing real estate owned by the sureties as the basis of the approval of the bond by the County court. These were held by Evans, the clerk, under previous & strict orders of the Comptroller Darden to be defects.— a letter was prepared by Evans notifying these defects. The bond was altered by crossing out the words. The State of Texas: and inserting therein "The Governor & his successors in office" as obligee and the defects of want of affidavit as to real estate security had by the sureties & want of Oath were noticed in the letter & it was required that the defects be corrected. The letter was approved and signed by the Comptroller and was together with the bond returned by mail to Williams the County Clerk. who had forwarded it. The package was rec'd at the office of the Co. clk. and the bond & the notice of its defects handed by Lybrand a deputy clerk in the office to the principal Wells. The bond has never been heard of since. A certified copy from the records of Van Zandt County was obtained by the Comptroller & said copy from the County records was over objection admitted in evidence. A Statement certified from the comptrollers office shows Wells indebtedness as claimed in the petition. The Sheriff Wells continued to discharge the duties of Sheriff & tax collector of Van Zandt County with the knowledge of the sureties: who are not shown to have been informed of the action taken by the Comptroller upon the bond signed by them. Upon this the court finds

The application that plaintiff obtain judgment for release by full & entire quietus of the commissioners court of said County of the obligations of said R. Wells to cease from and after the passing of the order of Aug 1877 this action of said Court as a release of liability for the future acts of said Wells of his office; the application by Wells for a bond &c
a note bond approved by the paid County Court together with the bond
2nd that said sureties are not liable for default in collection of taxes for the year 1878.
3rd That the State recover of Wells the amount due from July 1st 1878 A. S. Walker Judge

It is therefore considered by the Court that the State of Texas do have and recover of and from the defendant Richard Wells the sum of twenty three hundred and Sixty one 13/100 ($2361 13/100) dollars with interest thereon from this date until paid at the rate of 8 per cent per annum, and all costs of suit. And that the State of Texas take nothing by this suit as to the defendants A. C. Graham. M. W. Ellis. J. W. Tull. D. L. Riley. Joshua Hallman and E. J. Sides but that they each be discharged with their costs and allowed to go hence without day- to all of which the plaintiff by its attorney then and there in open court excepted and gave notice of appeal to the Supreme Court of Texas

Court adjourned until to morrow morning at 9 O. clock.

December 14th 1882.

Court met pursuant to adjournment. Present same as on yesterday. Whereupon the following proceedings were had viz:

4795 John C. Duval et al vs R. Cruzbaur et al } And now on this 14th day of December 1882 came on to be heard the final report of Wm Van. Rosenberg Trustee and commissioner in the above numbered & Styled cause which report is in words & figures as follows viz:

No 4796 Statement of account showing expenses & disbursements of proceeds from sale of land under Decree of District Court Travis County dated June 5th 1880 in case of J. C. Duval et al vs R. Cruzbaur et al.

			Dr.		Cr.	
Lands sold						
125 acres out of Wm Porter 1/3 league to Thomas Kirkpatrick & J. Hammett	@ $4 pr a				500	00
288 acres of the H. M. Dowman 1/3 league sold to P. C. Beaty	@ $6 pr a				1728	00
288/2 acres of the Geo Herder tract sold to L. Keep	@ $6 pr a.				1731	00
250 acres of the H. M Dowman 1/3 league sold to P. C. Beaty	@ $6 pr a.				1500	00
Expenses incurred.						
Paid for certified copy of Judgment			8	50		
" " recording the same in Travis Hays & Colorado			27	35		
" 1/2 costs in Dist. Court Travis Co			16	70		
" 2/3 of fees for recording Deed of from H. M. Dawnman heirs				83		
" Notary acknowledgment of J. H. Sampson tax title conveyed to R. Cruesbaur for pt of Wm Porter tract				50		
" expenses surveying the land near Manchaca & dividing the same to conform with decree of Court			20	00		
" advertising land for sale			9	50		
" taxes and expenses of rendition for 1879			23	44		
" " " " " " " 1880			27	70		
" " " " " " " 1881			21	75		
" " " " " " " 1882			13	75		
" Notary for acknowledging deed to Kirkpatrick & Hammett				50		
" " " " " P. C. Beaty				50		
" " " " Deed of trust for deferred payment				50		
" for recording said deed of Trust				1 75		
" Notary acknowledgment of Deed to Ludwig Keep				50		
" " " " " P. C. Beaty				50		
			173	27		
Net proceeds from sale of land			5285	73		
			5459	00	5459	00
Distribution of net proceeds of.					5285	73
J. C. Duval and Florida Howard		75%	3964	31		
A. J. Peeler ass'ee of C. R. Johns & Co		7 1/2 %	396	43		
C. R. Johns		2 1/2 %	132	14		
J. C. Kirby		5%	264	28		
Trustee		10%	528	57		
		100%	5285	73	5285	73
Disbursement of Duval & Howard Proceeds						
By amt of proceeds from 308 acres of the Wm Porter 1/3 league sold to R. Cruesbaur & Co as a comp. in decree					616	00
By 75% net proceeds of Trustees management.					3964	31
To amt decreed to R. Cruesbaur & Co 1/5 his pro rata of Money expended for taxes as fixed by decree 88			661	97		
" Geo W. Sampson for expenses by him incurred & adjudicated by decree			178	58		
" amt paid Geo W. Sampson towards liquidating of Judgment			3639	76		
" " retained for payment of Expenses in Colorado Co suit			100	00		
			4580	31	4580	31

1st That said partition are not liable for default in collection of taxes for the years 1878. 2nd That said partitions are not liable for default in collection of taxes for the year 1879. 3rd That the State, represented by Wm Van Rosenberg Trustee for the amount due the State from July 1st 1878 A. S. Walker Judge

December 11th 1882.

		Dr		Cr	
In accordance with Decree of June 5th 1880 the Trustee is required to pay to Geo W. Sampson					
Towards a judgment held by him for $5394 25/100 less $74 61/100 first before paid with interest at 12 per centum					
from November 19th 1866. Thereon the amount of principal now	$5319 39/100			3319	39
Interest thereon to October 2. 1882 for a period of 15 years 10 months & 13 days.				6377	53
To amount paid Geo. W. Sampson by Trustee Voucher I		350	00		
" " " " " " II		1200	00		
" " " " " " III		1200	00		
" " " " " " IV		1000	00		
" " " " " " V		68	34		
		3818	34		
1 Of which amt for expenses allowed him in the decree deducted		178	58		
2 Paid toward liquidation of Judgment		3639	76		
Remaining due Geo W. Sampson The principal as above stated				3319	39
~~The principal as above stated~~				4682	77
On Interest due October 2nd 1882					

Recapitalation

To amount from R. Craigburn per decree for 308 acres of land	@ $2.00 pa	616	00		
To amount realized by Trustee from sales		5459	00		
By amt paid R. Craigburn per decree				661	97
" " " G.W. Sampson V. Ibid				3818	34
" " " A J. Perlee Voucher VI				346	43
" " " C.R. Johns " VII				132	12
" " " J.C. Kerby " VIII				264	28
" " for expenses incurred by Trustee				178	27
" " Trustee's Commissions				528	57
" balance				100	00
		$6075	00	$6075	00
To amount in hands of Trustee to be accounted for hereafter.		100	00		

The foregoing is a true and correct statement of account in Cause No 1795. J.C. Duval et al vs R. Craigburn et al. showing expenses & disbursements of proceeds from sale of sale by Wm Von Rosenberg Trustee, and is Respectfully submitted Wm Von Rosenberg Trustee

Sworn to and Subscribed to before me by Wm Von Rosenberg. Trustee, this the 16th day of November A.D. 1882.

Jas. P. Hart. Clerk D.C. T.C. Texas.

Voucher I

$350.00 Received three hundred and fifty dollars from W. Von Rosenberg, Trustee, in two notes by Thomas Kirkpatrick and Jackson Hammett of $175.00 each. bearing interest at twelve per centum per annum from 26th November 1880, and due respectively November 26th 1881 and November 26th 1882 and by him the said W. Von Rosenberg. Trustee, transferred to me or order to be applied to the discharge of interest and Principal of a Judgment favor of Wilson Green. referred to in the decree of District Court of Travis County. cause No. 1795. dated June 5th 1880. Austin 26th day of January 1881.

Geo. W. Sampson.

Voucher II

$1200.00 Received twelve hundred dollars from W. Von Rosenberg Trustee. in a note by P.C. Beaty of $1200.00 due on the 1st October 1881. and bearing ten per centum interest from Oct 1st 1881. payable annually. by him the said W. Von Rosenberg Trustee transferred to me or order. to be applied to the discharge of interest and principal of a Judgment favor of Wilson Green. referred to in the decree of the District Court of Travis County, cause No 1795. dated June 5th 1880. Austin, the 5th October 1881

Geo. W. Sampson.

December 14th 1882.

Voucher II

$1200.00 Received Twelve hundred dollars from W. Von Rosenberg, Trustee, in two notes of $600.00 each dated October 2nd 1882 bearing interest from said date at 10% per annum, interest payable annually, one due October 2nd 1884, the other due October 2nd 1885, executed by Ludwig Kiesh by W. Von Rosenberg Trustee transferred to me or order, to be applied to the discharge of Interest & principal of a Judgment favor of Wilson Green referred to in the decree of the District Court of Travis County cause No 4795. dated June 5th 1880. Austin October 10th 1882 Geo. W. Sampson

Voucher IV

$1000.00 Received One thousand dollars from W. Von Rosenberg, Trustee, in one note of $1000.00 dated October 2nd 1882, bearing interest from October 2nd 1882. at 10% per annum, interest payable annually, due October 2nd 1885. executed by P.C. Scaty - by W. Von Rosenberg Trustee, transferred to me or order, to be applied in discharging of Interest and Principal of a Judgment favor of Wilson Green referred to in the decree of the Dist Court of Travis County cause No 4795 dated June 5th 1880. Geo W. Sampson
Austin November 9th 1882.

Voucher V

Received of W. Von Rosenberg Trustee Sixty Eight 34/100 ($68.34/100) on account of Interest on a Judgment favor of Wilson Green referred to in the decree of the District Court of Travis County cause No 4795 dated June 5th 1880. Austin November 14. 1882 Geo. W. Sampson.

Voucher VI

$396.43/100 Received Three hundred ninety six 43/100 dollars from W. Von Rosenberg Trustee in cause No 4795 District Court of Travis County. being 7½ per Centum net proceeds from sale of lands as per decree dated June 5th 1880 Austin November 14th 1882. A. J. Peden Assignee of the Corporation of C. R. Johns & Co.

Voucher VII

$137.14 Received One hundred and thirty two 14/100 dollars from W. Von Rosenberg, Trustee in cause No 4795 District Court of Travis County. being 2½ per centum of net proceeds from sale of lands as per Decree of said Court dated June 5th 1880. C. R. Johns

Voucher VII

$264.28/100 Received Two hundred and Sixty four 28/100 dollars from W. Von Rosenberg, Trustee in cause No 4795 District Court of Travis County. being 5 per centum of net proceeds from sale of land as per decree of said Court dated June 5th 1880. Austin November 14th 1882. J. C. Kerby.

and said report being unexcepted to on motion of Geo. W. Sampson by Walton & Hill his attorneys it is ordered adjudged and decreed by the court that said decree be and the same is hereby in all things approved and confirmed. and further ordered that this case remain upon the docket for further orders in matters not herein settled.

5739 The State of Texas vs F. L. Busch Sal. On the 8th day of December A.D. 1882 it was ordered by the court that defendants be granted leave to file a first supplemental answer.

5849 F. L. Wren vs T. A. Miller Sal } And now on this day comes the plaintiff by attorneys and asks that the continuance heretofore entered in this case be set aside. It is therefore ordered by the court that said continuance be and the same is hereby set aside and further ordered that C. D. Johns Esq be and he is hereby appointed Guardian ad litem of the minors G. G. Williams. Mary L. Williams. Felix M. Williams and Hugh W. Williams

Court adjourned till tomorrow morning 9 Oclock

December 15th 1882

Court met pursuant to adjournment. Present same as on yesterday — and there being no civil minutes of this date to record. Court adjourned till tomorrow morning 9 Oclock

December 16th 1882

Court met pursuant to adjournment. Present same as on yesterday

December 16th 1882.

Whereupon the following proceedings were had viz:

Order setting the docket for January Term 1883.

Ordered.

1st That the non Jury Civil docket will be taken up Tuesday January 2d 1883.

2. The Civil Jury docket will be taken up January 15th and will continue for two Weeks.

3. The Criminal docket will be taken up January 29th and continue until disposed of.

4th After the Criminal docket the Civil docket will be disposed of: A recess Call of the docket will be made.

5th Motions heard on Saturdays.

Giles H. Burdett admr
vs
W. B. Burdett et als

Judgment on this 16th day of December 1882 came on to be heard the report of sale of Giles H. Burdett Com. for partition in this cause- which report was filed on the 15th day of December 1882. It is as follows. Hon A. S. Walker, Judge Dist Court of Travis County Texas.- Your petitioner adm. of Est of Jesse Burdett dec'd - and Commissioners appointed at the term of your Hon Court. midst respectfully reports- that out of the J. H. Carpenter Sr & L. of land in Falls County. Texas. he has made contracts of sale of the following described tracts of land.

1st to L. L. Rhodes of Falls county. Texas, 100 acres. being the Southern one half of Lot or tract No (4) Four as set apart to the heirs of Jesse Burdett. by the commissioners appointed for the purpose of partition- Said 100 acres beginning at the original S.W. corner of said J. & L. Sur- Thence running N 30° W. with W. line of said Survey. 1150 vrs- Thence N 60 E 1185 vrs to the E line of said Tract No 4. Thence S 30° E 1150 vrs to the S line of said Carpenter Survey. Thence S 60° W 1185 vrs to the place of beginning - for the sum of Three hundred (300) dollars- One hundred dollars cash to be paid on confirmation of sale- $100cc to be paid Decr. 1st 1883 & $100cc to be paid Decr 1st 1884. said deferred payments to bear interest at 10% per annum payable annually.

2nd to W. H. Wyatt of Falls county Texas, 100 acres of land- the Northern one half of Lot or Tract No 4 as set apart by said commissioners. Beg. at a point 1150 vrs & 30 N from the S.W. corner of said J. H. Carpenter L & L. Sur at N.W. cor of 100 acres sold to L. L. Rhodes- Thence N 30° W. with W. line of said Carpenter survey 1150 vrs to corner between Lots No 4 & 5. Thence N 60° E 1185 vrs to a point on W. line of Tract No 3 now owned by R. W. Buchanan Thence S 30° E 1150 vrs to the N E cor of said Rhodes tract. Thence S. 60° W 1185 vrs to the place of beginning. Also 250 acres of land more or less being the Northern part of Lot or Tract No 5 as set apart by the commissioners in partition and beginning at the N.E. corner of said tract No 5 at the S.E. corner of 154 acres sold to J. H. Davidson. Thence S 60° W. with Davidsons line & line between Tracts No 5 & 6. 2350 vrs to the W. line of said Carpenters survey. Thence S 30° E 600 vrs. Thence N 60° E 1185 vrs to W. line of R. W. Buchanans & with his line in all 2350 vrs. Thence N 30 W 600 vrs more or less to the place of beginning - reserving however the right of way as claimed by the Houston & Texas Central Railroad Company.

Also- 18 acres of land more or less off of the North end of Tract or Lot No 1. as set apart by said Commissioners. Beginning at the N.W. corner of what is locally known as Mrs Yates field. Thence S 30 E 750 vrs with the E line of Lots Nos 6 & 5. Thence N. 60° E 385 vrs. to a point on the W. line of 1000 acres out of the S.E. cor of said Carpenters L & L. set apart to the heirs of J. H. Carpenter on the N line of what is known as the Sugar Farm Thence N 30° W 700 vrs to the N line of Mrs Yates field fence prolonged.- Thence S 60° W 385 vrs to place of beginning- Said three traits being sold for the sum of Eleven hundred (1100) dollars - $400 cash to be paid on confirmation of sale - $350cc 1st Decr 1883 - & $350 1st Decr 1884

December 16th 1882.

The deferred payments to bear interest at 10% per annum payable annually.
3rd to W. T. Yates, of Falls Co. Texas. 232 acres, more or less, known as Lot No 10 as set apart by the Commissioners in partition. and beginning at the N.W. corner of said Carpenter Lea & labor as subdivided. Thence N 60° E with its northern line 2350 vrs. Thence S 30 E 612 varas with the public road. Thence South 60° W with N line of Lot No 9. 1323 varas. Thence N 30° W 153 varas to N.E. cor of Lot No 8. Thence S 60° W 1027 varas to the W. line of said Carpenters Survey. Thence N. 30° W 475 varas to the place of beginning. Also 215 acres of land, more or less. Known as Lot or Tract No 7, as set apart by the commissioners in partition. less the small tract on its southern line heretofore conveyed to J. H. Davidson. reserving from said last tract described the right of way as claimed by the Houston & Texas Central Railroad Co for the sum of $1300.00 — $400.00 cash to be paid on confirmation of sale $300 to be paid Dec 1st 1883. $300 to be paid Decr. 1st 1884 & $300 to be paid Decr. 1st 1885. all deferred payments to bear interest at rate of ten per cent per annum payable annually. — Said sales your petitioner states were made at a fair and just price. at private sale, and he most respectfully asks that they be approved and confirmed. Austin Texas Decr 12th 1882

J. H. Burdett.

Subscribed & sworn to before me this 13th day of December 1882. Frank Brown clk Co Ct Travis Co Texas
S.S. by D B Gracy Deputy

And there being no objection to said report. and the court having made inquiry into the manner of making said sales. - and it appearing to the court that said sales were fairly made and in conformity with law - & for a fair price & that the best interests of all parties require the confirmation thereof. it is ordered adjudged and decreed that said sales as reported be and the same are hereby confirmed. and it is ordered that in compliance with the terms of said sales by said purchasers - the said Giles. H. Burdett make to them each separately, a deed conveying the respective tracts so purchased by each to him separately - & that in compliance with said terms the title to said tracts respectively rest in the said purchasers thereof - & it is ordered that this cause remain open on the docket for the further orders of court. as to property matters undisposed of

5849

T. L. Wren
vs
T. H. Miller
L. H. Williams
G. G. Williams
Mary L. Williams
Felix M. Williams
Hugh W. Williams

And now on this day came on to be heard the above numbered and Styled cause. and it appearing that the defendant T. H. Miller has filed his answer and entered his appearance as a party defendant. and that the defendants L. H. William. G. G. Williams. Mary L. Williams. Felix M. Williams and Hugh W. Williams the four last named being minors and having been duly served with process. Whereupon the court appointed C. D. Johns Esq as a Guardian ad litem of said minors. and the said plaintiff having appeared by his attorney. and the said minors ~~two~~ by their attorney ad litem C. D. Johns Esq. and both announced themselves ready for trial and the other defendants T. H. Miller and L. H. Williams though duly served with process failed to appear but wholly made default. And said parties having submitted the matters in controversy to the Court without the intervention of a Jury. the Court having heard the pleadings evidence and argument rendered the following Judgment to wit. Appearing to the satisfaction of the court that the five several tracts of lands described in plaintiffs petition as follows. Said tracts being situated in the County of Coleman and State of Texas. all located & patented by virtue of certificate No 26 for one third of a league of land issued to Elisha. H. Williams by Board of Land Commissioners of Colorado County Texas. And which said five tracts are severally described as follows. The first tract being patented to Elisha H. Williams on the 22nd day of January 1880 by patent No 2116 Vol 9 ~~vrs~~ clays. and described by metes and bounds as follows. Beginning at a stone mound the ~~the~~ N. E. cor of sur No 758 Brook & Burleson. Thence S with E line of said No 758. 167 ½ vrs. a stone mound the S. E. Cor of same a R.O. 18" ~~h~~ S 90 W. 196 vrs do 16 bears S 11 W 197 vrs - Thence E 500 vrs to N. E cor

December 16th 1882.

of No 757 Brockett Dickson, a stone mound a forked L.O 15" brs N 82 W 15 vrs. Thence S. with E. B line of said No 957-1328 vrs to a stone mound the S.E. cor of same a L. O 12" brs S. 78° W 35 vrs, do 10" brs S. 79½ W 35 vrs. Thence W 32 vrs to N. E. corner of the W. B. Twilley cur No 721 LK. L O 9" brs S. 14½ E 11 vrs. do 9" brs S. 3¼ W 10½ vrs. Thence S. 309 vrs to a stake, the N W corner of the J. Doyle cur: Thence E. with the N B. line of the said Doyle survy 909 vrs to a stake, the N. E. corner of same. Thence N with the W. B. line of the Abner Echols cur No 264 1170½ vrs to N W cor of same, a stake, a mesquite 11" brs N 43° W 88 vrs. do 11" brs S 9° W 91 brs: Thence W 96 vrs. to the S.W. corner of R. Rodriguez cur No 266 a L O 2" brs N 9½° E. 40 vrs. a mes 6" brs N 14° W 30 vrs, Thence N 1344 vrs to a stone md the S. E. cor of the C Evans pre cur, a Mesquite 12" brs S 69¾° W 41 brs: Thence W 956 vrs to S. W. corner of said Pre-: Thence N 950 vrs to a stone md the N. W. cor of said pre-, an Elm 6" brs N 72° W. 42 vrs, Thence W 331 vrs to the beginning, containing 2.745.675½ square varas of land,

The second tract being patented to Elisha H. Williams on the 22d day of January 1880 by patent No 247 Vol 9. 2d Class described by mets and bnds as follows: Beginning at the S. W. corner of D. Johnsons pre cur. a stone mound, a Spanish oak 10" brs S. 35½ E. 12 vrs, P. O 8" brs S. 60° E. 24 vrs, Thence S. 872 vrs, a stone md the N W. corner of the Lewis Johnson cur No 480 a L. O 14" brs N 3½ W 85 vrs. Do 12". S 86¾ E 82 vrs, Thence E with N line of said Lewis Johnson cur 2016 vrs to md the S.W. cor of W. E. Kings pre cur- a Mesquite brs S 37½ W 13 vrs, do S. 47. W 13 vrs Thence N 150 vrs to N W corner said Kings Pre- Thence E. 100 vrs to S. W. cor of C. McAuley's pre cur a st md a Mesquite 11" brs brs N 24° E 38 vrs Do 11" brs N 14 W 42 vrs, Thence N 36 vrs St md the S. E. cor of J D Paneke Pre cur. Thence W 494 vrs. a st md the S.W cor of said Paneke pre- Thence N 408 vrs st md the S. E. cor of McKinney and Williams cur No 340: Thence W. 950 vrs to S. W cor of same st md. Thence N 278 vrs to S. E. cor of D. Johnsons cur. thence W. 672 vrs to the beginning containing 1. 227. 168 sq varas.

The Third tract being patented to Elisha H. Williams on the 22d day of January 1880 by patent No 248 Vol 9 2nd class, and described by mets and bounds as follows: Beginning at a stone mound the S. W. cor of David Buding cur- No 728 a mes 12 in brs S. 14½ E 18 vrs, do 6 in W. 8¼° W 15 vrs: Thence with nich S. B line of No 26 G. H. & N. R. R. Co 1450 vrs stone mound the S. W. cor of same and N. E. cor of No 18 a mesquit 5 in brs N 84½° E. 252 vrs, a forked do 10 in N 10½ E. 47 vrs, Thence South crossing Cow Creek and with E. B. line of sd Sec No 18-1900 vrs stake the S. E. cor of same: Thence East crossing Cow Creek 500 vrs a stone mound, the S. W. cor of J. B. Terry's Pre, a mesq brs N 46° E 5 vrs. do S. 33° E 21 vrs, Thence South 480 vrs Spring Branch 950 vrs stone md N W cor sd Pre cur Hackberry 4 in brs S. 26° E. 48½ vrs, Thence E. 950 vrs stone md the N. E. corner of sd Pre survey, Thence North 950 vrs to the beginning, containing 1,852,500 square varas

The fourth tract being patented to Elisha. H. Williams on the 3d day of May 1881 by Patent No 299. vol 9. 2d Class, and described by mets and bounds as follows- Beginning at the S. E. cor of E. Briggs and S. W. cor of L. M. Manns preemption. stone mound a L O 10" brs S 46° E 71 vrs do 12" brs S 47° E 73 vrs; Thence East with Manns S. line 950 vrs cor trees blazed down: Thence

Decembr 16th 1882

South 150 rs stone mound and S.W. corner of E. Andrews sur No 262. a ough 12" Ins N 8° W 27 rs. Thence East 545 rs N.W. cor of R. Cochrans sur No 269. stone mound mergh 8" Ins S. 45½ E. rs. Do 8" Ins N 29½ E. 22 rs. Thence South 389 rs. N.E. cor of Wm Webb, Thence West 1495 rs cor in Prairie. Thence North 539 rs to the beginning containing 128 acres.

The fifth tract of land being patented to Elisha N. Williams on the 3d day of May 1881 by patent No 300 vol 9 2nd class and discribed by metes and bounds as follows. Beginning at the N.W. corner of the W. B. Torilly No 721 stone mound Mergh 12" Ins N 5" W 89 rs. Thence N 1240 rs S. E. corner of E. Tate No 726 Mergh 12" Ins S 1½° W. 73 rs Do 16" S 12½° W. 45 Ins. Thence West with the S. line of said Tate 1755 rs cor. Thence South 145 rs cor. Thence East 395 rs. stone mound and N.W. cor of sur No 9. a L. O Ins S. 36° E. 136 rs do N 67½ W. 65 rs. Thence South 1095 rs. N W. cor sur No 8 Stone md a low Mergh 9" Ins N 55° E 30 rs. Thence East 1360 rs. to the beginning. containing 309. acres.

Was located by virtue of certificate No 26 for one third of a league of land issued to Elisha N. Williams by the Board of Land Commissioners of Colorado County Texas, and that the said Elisha N. Williams is now dead and left at his death one him his nephew one Nathan L. Williams who is now also dead, and who at his death left a surviving widow, the defendant L. W. Williams and five children to wit: the defendants G. G. Williams, Mary L. Williams Felix M. Williams and Hugh W. Williams and one L. N Williams who died a minor after the death of said father,

And it further appearing to the satisfaction of the court that the said Mrs L. W Williams for herself and as the natural guardian of the children the said defendants G. G. Williams Mary L. Williams, Felix M. Williams and Hugh W. Williams made and entered into a contract with W.A.H. Miller and the defendant Thos. G. Miller to locate said land certificate and agreed to allow them the said Millers an equal undivided one half of the land located by virtue of said certificate, the said Millers agreeing to pay surveying and patent fee,

And it further appearing to the satisfaction of the court that the said Millers have fully complied with the terms of their said agreement and paid all surveying and patent fee on said land and that the said contract for location was for the advantage and benefit of said minor defendants and was entered into in good faith by the said Millers,

And it further appearing to the satisfaction of the court that the said W.A.H. Miller has bargained sold and conveyed to the plaintiff T.L. Wren his locative interest in the said five tracts of land. the same being one equal undivided one fourth, and that the defendant Thomas H. Miller is also the owner of his locative interest being the equal undivided one fourth of said tracts of land,

And it further appearing to the satisfaction of the court that the said defendants L. W. Williams is the legal and equitable owner of one undivided one twelfth of said five tracts of land. and the defendants G. G. Williams Mary L. Williams, Felix M. Williams and Hugh W. Williams are each entitled to nine undivided eightieth of said tracts of land,

It is therefore ordered adjudged and decreed by the court that the plaintiff

December 16th 1882.

T. L. Wm do have and recover of and from the defendants T. A. Millie. L W. Williams. F. M. Williams. Mary L. Williams and Hugh W. Williams one equal undivided one fourth of the aforesaid five tracts of land: that the defendants T. A. Millie do have and recover of and from his co defendants L. W. Williams G. G. Williams. Filix M. Williams one equal undivided one fourth of the aforesaid five tracts of land, that the said defendants L. W. Williams do have and recover from the co defendants G. G. Williams. Mary L. Williams. Filix M. Williams and Hugh W. Williams one equal one twelfth of the aforesaid five tracts of land: that the said G. G. Williams do have and recover of and from his co defendants nine equal one eighteenths of said five tracts of land. that the said Mary L. Williams do have and recover of and from the co defendants nine equal one eighteenths of said five tracts of land: that the said Filix M. Williams do have and recover of and from his co defendants nine equal one eighteenths of said five tracts of land: and that the said Hugh W. Williams do have and recover of and from his co defendants nine equal one eighteenths of said five tracts of land.

It is further ordered adjudged and decreed by the court that J. A. Collett A. J. Jernigan and W. Von Rosenberg all competent and disinterested resident citizens of Travis County Texas be and are hereby appointed to make partition of said five tracts of land in accordance with the terms of this decree and are instructed to make report of how they have carried out and attended to the same at as early a day as possible.

It is further ordered adjudged and decreed that the officers of court have judgment for their costs against the parties hereto in the proportion of land which they recover herein.

Court adjourned till Monday Morning 9 O'clock.

December 18th 1882

Court met pursuant to adjournment: Present same as on the 16th and there being no civil minutes to record of this date Court adjourned till tomorrow morning 9 o'clock

December 19th 1882

Court met pursuant to adjournment: Present same as on Yesterday. Whereupon the following proceedings were had viz:

The State of Texas vs Richard A. Harris et al } On this 19th day of December A.D. 1882 on the application of the State of Texas plaintiff in this cause it is ordered by the court that J. A. Hutchison as Sheriff of Washington County Texas have leave to amend his return on the citation to defendant Richard A. Harris so as to show the year in which the service was made, the same now appearing blank and the said J. A. Hutchison as sheriff as aforesaid is hereby directed and required to make said amendment in accordance with the facts -

December 19th 1882.

5777 W. J. Tamehill & wife vs J. D. Ayle. } On this day came on to be heard the motion of defendant for a new trial in this behalf. came the parties respectively by their attorneys and the plaintiff in open court entered and filed a remittitur of ($50.00) fifty dollars of the judgment heretofore entered in this cause. Which remittitur so entered being the amount claimed by the defendant as a credit as of October 16th 1879. and the Court then proceeding to determine the motion after fully considering the same is of the opinion that the law is with the plaintiffs and accordingly overrules said motion, and the Court proceeding to determine the amount due the plaintiff after deducting the amount remitted by the plaintiff and crediting the same as of date October 16th 1879 finds that the amount due the plaintiff at the date of remittitur of the judgment is ($98.94) ninety eight & 94/100 dollars for which amount together with all costs it is ordered that the plaintiffs have judgment as heretofore awarded; to which judgment of the Court in overruling this said motion the defendant in open Court gives notice of appeal to the Supreme Court.

Court adjourned till tomorrow morning 9 o'clock

Rec'd of Jas. P. Stark Clk. the sum of $94.44/100 in full satisfaction of this judgment. Ann Jackson Atty for pltffs.

December 20th 1882

Court met pursuant to adjournment. Present same as on yesterday and there being no civil minutes to be entered of this date Court adjourned till tomorrow morning 9 o'clock.

December 21st 1882

Court met pursuant to adjournment, Present same as on yesterday Whereupon the following proceedings were had viz:

5739 The State of Texas vs F. L. Busch et al. Continued by consent.

5592 P. N. Jaynes Sons vs Leander Brown et al } It is ordered by the Court that ten days be and the same is hereby allowed the parties to this from the adjournment of this term of the Court in which to make and file a statement of facts in this case—

5771 R. G. Cross et al vs J. L. Dais Koll Admr. } It is ordered by the Court that ten days time be and the same is hereby allowed the parties to this suit from the adjournment of this term of the Court in which to prepare and file a statement of facts in this case—

+865

5791 Wm Brueggerhoff vs Carl Lehmberg. Upon motion of plaintiffs attorney, it is ordered by the Court that the continuance heretofore entered in this case be set aside and case dismissed at plaintiffs cost.

5639 George Pflueger vs Samuel Slauffer Mathias Weichnick & William Bohler } And now on this the 18th day of December A.D. 1882, this cause being called for trial, thereupon came the parties by their attorneys and announced themselves ready for trial; and neither party demanding a jury the cause was submitted to the Court upon the facts as well as the law. And the Court having heard the pleadings and

December 21st 1882

the evidence and the argument of counsel: took the same under advisement and after having duly considered the same afterwards to wit: on the 21st day of Decembr A D 1882 in open court rendered and ordered to be entered the following judgment. It is considered ordered and adjudged by the court, that the plaintiff Jorge Pfluger do have and recover of and from the defendants all that track of land contained within the following metes and bounds towit: Beginning at the South east corner of a tract of land containing forty four and one fifth acres out of the C. S. Parish survey, conveyed by Jorge Pfluger to Wm M. Saunders: Thence South 30° West Two hundred and fifteen varas to the road running on the South side of the post and wire fence enclosing Wm M. Saunders, a stake for the South East corner of this track. Thence North 60° W. two hundred and ninety four varas to a stake the South East corner of a tract recovered by Wm M. Saunders in the suit of the said Saunders against Samuel Stauffer et al: Thence North 30° East Two hundred and fifteen varas to a stake in the North line of the Wallis survey: Thence South 60° East Two hundred and ninety four varas to the place of beginning. It is further ordered and adjudged that plaintiff have his writ of possession commanding the Sheriff of Travis County to place him in possession of said described tract of land, and that plaintiff be and he is hereby quieted in his title to said premises against the claims of the said defendants and their grantors and all persons claiming under them.

It is further ordered and adjudged that plaintiff have and recover of the defendants all costs in this behalf expended for which let execution issue.

The State of Texas } The foregoing minutes having been read in open court
Travis County } examined and found correct are hereby approved by the court, and it is ordered by the court that said entries stand as a part of the minutes of the present term of this court: and it is further ordered that this court now stand adjourned until the next regular term thereof.

Dec - 21 - 1882.

A. S. Walker
Judge 16th Dist Ct

January 1st 1883.

The State of Texas Be it remembered that at a term of the Hon County of Travis } District Court of Travis County began and holden at the Court House thereof in the City of Austin on Monday the first day of January A D 1883. this day being the day fixed by law for the holding of said Court: Hon A. S. Walker Judge of the 16th Judicial District of the State of Texas presiding. James P. Hart Clerk of said Court and M. M. Hornsby Sheriff of said County being present the following proceedings were had viz:
After the empanelling of the grand jury as appears of record in Criminal Minutes Court adjourned till tomorrow morning 9 oclock

January 2nd 1883

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

3030. Giles A Burdett Adams vs W. B. Burdett et al } It is ordered by the Court that this case remain upon the docket for further orders upon proceedings of Commissioner to sell &c.

2955 Abby Thompson Admx. vs A. A. Barnes et al Continued
2958 Abby Thompson Admx vs George Saunders Continued
2960 Abby Thompson Admx vs A. L. Rann Continued
4795 John C. Duval et al vs Robert Youngblood et al. It is ordered by the Court that this case remain upon the docket for further orders in partition &c.
4828 Richd Coopwood et al vs Wm Alexander Continued
5246 C. F. Garland vs C. W. Garland Continued for services
5267. Laura H. Ormond vs Charles J Ormond Set for January 27th 1883.
5274 J. R. Ray et al vs Vincent Chambers et al It is ordered by the Court that this case remain upon the docket for further orders on judgment.
5388 Betty Pickett vs Lee Pickett Passed to the end of the docket:
5389 M. C. Napiellai vs James F. Ellison Continued
5431 W. S. Caruthers vs R. W. Crawford. Continued for service
5447. Mary A. Smith vs Smith Bergin & Campbell. Continued
5449 Thos. F Kemp vs Leo King It is ordered by the Court that this case remain upon the docket for report of Commissioner.
5452. Mary A. Smith vs. Smith & Campbell. Continued
5457 Mary A Smith vs Smith & Shepard. Continued
5468 A Guido Pelligrini vs Fowler Ludlow & Co. This case being this day regularly called for trial, and the plaintiff or his attorney of record failing to appear, although said plaintiff was duly called at the Court House door by the sheriff of Travis County still failed to appear. It is therefore ordered by the Court that this case be and the same is hereby dismissed for want of prosecution; and further ordered that the plaintiff A. Guido Pelligrini pay all costs in this behalf expended for which execution may issue.
5469 Robert Youngblood vs Wm Smyth et al. Continued
5500 Lucy A. Fields et al. vs Thomas A. Fields et al. It is ordered by the

January 2nd 1883.

Court that this case remain upon the docket for further report of Commissioner.

Norman Schmidt vs Caroline F Morris. Continued. 5528
D. L. Cross et al. vs Ella Cayton et al Continued 5539
J. C. F. Phelps vs Uplin Swingley et al. It is ordered by the Court that this case remain upon the docket for further report of Commissioner 5563
The State of Texas vs W. A. Whatley et al Passed to end of docket 5604
The State of Texas vs A. H. McGown et al, Passed to end of docket 5620
Julius Gilch et al vs J. T. Blount. Continued 5632
Catherine Wagoner vs Joseph Wagoner. Continued 5677
Richard Galloway vs Martha M. Galloway Continued 5679
R N Lane vs Wm M. O'Leary Passed to end of Jury docket 5689
J. N. Carey vs Augusta Carey. Continued to perfect service 5692
John M. Swisher vs Ed Cleary et al. Upon motion of defendants attorney it is ordered by the court that this case be and the same is hereby dismissed for want of prosecution - Further ordered that plaintiff pay all costs in this behalf expended for which execution may issue 5700
Foster & Co vs W. S. Lee. Passed to end of the docket 5702
Ambrose O. Duly vs Richard Fowler. Time being no further ordered entered it is ordered by the court that this case be now dropped from the docket. 5717
The State of Texas vs F. L. Rysch et al. Passed to end of docket 5739
The State of Texas vs W. J. Wilkinson et al, Upon motion of plaintiffs attorney it is ordered by the court that this case be and the same is hereby dismissed at the costs of defendants, Costs having been paid as by court. 5771
Christian & Radley vs The Texas Building Association et al Continued 5784
Virginia Nelson et al vs T. J. Whaley et al. Passed to end of the docket 5790
Charles Francis Howard et al vs J. Stewart & J. A. Stewart, It is ordered by the court that this case remain upon the docket for further order upon report of Commissioner to sell &c. 5801
R. R. Townsend vs Joe Barron et al. Continued for service 5803
David Stewart vs August Knetch. Passed to end of docket 5814
F. C. & L. A. Cone vs The City Water Company. Set for January 27 1883. 5825
Sam Friedberger vs John D. and Lucy Elliott, It is ordered by the court that C. D. Johns Esq be and he is hereby appointed to represent the absent defendants. 5834
Wm Bruggerhoff vs Frank Goldberg. It is ordered by the court that C. D. Johns Esq be and he is hereby appointed to represent the absent defendant 5836
Adolph Dohme et al vs Ann H Jones et al. Continued 5842
Lillia L. Illingsworth vs Alfred Smith et al It is ordered by the court that Jno. R. Peel Esq be and he is hereby allowed to go on bond for security for costs in this case 5843
Rufus Howard vs Martha Howard Continued 5844
John Rainey vs Dicey Rainey Continued 5845

January 2nd 1883.

5847 W. D. F. Pyle & Wife vs I. & G. N. R. R. Co. Set for January 1883.
5848 Joe H. Shivak vs Mc L. Rigan. Continued
5849 T. L. Wray vs T. H. Miller et al. Passed for report of Commissioners
5851/2 A. R. Turner et al vs R. W. Duke et al. Set for January 5th 1883.
5852 Alilia Bailey vs D. J. Sorrison et al Set for March 6th 1883.

3956 Joseph Hartmann } On January 1st 1883. the following declaration of
Ex parte. } intention to become a Citizen was issued.

The State of Texas } Joseph Hartmann being duly sworn
County of Travis } according to law, on the Oath doth declare that he is a native of the Kingdom of Germany of said County doth declare that he was born in the year A.D 1854 in the Kingdom of Germany Whence he emigrated in the year 1880 to the United States of America, and has selected the State of Texas as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen of the United States and of the State of Texas and renounces forever all allegiance and fidelity to any foreign Prince, Potentate, State and Sovereignty Whatsoever, and particularly to the Emperor of Germany of Whom he was a subject. Joseph Hartmann
Sworn to and subscribed before me, this the 1st day of January A.D 1883. Jas P Hart Clerk

5856 Louisa Schmidt et al. vs William Schmidt. It is ordered by the court that this case remain upon the docket for further orders on judgment.

5861/2 John Campbell Alexander. vs James R. Alexander et al. It is ordered by the court that this case be passed for report of commissioners,
5867 Mendick W. Henry et al vs Frank D. Henry et al. It is ordered by the court that this case remain upon the docket for report of commissioners to settle.

Court adjourned till tomorrow morning 9 o'clock

January 3rd 1883.

Court met pursuant to adjournment, Present same as on first day. Whereupon the following proceedings were had viz:

5960 Carl Schwarzer } Declaration of intention to become a citizen
Ex parte. } The State of Texas } Carl Swarzer being
County of Travis } duly sworn according to law in the District Court of said County doth declare that he was born in the year A. D. 1849, in the Kingdom of Germany Whence he emigrated in the year A.D 1881 to the United States of America, and has selected the State of Texas as the place of his intended settlement: and he further declares that it is bona fide his intention to become a citizen of the United States and of the State of Texas, and renounces forever all allegiance and fidelity to any Foreign Prince, Potentate, State or Sovereignty Whatever and particularly to the Emperor of Germany of Whom he was a subject. Carl Schwarzer.
Sworn to and subscribed before me this Jany 3rd 1883. Jas P Hart, clerk

January 3d 1883.

J. Rosenfield & Co. } It is ordered by the Court that leave be
v. } and the same is hereby granted John Darrell 5989.
M. Davis } Esq to go on the attachment bond in this case
as surety } Court adjourned till tomorrow morning 9 oclock

January 4th 1883.

Court met pursuant to adjournment, Present same as on first day whereupon the following proceedings was had viz:
Thereing no civil minutes to record of this date court adjourned till tomorrow morning 9 oclock.

January 5th 1883.

Court met pursuant to adjournment, Present same as on first day whereupon the following proceedings were had viz:
John H. Pope } In this cause on this the 5th
v. } day of January A D 1883. 5949
Capital State Fair Association def. } came the plaintiff John H. Pope by his attorney and the defendants having failed to appear and answer in this behalf but wholly made default. Whereupon the said John H Pope plaintiff ought to recover against the said Capital State Fair Association and Loomis and Christian a firm composed of Simon Loomis and Edward Christian the defendants herein his damages by occasion of the premises: And it appearing to the court that the cause of action is liquidated and proved by an instrument of writing, it is ordered that the Clerk do assess the damages sustained by said plaintiff: and the said Clerk now hereing assessed the damages aforesaid at the sum of $1916.59. in American Gold Coin as in brief, and the principal of the note sued on $4000.00 in American Gold Coin. making a total of $5916.59 in American Gold Coin. It is considered and adjudged by the Court that the said plaintiff John H. Pope do have and recover of and from the said defendants the Capital State Fair Association and Simon Loomis and Edward Christian the sum of Five thousand nine hundred and sixteen 59/100 dollars in American Gold Coin with interest thereon from this date until paid at the rate of ten per cent per annum together with all costs in this behalf expended for all of which execution may issue against all of said defendants.
Paddock Hawley Iron Co. } This day came the plaintiffs by their attorney
v. } and the defendant Jno A. Webb by his attorneys 5811.
Jno A. Webb & Bro. } but the other defendant Joseph W. Webb although duly served with process in this case failed to appear or answer but wholly made default Whereupon the said plaintiffs ought to recover against the said Joseph W. Webb their damages by occasion of the premises. Thereupon the parties aforesaid submit the matter in controversy as well of fact as of law to the court, and the pleadings hereing here read and the evidence and argument of counsel heard, and it appearing to the court that the cause of action is liquidated and proved by instruments of writing

January 5th 1883.

it is ordred that the Clerk do asses the damages sustained by said plaintiffs; and said Clerk now here having assessed the damages sustained by said plaintiffs at the sum of ($1034.22.) one thousand and thirty four 22/100 dollars, It is therefore considered by the Court that the said plaintiffs the Paddock Hawley Iron Company do have and recover of the said defendants Jno A Webb and Joseph. W. Webb the said sum of ($1034.22) one thousand and thirty four 22/100 dollars with interest thereon at the rate of ten per cent per annum from this date until paid together with all costs in this behalf expended for all which execution may issue.

5692 J. N. Casey. vs Augusta Casey. It is ordred by the Court that D. A. Posey Esq be and he is hereby appointed to represent the defts in this case.

5788 M. A Taylor et al. vs Aug Ekstrom et al. Passed to end of docket.

5790 Virginia Allen et al. vs T. J. Whalen et al. It is ordred that defendants have leave to file 1st amended original answer and case set for Feby 27th

5834 Sam Feidbuger vs Jno. D. and Lucy Elliott. Passed to end of the docket.

5836 Wm Brueggerhoff. vs Frantz Goldberg. Passed to end of the docket.

5838 Sarah. E. Pittman vs J. R. Pittman. It is ordred by the Court that Jas D. Shuttle Esq be and he is hereby appointed atty to represent the defendant.

5841 Alice M. Burdett vs Thomas P. Burdett. The death of the plaintiff suggested. it is ordred by the Court that this suit abate.

5846 W. C. Dumay vs Jas. D. Easley et al. It is ordred by the Court that defendants have leave to file first amended original answer and case passed to end of the docket.

5847 N. D. F. Pyle & Wife vs I. & G. N. R. R. Co. Set for January 24th 1883.

5880 Elizabeth James. vs Philip James. It is ordred by the Court that J. D Shuttle Esq be and he is hereby appointed atty to represent the defendant and passed to the end of the docket.

5851 A. R. Timms et al. vs R. M. Duke et al. Continued to perfect service.

5852 Alicia Barker et al. vs Francis J. Simmons et al. on motion of defendants atty for costs allowed and plaintiffs attorney notified.

5853 T. H. Miller vs Joseph Guinane et al. Passed to the end of the docket.

5854 Wm Radam vs Heirs of Saml. D. Mills. Continued to perfect service.

5855 Thos. J. Moore et al. vs H. N. Bigelow et al. Continued for service.

5857 The State of Texas vs E. T. Moore Set for January 25th 1883.

5860 The State of Texas vs R. A. Hamm et al.. Case set for 18th January 1883 subject to regular call of the docket.

5865 The State of Texas vs R. A. Hamm et al. Defendants have leave to file first amended original answer.

5866 The State of Texas vs R. A. Hamm et al. Set for 18th January 1883 subject to regular call of the docket.

5881 Joseph. C. Spicer vs Ruthy Spicer. Passed to end of the docket

5882 N. C. Gullett & wife vs Foster & Hamby. Passed to end of docket.

5885 M. E. Robuson vs Thomas Anderson Death of plaintiff suggested and cause continued to make parties.

5906 The State of Texas vs R. A. Hamm et al. Case set for January 18th 1883 subject to regular call of the docket.

5938 Hamm Murphy vs David N. Murphy. continued to perfect service

January 5th 1883.

Eva A. Terry vs James A. Terry Passed to the end of the docket 5939
Abijh Weir dcd. vs F. E. Smich dcd. Passed to end of docket 5940
Smich & Blackburn vs W. P. Stevens. Continued 5941
M. C. Hamilton vs G. G. Anderson Continued for service 5942
Ellen Nichols vs Robt Nichols No counsel appearing Continued 5943
Cuchiny Rudell vs Laura Rudell. No counsel appearing Continued 5944
Gottlieb Schumacher vs Karoline Schumacher. Continued for service 5945
Austin College vs F. Augusk Finn No counsel appearing Continued 5946
Lucy Phelps vs Henry Phelps. Set for January 10th 1883 5947
Nannie Taylor vs John W. Taylor Set for January 27th 1883 5948
John Groundwater vs City Water Company. Continued by consent of defen- 5950
-dant plaintiff not appearing
Martha Washington vs George Washington Set for January 6th 1883 5953

Court adjourned till tomorrow morning 9 o'Clock

January 6th 1883

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

Martha Washington vs George Washington — This cause coming on to be heard the plaintiff appeared in person and by attorney and the de- 5953½
-fendant came not, no jury having been demanded the Court having heard the pleadings and evidence is of opinion that the allegations of the plaintiffs petition are true, It is therefore ordered adjudged and decreed by the Court that the bonds of matrimony heretofore existing between the plaintiff Martha Washington and the defendant George Washington be and the same are hereby forever dissolved. It is further ordered that the plaintiff recover of the defe- -dant all costs in this behalf expended for which execution may issue.

Wm Radam vs R. L. Miles dcd — Plaintiffs attorney for the appointment of a guardian ad litem in this cause 5854
It is ordered by the Court upon motion of plaintiffs attorney that John W Robertson Esq be and he is hereby appointed guardian ad litem of the Minor de- -fendant Mary A. Miles and also attorney to represent the other defendants.

Smich & Helms vs W. L. Lee & wife 5827
David Stewart vs August Knieck- 5814
Elizabeth James vs Philip James 5850
Alitia Barker dcd vs Francis J. Brinson & A. A. Barnes 5852
T. & A. Myers & Co vs W. H. Randolph 5870
Abijh Weir dcd vs F. E. Smich dcd 3940
John Groundwater vs City Water Company 5950

It is ordered by the Court that the rule for security for costs be and the same is hereby granted in the above cause and the Clerk ordered to notify the attorneys for the parties.

Court adjourned till Monday morning 9 o'clock

January 8th 1883

Court met pursuant to adjournment. Present same as on first day. and then Court No civil minutes to record of this date Court adjourned till tomorrow morning 9 o'clock

January 9th 1883.

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

3723v James Brown vs Lucretia Brown et al. It is ordered by the Court that C.D. Johns Esq be and he is hereby appointed Guardian ad litem for the minor defendants Willi Daniels

5392v D. Wimberger & Wife vs H. & T. C. R. R. Co. Continued

5404v D. Wimberger Guard &c. vs H. & T. C. R. R. Co. Continued

5828v F. C. Ass. L. H. Evans vs City Water Company. Plff has leave to file 1st Supplemental petition

5847v W. D. F. Pyle & wife vs I. & G. N. R.R. Co. & M. P. Ry Co. Plff has leave to file 1st amended original petition.

Court adjourned till tomorrow morning 9 o'clock

January 10th 1883.

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings were had viz:

3723v James Brown vs Lucretia Brown et al. Plff has leave to file 2nd Supplemental Petition.

5959v J. Rosenfield & Co. vs M. Davis, Plaintiff has leave to file 1st amended original petition

Greenlee Block & Co vs M. Davis

5957v On this the 10th day of January A.D. 1883. Came on to be heard in open Court the application of the plaintiffs Greenlee Block & Co to sell the personal property of the defendant M. Davis levied on and now in the hands of M. M. Hornsby sheriff of Travis County and held by him under and by virtue of a writ of attachment issued in this said Cause out of the District Court of Travis County Texas on the 1st day of [redacted] 1883. at the instance of the plaintiffs and in their favor against said defendant, said property being discribed as follows:

1	Pcs	Dress goods	54 yds. @	18½	9	99	1	Pcs	Chachmar 2¼ yds @	66	1 48
1	"	" "	54 "	"	16½	8	91	1	"	"	16¼ " " 1.00	16	25
14	"	" "	419 "	"	8	33	52	1	"	Cotton Mixed	22 " " 12	2	64
3	"	Bunting	96 "	"	18	17	28	1	"	Satin	10 " " 33	3	30
3	"	"	62 "	"	16¼	9	96	1	"	Waterproof	25¾ " 52	12	62
1	"	Alpaca	53 "	"	25	13	25	7	"	Oxeade Mixed	110¾ " 16½	18	27
2	"	De Bage	58 "	"	13	7	54	8	"	Cotton Mixed	148 " 8	11	84
2	"	Knee Kerbocker	50 "	"	6	3	00	6	"	" Plaid	288 " 7	19	67
2	"	Cachmar	47 "	"	42	19	74	4	"	Linen Mixed	130¾ " 16	20	92
1	"	White Alpaca	50½ "	"	80	15	15	1	"	Twill Alpaca	3½ " 25		88
1	"	Black "	28½ "	"	14	3	41	1	"	Bot Gum de.	10¼ " 25	2	62
1	"	N. B. Waterproof	21¼ "	"	71	14	44	1	"	Belt Cachmar	3¾ " 42	1	57
1	"	" "	3¾ "	"	80	2	60	1	"	" Alpaca	37¼ " 30	11	17
1	"	Cachmar	22½ "	"	35	12	32	1	"	"	6½ " 44	2	86

January 10th 1888.

1	Pc	Blk alpaca	41/2 yds	@	49½	2	23	1	pc	Coll Tinsel	36 yo	@	13		4	68
8	"	Dress Plaid	163¾	"	10	16	33	1	"	Blue Cotton	10 "	"	16		1	60
3	"	" "	37¾	"	13	4	90	1	"	Lining	33 "	"	8		4	24
2	"	Plaid Flannels	20½	"	30	6	15	3	"	Lindey	38"	"	15		5	80
5	"	Cushings	170	"	9½	15	30	1	"	Chmoh	17	"	12		2	04
1	"	Orcade Mixed	36	"	16½	5	94	3	"	Cambric Japn	141²	"	7		9	90
1	"	Dress Plaid	14½	"	10	1	45	2	"	Wht Cambric	48	"	11²		4	94
1	"	Col Mixed Brocade	51	"	8	4	08	5	"	Col Shilling	46	"	9		4	14
1	"	Blk alpaca	11¾	"	41½	4	90	3	"	Wiggans	37	"	8³		4	72
1	"	" "	3¼	"	35	1	14	5	"	Gingham	68	"	9		7	12
3	"	Pacific Lawn	57	"	18	7	41	1	"	Wh Table Linen	3²	"	66		2	31
66	"	Cp Pimlo	1362½	"	7	95	37	1	"	" "	"	6	"	40	2	40
4	"	Fourland	125	"	11	13	75	1	"	Turkey Red	10²	"	62²		6	37
1	"	Turkey Red oil	9¾	"	13	1	26	1	"	oil "	30	"	75		7	30
1	"	oil Blue	10	"	12	1	20	4	"	Blk Shilling	131²	"	10		13	15
1	"	Turkey Red	7²	"	10		75	3	"	" "	30²	"	11		3	35
3	"	Combination oil	@		1 45	4	33	1	"	29 Wh Duckling	34	"	15		5	10
2	Pcs	oil Red Fey Pimlo	72³	"	10	7	27	1	"	Brn Chicking	29	"	9²		2	17
1	"	White Flannel	13	"	28	3	64	6	"	" "	124	"	8		9	92
1	"	Blue Chip	41²	"	40	16	60	3	"	Brn 10/4	"	48	"	24	11	52
1	"	Brocade silk	2²	"	75	1	87	1	"	Brn 10/4	"	3	"	21		63
5	"	Col Satin	23	"	55	12	65	2	"	Camb finish	46	"	10		4	60
1	"	Red Flannel	24²	"	14	3	39	4	"	Blks in Black Cotton	223	"	9		20	07
3	"	" "	49	"	20	9	80	11	"	Col Stripe	207	"	9		18	63
1	"	" "	32²	"	34	11	05	2	"	Cottonade	69²	"	20		12	90
1	"	" "	18	"	27	5	06	1	"	"	23³	"	20		4	75
1	"	" "	13²	"	25	3	37	3	"	Chmoh	103²	"	11		12	38
1	"	Blue do	10³	"	25	2	69	8	"	Numb 1 Jeans	226	"	72²		96	26
	"	Grey	18	"	30	5	40	4	"	Cot "	64	"	25		16	01
3	"	Asst Opera	39	"	33	12	87	1	"	" "	3	"	20			60
1	"	Table Linen	31	"	33	10	23	5	"	Wht Col Flannel	100²	"	9		9	04
2	"	Mixed Wool	56²	"	27½	15	53	1	"	" " "	42	"	12²		5	25
1	"	Cottonade	9½	"	25	2	31	1	"	" " "	19¼	"	13		2	53
1	"	"	21	"	15	3	15	2	"	Famus Ticking	105	"	12		12	63
1	"	Col Wool	3	"	12		36	4	"	Mattrs	"	147	"	10	14	72
7	"	Brn Duck	48	"	13½	6	48	2	"	" "	"	6¾	"	18	1	21
	"	Fey do	49²	"	19	9	40	1	"	Embroidery	12	"	5			60
1	"	Pants cloth	14²	"	66	9	57	1	"	"	6	"	15			90
1	"	" "	15³	"	48	7	08	2	"	"	61	"	1¾		1	06
1	"	Grey Mixed Flannel	11	"	25	2	75	1	"	"	10	"	15		1	50
1	"	White " "	28⁰	"	16²	4	74	1	"	"	4	"	3			12
2	"	Mixed Blue & Red	66²	"	30	18	15	1	"	"	3	"	11			33
1	"	White Flannel	25¼	"	34	8	58	1	"	"	4	"	22			88
2	"	" "	43³	"	14	6	12	1	"	Crack	25	"	8²		2	12
4	"	Chmoh	47	"	11	10	67	3	"	"	81¼	"	11		8	94
5	"	do	97²	"	10	9	72	1	"	Wht I Linen	29	"	37		8	99
1	"	do	58	"	13	7	83	1	"	" "	7	"	5		3	85

January 10th 1883.

5	doz	cot Pomes	125 pr doz	6	25	5	2 5/12 doz	@	2 00	4	83
2	"	" "	135 " "	2	70	2	11/12 "	"	1 90	1	76
3/4	"	" Back Tonic	262 " "	1	41	5	2 5/12 "	"	1 30	3	19
1	"	Linen "	155 " "	1	55	1	1/12 "	"	4 90		36
1		Table Linen cloth		1	10	3	1 10/12 "	"	1 50	2	75
2		"	44		88	1	8/12 "	"	3 60	2	40
2		Printed Table cloth	82 2	1	65	5	10/12 "	"	3 00	1	66
6	Box	Mens Hats	34 - 82 2	27	65	7	1 3/12 "	"	1 80	2	60
10	"	" "	46 " 70	32	20	5	1 2/12 "	"	1 40	1	89
2	"	Hats	10 " 1 25	12	50	3	1 11/12 "	"	1 75	1	90
4	"	"	21 " 75	15	75	7	3 7/12 "	"	1 10	6	15
27	"	"	70 " 1 10	7	70	1	2 7/12 "	"	3 00	6	50
8	"	"	24 " 1 37 2	33	00	1	7/12 "	"	1 75		90
9	"	"	18 " 2 87 2	50	95	1	1/2 "	"	2 20	1	10
4	"	"	20 " 82 2	16	50	1	3/4 "	"	3 20	2	47
7	"	"	13 " 2 00	26	00	1	1 1/4 "	"	2 47	3	09
11		"	25 " 1 65	41	25	1	1/3 "	"	1 90		63
3		"	15 " 1 20	18	00	6	3/6 "	"	1 65	1	40
6		"	24 " 95	22	80	1	1 1/4 "	"	2 30	2	87
7		"	23 " 1 00	23	00	1	3/4 "	"	1 30	1	13
4		"	13 " 82	10	66	1	1 1/12 "	"	1 00	1	20
7		"	23 " 60	13	80	1	1 10/12 "	"	1 58	2	88
24	Boys	Youths & Child	Hats 80 " 53	42	40	1	1/2 "	"	1 00		50
1		" "	10 " 22 2	2	35	2	2/3 "	"	2 50	1	67
2		Ass - Boys	2 " 2 20	4	40	1	1 1/6 "	"	1 35	1	57
5		" Mens	9 " 2 45	22	05	1	1 1/2 "	"	2 00	3	00
3		" "	3 " 2 00	10	00	1	1 3/4 "	"	2 00	3	50
2		" "	3 " 5 50	16	50	1	5/12 "	"	1 50		62
2		" "	6 " 2 50	15	00	1	3/4 "	"	2 75	2	06
4		" "	5 " 1 32 2	6	87	1	5/12 "	"	1 40		80
1		" "	2 " 1 25	2	50	1	1/2 "	"	1 30		65
3		" "	4 " 2 75	11	00	1	1 1/12 "	"	1 62	1	05
1		" "	1 " 92		92	1	1 1/6 "	"	1 50	1	72
3		" "	3 " 2 40	7	20	1	5/12 "	"	3 00	1	28
1		" "	1 " 1 80	1	80	1	5/6 "	"	1 00		88
1		" "	1 " 1 37	1	37	1	1/2 "	"	1 20		45
1		" "	3 " 3 96	11	88	1 1/2	1 1/12 "	"	2 40	2	60
15		" "	oddlots 29 " 50	14	50	1	2/3 "	"	2 25	1	83
1		" "	4 " 25	1	00	1	3/4 "	"	1 37	1	03
4		" "	cases 19 " 40	7	60	1	White Twist		1 00	1	00
2		" "	10 " 65	5	50	1	dozs Tapes		1 92	1	92
1		" "	3 " 37 2	6	12	1	Red Mohairs		66		66
1		" Boys cases	7 " 50	3	50	2	Ass Ladies Hks		2/6 71	1	54
1		" Ladies Hose	13/4 doz 4 00	13	25	2	" "	"	5 3/3 50	2	83
2 7/12		" Whte "	3 Box 1 65	4	27	2	" "	"	1 5/6 90	1	65
5		" Ladies "	2 11/12 doz 1 45	4	23	1	" "	"	1/6 1 40		32
7		" " "	3 " 1 70	5	25	16	" Knitting cotton		26/4 - 50.	13	12

January 10th 1883.

1	Accordion		1 92	1	92	1	Bx Coat Buttons	2/3 Gr. @ 70.			46
3	Packs Collars & Cuffs		12		36	1	" " "	1 " 1 00		1	00
5	prs Cuffs		10		50	1	" " "	6 " 10			60
5	packs Collars & Cuffs.		18		90	1	" " Pants	1 " 55			55
4	Bx. " "		27	1	08	1	" " Vest	2/3 42			28
1	" Ladies Collars	1/4 doz	50	2	12	1	" " "	2/3 3 00		2	00
3	Mix Hair Braids		50	1	50	1	" Crocha "	1/4 2 40			60
2/3	doz. " "	" 2 Bx	2 75	1	84	3	" " "	1 5/12 1 50		2	12
1	Box " "	1/2	1 80		90	14	" Dress "	12 1/4 63		7	72
1	1 Cloths Brush	1/2	3 00		25	5	" " Plaids	" 4 1/2 50		2	13
1	" Ladies Pocket Books	1/4	3 00		75	6	" "	" 4 100		4	00
2	1 " " "	" 2	32		64	3	" "	" 1 1/2 1 37		2	05
1	" " "	" 1/3 doz	2 00		66	8	" "	" 6 10/12 1 50		10	25
1	Bx " "	" 5/12	2 45	1	00	1	" " Shirt	" 1 1/4 100		1	25
1	" " "	" 1/3	2 00		66	1	Lot odds.	" 9 1/2 50		4	75
1	" " "	" 2/3	1 00		67	5	Bx. Ruching	" 30 1/2 7		2	14
2	" " "	" 3/4	1 10		77	1	" Milling cord	75			75
1	" " "	" 1/2	2 45	1	20	1	" Red Floss	20 doz 10		2	00
3 1	" " "	" 5/12	2 75	1	15	1	" Bracelets	1 " 100		1	00
1	" " Combs	1/3	90		30	1	" Wht Floss	10 " 12		1	20
1	" " "	1/3	1 05		35	1	" Hair ornaments	1 1/2 " 100		1	50
1	" " "	11/12	1 90	1	15	1	" Mole skins	Ladies 3. 95		2	85
1	" " "	1/2	1 05		53	2	" Braid	1 1/12 " 80			87
1	" " "	3/4	1 30		99	2	" Lace Collars.	2 " 75		1	50
1	" " "	7/12	1 15		67	1	" Shoe Strings	100		1	00
1	" " "	1/3.	2 20		73	1	" Corset Steels	4 pr. 6 1/4			25
1	" " "	3/4	75		56	1	" Thimbles	5 1/2 doz. 25		1	37
4	" " Fine comb.		50	2	00	1	" Ladies Hair ornaments	1/2 100			50
1	Box "	7/12	1 20		50	2	" Everlasting trimmings	3. 37		1	11
1	" "	11/12	1 10	1	00	1	" Scissors	13 pr. 20		2	60
2	" " "	1 5/6	70	1	28	1	" Ladies Lace ties	1 doz 200		3	00
1	" Tooth Brushes	5/12	1 37		77	1	" " "	" 1/3 " 1 50			50
1	" Lilly White	1/6	66		33	1	" Neck ties	5. " 25		1	25
1	" Soap	10/12	60		55	1	" " "	" 5 25		1	25
1	" Fans.	3/4	1 50	1	12	1	" Gloves	2 pr. 35			70
5	" Ivory shoe sticks	2 1/2	75	1	88	1	" "	9 " 25		2	25
4	pr. Rubber Nurse Coats.		1 50	6	20	1	" "	3 " 20			60
1 1/2	M. Needles.		1 25	1	88	1	" "	5 " 18			90
16	Umbrellas		62 2	10	00	1	" "	1 " 12			12
13	Bx Dress Buttons	Assrd	9 2/12 Gr. 40	3	70	1	" "	3 " 35		1	75
30	" " "	"	23 3 " 55	12	28	1	" "	11 " 12		1	32
1	Case "	"	2/12 " 55		09	1	" "	4 " 10			40
8	Bx "	"	5 7/12 60	3	30	1	" Ties	3 " 35		1	05
3	"	1/2	1 37 2		69	1	" Lace "	1 doz 1 25		1	75
1	"	5/12	1.87		83	1	" " "	2 " 25			50
1	" Steels	1/2	1 20		60	1	" " "	4 " 30		1	20
1	" Coat	2/3	1 10		75	1	" arch. Lace "	2 1/2 " 1 25			75

January 10th 1883

x	Box asst Lace Ties					60	1	Box corset laces		25		25
1	" Gloves	4 Pts.	15			60	1	lot Hooks & Eyes. Box		50		50
1	" "	7 "	10			70	1	24 Paint Buttons		35		35
1	" "	8 "	40	3	20	13		Shawls.		1 25	16	25
1	" "	10	30	3	00							
2	" Scissors	9	35	3	15	3		"		1 50	4	50
2	" Braid	3½	50	1	75	10		"		55	5	50
7	RK Pins	4	60	2	40	6		" Breakfast		25	1	50
1	Bx Alpaca Braid		1 25	1	25	9		Balmorals		75	2	25
1	" Elastic "	22 yds.	5	1	10	12	Pr.	Gray Blankets		2 25	27	00
1	" Ladies Bows	8	20	1	60	1		" Sable. "		1 00	1	00
2	" Hair Pins	12	12	1	40	2		" White Red		175	3	50
2	" Hair Pins		100	1	00	2		" " "		200	4	00
3	" Safety "	2 Gr.	60	1	20	3		" " "		2 25	6	75
	Playing Cards	2 doz.	1 25	2	50	8		Quilts (Comforts)		1 20	9	60
3	" Paint Buckles		50	1	50	1	Box	Gloves Ribbon	12 Pr.	25	3	00
9	" Clay Binding	8 doz.	20	1	20	1		" " Chicos	2/3 doz	1 50	1	00
1	" Stick Plaiting		50		50	1		" " "	1/6 "	2 00	2	33
1	" Lot Trimmings		50		50	1		" Collars.		25		25
4	pcs. Vail Barage	56.	22	12	32	1		" Collarets		50		50
2	" " "	83.	16	3	28	8		Turkish sets		40	3	20
4	Box Lambskins	4	55	2	20	1		Ladies Collars		75		75
1	" Trimmings Braid		75		75	1		" Cicos "		50		50
19	Pks Hair Pins		10	1	90	4		Ladies Knit Sacks		1 50	6	00
1	Bx Lot Thimbles		25		25	9		" Wool Hoods		55	4	95
1	" Cold Braid assk		50		50	3		Chicos " "		25		75
4	pc. Irins	43 yds.	11	4	73	4		Nubias		50	2	00
2	" "	26 "	20	5	30	6		White "		27 "	1	65
2	" Cross bar Millins	10	12	1	20	3		"		40	1	20
2	" Bragen	37	22	8	10	4		Knit Shawls		65	2	60
1	Bx Agate Buttons		100	1	00	2		" "		1 10	2	20
25	Paracals		50	12	50	1		Ladies Knit Sacque		1 10	1	10
1	Bx 1 lot Col'd Trimming		2 50	2	50	6		" Wool Fichus		60	3	60
3	" Lace & edging		150	4	50	1		" " Sacque		1 00	1	00
1	" Ruche Collars		100	1	00	7		Blk Shawls		1,20	8	40
2	Pc Mequite Nit		45		90	1		Belt "		1 10	1	10
11	" " Bars.		75	8	25	2		Wool Table Covers.		82 "	1	65
2	" Bobinet	15 yds.	22 "	3	37	1		Ladies Sacque		1 50	1	50
1	Ladies Dolman		5 00	5	00	1		Knit Shawl		60		60
10	" Balmorals.		55	5	50	3		Tinsels		25		75
20	" " Skirts		70	14	00	1		Turkish Belt		50		50
3	" " "		1 25	3	75	9		Collars & Ties		100	9	00
36	Corsets -		45	16	20	1		Bk Belt		65		65
14	"		25	2	75	11		Pr Hose		15	1	65
9	"		40	3	60	1		Shawl Doubles		3 85	3	85
19	"		65	11	05	1		Shneal Shawl		2 00	2	00
23	"		55	12	65	4		1 Balmorals		55	2	20
1	Pc Skirt Plaiting		1 00	1	00	1		Bx Bro Shoes.	13 pr. Nos.	1 00	13	00

January 10th 1883.

#1	1	Bx	#1	Bro	shoes		10pr.	1.00	10	00	1	Box	Childs	6	.60	3	60
2	1	"	" 2	English	Cigrs		18.	1.50	27	36	1	"	"	25	1.12½	28	15
3	1	"	3	Ø	Calf	Shoes	16.	1.20	19	20	1	"	"	7	1.25	8	75
4	1	"	4	"	"	"	11	1.20	13	20	1	"	"	10	.85	8	50
5	1	"	5	"	"	"	4	1.25	5	00	1	"	"	16	.75	12	00
6	1	"	6	"	"	"	19	1.50	28	50	1	"	Slippers	10	50	5	00
7	1	"	7		Boots		6	3.00	18	00	1	"	Cop. Toe. Child	10	.60	6	00
8	1	"	8		"		5	2.00	10	00	1	"	Wos. Shoes	8	.85	6	80
9	1	"	9		"		2	2.20	4	40	1	"	" "	16	1.00	16	00
10	1	"			"		5	2.60	13	00	1	"	Boys Brogans	12	.80	9	60
11	1	"			"		6	2.50	15	00	1	"	" "	12	.65	7	80
12	1	"			"		4	2.50	10	00	1	"	" "	41	.55	22	55
13	1	"			"		2	2.25	4	50	1	"	Job	4	.50	2	00
14	1	"		Boys			4	1.05	4	20	1	"	—	10	.65	6	50
15	1	"		Miss			4	3.00	12	00	1	"	—	6	.75	4	50
16	1	"		Youths			5	2.25	11	25	1	"	—	4	1.25	5	00
17	1	"		"			7	1.75	12	25	1	"	—	6	1.00	6	00
18	1	"		"			4	2.25	9	00	1	"	—	4	1.00	4	00
19	1	"		"			5	1.65	8	25	1	"	—	14	1.25	17	50
20	1	"		Miss			8	3.00	24	00	1	"	—	19	1.25	23	75
21	1	"		Youths			12	2.00	24	00	1	"	—	12	1.45	17	40
22	1	"		"			7	2.10	14	70	1	Box	Both Lady Shoes	8	.87½	7	00
23	1			Childs			6	1.00	6	00	1	"	" " "	3	1.48	4	44
24	1	"		"			5	95	4	75	1	—	—	8	1.00	8	00
25	1	"		"			3	1.25	3	75	1	"	" "	4	1.05	4	20
26	1	"		"			4	3.00	12	00	1	"	" "	5	1.20	6	00
27	1	"		"			5	2.25	11	25	1	"	" "	5	.95	4	75
28	1	"		"			7	1.65	11	55	1	"	" "	4	1.25	5	00
29	1	"		"			9	3.00	27	00	1	"	" "	8	1.30	10	40
30	1	"		"			4	1.75	7	00	1	"	" "	7	1.00	7	00
31	1	"		"			2	2.75	5	50	1	"	" "	10	1.22	12	20
32	1	"		"			4	3.15	12	60	1	"	" "	6	.75	4	50
33	1	"		"			4	1.80	7	20	1	"	" "	6	1.00	6	00
34	1	"		Lad	Lok		6	1.00	6	00	1	"	Leather	4	1.10	4	40
35	1	"					4	3.25	13	00	1	—	— —	8	1.37½	11	00
36	1	"			Lok		4	1.00	4	00	1	—	— —	1	1.27	1	27
37	1	"					7	3.00	21	00	1	—	— —	6	1.20	7	20
38	1	"					5	3.25	16	25	1	—		3	.95	2	85
39	1	"									1	—		7	1.00	7	00
40	1	"		Childs			24 pr	55	13	20	1	—		7	1.05	7	35
41	1	"		Miss			25 "	50	12	50	1	—		10	1.10	11	00
42	1	"		"			6	50	3	00	1	—		5	1.25	6	25
43	1	"		"			5	1.00	5	00	1	—		6	1.65	9	90
44	1	"		"			9	65	5	85	1	—		8	1.10	8	80
45	1	"		"			46	50	23	00	1	—		12	1.00	12	00
46	1	"		Childs			9	50	4	50	1	—	Child	9	1.00	9	00
47	1	"		"			21	55	11	55	1	—	—	8	1.10	8	80

January 10th 1883

1	Box	Childs	Shoes	2	-	61	1	22	6	Bals	1/2 Hose	3 10/12 doz	2.00	7	66
1	"	"	"	8	-	1.00	8	00	3	Box	Boys " "	1 5/12 "	1.00	1	42
1	"	"	"	8	-	.75	6	00	1	"	" " " "	1 7/12 "	1.10	1	74
1	"	"	"	6		.65	3	90	1	Bal	Mens " "	1 "	2.00	2	00
1	"	"	"	10		.45	4	50			Goggles	2 pr	12.5		25
1	"	"	"	3		1.00	3	00	1	Box	Razor Strop	1	25		25
1	"	"	"	2		1.00	2	00	1	"	Suspenders	6 pr	.60	3	60
1	"	"	"	8		1.20	9	60	3	"	"	2 doz	2.20	4	40
1	"	Childs	Slippers	7		.10		70	1	"	"	6 pr	.20	1	20
1	"	"	Shoes	5		.75	3	75	1	"	"	1 doz	1.00	1	00
1	"	Ladies	Button Shoes	3		2.25	6	75	2	"	"	1 1/3 "	1.50	2	00
1	"	"	" "	2		2.25	4	50	1	"	"	3/4 "	3.00	2	25
1	"	Miss	" "	5		2.00	10	00	6	"	Hakfs Cotton	5 7/12 doz	.60	3	35
1	"	"	" "	3		2.00	6	00	5	"	Wh. Linen Hakfs	2 5/12 "	1.65	4	00
1	"	"	" "	7		1.50	10	50	2	"	" " "	3 "	60	1	80
1	"	"	" "	5		1.25	6	25	1		Looking Glass				25
1	"	"	" "	5		1.38	7	90	7	Box	Linen Collars	4 1/2 doz	.75	4	37
1	"	"	" "	7		1.48	10	36	13	"	" "	9 1/2 "	1.10	10	45
1	"	"	Mixed "	7		1.00	7	00	7	"	" "	3 1/4 "	1.00	3	25
1	—			5		1.25	6	25	12	"	" "	12 "	1.20	14	40
1	—			9		1.25	11	25	6		Parasols		50	3	00
1	—			5		1.20	6	00	17		Childrs Straw Hats		30	5	10
1	—			4		1.37	5	48	16		Sundowns		50	8	00
1	—			5		1.65	8	25	14		Gents Silk Bows		.15	2	10
1	—			5		1.28	6	40	6	"	Ties		.25	1	50
1	—			6		1.25	7	50	4	Box	"	2 Doz	1.50	3	00
1	—			4		1.72	6	88	6	"	Mens. Cott Gloves	3/3 Dz	1.75	5	83
1	—			6		1.65	10	50	8	"	Gents Fancy Ties		25	2	00
1	—			3		1.00	3	00			11 pr Gloves	1 Box	60	6	60
1	—			4		.95	3	80	2	Box	"	6 pr	60	3	60
1	—			8		1.00	8	00	2	"	"	6 "	.62.5	3	75
1	—			8		.75	6	00	1	"	"	7 "	.50	3	50
1	—			3		.50	1	50	1	"	"	7 "	.75	5	25
1	Box	Slippers		9		.50	4	50	1	"	Boys "	11 "	.27.5	3	05
1	"	"		6		75	4	50	1	"	Mens "	10 "	.62.5	6	25
6	Ladies	"		6		1.20	7	20	1	"	" "	7 "	40	2	80
17	Mens	Gaiter	Shoes	17		1.50	25	50	1	"	" "	1 "	65		65
33	"	"	"	35		1.75	61	25	4	"	" "	17 "	.90	15	30
1	Case	Clarks	Spool Thread	22 8/12		.55	16	76	2	"	" "	8 "	.75	6	00
1	Lot	Pens						25	1	"	" "	7 "	50	3	50
	Buccale & loose	Socks		6 1/4 doz		.60	3	75	1	"	" "	6 "	.65	3	90
3	Box	1/2	Hose	2 "		1.50	3	00	1	"	" "	2	1.65	3	30
6	"	"	"	1 1/2 "		2.00	3	00		11	Wool Shirts		1.10	12	10
18	"	"	"	12 1/3 "		1.25	15	42		8	" "		65	5	20
1	"	"	"	1/3 "		2.20		73		9	" "		90	8	10
2	"	"	"	1 2/3 "		1.85	3	08		6	Moleskin "		75	4	50
6	"	"	"	4 2/3 "		1.10	5	13		18	" "		50	9	00

January 10th 1883

28	Cotton	Shirts		55	15	40	1	Box	Cordrayton Jackets	3	90	2	70	
44	"	"		50	22	00	75	"	Paper Collars		18	13	50	
33	"	Under "		37½	12	38	5		Sleeveless Sacks		50	2	50	
49	pr "	Drawers		37½	18	37	12	pr	#1 Cass Pants		495	59	40	
1	Box	Jeans "	10 pr	40	4	00	28	"	2 "	"	390	109	20	
1	"	Catt flannel U Shirt		75		75	21	"	3 "	"	350	73	50	
2	"	Under Shirt & Drawers	2	1.00	2	00	29	"	4 "	"	275	79	75	
2	"	Gauze Shirts	20	25	5	00	30	"	5 "	"	200	60	00	
2	Box	Jeans Drawers	10	35	3	50	27	"	6 "	"	150	40	50	
1	"	Cot. flan. U. Shirts	2	55	1	10	22	"	7 "	"	190	41	80	
4	"	" Under "	11	60	6	60	12	"	8 James "		150	18	00	
1	"	" "	1	75		75	16	"	9 Cottonade "		125	20	00	
1	"	" "	1	65		65	17	"	1 Vest		150	25	50	
1	"	" "	3	1.10	3	30	8	"	2 "		.85	6	80	
7	"	" "	7	.50	3	50	38	"	3 "		100	38	00	
2	"	" "	12	.38	4	56	46	"	4 Boys "		75	34	40	
1	"	Flannel "	3	1.22	3	66	29	"	5 " "		.50	14	50	
2	"	Drawers	11	.55	6	05	2		Suits 6429 C.P.&V		10.50	21	00	
3	1	" Wool U. Shirts	2	1.10	2	20	3	"	5530 " "		12.00	36	00	
	1	Drawers & Shirt	2	92	1	84	1	"	6360 — "		10.00	10	00	
	1	Fancy U. "		92		92	3	"	7069 —		8.50	25	50	
	1	Box Drawers	5	1.00	5	00	2	"	7069 Pants & Vest		4.25	8	50	
	1	Shirt Bosoms		1.25	1	25	1	"	7653 C.P.&V		9.90	9	90	
	2	Box Shirts	11	1.10	12	10	2	"	7135 —		11.50	23	00	
	3	" "	7	1.20	8	40	1	"	704 — —		10.45	10	45	
	1	" "	6	1.00	6	00	1	"	6836 C V & P			12	00	
	5	" "	16	.75	12	00	1	"	6836 C & Pants			10	00	
	6	" "	20	.82	16	40	1	"	6848 C V & P			13	75	
	2	" "	6	.92	5	52	3	"	7704 7521 — —		5.50	16	50	
	1	" "	3	82	2	46	1	"	7526			8	50	
	3	" "	12	1.00	12	00	5	"	6874		9.00	45	00	
	6	" "	25	.55	13	75	17	pr	10		2.75	46	75	
	1	" "	2	92	1	84	3	"	11		2.25	6	75	
	8	" "	45	45	20	25	7	Vests	6		90	6	30	
	3	" "	5	85	4	25	21	Assd. Coats	1		4.50	94	50	
	5	" "	12	60	7	20	19	"	" 2		3.00	57	00	
	3	" "	7	80	5	60	6	Jeans	" 3		2.00	12	00	
	1	" "	1	1.89	1	89	24		" 4		3.50	84	00	
	1	" "	1	1.47	1	47	36		" 5		3.00	108	00	
	1	" "	3	75	2	25	7	Over Coats	6800		3.00	21	00	
	1	" "	3	60	1	80	3	"	" 6822		6.50	19	50	
	2	" "	4	1.65	6	60	1	"	" 6857		3.75	3	75	
	7	" "	25	.75	18	75	4	"	" 1520		4.95	19	80	
	1	" Boys "	3	62	1	86	4	"	" Duck		4.50	18	00	
	5	" " "	16	50	8	00	4	"	" 6841		8.50	34	00	
	1	" Cordrayton Jackets	5	1.10	5	50	1	"	" 6934			8	50	
	2	" " "	9	78	7	02	3	Boys	" " 2255		4.12	12	36	

January 10th 1883

3	Coats #6		3	75	11	25	2	Balmorals		75	1	50	
19	pr Duck Overalls			75	15	15	1	Chenille Shawl			2	00	
1	Doz Jumpers				6	60	1	Ladies Sack			1	10	
65	#7 Summer Coats Assd		60		39	00	1	Zephyr Fichu				85	
8	" Vests		35		2	80	3	Box Silk Halfs	17	40	6	80	
12	White "		75		9	00	1	" " "	10	16	1	60	
2	#6711 Blk "		1	50	3	00	1	" " "	6	38	2	28	
3	2613 " "		2	35	8	25	1	" " "	1			75	
2	2218 " "		2	45	4	90	1	" Cotton "	8	8		64	
1	2117 " Coat				9	35	1	" Wristlets	8	10		80	
2	2339 pr Pants		5	75	11	50		Ladies Satchels	3	100	3	00	
2	2458 " "		4	90	9	80		Tooth brushes	4	20		80	
8	2126 " "		4	25	34	00	2	Box Fine Combs	6	20	1	20	
20	10 Youths Coats		2	25	45	00	2	" " "	15	8	1	20	
14	pr 11 " pants		1	50	21	00	1	" Coarse "	3	10		30	
14	12 " Vests			50	7	00	1	" Pat. Pant. Buckles	11	13	1	43	
11	13 Childrens Coats		1	50	16	50		Pocket Books	4	15		60	
4	14 " Pants		1	00	4	00		Blk. Ladies Ties	7	60	4	20	
3	Oil Cloth Coats		1	50	4	50		" " "	1			40	
11	Ladies Trim Hats			95	10	45	8	pkg Envelop + Pencil				50	
2	Box Miss " " 1 3/12D			40		47	1	Lot Hair pins				25	
1	" Leghorn " " 9			25	2	25	5	pr Spectacles	15			75	
17	Ladies Fancy " 11			15		15	2	Pocket Knives	70	1	40		
1	#1 Large Travelling damaged Trunk		8	00			1	Razor + Fiddle Strings				25	
1	2 Trunk. zinc		3	60			3	Bot Hair Oil + Clock			1	50	
1	3 " "		3	90			1/4	Gross Dress Braid	6 00		1	50	
2	4 " "		3	75	7	50	2	Silk Halfs	82		1	65	
3	5 " "		5	35	17	25	12	Sett Jet Jewelry	40		4	80	
1	6 " "				5	25	4	" " "	35		1	40	
1	7 Paper "				2	50	46	pr Sleeve Buttons	15		6	90	
1	8 " "				5	50	2	Doz Belt Studs	20			40	
2	9 " "		5	00	10	00	4	Silver Rings	25		1	00	
1	10 " "				5	50	12	Chains + Charms	20		2	40	
1	Gents Satchel					75	4	Doz Ivory Collar Buttons	10			40	
1	" "				1	25	25	Pearl Buttons Collar	8		2	00	
1	" "				2	00	10	pr Bracelets	8			80	
1	" "				2	25	4	Rubber Hair Pins	13			52	
3	Ladies Companions			45	1	35	1	Lot Sleeve holders				50	
3	" "			55	1	65	2	Cloth Brushes	25			50	
3	" "			65	1	95	1	Box {19 pc narrow ribbon	25		4	75	
6	" "			75	4	50		{12 " " "	35		4	20	
4	" "			90	3	60	1	" {10 " fig.d "	1 25		12	50	
2	Brkfst Shawls			25		50		{8 " " "	40		3	20	
1	Zephyr "				1	00	17	pc afs.d Cols "	40		6	80	
2	Hoods			50	1	00	25	" " " Narrow "	20		5	00	
2	Nubias			65	1	30	1	Show Case			10	00	
4	"			20		80	1	Iron Safe			10	00	

January 10th 1883

1	Look Glass		10 00	Totals		
1	Step Ladder		1 00	308.63	194 21	
3	Counter Stools	100	3 00	308 01	333.40	
2	Twine holders	25	50	195 27	207.94	
2	Boys Cloth Stands	50	1 00	283.82	257.52	
2	Mens " "	75	1 50	499.83	135.86	
1	Ladies Figure		200	129.85	196.18	
3/6	Straw Hats	.50	1 58	57.64	178.26	
11	Box Linen Hats ass?	60 .25	15 00	3560	833.93	
4	" Boys Straw "	12 .35	4 20	85.29	657.91	
7	Clothing Covers	.25	1 75	45.69	260.67	
1	Money Drawer		50	100 88	44 30	
1	Peg Cutter		25	170.43	121 00	
2	Yard Sticks	12c	25	2220.94	2 75	
1	Stove & Pipe		350	3739.92	315.94	
				5960.86	3739.92	

Stove & Pipe 3.50

5964.36

To Error .50

5.964.86

Deduct Error .20

5964.66

on the following grounds that the said personal property has not been claimed or pleaded, and that said property is in danger of serious and immediate waste and loss and that the keeping of the same until the trial of this cause by said Sheriff will necessarily be attended with such expense as greatly to lessen the amount likely to be realized therefrom. And it appearing to the Court that from sufficient and satisfactory proof that the facts stated in said application are true and that a necessity exists for the order therein asked, it is therefore ordered adjudged and decreed by the Court that said M. M. Hornsby Sheriff as aforesaid sell at public sale or under execution the above described personal property on the 30th day of January 1883. after giving due notice thereof as required by law. and that the proceed of such sale be pay over within five day thereafter to the Clerk of the District Court of Travis County - as under article 174 R. S.

5958

Leon & H Blum
vs
M Davis

On this the 10th day of January A.D. 1883. came on to be heard in open Court the application of the plaintiff Leon & H Blum, to sell the personal property of the defendant M. Davis levied on and now in the hands of M M Hornsby, Sheriff of Travis County and held by him under and by virtue of a writ of attachment issued in this said cause out of the District Court of Travis County Texas, on the 1st day of January 1883 at the instance of the plaintiff and in their favor against said defendant. said property being described as follows:

January 10th 1883

1	pc	Dress Goods	54	18²	999	1	pc	Blue Stripes Flannel	13.	28	3	64
1	"	" "	54	16²	891	1	"	Brocade Silk	2½	75	1	87
14	"	" "	419	8	33 52	5	"	Col.d Satin	23	55	12	65
3	"	Bunting	96	18	17 28	1	"	Red Flannel	24'	14	3	39
3	"	"	62'	16	996	3	"	" "	49	20	9	80
1	"	Alpacca	53	25	13 25	1	"	" "	32²	34	11	05
2	"	De Bage	58	13	754	1	"	" "	18	27	5	06
2	"	Knickerbocker	50	6	300	1	"	" "	13²	25	3	37
2	"	Cashmer	47	42	1974	1	"	Blue dot "	10³	25	2	69
1	"	White Alpacca	50²	30	15 15	1	"	Gray " "	18	30	5	40
1	"	Blk "	28²	19	541	3	"	Ass.d Opera "	39	33	12	87
1	"	N.B. Waterproof	21'	71	1944	1	"	Table Linen	31	33	10	23
1	"	" "	31	80	2602	"	"	Mix.d Tweed	56²	27²	15	53
1	"	Cassimer	22²	55	1232	1	"	Cottonade	91	25	2	31
1	"	"	2'	66	148	1	"	"	21	15	3	15
1	"	"	16'	100	1625	1	"	Cott. Tweed	3	12		36
1	"	Cott Worsted	22	12	264	2	"	Bro Duck	48	13²	6	48
1	"	Satin	10	55	550	1	"	Fancy "	49²	19	9	40
1	"	Waterproof	25'	52	1262	1	"	Pants Cloth	14²	66	9	57
7	"	Ocade Worsted	110³	16²	1827	1	"	" "	15³	45	7	08
8	"	Cott "	148	8	1184	1	"	Gray Twill flannel	11	25	2	75
6	"	" Plaid	281	7	1967	1	"	White " "	28³	16²	4	74
4	"	Dress Worsted	130³	16	2092	2	"	Twill Flannel Blue & Red	60²	30	18	15
1	"	Twill alpacca	3²	25	88	1	"	White "	25¼	34	8	58
1	"	Bat Green	10'	25	262	2	"	" "	43¾	14	6	12
1	"	Blk Cashmere	3³	42	157	4	"	Cheviot	97	11	10	67
1	"	" Alpacca	37'	30	11 17	5	"	"	97'	10	9	72
1	"	" "	6²	44	286	1	"	"	58	13²	7	83
1	"	" "	4²	49²	223	1	"	Cott Tweed	36	13	4	68
8	"	Dress Plaid	163³	10	1633	1	"	Blue Cotton	10	16	1	60
3	"	" "	37³	13	490	1	"	Lining	53	8	4	24
2	"	Plaid Flannel	20²	30	6 15	3	"	Linsey	38³	15	5	80
5	"	Suitings	170	9	15 30	1	"	Cheviot	17	12	2	04
1	"	Arcade Worsted	36	16²	594	5	"	Cambric - paper -	141³	7	9	90
1	"	Dress plaid	14²	10	145	2	"	White Crinoline	43	11²	4	94
1	"	Cott, Worsted Brocade	51	8	408	5	pc	Col.d Drilling	46	9	4	14
1	"	Blk Alpacca	11²	41²	490	3	"	Wiggins	54	8³	4	72
1	"	" "	3¼	35	114	5	"	Ginghams	68	9	7	12
3	"	Pacific lawn	57	13	741	1	"	White Table Linen	3½	66	2	31
66	"	Asst. Prints	1362²	7	9537	1	"	" " "	6	40	2	40
4	"	Foulard "	125	11	1375	1	"	Turkey Red " "	10²	52²	5	51
1	"	Turkey Red Oil	9³	13	126	5	"	Oil Table Cloths	30	25	7	50
1	"	Oil Blue	10	12	120	4	"	Blk Drilling	131²	10	13	15
1	"	Turkey Red Oil	7²	10	75	3	"	" "	30²	11	3	35
3		Combination Suits		1.45	435	1	"	29in White Ducking	34	15	5	10
2	pc	Oil Red Fancy prints	72³	10	727	1	"	Bro Sheetings	29	7²	2	17
1	"	White flannel	13	28	364	6	"	" Shirting	124	8	9	92

January 10th 1883

3	pc	Blch'd 10/4 Sheeting	48		24	11	52	7	Box	Mens Hats		23	100	23	00
1	"	Bro " "	3		21		63	4	"	" " "		13	82	10	66
2	"	Cambric finish	46		10	4	60	7	"	" " "		23	60	13	80
4	"	Blackstone Blch'd Cotton	22	3	9	20	07	24	"	Boys, Youths & Child		80	53	42	40
11	"	Cott. Stripe	207		9	18	65	1	"	"		10	22½	2	25
2	"	Cottonade	69	2	20	12	90	2	"			2	2.20	4	40
1	"	"	23	3	20	4	75	5	"	Mens		9	2.45	22	05
3	"	Cheviot	10	3	2	11	12	38	3	"	"	5	2.00	10	00
8	"	Humbolat Jaines	226		42	2	96	26	2	"	"	3	5.50	16	50
4	"	Cott. "	64		25		16	01	2	"	"	6	2.50	15	00
1	"	" "	3		20		60	4	"	"		5	1.37½	6	87
5	"	Wh. Cott flannel	100	2	9	9	04	1	"	"		2	1.25	2	50
1	"	" " "	42		12	2	5	25	3	"	"	4	2.75	11	00
2	"	" " "	19		13		25	3	1	"	"	1			92
2	"	Farmers Ticking	105		12		12	63	3	"	"	3	2.40	7	20
4	"	"Matress" Ticking	147		10		14	70	1	"	"	1		1	80
2	"	" "	6	3	18		1	21	1	"	"	1		1	37
1	"	Embroidery "	12		5		60	1		odd lot		3	3.96	11	88
1	"	" " "	6		15		90	15		" " Mix'd		29	50	14	50
2	"	" " "	61		1	3	1	06	1			4	25	1	00
1	"	" " "	10		15		1	50	4	"	Mens Caps	19	40	7	60
1	"	" " "	4		3		12	2	"	"	"	10	55	5	50
1	"	" " "	3		11		33	1	"	"	"	3	37½	1	12
1	"	" " "	4		22		88	1	"	Boys "		7	50	3	50
1	"	Crash	25		8	2	2	12	1	"	Ladies Hose	Do	13/4	1	00
3	"	"	81		11		8	94	3	"	White "		2 7/12	1	65
1	"	White Linen - Irish -	29		31		8	99	5	"	Ladies "		2 11/12	1	45
1	"	" " " "	7		55		3	85	7	"	" "		3 do	1	75
5	Doz	Cott. Towels			1	25	6	25	5	"	" "		2 5/12	2	00
2	"	" " "			1	35	2	70	2	"	" "		11/12	1	20
3/4	"	" Bath "			2	62	1	91	5	"	" "		2 5/12	1	30
1	"	Linen "					1	55	1	"	" "		1/12	4	90
1		" Table Cloth					1	10	3	"	" "		1 10/12	1	50
2		" "			44		88		1	"	Woolen "		8/12	360	240
2		Worsted " "			82	2	1	65	5	"	Childs "		10/12	2	00
6	Box	Mens Hats	34		82	2	27	65	7	"	" "		1 5/12	1	80
10	"	" "	46		70		32	20	5	"	" "		1 7/12	1	45
2	"	" "	10		1	25	12	50	3	"	" "		1 1/12	1	75
4	"	" "	21		75		15	75	7	"	" "		5 7/12	1	10
27	"	" "	70		1	10	7	70	1	"	" "		2 2/12	3	00
8	"	" "	24		1	37	2	33	60	1	"	" "	7/12	1	75
9	"	" "	18		28	2	50	95	1	"	" "	1/2	2.20	1	10
4	#	" "	20		82	2	16	50	1	"	" "	3/4	3.30	2	47
7	"	" "	13		2	00	26	00	1	"	" "	1/4	2.47	3	09
11	"	" "	25		1	65	41	25	1	"	" "	1/3	1.90		63
3	"	" "	15		1	20	18	00	1	"	" "	5/6	1.65	1	40
6	"	" "	24		95		22	80	1	"	" "	1/4	2.30	2	87

January 10th 1883

1	Box	Childs	Hose	3/4 doz	1.50	1	13	1	Box	Combs	1/3 doz	.90		30
1	"	"	"	1 10/12	1.10	1	20	1	"	"	1/3 "	1.05		35
1	"	"	"	1 10/12	1.58	2	88	1	"	"	11/12 "	1.90	1	75
1	"	"	"	7/12	1.00		50	1	"	"	1/2 "	1.05		53
2	"	"	"	2/3	2.50	1	67	1	"	"	3/4	1.30		97
1	"	"	"	1/6	1.35	1	57	1	"	"	7/12	1.15		67
1	"	"	"	1/2	2.00	3	00	1	"	"	1/3	2.20		73
1	"	"	"	1 3/4	2.00	3	50	1	"	"	3/4	.75		56
1	"	"	"	5/12	1.50		62	4	doz	Fine "		.50	2	00
1	"	"	"	3/4	2.25	2	06	1	Box	" "	5/12	1.20		50
1	"	"	"	5/12	1.20		80	1	"	" "	11/12	1.10	1	00
1	"	"	"	1/2	1.30		65	1	"	" "	1 5/6	.70	1	28
1	"	"	"	1 1/2	1.52	1	65	1	"	Tooth "	5/12	1.32		71
1	"	"	"	1/6	1.50	1	75	1	"	Lily White	1/6	.66		33
1	"	"	"	5/12	3.00	1	25	1	"	Soap	10/12	.66		50
1	"	"	"	5/6	1.00		83	1	"	Fans	3/4	1.50	1	12
1	"	"	"	1/2	1.90		45	5	"	Sewing Spool Silk	2 1/2	.75	1	88
1	"	"	"	1 1/2	2.40	2	60	4	Jrs	Rubber Mis Coats		1.50	6	20
1	"	"	"	2/3	2.25	1	83	1 1/2	~~M~~	Needles		1.25	1	88
1	"	"	"	3/4	1.37	1	03	16		Umbrellas		.62 1/2	10	00
1	White Quilt					1	00	13	Box	dress Buttons Ivory	9 3/12 Grs.	.40	3	70
1	doz Tidies					1	92	30	"	" "	22/3 "	.55	12	28
1	"	Red Napkins					66	1	Card	" "	2/12	.55		09
2	Box	Ladies Hakfs	2/6 doz		.71	1	54	8	Box	" "	5 2/12	.60	3	30
2	"	"	"	5 2/3 "	.50	2	83	3	"	" "	1/2	1.37 1/2		69
2	"	"	"	1 5/6	.90	1	60	1	"	" "	5/12	1.87		83
1	"	"	"	1/6	1.90		32	1	"	Steel "	1/2	1.20		60
16	"	Knit. Cotton		26	.50	13	12	1	"	Coat "	2/3	1.10		95
1		Accordeon				1	92	1	"	" "	2/3	.70		46
3	Sacks, Collars + Cuffs				12		36	1	"	" "	1		1	00
5	pr	Cuffs			10		50	1	"	Pant "	6	10		60
5	Sacks Coll's + Cuffs				18		90	1	"	Vest "	1			52
4	Box	"	"		27	1	08	1	"	" "	2/3	42		28
4	"	Ladies "		4 1/4 doz	50	2	12	1	"	Crochet "	2/3	3.00	2	00
3	Wire	Hair brushes			50	1	50	1	"	— "	1/4	2.40		60
2	Box	"	"	2/3 doz	2.75	1	84	3	"	Dress "	1 5/12	1.50	2	12
1	"	"	"	1/2	1.80		90	14	"	" Pearl	12 1/4 Grs	.63	7	72
1	"	Clothes	"	1/2	3.00		25	5	"	" "	4 1/2	.50	2	13
1	"	Ladies Pocket Books		1/4 Do	3.00		75	6	"	Pearl Dress "	4	1.00	4	00
1	"	"	"	2 "	.32		64	3	"	" " "	1 1/2	1.37	2	05
1	"	"	"	1/3 "	2.00		66	8	"	" " "	6 10/12	1.50	10	25
1	"	"	"	5/12	2.45	1	00	1	"	" Shirt "	1 1/4	1.00	1	25
1	"	"	"	1/3	2.00		66	1		Lot Add	9 1/2	.50	4	75
1	"	"	"	2/3	1.00		67	5	Box	Ruchings	30 1/2	.7	2	14
2	"	"	"	3/4	1.10		77	1	"	Welting Cord				75
1	"	"	"	1/2	2.40	1	20	1	"	Red Floss	20 dz	10	2	00
1	"	"	"	5/12	2.75	1	15	1	"	Bracelets	1 "		1	00

January 10th 1883

1	Box White Globes	10 doz	12	1	20	2	pc Veil Barege	33	16	5	28	
1	" Hair Ornaments	1½ "	1⁰⁰	1	50	1	Box Lamberkins	4	55	2	20	
1	" Under Shirts Ladys	3 "	95	2	85	1	" Trimming Braid				75	
2	" Braid	1½ "	80		87	19	pkg Hair Pins		10	1	90	
2	" Lace Collars	2 "	75	1	50	1	Box Lot Thimbles				25	
2	" Shoe strings			1	00	1	" Col'd Braid ass'd				50	
1	" Corset Steels	4 pr	6¼		25	4	pc Swiss	43 yd	11	4	73	
1	" Thimbles	5½ doz	25	1	37	2	" "	26 "	20	5	30	
1	" Ladies Hair Ornaments	½ "	1⁰⁰		50	2	" X Bar Muslin	10	12	1	20	
2	" Everlasting Trimmings	3 pr	37	1	11	2	" Barege	37	22	8	14	
1	" Scissors	13 pr	20	2	60	1	Box Agate Buttons			1	00	
1	" Ladies Lace Ties	1 doz		2	00	25	Parasols		50	12	50	
1	" " " "	⅓ "	1⁵⁰		50	1	Box 1 Lot Col'd Trimg's			2	50	
1	" " Silk "	5 "	35	1	25	3	" Laces & Edgings		1⁵⁰	4	50	
1	" " " "	5 "	25	1	25	1	" Ruche Collars			1	00	
1	" Gloves	2 pr	35		70	2	pc Mosquito Nets		45		90	
1	" "	9 "	25	2	25	11	" "		75	8	25	
1	" "	3 "	20		60	2	pc Robinet		15	22	337	
1	" "	5 "	18		90	1	Ladies Dolman				500	
1	" "	1 "			12	10	" Balmorals		50		5⁵⁰	
1	" "	5 "	35	1	75	20	" "		70	14	00	
1	" "	11 "	12	1	32	3	" "		1²⁵		375	
1	" "	4	10		40	36	Corsets		45	16	20	
1	" Ties	3	35	1	05	11	"		25	2	75	
1	" Lace "	1 doz		1	75	9	"		40	3	60	
1	" " " "	2 —	25		50	17	"		65	11	05	
1	" " "	4	30	1	20	23	"		55	12	65	
1	" ass'd Lace Ties	2½ Do	1²⁵	3	15	1	pc Skirt-plaiting			1	00	
1	" Gloves	4 pr	15		60	1	Box Corset Laces				25	
1	" "	7 "	10		70	1	" Lot Hooks & Eyes				50	
1	" "	8 "	40	3	20	1	" Pearl Buttons				35	
1	" "	10 "	30	3	00	13	Shawls		1²⁵	16	25	
2	" Scissors	9 "	35	3	15	3	"		1⁵⁰	4	50	
2	" Braid	3½ do	50	1	75	10	"		55	5	50	
4	Pkgs Pins	4 "	60	2	40	6	Brkfst "		25	1	50	
1	Box alpacca Braid			1	25	3	Balmorals		75	2	25	
1	" Elastic "	22 yds	5	1	10	12	pr Gray Blankets		2²⁵	27	00	
1	" Ladies Bows	8	20	1	60	1	" Sadale "			1	00	
2	" " "	12	12	1	44	2	" White Bed "		1⁷⁵	3	50	
2	Box Hair pins for			1	00	2	" " "		2⁰⁰	4	00	
3	" Safety "	2 Gro	60	1	20	3	" " "		2²⁵	6	75	
	Playing Cards	2 doz	1²⁵	2	50	8	Quilts-Comforts		1²⁰	9	60	
3	Box Pants Buckles		50	1	50	1	Box Gloves Berlin	12 pr	25	3	00	
9	" Stay Binding	6 doz	20	1	20	1	" Childs Gloves	2/3 d	1⁵⁰	1	00	
1	" Skirt plaiting				50	1	" " "	1/6	2⁰⁰	2	33	
1	" Lot Trimmings				50	1	" Collars				25	
4	pc Veil Barege	56 yd	22	12	32	1	" Collarets				50	

January 10th 1883

8	Toilet Sets		40	3	20	1	Box	Mens	Boots	8 pr	3 00	24	00
1	Box Ladies Collars				75	1	"	Youths	"	12 "	2 00	24	00
1	" " Silk "				50	1	"	"	"	7	2 10	14	70
4	" Knit Sacks		1 50	6	00	1	"	Childs	"	6	1 00	6	00
9	" Wool Hoods		55	4	95	1	"	"	"	5	95	4	75
3	Childs " "		25		75	1	"	"	"	3	1 25	3	75
4	Nubias		50	2	00	1	"	"	"	4	3 00	12	00
6	White "		27½	1	65	1	"	"	"	5	2 25	11	25
3	"		40	1	20	1	"	"	"	7	1 65	11	55
4	Knit Shawls		65	2	60	1	"	"	"	9	3 00	27	00
2	" "		110	2	20	1	"	"	"	4	1 25	5	00
1	Ladies " Sack			1	10	1	"	"	"	2	2 25	5	50
6	Wool Fichus		60	3	60	1	"	"	"	4	3 15	12	60
1	Ladies Sacque			1	00	1	"	"	"	4	1 80	7	20
7	Brft Shawls		1 20	8	40	1	Lot	"	"	6	1 00	6	00
1	Blk "			1	10	1	"	"	"	4	3 25	13	00
2	Wool Table Covers		82½	1	65	1	"	"		4	1 00	4	00
1	Ladies Sacque			1	50	1	"	"		7	3 00	21	00
1	Knit Shawl				60	1	"	"		5	3 25	16	25
3	Towels		25		75	1	Box	"	"	24	55	13	20
1	Toilet Sett				50	1		Mens Lot		25	50	12	50
9	Collars & Ties		1 00	9	00	1	"	"	"	6	50	3	00
1	Silk Skirt				65	1	"	"	"	5	1 00	5	00
11	pr Hose		15	1	65	1	"	"	"	9	65	5	85
1	Shawl - double -			3	85	1	"	"	"	46	50	23	00
1	Chenille Shawl			2	00	1	"	Childs	"	9	50	4	50
4	Balmorals		55	2	20	1	"	"	"	21	55	11	55
1	Box Brogan Shoes	13 pr	1 00	13	00	1	"	"	"	6	60	3	60
1	" " "	10 "	1 00	10	00	1	"	"	"	25	1 12½	28	13
1	" English Ties	" 18 "	1 52	27	36	1	"	"	"	7	1 75	5	25
1	" & Calf	" 16 "	1 20	19	20	1	"	"	"	10	85	8	50
1	" "	" 11	1 20	13	20	1	"	"	"	16	75	12	00
1	" "	" 4	1 25	5	00	1	"	Slippers		10	50	5	00
1	" "	" 19	1 50	28	50	1	"	Cop. Toed Childs	"	10	60	6	00
1	" Boots	6	3 00	18	00	1	"	Mens	"	8	85	6	80
1	" "	5	2 00	10	00	1	"	"	"	16	1 00	16	00
1	" "	2	2 20	4	40	1	"	Boys Brogan	"	12	80	9	60
1	" "	5	2 60	13	00	1	"	"	"	12	65	7	80
1	" "	6	2 50	15	00	1	"	"	"	41	55	22	55
1	" "	4	2 50	10	00	1	"	Lot	"	4	50	2	00
1	" "	2	2 25	4	50	1	"	"	"	10	65	6	50
1	" Boys "	4	1 05	4	20	1	"	"	"	6	75	4	50
1	" Mens "	4	3 00	12	00	1	"	"	"	4	1 25	5	00
1	" Youths "	5	2 25	11	25	1	"	"	"	6	1 00	6	00
1	" " "	7	1 75	12	25	1	"	"	"	4	1 00	4	00
1	" " "	4	2 25	9	00	1	"	"	"	14	1 25	17	50
1	" " "	5	1 65	8	25	1	"	"	"	19	1 25	23	75

January 10th 1883

1	Box	Boys	Regan	Shoes	12	pr	145	17	40	1	Box	Shoes		5 pr	125	6	25
1	"	Cloth Lady	"	"	8		87½	7	00	1	"	"		9	125	11	25
1	"	"	"	"	3		148	4	44	1	"	"		5	120	6	10
1	"	"	"	"	8		100	8	00	1	"	"		4	137	5	48
1	"	"	"	"	4		105	4	20	1	"	"		5	165	8	25
1	"	"	"	"	5		120	6	00	1	"	"		5	128	6	40
1	"	"	"	"	5		95	4	75	1	"	"		6	125	7	50
1	"	"	"	"	4		125	5	00	1	"	"		4	172	6	88
1	"	"	"	"	8		130	10	40	1	"	"		6	165	10	50
1	"	"	"	"	7		100	7	00	1	"	"		3	100	3	00
1	"	"	"	"	10		122	12	20	1	"	"		4	95	3	80
2	"	"	"	"	6		75	4	50	1	"	"		8	100	8	00
1	"	"	"	"	6		100	6	00	1	"	"		8	75	6	00
1	"	Leather	"	"	4		110	4	40	1	"	"		3	50	1	50
1	"	"	"	"	8		137½	11	00	1	"	Slippers		9	50	4	50
1	"	"	"	"	1		127	1	27	1	"	"		6	75	4	50
1	"	"	"	"	6		120	7	20	6	Ladies	"		6	120	7	20
1	"	"	"	"	3		95	2	85	17	Mens	Gaiter	Shoes	17	150	25	50
3	1	"	"	"	3		95	2	85	35	"	"	"	35	175	61	25
1	"	"	"	"	7		100	7	00	1	Case	Clarks	Spool Thread	22 8/12	55	15	76
1	"	"	"	"	7		105	7	35	1	Lot	Pens					25
1	"	"	"	"	10		110	11	00		Bdle	& loose Socks		6¼ doz	60	3	75
1	"	"	"	"	5		125	6	25	5	Box	½ Hose		2 "	150	3	00
1	"	"	"	"	6		165	9	90	6	"	"	"	1½	200	3	00
1	"	"	"	"	8		110	8	80	18	"	"	"	12 1/3	125	15	42
1	"	"	"	"	12		100	12	00	1	"	"	"	1/3	220		73
1	"	Child	"	"	9		100	9	00	2	"	"	"	1 2/3	185	3	08
1	"	"	"	"	8		110	8	80	6	"	"	"	4 2/3	110	5	13
1	"	"	"	"	2		61	1	22	6	Bdl's		"	3 10/12	200	7	66
1	"	"	"	"	8		100	8	00	3	Box	Boys	"	1 5/12	100	1	42
1	"	"	"	"	8		75	6	00	1	Bdle	Mens	"	1		2	00
1	"	"	"	"	6		65	3	90	1	Box	Boys	"	1 7/12	100	1	74
1	"	"	"	"	10		45	4	50			Goggles		2 pr	12½		25
1	"	"	"	"	3		100	3	00	1	Box	Razor Strop		1			25
1	"	"	"	"	2		100	2	00	1	"	Suspenders		6 pr	60	3	60
1	"	"	"	"	8		120	9	60	3	"	"		2 doz	220	4	40
1	"	"	Slippers		7		10		70	1	"	"		6 pr	20	1	20
1	"	"	Shoes		5		75	3	75	1	"	"		1 doz		1	00
1	"	Ladies	Brett	"	3		225	6	75	2	"	"		1 1/3	150	2	00
1	"	"	"	"	2		225	4	50	1	"	"		3/4	300	2	25
1	"	Misp	"	"	5		200	10	00	6	Box	Hatchs	Col.	5 7/12	Do. 60	3	35
1	"	"	"	"	3		200	6	00	5	"	Wh	Linen Hatchs	2 5/12	165	4	00
1	"	"	"	"	7		150	10	50	2	"	"	"	3	60	1	80
1	"	"	"	"	5		125	6	25	1		Look	Glasses				25
1	"	"	"	"	5		158	7	90	7	"	Linen	Collars	4½	Do. 75	4	37
1	"	"	"	"	7		148	10	36	13	"	"	"	9½	" 110	10	45
1	"	Mixed		"	9		100	9	00	7	"	"	"	3/4	100	3	25

January 11th 1883

12	Box	Linen	Collars	12 doz	1.20	14	40	1	Drawers & Shirt	2	pc	92	1	84
6		Parasols			50	3	00	1	Fancy U	"				92
17		Child's	Straw Hats		30	5	10	1	Box Drawers		5 pr	100	5	00
16		Sundowns			50	8	00	1	Shirt Bosom				1	25
14	Gents	Silk	Bows		15	2	10	2 "	Shirts		11	110	12	10
6	"		Ties		25	1	50	3 "	"		7	120	8	40
4	Box	"	"	2 doz	1.50	3	00	1 "	"		6	100	6	00
6	"	"	Cot.	Gloves 3/3 "	1.75	5	83	5 "	"		16	75	12	00
8		Gents	fancy	Ties	25	2	00	6 "	"		20	82	16	40
1	Box	Gloves		11 pr	60	6	60	2 "	"		6	92	5	52
2	"	"		6 "	60	3	60	1 "	"		3	82	2	46
2	"	"		6 "	.62½	3	75	3 "	"		12	100	12	00
1	"	"		7 "	50	3	50	6 "	"		25	.55	13	75
1	"	"		7 "	75	5	25	1 "	"		2	92	1	84
1	"	"	Boys	11 "	.27½	3	05	8 "	"		45	45	20	25
1	"	"		10 "	.62½	6	25	3 "	"		5	85	4	25
1	"	"		7 "	40	2	80	5 "	"		12	60	7	20
1	"	"		1 "	65		65	3 "	"		7	80	5	60
4	"	"		17 "	90	15	30	1 "	"		1		1	89
2	"	"		8 "	75	6	00	1 "	"		1		1	47
1	"	"		7 "	50	3	50	1 "	"		3	75	2	25
1	"	"		6	65	3	90	1 "	"		3	60	1	80
1	"	"		2	1.65	3	30	2 "	"		4	1.65	6	60
11	Wool	Shirts			1.10	12	10	7 "	"		25	.75	18	75
8	"	"			.65	5	20	1 "	Boys	"	3	.62	1	86
9	"	"			.90	8	10	5 "	"	"	16	50	8	00
6	Moleskin	..			75	4	50	1 "	Cor.d	Jackets	5	110	5	50
18		"			50	9	00	2 "	"	"	9	78	7	02
28	Cotton	"			55	15	40	1 "	"	"	3	90	2	70
44	"	"			50	22	00	75 "	Cape	Collars	18	—	13	50
33	,	Under	"		37½	12	38	5	Sleeveless	Jacks		50	2	50
49	pr	"	Drawers		37½	18	37	12	#1	pr Cass	Pants	495	59	40
1	Box	Jean	"	10 pr	40	4	00	28 "	2	"	"	390	109	20
1	"	Cot	flannel	U Shirts			75	21 "	3	"	"	350	73	50
1	"			" Drawers	2, 100	2	00	29 "	4	"	"	275	79	75
2		Gauze	Shirts		2, 25		50	30 "	5	"	"	200	60	00
2	Box	Jeans	Drawers	10 pr	35	3	50	27 "	6	"	"	150	40	50
1	"	Cott,	flannel	U. Shirts	2 55	1	10	22 "	7	"	"	190	41	80
4	"			" "	11 .60	6	60	12 "	8	"	James	150	18	00
1	"			" "	1		75	16 "	9	"	Cottonade	"	125	20 00
1	"			" "	1		65	17 "	1		Vests		150	25 50
1	"			" "	3	110	3	30 8	2		"		85	6 80
2	"			" "	7	.50	3	50 38	3		"		100	38 00
2	"			" "	12	38	4	56 46	4	Boys	"		75	34 40
1	"	Flannel		" "	3	122	3	66 29	5		" "		50	14 50
2	"		Drawers		11	.55	6	05 2	.6429	Suits	C.P.&V		10 50	21 00
1	"	Wool	U.	Shirts	2	110	2	20 3	5530	"	"		120	36 00

January 10th 1883

1	#6360	Suit	C.P & V		10	00	3	Oil Cloth Coats		1	50	4	50
3	" 7069	"	" "	8	50	25	50	11	Ladies Trim Hats		95	10	45
2	" 7069	"	Pants & Vest	4	25	8	50	2	Box Miss	"	" 1 2/12 do	40	47
1	" 7653	"	C. P & V			9	90	1	" Leghorn	"	9. 25	2	25
2	" 7135	"	"	11	50	23	00	17	Ladies fancy	"	1 15		15
1	" 704	"	"			10	45	1	#1 Large Travelling Damag'd Trunk			8	00
1	" 6836	"	"			12	00	1	" 2		Imit "		3 60
1	" 6836	"	C & P			10	00	1	" 3		" "		3 90
1	" 6848	"	C & P			13	75	2	" 4		" " 3 75		7 50
3	" 7704 & 7521	"	"	5	50	16	50	3	" 5		" 5 35		17 25
1	" 7526	"	"			8	50	1	" 6		"		5 25
5	" 6874	"	"	9	00	45	00	1	" 7		Paper "		2 50
17	" 10	pr	Pants	2	75	46	75	2	" 8		"		5 50
3	" 11	"	"	2	25	6	75	1	" 9		" 5 00		10 00
7	" 6	Vests			90	6	30	1	" 10		"		5 50
21	" 1	Assd	Coats	4	50	94	50	1	Gents Satchel				75
19	" 2	"	"	3	00	57	00	1	"		"		1 25
6	" 3	Jeans	"	2	00	12	00	1	"		"		2 00
24	" 4		"	3	50	84	00	3	Ladies	Companions	45	1	35
36	" 5		"	3	00	108	00	3	"	"	55	1	65
7	" 6800	Overcoats		3	00	21	00	3	"	"	65	1	95
3	" 6822	"		6	50	19	50	6	"	"	75	4	50
1	" 6857	"				3	75	4	"	"	90	3	60
4	" 1520	"		4	25	19	80	2	Brkfst	Shawls	25		50
4		Duck	"	4	50	18	00	1	Zephyr	"		1	00
4	" 6841		"	8	50	34	00	2	Hoods		50	1	00
1	" 6934		"			8	50	2	Nubias		65	1	30
3	" 2255	Boys	"	4	00	12	36	4	"		20		80
3	" 6		Coats	3	75	11	25	2	Balmorals		75	1	50
19		pr	Duck Overalls		75	15	15	1	Chenille	Shawl		2	00
1		Doz	Jumpers			6	60	1	Ladies	Sacks		1	10
65	" 9		Summer Coats Assd		60	39	00	1	Zephyr	Fichu			85
8			" Vests		35	2	80	3	Box	Sick Hdkfs	17	40	2 80
12			White "		75	9	00	1	"	" "	10	16	1 60
2	" 6711		Blk "	1	50	3	00	1	"	" "	6	38	2 28
3	" 2613		" "	2	75	8	25	1		" "			75
2	" 2218		" "	2	45	4	90	1	"	Cotton "	8	8	64
1	" 2117		"	Coat		9	35	1	"	Wristletts	8	10	80
2	" 2339	pr	Pants	5	75	11	50		Ladies	Satchels	3	00	3 00
2	" 2458		" "	4	90	9	80		Tooth	Brushes	4	20	80
8	" 2126		" "	4	25	34	00	2	Box	Fine Combs	6	20	1 20
20	" 10	Youths	Coats	2	25	45	00	2	"	" "	15	8	1 20
14	" 11		" " & Pants	1	50	21	00	1	"	Coarse "	3	10	30
14	" 12		" Vests		50	7	00	1	"	Pat. Paut Buckles	11	13	1 43
11	" 13	Childrens	Coats	1	50	16	50			Pocket Books	4	15	60
4	" 14		" Pants	1	00	4	00			Blk Ladies Ties	7	60	4 20

January 10th 1883

	Blk Ladies Ties	1	40	3/4	Doz Straw Hats		50	1 58
8	Pkgs Envelopes & Pen setts		50	11	Box Linen " ass'd	60	25	1 500
1	Lot Hair Pins		25	4	" Boys Straw "	12	35	4 20
5	pr Spectacles	15	75	7	Clothing Covers		25	1 75
2	Pocket Knives	70	1 40	1	Money Drawer			50
1	Razor & Fiddle Strings		25	1	Peg Cutter			25
3	bot. Hair Oil & Clock		1 50	2	Yard Sticks		12½	25
1/4	Gro. Dress Braid	6 00	1 50		Stove & Pipe			3 50
2	Sick Hakfs	82½	1 65					
12	Setts Jett Jewelry	40	4 80					
4	" " "	35	1 40					
46	pr Sleeve Buttons	15	6 90			308 63		194 21
2	Doz Sett Studs	20	40			308 01		333 40
4	Silver Rings	25	1 00			195 27		207 94
12	Chains & Charms	20	2 40			283 82		257 57
4	Doz Ivory Collar Buttons	10	40			499 83		135 86
25	Pearl Buttons Collar	8	2 00			129 85		196 18
10	pr Bracelets	8	80			57 64		178 26
4	Rubber Hair pins	13	52			35 60		833 93
1	Lot Sleeve holders		50			85 29		657 91
2	Cloth Brushes	25	50			45 69		260 67
1	Box {19 pr	25	4 75			100 88		44 30
	{12 pc Narrow Ribbon	35	4 20			170 43		121 00
1	" {10 "	1 25	12 50			2220 94		2 75
	{8 . fig'd "	40	3 20			3739 92		315 94
	17 " and Col's	40	6 80			5960 86		3739 92
	25 " Narrow " "	20	5 00		Stove & Pipe	3 50		
1	Show Case		10 00		Total	$ 596436		
1	Iron Safe		10 00					
1	Look Glass		10 00					
1	Step Ladder		1 00					
3	Counter Stools	1 00	3 00					
2	Twine Holders	25	50					
2	Boys Cloth Stands	50	1 00					
2	Mens " "	75	1 50					
1	Ladies Figure		2 00					

On the following grounds, that the said personal property has not been claimed or replevied, and that said property is in danger of serious and immediate waste and loss, and that the keeping of the same until the trial of this cause, by said Sheriff, will necessarily be attended with such expense as greatly to lessen the amount likely to be realized therefrom, And it appearing to the Court that from sufficient and satisfactory proof that the facts stated in said application are true and that a necessity exists for the order therein asked, it is therefore ordered adjudged and decreed by the Court that said, M M Hornsby Sheriff as aforesaid, Sell at public sale as under execution the above described personal property

January 10th 1883

on the 30th day of January 1883 after giving ten days notice thereof, as required by law, and that the proceed of such sale he pay over within five days thereafter to the Clerk of the District Court of Travis County, as under article 174 R.S.

J. Rosenfield & Co
vs
M. Davis

On this the 10th day of January A.D. 1883 came on to be heard in open Court the application of the plaintiffs J Rosenfield & Co to sell the personal property of the defendant M. Davis, levied on and now in the hands of M M Hornsby, Sheriff of Travis County and held by him under & by virtue of a writ of attachment issued in this said cause out of the District Court of Travis County Texas on the 1st day of January 1883 at the instance of the plaintiffs and in their favor against said defendant, said property being described as follows, 5959

1	pc	Dress goods	54	18	999	2	pc	plaid Flannels	20	30	6	15	
1	"	" "	54	16	891	5	"	Suitings	170	9	15	30	
14	"	" "	419	8	33 52	1	"	Orcade Worsted	36	16	5	94	
3	"	Bunting	96	18	17 28	1	"	Dress Plaid	14	10	1	45	
3	"	"	62	16	996	1	"	Col. Worsted Brocade	57	8	4	08	
1	"	Alpacca	53	25	1325	1	"	Blk alpacca	11	41	4	90	
2	"	De Bage	58	13	754	1	"	" "	34	35	1	14	
2	"	Knickerbocker	50	6	300	3	"	Pacific Lawns	57	13	7	41	
2	"	Cashmer	47	42	1974	66	"	Apds Prints	1362	7	95	37	
1	"	White Alpacca	50	30	15	15	4	"	Foulard "	125	11	13	75
1	"	Blk "	28	19	541	1	"	Turkey Red " Oil	9	18	1	26	
1	"	N.B. Waterproof	21	71	1944	1	"	Oil Blue "	10	12	1	20	
1	"	" "	3	80	260	1	"	Turkey Red "	7	10		75	
1	"	Cassimer	22	55	1232	3		Combination Suits		145	4	35	
1	"	"	2	66	148	2	pc	Oil Red fig print	7	10	7	27	
1	"	"	16	100	1625	1	"	White Flannel	13	28	3	64	
1	"	Catt Worsted	22	12	264	1	"	Blue Stripe "	41	41	16	60	
1	"	Satin	10	55	550	1	"	Brocade Silk	2/2	75	1	87	
1	"	Waterproof	25	52	1262	5	"	Col Satin	23	55	12	65	
7	"	Orcade Worsted	110	16	1827	1	"	Red Flannel	24	14	3	39	
8	"	Catt Worsted	148	8	1184	3	"	" "	49	20	9	80	
6	"	" Plaid	281	7	1967	1	"	" "	32	34	11	05	
4	"	Dress Worsted	130	16	2092	1	"	" "	18	27	5	06	
1	"	Twill Alpacca	3	25	88	1	"	" "	13	25	3	37	
1	"	Bot. Green "	10	25	262	1	"	Blue dot "	10	25	2	69	
1	"	Blk Cashmer	3	42	157	1	"	Grey "	18	80	6	40	
1	"	" Alpacca	37	30	1117	3	"	Apds Opera "	39	33	12	87	
1	"	" "	6	44	286	1	"	Table Linen	31	33	10	23	
1	"	" "	4	49	223	2	"	Mixed Tweed	56	27	15	53	
8	"	Dress Plaid	163	10	1633	"	pc	Seattonade	91	25	2	81	
3	"	" "	37	13	490	1	"	"	21	15	3	15	

January 10th 1883

1	pc	Cott. Tweed	3 yd	12	36	4	pc	Mattress Ticking	147 yd	10	1472
2	"	Bro Duck	48	13 2	648	2	"	" "	6 3	18	1 21
1	"	fancy "	49 2	19	940	1	"	Embroidery	12	5	60
1	"	pants Cloth	14 2	66	957	1	"	"	6	15	90
1	"	" "	15 3	45	708	2	"	"	61	1 3/4	106
1	"	Gray Twill Flannel	"	25	275	1	"	"	10	15	150
1	"	White "	28 3	16 2	474	1	"	"	4	3	12
2	"	Twill (Blue + Red) "	60 2	30	1815	1	"	"	3	11	33
1	"	White "	25 1	34	858	1	"	"	4	22	88
2	"	" "	43 3	14	612	1	"	Crash	25	8 2	212
4	"	Cheviot	97	11	1067	3	"	"	81	11	894
5	"	"	99	10	972	1	"	White Linen (Irish)	29	31	899
1	"	"	58	13 2	783	1	"	" "	7	55	386
1	"	Cott Tweed	36	13	468	5	doz	Cott Towels		1 25	625
1	"	Blue Cotton	10	16	160	2	"	" H "		1 35	270
1	"	Lining	53	8	424 3/4	"		Bath "		2 62	191
3	"	Linsey	38 3	15	580	1	"	Linen "			155
1	"	Cheviot	17	12	204	1	"	Table Cloth			110
5	"	Cambric (paper)	141 3	7	990	2	"	" "		44	88
2	"	White Crinoline	43	11 2	494	2		Worsted " "		82 2	165
5	"	Col d Drilling	46	9	414	6	Box	Hats Mens	34	82 2	2765
3	"	Wiggins	54	8 3	472	10	"	" "	46	70	3220
5	"	Ginghams	68	9	712	2	"	" "	10	1 25	1250
1	"	White Table Linen	3/2	66	231	4	"	" "	21	75	15 75
1	"	" "	6	40	240	27	"	" "	70	1 10	770
1	"	Turkey Red	10 2	52 2	551	8	"	" "	24	137 2	3300
5	"	Oil Table Cloths	30	25	750	9	"	" "	18	2.85 2	5095
4	"	Mts Drilling	131 2	10	1315	4	"	" "	20	82 2	1650
3	"	" "	30 2	11	335	7	"	" "	13	2 00	2600
1	"	29in White Ducking	34	15	510	11	"	" "	25	1.65	4125
1	"	Bro Sheetings	29	7 2	217	3	"	" "	15	120	1800
6	"	" Shirting	124	8	992	6	"	" "	24	.95	2280
3	"	Blch d 10/4 Sheeting	48	24	1152	7	"	" "	23	1 00	2300
1	"	Bro " "	3	21	63	4	"	" "	13	.82	1066
2	"	Cambric finish "	46	10	460	7	"	" "	23	.60	1380
4	"	Blackston Blch d Cotton	223	9	2007	24	"	Boys Youth & Childs Hat	80	.53	4240
11	"	Cott Stripe	207	9	1865	1	"	" "	10	22 2	225
2	"	Cottonade	69 2	20	1290	2	"	" "	2	2 20	440
1	"	"	23 3	20	475	5	"	Mens "	9	2 45	2205
3	"	Cheviot	103 2	11	1238	3	"	" "	5	2 00	1000
8	"	Humbolt James	226	42 2	9626	2	"	" "	3	5 50	1650
4	"	Cotton "	64	25	1601	2	"	" "	6	2 50	1500
1	"	" "	3	20	60	4	"	" "	5	1.37 2	687
5	"	Wh " flannel	100 2	9	904	1	"	" "	2	1 25	250
1	"	" "	42	12 2	525	3	"	" "	4	2 75	1100
2	"	" "	19	13	253	1		" "			92
2	"	Farmers Ticking	105	12	1263	3		" "		2 40	720

January 10th 1883

1		Mans	Hat			180	1	Box	Childs	Hose	1/2 Doz	190	45
1		Lot	Hats	3	3,96	11 88	1	"	"	"	1 1/2 "	240	260
15		Odd Lot	Mens	29	50	14 50	1	"	"	"	2/3 "	275	183
1		"		4	25	1 00	1	"	"	"	3/4 "	137	103
1	Box	Mens	Caps	19	40	7 60	1	White	Quilt				100
2	"	"	"	10	55	5 50	1	Doz	Tidies				192
1	"	"	"	3	37½	1 12	1	"	Red	Napkins			66
1	"	Boys	"	7	50	3 50	2	Box	Ladies	Hdkfs	2/6	71	154
1	"	Ladies	Hose	13	do	1 00	13 25	2	"	"	"	5 2/3	50	283
3	"	"	"	2 1/2		165	4 27	2	"	"	"	1 5/6	90	165
5	"	"	"	2 1/2		145	4 23	1	"	"	"	1/6	190	32
7	"	"	"	3		175	5 25	16	"	Knit	Cotton	26	50	1312
5	"	"	"	2 5/12		200	4 83	1	Accordeon					192
2	"			1 1/2		190	1 76	3	Sacks	Collars & Cuffs			12	36
5	"	"	"	2 5/12		130	3 15	5	pr		"		10	50
1	"	"	"	1/2		440	36	5	Scks		"	"	18	90
3	"	"	"	1 10/12		150	2 75	4	Box		"	"	27	108
1	"	Woolen	"	8/12		360	2 40	4	"	Ladies	"	4 1/4 doz	50	212
5	"	Childr	"	10/12		200	1 66	3	Wire	Hair	Brushes		50	150
7	"	"	"	1 5/12		180	2 60	2	Box	"	"	2/3 "	225	184
5	"	"	"	1 2/12		145	1 69	1	"	"	"	1/2 "	180	90
3	"	"	"	1 1/12		135	1 90	1	"	Cloth	Brush	1/2	300	25
7	"	"	"	5 7/12		110	6 15	1	"	Ladies	Pocket	Book	1/4	300	75
1	"	"	"	2 2/12		300	6 50	1	"	"	"	"	2	32	64
1	"	"	"	7/12		125	90	1	"	"	"	"	1/3 d	200	66
1	"	"	"	1/2		220	1 10	1	"	"	"	"	5/12	215	100
1	"	"	"	3/4		330	2 47	1	"	"	"	"	1/3	200	66
1	"	"	"	1 1/4		247	3 09	1	"	"	"	"	2/3	100	67
1	"	"	"	1/3		190	63	2	"	"	"		3/4	110	77
1	"	"	"	5/6		165	1 40	1					1/2	240	120
1	"	"	"	1 1/4		230	2 87	1	"	"	"		5/12	275	1 15
1	"	"	"	3/4		151	1 13	1	"	Combs			1/3	90	30
1	"	"	"	1 1/12		110	1 20	1	"	"			1/3	105	35
1	"	"	"	1 10/12		158	2 88	1	"	"			11/12	190	1 75
1	"	"	"	1/2		100	50	1	"	"			1/2	105	53
2	"	"	"	2/3		250	1 67	1	"	"			3/4	130	97
1	"	"	"	1 1/6		135	1 57	1	"	"			7/12	115	67
1	"	"	"	1 1/2		200	3 00	1	"	"			1/3	220	73
1	"	"	"	1 3/4		200	3 50	1	"	"			3/4	75	56
1	"	"	"	5/12		150	62	4	doz	Fine	"			50	200
1	"	"	"	3/4		225	206	1	Box	"	"		5/12	120	50
1	"	"	"	5/12		190	80	1	"	"	"		11/12	110	100
1	"	"	"	1/2		130	65	2	"	"	"		1 5/6	70	128
1	"	"	"	1 1/12		152	165	1	"	Tooth	brushes		5/12	137	77
1	"	"	"	1/6		150	175	1	"	Lilly	White		1/6	66	33
1	"	"	"	5/12		300	125	1	"	Soap			10/12	66	55
1	"	"	"	5/6		100	83	1	"	Fans			3/4	150	112

January 10th 1883

5	Box	Sewing Spool Silk	2½	75	1 88	1	Box	Gloves		9 pr	@25	2	25
4	pr	Rubber Mis Coats		1 50	6 20	1	"	"		3 "	20		60
1½	M	Needles		1 25	1 88	1	"	"		5 "	18		90
16		Umbrellas		62 2	10 00	1	"	"		1			12
13	Box	Dress Buttons (Ivory)	9 3/12 Gro	40	3 70	1	"	"		5	35	1	75
30	"	"	"	22 1/3	55	12 28	1	"	"		11	12	1	32
1	Card	"		2/12	55	09	1	"	"		4	10		40
8	Box	"		5 3/16	60	330	1	"	Ties		8	35	1	05
8	"	"		½	1 39	69	1	"	Lace	"	1	doz			175
1	"	"		5½	1 87	83	1	"	"	"	2		25		50
1	"	Steel	"	½	1 20	60	1	"	"	"	4		30	1	20
1	"	Coat	"	2/3	1 10	75	1	"	ass'd	"	2½	1	25	3	15
1	"	"	"	2/3	70	46	1	"		Gloves	4 pr		15		60
1	"	"	"	1		100	1	"		"	7		10		70
1	"	Pant	"	6	10	60	1	"		"	8		40	3	20
1	"	Vest	"	1		52	1	"		"	10		30	3	00
1	"	"	"	2/3	42	28	2	"	Scissors		9		35	3	15
1	"	Crochet	"	2/3	3 00	200	2	"	Braid		3½ doz		50	1	75
1	"	"	"	1/4	2 40	60	7	Pkgs	Pins		4 "		60	2	40
3	"	Dress	"	1 7/12	1 50	212	1	Box	Alpacca Braid					1	25
14	"	"	" pearl	12 1/4	63	772	1	"	Elastic		22		5	1	10
5	"	Pearl	"	4 1/12	50	213	1	"	Ladies	Bows	8		20	1	60
6	"	"	Dress	4	1 00	400	1	"	"	"	12		12	1	44
3	"	"	"	1½	1 37	205	2	"	Hair Pins	for				1	00
8	"	"	"	6 10/12	1 50	10 25	3	"	Safety	"	2 Gro		60	1	20
1	"	Shirt	"	1¼	1 00	125			Playing	Cards	2 dz		1 25	2	50
1		Lot Odd	"	9½	50	475	3	Box	Pant	Buckles			50	1	50
5	Box	Ruching		30'	7	2 14	9	"	Stay	Binding	6 doz		20	1	20
1	"	Welting	Cord			75	1	"	Skirt	Plaiting					50
1	"	Red	Floss	20	10	200	1	"	Lot	Trimmings					50
1	"	Bracelets		1	1 00	100	4	pc	Veil	Barege	56		22	12	32
1	"	White	Floss	10	12	120	2	"	"	"	33		16	5	28
1	"	Hair	Ornaments	1½	1 00	150	1	Box	Lambrequins		4		53	2	20
1	"	Under	Shirts Ladys	3	95	2 85	1	"	Trim'g	Braid					75
2	"	Braid		1½ d	80	87	19	Pkg	Hair	Pins			10	1	90
2	"	Lace	Collars	2	75	150	1	Box	Lot	Thimbles					25
1	"	Shoe	Strings			100	1	"	Col'd	Braid ass'd					50
1	"	Corset	Steels	4 pr	6¼	25	4	pc	Swiss		43 yd		11	4	73
1	"	Thimbles		5½	25	137	2	"	"		26 2		20	5	30
1	"	Ladies	Hair Ornaments	½	1 00	50	2	"	x Bar	Muslin	10		12	1	20
2	"	Everlasting	Trimmings	3 p	37	1 11	2	"	Barege		37		22	8	14
1	"	Scissors		13 pr	20	260	1	Box	Agate	Buttons				1	00
1	"	Ladies	Lace Ties	1 doz		200	25		Parasols				50	12	50
1	"	"	"	1/3 "	1 50	50	1	Box	Lot Col'd	Trimg's				2	50
1	"	"	Silk	"	5	25	1 25	3	"	Lace &	Edgings		1 50	4	50
1	"	"	"	"	5	25	1 25	1	"	Ruche	Collars			1	00
1	"	Gloves		2 pr	35	70	2	pc	Mosquito	Nets			45		90

January 10th 1883

11	Masquito Bars		75	825	2	Wool Table Covers	82½	165
2 pc	Bobinett	15.	22½	337	1	Ladies Sacque		150
1	Ladies Dolman			500	1	Knit Shawl		60
10	Balmorals		55	550	3	Towels	25	75
20	"		70	1400	1	Toilet Sett		50
8	"		125	375	9	Collars & Ties	100	900
36	Corsets		45	1620	1	Silk Hakf		65
11	"		25	275	11	pr Hose	15	165
9	"		40	360	1	Shawl double		385
17	"		65	1105	1	Chenille Shawl		200
23	"		55	1265	4	Balmorals	55	220
1	pc Skirt Plaiting			100	1	Box Brogan Shoes	13 pr	100 1300
1	Box Corset Laces			25	1	" " "	10 "	100 1000
1	" Lot Hook & Eyes			50	1	" English Ties	18 "	152 2736
1	" Pant Buttons			35	1	" ℔ Calf "	16	120 1920
13	Shawls		125	1605	1	" " "	11	120 1320
3	"		150	450	1	" " "	4	125 500
10	"		55	550	1	" " "	19	150 2850
6	Brkfst "		25	150	1	" " Boots	6	300 1800
8	Balmorals		75	225	1	" " "	5	200 1000
12	pr Gray Blankets		225	2700	1	" " "	2	220 440
1	" Saddle "			100	1	" " "	5	260 1300
2	" Wh. Bed "		175	350	1	" " "	6	250 1500
2	" " " "		200	400	1	" " "	4	250 1000
3	" " "		225	675	1	" " "	2	225 450
8	" Quilts (Comforts)		120	960	1	" Boys "	4	105 420
1	Box Gloves Berlin	12	25	300	1	" Mens "	4	300 1200
1	" Child "	2/3 doz	150	100	1	" Youths "	5	225 1125
1	" " "	1/6 "	200	233	1	" " "	7	175 1225
1	" Collars			25	1	" " "	4	225 900
1	" Collarets			50	1	" " "	5	165 825
8	Toilet Setts		40	320	1	" Mens "	8	300 2400
1	Box Ladies Collars			75	1	" Youths "	12	200 2400
1	" Silk "			50	1	"	7	210 1470
4	Ladies Knit Sacks		150	600	1	" Childs "	6	100 600
9	Wool Hoods		55	495	1	" " "	5	95 475
3	Child a "		25	75	1	" " "	3	125 375
4	Nubias		50	200	1	" " "	4	300 1200
6	Wh "		27½	165	1	" " "	5	225 1125
3	" "		40	120	1	" " "	7	165 1155
4	Knit Shawls		65	260	1	" " "	9	300 2700
2	" "		110	220	1	" " "	4	125 500
1	Ladies " Sacque			110	1	" " "	2	275 550
6	" Wool Fichus		60	360	1	" " "	4	315 1260
1	" " Sacque			100	1	" " "	4	180 720
7	" Brkfst Shawls		120	840	1	Lot	6	100 600
1	Blk "			110	1	"	4	325 1300

January 10th 1883

1		Lot	Childs shoes	4 pr	1.00	4 00	1	Box	Ladies Shoes	6 pr	1.20	7 20
1	Box		"	"	7.	3.00	21 00	1	"	"	"	3	.95	2 85
1	"		"	"	5.	3.25	16 25	1	"	"	"	3	.95	2 85
1	"		"	"	24	.55	13 20	1	"	"	"	7	1.00	7 00
1	"		Mens	"	25	.50	12 50	1	"	"	"	7	1.05	7 35
1	"		"	"	6	.50	3 00	1	"	"	"	10	1.10	11 00
1	"		"	"	5	1.00	5 00	1	"	"	"	5	1.25	6 25
1	"		"	"	9	.65	5 85	1	"	"	"	6	1.65	9 90
1	"		"	"	46	.50	23 00	1	"	"	"	8	1.10	8 80
1	"		Childs	"	9	.50	4 50	1	"	"	"	12	1.00	12 00
1	"		"	"	21	.55	11 55	1	"	Childs	"	9	1.00	9 00
1	"		"	"	6	.60	3 60	1	"	"	"	8	1.10	8 80
1	"		"	"	25	1.12	28 15	1	"	"		2	.61	1 22
1	"		"	"	7	.75	5 25	1	"	"	"	8	1.00	8 00
1	"		"	"	10	.85	8 50	1	"	"	"	8	.75	6 00
1	"		"	"	16	.75	12 00	1	"	"	"	6	.65	3 90
1	"		"	"	10	.50	5 00	1	"	"	"	10	.45	4 50
1	"	Cap's Toe	"	"	10	.60	6 00	1	"	"	"	3	1.00	3 00
1	"	Wo's	"	"	8	.85	6 80	1	"	"	"	2	1.00	2 00
1	"		"	"	16	1.00	16 00	1	"	"	"	8	1.20	9 60
1	"	Boys Brogans	"	"	12	.80	9 60	1	"	"	slippers	7	.10	70
1	"		"	"	12	.65	7 80	1	"	"	Shoes	5	.75	3 75
1	"		"	"	41	.55	22 55	1	"	Ladies Button	"	3	2.25	6 75
1	"	Lot	"	"	4	.50	2 00	1	"	"	"	2	2.25	4 50
1	"		"	"	10	.65	6 50	1	"	Miss	"	5	2.00	10 00
1	"		"	"	6	.75	4 50	1	"	"	"	3	2.00	6 00
1	"		"	"	4	1.25	5 00	1	"	"	"	7	1.50	10 50
1	"		"	"	6	1.00	6 00	1	"	"	"	5	1.25	6 25
1	"		"	"	4	1.00	4 00	1	"	"	"	5	1.58	7 90
1	"		"	"	14	1.25	17 50	1	"	"	"	7	1.48	10 36
1	"		"	"	19	1.25	23 75	1	"	Mixed	"	7	1.00	7 00
1	"		"	"	12	1.45	17 40	1	"		"	5	1.25	6 25
1	"	Cloth Ladys	"	"	8	.87	7 00	1	"		"	9	1.25	11 25
1	"	"	"	"	3	1.48	4 44	1	"		"	5	1.20	6 10
1	"	"	"	"	8	1.00	8 00	1	"		"	4	1.37	5 48
1	"	"	"	"	4	1.05	4 20	1	"		"	5	1.65	8 25
1	"	"	"	"	5	1.20	6 00	1	"		"	5	1.28	6 40
1	"	"	"	"	5	.95	4 75	1	"		"	6	1.25	7 50
1	"	"	"	"	4	1.25	5 00	1	"		"	4	1.72	6 88
1	"	"	"	"	8	1.30	10 40	1	"		"	6	1.65	10 50
1	"	"	"	"	7	1.00	7 00	1	"		"	3	1.00	3 00
1	"	"	"	"	10	1.12	12 20	1	"		"	4	.95	3 80
1	"	"	"	"	6	.75	4 50	1	"		"	8	1.00	8 00
1	"	"	"	"	6	1.00	6 00	1	"		"	8	.75	6 00
1	"	Leather	"	"	4	1.10	4 40	1	"		"	3	.50	1 50
1	"	"	"	"	8	1.37	11 00	1	"	Slippers	9		.50	4 50
1	"	"	"	"	1		1.29	1	"	"	6		.75	4 50

January 10th 1883

6	Box	Ladies Slippers	6p	1.20	7.20	1	Box	Mens Gloves	7 pr	.40	2.80
17	"	Mens Gaiter Shoes	17	1.50	25.50	1	"	" " "	1		.65
35	"	" " "	35	1.75	61.25	4	"	" " "	17	.90	15.30
1		Case Clarks Spool Thread	22 8/12	.55	15.76	2	"	" " "	8	.75	6.00
1		Lot Pens		.25		1	"	" " "	7	.50	3.50
		Bundle & Loose Socks	6/4 doz	.60	3.75	1	"	" " "	6	.65	3.90
5	Box	1/2 Hose	2,	1.50	3.00	1	"	" " "	2	1.65	3.30
6	"	" "	1 1/2	2.00	3.00	11		Wool Shirts		1.10	12.10
18	"	" "	12/3	1.25	15.42	8		" "		.65	5.20
1	"	" "	1/3	2.20	.73	9		" "		.90	8.10
2	"	" "	1 3/3	1.85	3.08	6		Molerkin "		.75	4.50
6	"	" "	4 3/3	1.10	5.13	18		" "		.50	9.00
6	"	" "	3 10/12	2.00	7.66	28		Cotton "		.55	15.40
3	"	Boys " "	1 5/12	1.00	1.42	44		" "		.50	22.00
1	Bale	Mens "	1		2.00	33		" Under "		.37½	12.38
1	Box	Boys "	1 1/2	1.10	1.74	49	pr	" Draws		.37½	18.37
		Goggles	2 pr	.12½	.25	1	Box	Jeans "	10 pr	.40	4.00
1		Razor Strop			.25	1	"	Cott. flan. & Shirts	1		.75
1	Box	Suspenders	6 pr	.60	3.60	2	"	U. Shirt & Drawers	2	1.00	2.00
1	"	"	2 doz	2.20	4.40	2		Gauze "	20	.25	.50
1	"	"	6 pr	.20	1.20	2	Box	Jeans Drawers	10	.35	3.50
1	"	"	1 doz		1.00	1	"	Cot. flan. & Shirts	2	.55	1.10
2	"	"	1 1/3	1.50	2.00	4	"	" " "	11	.60	6.60
1	"	"	3/4	3.00	2.25	1	"	" "	1		.75
6	Box	Cott Hdkfs	5 7/12	.60	3.35	1	"	" "	1		.65
5	"	Wh Linen "	2 5/12	1.65	4.00	1	"	" "	3	1.10	3.30
1	"	" "	3	.60	1.80	2	"	" "	7	.50	3.50
1	"	Look Glass	1		.25	2	"	" "	12	.38	4.56
3	"	Linen Collars	4/6 doz	.75	4.37	1	"	Flannl "	3	1.22	3.66
13	"	" "	9/12	1.10	10.45	2	"	Drawers	11	.55	6.05
7	"	" "	3/4	1.00	3.25	1	"	Wool U Shirts	2	1.10	2.20
12	"	" "	12	1.20	14.40	1		Drawers & "	2	.92	1.84
6		Parasols		.50	3.00	1		Fancy "			.92
17		Child's Straw Hats		.30	5.10	1	Box	Drawers	5	1.00	5.00
16		Sundowns		.50	8.00	1		Shirt Bosom			1.25
14		Gents Sick Bows		.15	2.10	2	Box	Shirts	11	1.10	12.10
6		" "		.25	1.50	3	"	"	7	1.20	8.40
4	Box	" 2 doz		1.50	3.00	1	"	"	6	1.00	6.00
6	"	Mens Cot Gloves	3/3	1.75	5.83	5	"	"	16	.75	12.00
8	"	Gents fancy Ties		.25	2.00	6	"	"	20	.82	16.40
1	"	Gloves	11 pr	.60	6.60	2	"	"	4	.92	3.32
2	"	"	6 "	.60	3.60	1	"	"	3	.82	2.46
2	"	"	6 "	.62½	3.75	3	"	"	12	1.00	12.00
1	"	"	7	.50	3.50	6	"	"	25	.55	13.75
1	"	"	7	.95	5.25	1	"	"	2	.92	1.84
1	"	Boys "	11	.27½	3.65	8	"	"	45	.45	20.25
1	"	Mens "	10	.62½	6.25	3	"	"	5	.85	4.25

January 10th 1883

5	Box	Shirts	12	60.	720	21	*	1	Ass'd	Coats	4.50	94.50
3	"	"	7	80	560	19	"	2	"	"	3.00	57.00
1	"	"	1		189	6	"	3	Jeans	"	2.00	12.00
1	"	"	1		147	24	"	4	"	"	3.50	84.00
1	"	"	3	75	225	36	"	5	"	"	3.00	108.00
1	"	"	3	60	180	7	"	6800	Over	Coats	3.00	21.00
2	"	"	4	165	660	3	"	6822	"	"	6.50	19.50
3	"	"	25	75	1875	1	"	6857	"	"		3.75
1	"	Boys	"	3	62	186	4	"	1520	"	"	4.95	19.80
5	"	"	"	16	50	800	4		Duck	"	"	4.50	18.00
1	"	Cord'y	Jacket	5	110	550	4	"	6841	"	"	8.50	34.00
2	"	"	"	9	78	702	1	"	6924	"	"		8.50
1	"	"	"	3	90	270	3	"	2255	Boys	"	4.12	12.36
75	"	Paper	Collars		18	13.50	3	"	6		"	3.75	11.25
5		Sleeveless	Jackets		50	250	19			pr Duck	Overalls	.75	15.15
12	* 1	pr	Cass	Pants	4.95	59	40	1		doz	Jumpers		6.60
28	" 2	"	"	"	3.90	109	20	65	"	7	Summer Coats	Ass'd	60 39.00
21	" 3	"	"	"	3.50	73	50	8		"	Vests		35 2.80
29	" 4	"	"	"	2.75	79	75	12		White	"		.75 9.00
30	" 5	"	"	"	2.00	60	00	2	"	6911	Blk	"	1.50 3.00
27	" 6	"	"	"	1.50	40	50	3	"	2613	"	"	2.75 8.25
22	" 7	"	"	"	1.90	41	80	2	"	2218	"	"	2.45 4.90
12	" 8	"	Jaco	"	1.50	18	00	1	"	2117	"	Coat		9.35
16	" 9	"	Cottonade	"	1.25	20	00	2	"	2339	pr	Pants	5.75	11.50
17	" 1		Vests		1.50	25	50	2	"	2458	"	"	4.90	9.80
8	" 2		"		.85	6	80	8	"	2126	"	"	4.25	34.00
38	" 3		"		1.00	38	00	20	"	10	Youths	Coats	2.25	45.00
46	" 4	Boys	"		.75	34	40	14	11	pr	"	pants	1.50	21.00
29	" 5	"	"		.50	14	50	14	12		"	Vests	.50	7.00
2	6429	Suits	C, P & V		10.50	21	00	11	13	Childrens		Coats	1.50	16.50
3	5530	"	"	"	12.00	36	00	4	14	"		Pants	1.00	4.00
1	6360	"				10	00	3		Oil Cloth		Coats	1.50	4.50
3	7069	"			8.50	25	50	11		Ladies	Linen	Hats	.95	10.45
2	7069	"	Pants & Vest		4.25	8	50	2	Box	Mfs	"	" 1 3/12	.40	.47
1	7653	"	C P & V			9	90	1	"	Leghorn	"		9.25	2.25
2	7135	"	"	"	11.50	23	00	17		Ladies	fez	" " 1	.15	.15
1	704	"	"	"		10	45	1		Large	Travelling	Dan'l Trunk		8.00
1	6836	"	"	"		12	00	1	"	"	"	Zinc "		3.60
1	6836	"	C & Pants			10	00	1	"	"	"	" "		3.90
1	6848	"	C V & P			13	75	2	"	"	"	" "	3.75	7.50
3	7704 X 7521	"	"	"	5.50	16	50	3	"	"	"	" "	5.95	17.25
1	7526	"	"	"		8	50	1	"	"	"	" "		5.25
5	6874	"	"	"	.90	4	50	1	"	Paper	"			2.50
17	" 10	pr	Pants		2.75	46	75	2				"		5.50
3	" 11	"	"		2.25	6	75	1				"	5.00	10.00
7	" 6		Vests		.90	6	30	1				"		3.50
									Gents	Satchel				.75

January 10th 1883

1	Gent Satchel			1 25	25	Pearl Buttons Collar		8	2 00
1	" "			2 00	10	pr Bracelets		8	80
1	" "			2 25	4	Rubber Hair Pins		13	52
3	Ladies Companions		45	1 35	1	Lat Sleeve Holders			50
3	" "		55	1 65	2	Cloth Brushes		25	50
3	" "		65	1 95	19	pr Narrow Ribbons	1 Box	25	4 75
6	" "		75	4 50	12	" " "		35	4 20
4	" "		90	3 60	10	" Fig'd "	1 Box	1 25	12 50
2	Brkfst Shawls		25	50	8	" " "		40	3 20
1	Zephyr "			1 00	17	" Ass'd Colors		40	6 80
2	Hoods		50	1 00	25	" Narrow "		20	5 00
2	Rubias		65	1 30	1	Show Case			10 00
4	"		20	80	1	Iron Safe			10 00
2	Balmorals		75	1 50	1	Look Glass			10 00
1	Chenille Shawl			2 00	1	Step Ladder			1 00
1	Ladies Sack			1 10	3	Counter Stools		10	3 00
1	Zephyr Fichu			85	2	Twine Holders		25	50
3	Box Sick Hdkfs	17	40	6 80	2	Boys Cloth Stands		50	1 00
1	" " "	10	16	1 60	2	Mens " "		75	1 50
1	" " "	6	38	2 28	1	Ladies Figure			2 00
1	" " "	1		75	3/6	Straw Hats		50	1 50
1	" Cotton "	8	8	64	11	Box Linen " Ass'd	60	25	15 00
1	" Wristletts	8	10	80	4	" Boys Straw	12	35	4 20
	Ladies Satchels	3	1 00	3 00	7	Clothing Covers		25	1 75
	Tooth Brushes	4	20	80	1	Money Drawer			5 00
2	Box Fine Combs	6	20	1 20	1	Peg Cutter			25
2	" " "	15	8	1 20	2	Yard Sticks		12½	25
1	" Coarse "	3	10	30	1	Stove & Pepe			3 50
1	" Pat. Paste Buckles	11	13	1 43					
	Pocket Books	4	15	60		308 63	194 21		
	Blk Ladies Ties	7	60	4 20		308 01	333 40		
	" "	1		40		195 27	207 94		
8	Pkgs Envelops & Pencils			50		283 82	257 52		
1	Lat Hair Pins			25		499 83	135 86		
5	pr Spectacles		15	75		129 85	196 18		
2	Pocket Knives		70	1 40		57 64	17 826		
1	Razor & Fiddle Strings			25		35 60	838 93		
3	Bot. Hair Oil & Clock			1 50		85 29	65 791		
1/4	Gross Dress Braid		6 00	1 50		45 69	260 67		
2	Sick Hdkfs		82½	1 65		100 88	44 30		
12	Sett Jett Jewelry		40	4 80		170 43	121 00		
4	" " "		35	1 40		2220 94	275		
46	pr Sleeve Buttons		15	6 90		373992	31394		
2	Doz Sett Studs		20	40		596086	373992		
4	Silver Rings		25	1 00	Stove & Pipe	350			
12	Chains & Charms		20	2 40	Total	$596436			
4	Doz Ivory Collar Buttons		10	40					

January 10th 1883

On the following grounds that the said personal property has not been claimed or replevied, and that said property is in danger of serious and immediate waste and loss and that the keeping of the same until the trial of this cause, by said Sheriff, will necessarily be attended with such expense as greatly to lessen the amount likely to be realized therefrom,

And it appearing to the Court, that from sufficient and satisfactory proof, that the facts stated in said application are true and that a necessity exists for the Order asked, it is therefore ordered adjudged and decreed by the Court that said M. M. Hornsby Sheriff as aforesaid sell at public sale as under execution, the above described personal property on the 30th day of January 1883, after giving ten days notice thereof as required by law, and that the proceeds of such sale, he pay over within five days thereafter to the clerk of the District Court of Travis County, as under article 174 R. S.

5943 Ellen Nichols vs Robt. Nichols } In this case upon motion of plaintiffs attorney it is ordered by the court that the continuance heretofore entered in this cause be and the same is hereby set aside and case called for trial. Thereupon came the plaintiff by attorney and announced ready for trial. But the defendant although duly served with process failed to appear or answer in this behalf. Thereupon the Court after hearing the pleadings read, evidence and argument of counsel is of the opinion that the material allegations contained in plaintiffs petition are true. It is therefore ordered adjudged and decreed by the court that the bonds of matrimony heretofore existing between the plaintiff Ellen Nichols and the defendant Robert Nichols be and the same are hereby dissolved, and further ordered that the defendant pay all costs in this behalf expended for which execution may issue.

5947 Lucy Phelps vs Henry Phelps } And now on this day this cause being regularly called for trial came the plaintiff in person and by attorney and announced ready for trial, but said defendant failed to appear or answer in this behalf although having duly accepted service of process herein. Whereupon the Court after hearing the pleadings evidence and argument of counsel is of the opinion that the material allegations contained in plaintiffs petition are true and that she should have the divorce. It is therefore considered ordered adjudged and decreed by the Court that the bonds of matrimony heretofore existing between the plaintiff Lucy Phelps and the defendant Henry Phelps be and the same are hereby forever dissolved and that plaintiff recover her costs.

Court adjourned till tomorrow morning 9 O'clock

January 11th 1883.

Court met pursuant to adjournment. Present same as on first day Whereupon the following proceedings were had. viz.

There being no civil minutes to be recorded of this date. Court adjourned till tomorrow morning 9 O'clock

January 12th 1883.

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

William Whalen vs I. & G. N. R.R. Co. } This day this cause coming on for trial and both parties appearing by attorney, and neither party demanding a jury the matters in controversy as well of fact as of law, are submitted to and tried by the Court, and the pleadings evidence and argument of counsel thereon having been fully understood and considered, It is ordered adjudged and decreed by the Court, that the plaintiff William Whalen do have and recover of the defendant the International and Great Northern Railroad Company the sum of two hundred ($200.00) dollars, together with all costs in this behalf expended. for which let execution issue. 5828

Court adjourned till tomorrow morning 9 o'clock.

January 13th 1883.

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

Hume Bros vs Wm Hudson et al } Now on this day the motion to dissolve the injunction in this case coming on to be heard and it appearing to the Court that the answer of the defendant on file in this case denies the equity in the bill. It is therefore ordered by the Court that the injunction herein be and is hereby dissolved, and thereupon the plaintiff asking that the case be retained for trial on the merits it is ordered that the case be held for trial as an original bill and defendant Hudson is required to execute a refunding bond in amount and conditioned as by statute provided: and upon filing such bond defendant may have execution upon the judgment injoined. 5952

Court adjourned till Monday morning 9 o'clock

January 15th 1883.

Court met pursuant to adjournment, Present same as on first day whereupon the following proceedings were had viz:

The State of Texas vs R. A. Harris et al. Set for February 19th 1883. 5865
The State of Texas vs R. A. Harris et al. Set for February 19th 1883 5866
The State of Texas vs R. A. Harris et al Set for February 19th 1883. 5906

Court adjourned till tomorrow morning 9 o'clock.

January 16th 1883.

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

James Brown vs. Lucinda Brown et al. Continued by defendant 3723
Carlin & Robertson vs Bingham Trigg Continued 4935
T. L. Nunn vs Edmund Green Continued 4975
The State of Texas vs Mill Livingston et al Continued by consent 5366
John T. Allen vs A. N. Belo & Co. Continued by consent 5521
D. The Ayres vs W. C. Walsh Exrs. Continued by consent 5530

January 16th 1883.

5564 John & Lewis Hancock. vs R. Kammacher et al. Plff. have leave to file 2nd amended original petition and case continued by consent.

5584 Jos. H. Spivak vs A. H. Belo & Co. Continued by consent.

5595 The State of Texas vs S. M. Swayhom et al Passed to end of Jury docket.

5690 John Runton Guardian &c. vs Ed Cooney Sheff et al. Passed to end of Jury docket.

5774 The State of Texas. vs W. R. Edwards et al. Passed to end of Jury docket.

5782 Thomas N. Hawkins vs H. & T. C. R. R. Co. Upon motion of plaintiffs attorney it is ordered by the Court that this case be and the same is hereby dismissed at plaintiffs cost for which execution may issue.

5809 Wm E Smith vs I & G. N. R. R. Co. Set for February 26th 1883.

5825 F. L. & L. A. Evans vs City Water Company Set for January 22 1883.

5827 Smith & Kelso vs W. L. & N. K. Lee. Passed to end of Jury docket.

5840 N. R. Hilliger vs Joseph W. Nanney, Passed to end of Jury docket.

5843 Lilitia L. Illingworth vs Alfred Smith et al. Continued for service on defendant Schmidtke

Court adjourned till tomorrow morning 9 oclock

January 17th 1883

Court adjourned till tomorrow morning 9 oclock, having met pursuant to adjournment and all the officers being present same as on first day and case No 5859. of R. O. Johnson & wife vs H. & T. C. R. R. Co also being on trial and there being no civil minutes of this date to record.

January 18th 1883.

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

5859 v
5 docks page 122.

R. O. Johnson & wife vs H. & T. C. R. R. Co. } On the 16th day of January A. D 1883 this cause being regularly reached on the docket and called for trial came the parties by their attorneys and thereupon the defendant was granted leave to file first amended original answer and plaintiff leave to file first supplemental petition, and thereupon came on to be heard the general demurrer and exceptions of defendant to plaintiffs petition which being duly considered and fully understood was by the court overruled. And thereupon came on to be heard plaintiffs exceptions to defendants answer which after being duly considered by the Court were overruled. Whereupon both parties announced themselves ready for trial, thereupon came a jury of twelve good and lawful men of Travis County consisting of J. W. Doxey and them others who being duly empannelled and sworn, heard the pleadings evidence and argument of Counsel and on this the 18th day of January 1883. being duly charged by the court as to the law in this case retired to consider of their Verdict, and on the same day said Jury returned into open Court the following Verdict viz: "We the jury find for the plaintiffs and affix the damages Nine hundred

January 18th 1883.

dol: $900.00 J. W. Dorey Foreman" It is therefore considered ordered and decreed by the Court that the plaintiffs Richard O. Johnson and Tina Johnson do have and recover of and from said defendant the Houston and Texas Central Railroad Company the sum of ($900.00) nine hundred dollars and all costs in this behalf expended for all which execution may issue.

J. R. Morgan vs M. E. Morgan. Continued by consent of Counsel 5863.
for defts. & Plaintiff not appearing.

Page McDaniel vs Caroline Wahrenberger Passed to end of Jury docket 5868
V & A. Myers & Co. vs W. A. Randolph Continued under rule for costs 5870.
Frank Gildart vs J. A. Raymond & Co. Passed to end of Criminal docket 5951
Hume Bro vs Wm Hudson et al. Set for February 12th 1883 5952.
Austin College vs F. August Finn. On motion of plaintiffs atty 5946½
it is ordered by the Court that this cause be and the same is hereby
dismissed costs having been paid

Court adjourned till 10 o'clock tomorrow morning

January 19th 1883.

Court met pursuant to adjournment. Present same as on first
day whereupon the following proceedings were had viz:
George Klinger vs Saml. Stauffer et al It is ordered by the Court that 5639.
plaintiff have leave to withdraw his papers and title papers filed in
this cause.

E. W. Stands vs Milton Wallace } And now on this the 15th day of January 5-114
J. C. Korby & Wife Intervenors } 1883 came all the parties to this cause, 3-20 84
and said cause having been regularly reached and called for trial, announced
themselves ready for trial and thereupon came a jury of good and lawful
men of Travis County to wit: J. W. Earnest and eleven others who having
been duly tried sworn and impannelled according to law after hearing 4 Dock
all the pleadings & evidence of the parties, Plaintiff in Intervention and defendant p-124.
and the argument of Counsel thereon, and being duly charged by the Court
as to the law in this case retired to consider of their verdict and afterwards to wit: on the 16th day of January returned into open Court their
verdict as follows: "We the jury find for the Plaintiff. Three hundred
and twenty six ($326.98) dollars and ninety eight cents, and that it
is secured by Vendors lien upon the lot described in the petition
J. W. Earnest Forman"

Which Verdict was received by the Court and ordered filed, and it having
been agreed in open Court by all the parties that the plaintiff E. W. Stands
brings this suit for the use and benefit of the intervenor Mana. M. Korby
and that the equitable title to the note sued on is in said Mana. M.
Korby, therefore it is ordered adjudged and decreed that the plaintiff E. W.
Stands do have and recover for the use and benefit of said Mana. M. Korby
of and from the defendant Milton Wallace the sum of Three hundred and
twenty six dollars and ninety eight cents, together with interest thereon
at the rate of one and one half per centum per month from this
date together with all costs in this behalf expended and the Jury

STATE OF TEXAS, COUNTY OF TRAVIS. } Before me N. S. WALTON, Notary Public,
Travis County, Texas, on this day personally appeared ... to me

having found that said sum of $326.98. is secured by Vendors lien on the property discribed in Plaintiffs petition to-wit: Lot No 15 in Block No 4 of the subdivision of out lot No one in Division "A" of the Outlots adjoining the City of Austin in the County of Travis and State of Texas, and which lot was sold by John H. Conner to Milton Wallace, it is therefore ordered adjudged and decreed that the said Vendors lien as it existed on the 15th day of May 1872 be and the same is foreclosed and that an order of sale be issued directing the Sheriff of Travis County to make sale of said lot No 15 according to law for the satisfaction and payment of this judgment, and it is ordered that if upon sale there of the amount received therefor shall not be sufficient to satisfy this judgment that for the balance the said plaintiff E. W Swands for the use of said Mana. M. Kirby may have execution and it is ordered that the said Mana. M. Kirby her agents or attorneys may and shall have full and exclusive control of this judgment and there and of all process thereunder in behalf of said E. W. Swands as fully and completely as though said judgment and there rendered in her favor in her own name, and it is further ordered that officers of court have execution against the parties respectively for their costs.

5853. Thomas H. Millen vs Joseph Geaman, Horace Geamans, Esther W. Baxter, William Baxter

On this the 18th day of January A D 1883 came the plaintiff Thomas Millen by his attorneys and the said defendants Joseph Geaman, Horace Geamans, Esther W. Baxter and William Baxter though duly served with process having failed to appear and answer the plaintiffs petition but wholly made default. Whereupon the plaintiff announced himself ready and submitted his evidence to the Court without the intervention of a jury, and it appearing to the satisfaction of the Court that the allegations in plaintiffs petition contained are true, it is therefore ordered adjudged and decreed by the Court that the plaintiffs Thomas H. Millen and W. A. H. Millen do each have and recover of and from the defendants Horace Geamans, Joseph Geamans and Esther W. Baxter one equal undivided one fourth of that certain tract of land, situated in the County of Travis and State of Texas patented to the heirs of Benjamin Wightman died by patent No 187 Vol 23 1st Class dated Febry 13th 1889 and described by metes and bounds as follows: Beginning at the S. W. corner of cor No 56 for I & G. N. R. R. Sine Md on N line of Robert Mayo Sur. Thence N. 30° E 1430 vrs make a pile overs. Thence S 60° E 478 vrs set stake on W. line of Wm Thence N 18° W 394 vrs to the N. W. cor Sine Md, Thence S. 72½ W 225 vrs to S. E. cor Harbins pre claim, Thence S. 50° W 830 vrs to S W cor same set Md. Thence N 40° W. 800 vrs to stake in W line of same, Thence S. 30° W 1018 vrs more pile overs. Thence S 60 E 995 vrs to place of beginning, containing 177 acres. It is further ordered adjudged and decreed by the Court

January 19th 1883.

that each of the defendants Horace Yeaman, Joseph Yeaman and Esther W. Baths are each entitled to one equal undivided one sixth of said tract of land.

It is further ordered adjudged and decreed by the court that John E. Campbell, J. H. Collett and Wm Von Rosenberg all residents citizens of the County of Travis and State of Texas comprising and disinterested persons to partition and divide the aforedescribed tract of land between the parties hereinbefore named in accordance with the terms of this decree and are instructed to report how they have performed such duty at as early a day as possible.

T. L. Wren
vs
T. H. Willis, L. W. Williams
G. G. Williams, Mary L. Williams
Hugh W. Williams and Felix M. Williams

And now at this day came on to be heard the motion of the plaintiff praying the court to confirm the report of the Commissioners heretofore appointed to divide the land in controversy in this suit and which report was filed in this cause on the 11th day of January 1883 and it appearing to the satisfaction of the court that no objection has been filed by either party to this suit to the said report; and it further appearing to the satisfaction of the court that the partition of said land as made by the said Commissioners is equal just and made in conformity with law.

It is therefore ordered adjudged and decreed by the court that the said report of Commissioners be in all things approved and confirmed and recorded as a part of this decree as follows.

T. L. Wren
vs
T. H. Willis, L. W. Williams
G. G. Williams, Mary L. Williams
Hugh W. Williams and Felix M. Williams

No 5849.

To Hon A. D. Walker Judge of the 16th Judicial District of Texas. Holding sessions at Austin,

The undersigned J. H. Collett, Wm Von Rosenberg and A. J. Jernigan, who have heretofore by an order and decree of the District Court of Travis County Texas dated on the 16th day of December 1882 been appointed as Commissioners to partition and divide five certain tracts of land situated in the County of Coleman and State of Texas, between the parties plaintiff and defendant in the above numbered and styled cause, beg leave to report, that they have proceeded to perform said duty in accordance with the terms of said decree. They report therefore that they find said tracts of land contain 1467 acres and are described as follows:

1st Tract patented to Elisha H. Williams on the 22nd day of January 1880 by patent No. 246 vol 9 2nd Class, containing 2.745. 675/12 acres varas of land, and described by mete and bounds as follows: Beginning at a stone mkd the N. E. cor of sur No 758. Brooks and Burleson. Thence S with E. B. line of said No 758 1627/12 vrs a stone mkd the S. E. cor of same a L. O 18 in brs S. 19° W. 196 vrs, do 15 in brs S 11° W 197 vrs. Thence E. 600 vrs to N. E. cor of No 757, Brooks & Burleson, a stone mkd a forked L. O. 15 in brs N 82° W 13 vrs: Thence S with E. B. line of said No 757. 1328 vrs to a stone mkd, the S. E cor. of same, a L. O. 12 in brs S 78° W. 35 vrs Do 10 in brs S 79½° W 35 vrs. Thence W. 32 vrs to N. E. cor of the W. B. Willis

cor N° 721 elk L.O. 9 in brs S. 14½° E. 11 lks. do 9 in brs S 3¼° W 10½ lks. Thence S. 309 lks to a stake the N. W. cor of the J. Doyle cor: Thence E. with the N. B. line of the ed Doyle cor 909 lks to a stake the N. E. cor of same; Thence N with the W B. line of the abner Echols cor N° 264 1170½ lks to the N W. corner of same a stake, a mesq 11 in brs N 43° W. 88 lks. do 11 in brs. S 9° W. 91 lks. Thence W. 96 lks elk. the S. W. cor of R Rodriguez cor N° 266, a L O. 2 in brs N 9½° E. 40 lks, a mc 6 in brs N 14° W. 30 lks. Thence N 1344 lks to a st md the S. E. cor of the C. Evans pre cor, a mesq 12 in brs S 69¾° W. 41 lks. Thence W. 950 lks to S. W. cor of said Pre: Thence N 950 lks to a stone md the N W. Cor of said Pre, an Elm 6 in brs N 72° W. 42 lks, Thence W. 331 lks to the beginning.

49½ 2nd tract Patented to Elisha A. Williams on the 2nd day of January 1880 by patent N° 247 vol 9. 2nd class, containing 1. 227. 168 Sq varas of land and discribed by miles and bounds as follows: Beginning at the S W. cor of +
W. Johnson Pre cor, a stone md, a spanish Oak 10 in brs S 35½° E. 12 lks P. O 8 in brs S 60° E. 24. lks, Thence S. 872 lks a stone md. the N. W. cor of the Lewis Johnson cor N° 480, a L. O. 14 in brs N 5½° W 85 lks do 12 in S 86½° E 82 lks. Thence East with North line of said Lewis Johnson cor 2016 lks st md, the S. W. cor of W. E. Knigo Pre cor, a mesq brs S 37½° W 13 lks. do S 47° W 13 lks, Thence N 150 lks to N. W. cor of said Knigo Pre: Thence E. 100 lks to S. W. cor of C McAuley Pre cor, a st md a mesq 11 in brs N 24° E 38 lks. do 11 in brs N 14° W 42 lks. Thence N 36 lks st md the S. E cor of J. D. Pauelks Pre cor, Thence W 494 lks a st md the S W cor of ed Pauelks Pre: Thence N 408 lks st md the S. E. cor of McKinney and Williams cor N° 340, Thence W. 950 lks to S. W. cor of same st md, Thence N 278 lks to S. E. cor of D. Johnson's cor, Thence W 672. lks to the beginning,

3d tract. Patented to Elisha A. Williams on the 22nd day of January 1880. by Patent N° 248 vol 9 2nd class, containing 1. 852. 500. sq varas of land and discribed by miles and bounds as follows: Beginning at a stone mound the S. W. Cor of David Bruding's cor N° 728, a mesq 12 in brs S 14½° E 18 lks. do 6 in N 8¼° W 15 lks. Thence West with S. B. line of N° 26 G. N. & N. R. R. Co 1450 lks, stone md the S W cor of same and N. E. cor of N° 18 a mesq 5 in brs N 84½° E. 252 lks a forked do 10 in N 10½° E 47 lks: Thence S crossing low branch & with E. B. line of ed 2 & N° 18. 1900 lks stake the S. E. cor of same, Thence E. crossing Cow Creek 500 lks a stake md the S. W. cor of J. B. Terry's Pre a mesq brs N 46° E. 5 lks do N. 33° E. 21 lks; Thence North 480 lks S spring branch 950 lks stone md N W cor ed Pre cor. Hackberry 4 in brs S 20° E 48½ lks. Thence E. 950 stone md the N. E. Cor of ed pre cor. Thence North 950 lks to the beginning,

4th Tract. Patented to Elisha A. Williams on the 3d day of May 1881, by patent N° 299 vol 9 2nd Class, containing 128 acres of land and discribed by miles and bounds as follows: Beginning at the S. E. cor of E. Bugg's and S. W. cor of C. M. Manns pre emption, stone mound, a L. O 10 in brs S 46° E. 71 lks do 12 in brs S 47° E 73 lks. Thence East with Manns S line 950 lks cor bearing's elm: Thence S. 150 lks elm md & S. W. cor of E. Anderson cor N° 262, a mesq 12 in brs N 8° W 27 lks: Thence East 545 lks, N. W. cor of R. Cochrans

January 19th 1883.

cur No 269. stone mound, Mesqt 8 in brs S 45½° E. 15 ns. Do 8 in brs S 29½ E. 22 ns, Thnce S 389 ns. N E. cor of Wm Webber. Thnce West 1495 ns cor in Prairie Thnce North 539 ns to the beginning.

5th Tract Patented to Elisha A. Williams on the 3d day of May 1881, by Patent No 300 vol 9, 2nd class, containing 309 acres of land and described by miles and bounds as follows: Beginning at the N W. cor of W. B. Twilly No 721 stone mound Mesqt 12 in brs N 5° W 89 ns. Thnce N 1240 ns S E. cor of E Tate No 726. Mesqt 12 in brs S 1½° W 73 ns Do 10 S 12½ W 45 ns. Thnce with mich the S. line of said Tate 1755 varas corner, Thnce South 145 ns cor; Thnce East 395 ns stone mound & N. W. cor of sur No 9 a L. O. brs S 36° E 136 ns. do N 67½° W 65 ns, Thnce South 1095 ns N. W. cor sur No 8 Stone Mound, a bois Mesqt 9 in brs N 55° E. 30 lks, Thnce East 1360 ns to the beginning.

They further find that by the terms of said decree that the said T. L. Winn plaintiff is entitled to one equal one fourth of each and all of said tracts of land, that the said Thomas. A. Miller is entitled to one equal one fourth of each and all of said tracts of land, that the said L. W. Williams is entitled to one equal one fourth of each and all of said tracts of land, and that each of the other parties defendant. to wit: G. G. Williams. Mary L. Williams. Felix. M. Williams and Hugh. W. Williams are each entitled to nine equal undivided eighteenth in each and all of said tracts of land,

Your Commissioners therefore in accordance with the above proposition, find that T. L. Winn is entitled to 366 acres out of said five tracts of land, that the said Thomas. A. Miller is also entitled to same quantity out of said tracts: that Mrs. L. W. Williams is entitled to 73 acres out of same. and that each of the other parties to wit G. G. Williams. Mary L. Williams. Felix. M. Williams and Hugh. W Williams are each entitled to 165½ acres out of said tracts,

Your Commissioners further ascertain from the best information accessible that the said several tracts of land are of about the same value per acre. viz: about one dollar per acre and they accordingly have divided said land upon such basis. but they found it impracticable to give each party the exact quantity to which he or she is entitled without cutting the land up into tracts too small to be of any value but have succeeded in making a division by which no one loses more than five acres (and those are the ones owning the largest interests) while of the minors two gain 6½ acres each and two others lose two acres each. and Mrs L. W. Williams gets the exact quantity to which she is entitled,

Your Commissioners therefore recommend that the tract designated on the plat hereto attached as "A" be set apart to T. L. Winn, in lieu of a part of the tract of land first hereinbefore described, said tract being described by Miles and bounds as follows: Beginning at a stake the South East corner of a tract of 2745 675½ sq varas patented to Elisha A. Williams on the 22nd day of January 1880 by patent No 246 vol 9 2nd class, and being the N. E. corner of a survey in name of J. Doyle: Thnce North with the W. B. line of the Abner Echols sur No 264 1170½ ns to the N W cor

of same a stak. a meqk 11 in lks N 43° W. 88 ns. do 11 in lks S 9° W 91 ns. Thnce W. 96 ns to stk on S W. cor of R. Rodriquez sur 266. a L. O. 2 in lks N 9½° E. 40 ns, a meqk 6 in lks N 14° W 30° ns. Thnce N 954 ns to a stake in the East line of the said survey in name of Elisha A. Williams. Thnce W. 1281. ns to a stk in the West line of said Elisha. A. Williams sur. Thnce South with said West line 287½ vs. a stone Md the S. E. cor of sur N° 758 Brooks and Burleson a L. O. 18 in lks S. 9° W 196 ns, do 15 in lks S 11° W 197 ns. Thnce E. 500 ns to N. E. cor of N° 757 Brooks & Burleson. a stone Md a forked L. O 15 in lks N 82° W 13 vs. Thnce S with E. B. line of said N° 757 1328 vs to a st Md the S. E. cor of same, a L. O. 12 in lks S. 78° W. 35 ns do 10 in lks S. 79½ W 35 ns Thnce W 32 varas to the N. E. cor. of the W. B. Twitty sur N° 721 stk. L O 9 in lks S 14½° E. 11 ns. do 9 in lks S. 3¼° W. 10½ ns. Thnce S 309 ns to a stake the N W. cor. of the J. Doyle sur, Thnce E. with the N. B. line of the said Doyle sur to the place of beginning. Containing 361 acres. being a part of the Elisha A Williams survey and of the Value of 361 dollars.

Your Commissioners further recommend that there be allotted and set apart to Thomas A. Millie the two tracts marked respectively on the plats hereto attached as "B" and "C" (the two together making 361 acres valued at 361 dollars) which said tracts are described as follows:

1st Tract containing 125 acres being a part of a survey of 2745. 675½. sq varas patented to Elisha A Williams on the 22d day of January 1880 by patent No. 246 Vol 9 2nd class. Beginning at a stone Md the N. E. cor of sur N° 758 Brooks & Burleson. Thnce S. with E. B. line of said N° 758. 1340 vrs to a stake, Thnce E. 1281 varas to a point in the E. B. line of the original sur for Elisha A. Williams. Thnce N 390 ns to a stone Md the S. E. cor of the C. Evans pre sur. a mesqt 12 in lks S. 69¾° W. 41 ns. Thnce W. 950 vrs to S. W. cor of said Pre. Thnce North 950 ns to a stone md. the N W. cor of said pre. sur Elm 6 in lks N 72° W 42 vrs. Thnce W. 331 ns to beginning;

2nd tract containing 236 acres being a part of a survey of 309 acres patented to Elisha A Williams on the 3d day of May 1881 by patent No 300 vol 9 2nd class. Beginning at the N. W. cor of said original sur Thnce South 145 ns a cor. Thnce East 395 varas. stone md & to N cor of sur N° 9 a L. O. lks S 36° E 136 ns. do N 67½° W. 65 ns thnce South 1095 ns N W. cor of sur N° 8 stone md. a line meqk 9 in lks N 55° E. 30 ns. Thnce E. 1027 ns to a pint in the S line of the original sur. Thnce North 1240 ns to a pint in the North line of the original sur: Thnce W. 1422 ns with said line to the place of beginning.

Your Commissioners further recommend that there be allotted and set apart to Mrs. L. M. Williams the tract marked "D" on the plats hereto annexed, containing 73 acres and described as follows. Being a part of a tract of land containing 309 acres patented to Elisha A. Williams by patent No 300 vol 9 2nd class dated May 3d 1881 Beginning at the S. E. cor of said original sur made for Elisha A. Williams in line being also the N. W. cor of W. B. Twitty N° 721. stone md meqk 12 in lks N 5° W 89 ns. Thnce N 1240 ns. S. E. cor of E. Tate N° 726 Meqk 12 in lks S 1½° W. 73 ns. do 10 in S 12½° W 45 ns. Thnce West with

January 19th 1883.

the S. line of Tate and the N line of the original survey 333 varas to a pointk in the said N line. Thence S to a pointk in the S. line of the original survey 1240 ns. Thence East with the said East line 333 ns to the place of beginning and being of the value of 73 dollars.

Your Commissioners further recommend that to G. G. Williams there be allotted the tract marked "E" on the plats hereto appended containing 163½ acres of land and described as follows: Being a part of the tract of 1.852.500 sq varas of land patented to Elisha H. Williams on the 22nd day of January 1880 by patent No 248 vol 9 2nd class. Beginning at a cor of said original survey in being also the S. W. corner of J. B. Terry's pre a Mesq tree N 46° E. 5 ns. do S. 33° E 21 ns. Thence N 480 ns. Spring branch 950 ns. stone and N M cor ed pre survey Hackberry 4 in the S. 20° E 48½ ns. Thence E. 950 ns to a stk md the N.E. cor of ed pre sur. Thence N 313 ns to a pointk in the line of the original survey. Thence N. 1450 ns to a pointk in the West line of the original survey; Thence S. 1263 ns with said West line to the S. W. corner of this original survey; Thence East crossing Cow Creek 500 varas to the place of beginning and being of the value of 163½ dollars,

Your Commissioners further recommend that to Mary L. Williams there be allotted the tract marked "F" on the plats hereto appended. containing 172 acres and described as follows; Being a portion of the tract of land of 1.227.168. Sq varas patented to Elisha. H. Williams by patent No 247. vol 9 2nd Class dated January 22nd 1880, Beginning at a stk md mn of the original corners of said original Elisha H. Williams survey and the S. W corner of W. E. Kings pre sur. a Mesq tree S. 37½° W 13 ns do S 47° W. 13 ns. Thence N 150 ns to N W. cor of said Kings pre; Thence N 150 ns to the W cor of said Kings pre; Thence E. 100 ns to S. W. cor of C. McAuley's pre sur a stk md, a Mesq 11 in tree N 24° E 38 ns. do 11 in tree N 14° W. 42 ns, Thence N 36 ns stk md the S. E. cor of J. D. Paulk's pre sur; Thence W. 494 a stk md the S. W. cor of said Paulks pre - Thence N 408 ns stk md the S. E. cor of McKinney & Williams sur No 340, Thence W 950 ns to S. W. cor of same, stk md Thence N 278 ns to S. E. cor of D Johnson sur: Thence W. with the North line of the original Elisha H. Williams sur. 400 ns to a pointk in said line, Thence S. 872 ns to a pointk in the South line of said survey. Thence East 1744 ns to place of beginning. and being of the value of 172. dollars.

Your Commissioners further recommend that to Felix M. Williams be allotted the two tracts of land marked respectively "G" and "H" on the plats hereto attached. the two together making 172 acres and being of the value of 172 dollars. Which said two tracts are described as follows:

1st tract containing 44 acres. being part of a tract of 1.227.168 sq varas of land patented to Elisha H. Williams by patent No 247. vol 9. 2nd class dated January 22nd 1880; Beginning at the beginning corner of said survey thence south 872 varas a stone md the N W. cor of the Lewis Johnson sur No 480 a L. O. 14 in tree N 51½° W 85 ns and a do 12 in S 86½ E. 82 ns Thence E. with the S line of the said Elisha H. Williams original sur 272 ns to a pointk thence. Thence N 872 ns to a pointk in the N line of the said last named survey, Thence West 272 ns to the place of beginning,

January 19th 1883.

2nd tract containing 128 acres being the tract of land patented to Elisha H. Williams on the 3rd day of May 1881 by patent No 299 vol 9 2nd class, and described by mets and bounds as follows: Beginning at the S. E. cor of E. Briggs and S. W. cor of L. M. Manns pre. St md a L. O. 10 in ho. S. 46° E 71 ns Do 12 in ho S 47° E 73 ns, Thence E. mit Manns S. line 950 ns cor. brings down, Thence South 150 ns, stone md and S. W cor of E. Andrews cor No 262 a mesqt Bm ho N 8° W 27 ns: Thence E. 045 ns N W. cor of R. Cochrane cor No 269, stone md. mesqt 8 in ho S 45½° E. 15 ns, Do 8 in ho N 29½° E. 22 ns, thence S. 389. ns N. E. cor of Wm Webber, thence with 1495 ns cor in Prairie, thence N 539 ns to the beginning,

Your Commissioners further recommend that to H. W. Williams there be allotted and set apart the tract of land marked "II" on the plat hereto appended containing 163½ acres and described as follows: Being a part of a tract of 1,852.500 sq varas of land patented to Elisha H. Williams on the 22nd day of January 1880 by patent 248 vol 9 2nd class, Beginning at the beginning cor of the said Elisha H. Williams cor a stone md the S. W. cor of Daniel Brudrigo cor No 728 a mesqt 12 in ho S 14½° E. 18 ns, do 6 in N 8½° W. 15 ns; thence with 1450 ns with S. B line of No 26 G. H & H R. R. Co 1450 ns stone md. the S. W cor of same and N. E. cor of No 18 a mesqt 5 in ho N 84½° E. 25 2 ns a forked do 10 in N 10½° E. 47 ns: thence south 950 ns to a point in the W boundary line of the original cor. thence E. 1450 ns to a point in the E. boundary line of the original survey, thence North with said boundary line 950 ns to place of beginning, and being of the value of 163½ dollars

Your Commissioners further report that the above partition seems to them to be as nearly equitable as could be made under the circumstances and without actually going upon the ground which would have involved great cost and expense, and they therefore ask that it may be confirmed and approved

J. A. Collett
W. Von Rosenberg,
A. J. Jernigan
} Commissioners

Sworn to and subscribed before me by J. A. Collett. W. Von Rosenberg and A. J. Jernigan this the 11th day of January 1883.

Jas P Nail clk D.C.T.C.

It is further ordered adjudged and decreed by the Court in conformity with the aforesaid report that all the right title and claim of T. A. Miller. L. W. Williams. S. G. Williams. Mary L. Williams Hugh W. Williams and Felix M. Williams in and to the following described tract of land be and the same is hereby vested in the plaintiff T. L. Mann, said land being described as follows: Beginning at a stake the S. E. Corner of a tract of 2.745.675½ sq varas patented to Elisha H Williams on the 22nd day of January 1880 by patent No 246 vol 9 2nd class, and being the N. E. cor of a survey in name of J. Doyle, thence N with the W. B line of the Abner Echols cor No 264. 1170½ ns to the

January 19th 1883.

N. W. cor of same a stake a mesqt 11 in brs N 45° W. 88 vrs. do 11 in brs S. 9° W 91 vrs. thence W. 96 vrs. stk the S. W cor of R. Rodriguez sur 266 a L O 2 in brs N 9½° E 40 vrs a mesqt 6 in brs N 1° W 30 vrs. Thence N 954 vrs to a stake in the East line of the said survey in name of Elisha. H. Williams Thence W 1281 vrs to a stake in the West line of said Elisha. H. Williams sur, Thence north with said West line 287½ varas to a stone md the S. E. corn. of sur N° 758 Brooks & Burleson, a L. O. 18 in brs. S 9° W. 196 vrs do 15 in brs S 11° W 197 vrs, thence E. 500 to N. E. cor of N° 757 Brooks and Burleson, a stone md a forked L. O 15 in brs N 82° W. 13 vrs. Thence S. with E. B. line of said N° 757 1328 vrs to a stone md the S. E. cor of same a L. O. 12 in brs S. 78° W 35 vrs. do 10 in brs S. 79½ W 35 vrs. thence W 32 vrs to the N. E. cor of the W. B. Tinsley sur N° 721 stk. L. O. 9 in brs S. 14½° E 11 vrs do 9 in brs S. 3¼° W 10½ vrs. thence S 309 vrs to a stake the N W. cor of the J. Doyle sur. Thence E. with the N. B. line of the said Doyle sur to the place of beginning, containing 361 acres and being a part of the Elish. H. Williams survey and designated on the plat hereto attached marked "A"

That all the right title interest and claim of T. L. Wm. L. W. Williams. G. G. Williams Mary L. Williams. Hugh. W. Williams and Felix M. Williams in and to a certain tract of land hereinafter described be and is hereby divested out of them and vested in Thomas. H. Miller. said tracts of land being described as follows: viz a part to Thomas H. Miller the two tracts marked respectively on the plat hereto attached marked "B" and C. (the two tracts together making 361 acres.

1st tract containing 125 acres being a part of a survey of 2. 745. 675½ sq varas patented to Elisha H. Williams on the 22d day of January 1880 by patent N° 246 vol 9 2nd Class, Beginning at a stone mound the N. E. cor of survey N° 758 Brooks & Burleson, Thence S. with E. B. line of said N° 758 1340 varas to a stake thence E 1281 vrs to a point in the E Boundary line of the original survey for Elisha. H. Williams, Thence north 390. varas to a stone mound the S. E cor of the C. Evans pre sur. a mesqt 12 in brs S 69¾° W 41 varas, Thence West 950 varas to S. W. cor of said pre. Thence N 950 varas to a stone md. the N W. cor of said pre. an Elm 6 in brs N 72° W 42 vrs. Thence W. 331 vrs to the beginning.

2nd tract containing 236. acres being a part of a survey of 309 acres patented to Elisha. H. Williams on the 3d day of May 1881. by patent N° 300 vol 9 2nd Class. Beginning at the N. W. cor of said original survey, Thence south 145 vrs a corner. Thence East 395 vrs stone md and the N W. cor of sur N° 9 a L. O. brs S 36° E. 136 vrs. do N 67½° W 65 vrs. thence S 1095 N. W. cor of sur N° 8 stone md. a line mesqt 9 in brs N 55° E. 30 vrs. Thence. E. 1027. vrs to a point in the South line of the original survey. Thence N 1240 vrs to a point in the North line of the original survey, Thence West 1422 varas with said line to the place of beginning.

That all the right title interest and claim of T. L. Wm. T. H. Miller G. G. Williams. Mary L. Williams. Hugh W. Williams and Felix M. Williams in and to a certain tract of land hereinafter described be and the same is hereby divested out of them and fully vested in Mrs L. W. Williams, said tract being described as follows: Allotted and set apart to Mrs L. W.

January 19th 1883.

Williams the track marked "D" on the plats hereto appended containing 73 acres, Being a part of a track of land containing 309 acres patented to Elisha H. Williams by patent No 300 vol 9 2nd Class, dated May 3d 1881, Beginning at the S. E. cor of said original survey made for Elisha H. Williams it being also the N. W. cor of W. B. Smith's No 721, thence Md Meagt 12 in the N 5° W. 89 vrs. thence N 1240 vrs S. E. cor of E. Tate No 726 Meagt 12 in tree S 1½° W. 73 vrs do 10 in S 12½° W. 45 vrs. Thence W with the South line of the Tate and the N line of the original survey 333. varas to a pinck in the said N line, Thence South to a pinck in the South line of the original survey 1240 vrs, Thence East with the said East line 333. varas to the place of beginning

That all the right title interest and claim of T. L. Wm. T. H. Miller. L. W. Williams Mary L. Williams, Hugh. W. Williams and Felix M. Williams in and to the track of land hereinafter described be and the same is hereby divested out of them and fully vested in G. G. Williams, said track being described as follows: allotted and set apart to G. G. Williams the track marked "E" on the plats hereto appended, containing 163½ acres of land and described as follows: Being a part of a track of 1,852,500 sq varas of land patented to Elisha H. Williams on the 22d day of January 1880 by patent No 248 vol 9, 2d Class, Beginning at a cor of said original survey, it being also the S. W. cor of J. B. Tumpkins pre. a Meagt trs N 46° E. 5 vrs. do S. 33° E. 21 vrs, Thence N 480 vrs. Spring branch 950 vrs. Stone and N. W. cor ed pre survey. Hackberry 4 in dia bears S. 20° E. 48½ vrs, Thence E. 950 varas set Md the N. E. cor of ed pre sur, Thence N. 313 varas to a pinck in the line of the original sur, Thence West 1450 vrs to a pinck in the West line of the original sur. thence South 1263 vrs with said West line to the S. W. cor of this original sur. Thence E. crossing Cow Creek 500 vrs to the place of beginning,

That all the right title and interest and claim of T. L Wm. T. H Miller L. W. Williams. G. G. Williams. Hugh. W. Williams and Felix M. Williams in and to the track hereinafter described be and the same is hereby divested out of them and fully vested in Mary. L. Williams, said track being described as follows: allotted and set apart to Mary. L. Williams the track marked "F" on the plats hereto appended containing 172 acres, and described as follows: Being a portion of a track of land of 1.227.168 sq varas patented to Elisha H. Williams by patent No 247 vol 9 2nd class dated January 22d 1880, Beginning at a Std Md, one of the original corners of said original Elisha. H. Williams survey and the S. W. cor of W. E. Kings pre sur. a Meagt trs S. 37½° W 13 vrs do S. 47° W. 13 vrs, Thence N 150 vrs to N W. cor of said Kings pre. Thence N. 150 vrs to N W. cor of said Kings pre. Thence E. 100 vrs to S. W. cor of C. McAuley's Pre sur a Std Md, a Meagt. 11 in tree N 24° E. 38 vrs, Do. 11 in tree N 14° W 42 vrs. Thence N 36 vrs Std Md the S. E. cor of J. D. Pauels pre sur. Thence W. 494 a Std Md the S. W. cor of ed Pauels Pre, thence N 408 vrs Std Md the S. E. cor of McKinney & Williams sur No 340. Thence W. 950 vrs to S. W cor of same Std Md, Thence N 278 vrs to S. E. cor of D. Johnson sur. Thence W. with the N line of the original Elisha. H. Williams sur 400 vrs to a pinck in said line, Thence South 872. varas to a pinck in the South line of said survey, Thence East 1744 varas to place of beginning,

That all the right title interest and claim of T. L. Wm. T. H. Miller

January 19th 1883.

L. N. Williams. G. G. Williams. Mary L. Williams and Hugh. N. Williams in and to the two tracts of land hereinafter described be and the same is hereby divested out of them and fully vested in Felix. M. Williams, said tracts being described as follows: allotted and set apart to Felix. M. Williams the two tracts of land marked respectively "G" and "H" on the plats hereto attached the two together making 172 acres, described as follows:

1st tract containing 44 acres. being part of a tract of 1.227.168. sq varas of land, patented to Elisha. A. Williams by patent No 247. Vol 9. 2nd class. Dated January 22nd 1880. Beginning at the beginning corner of said survey. thence S. 872 ns a st mkd the N W. cor of the Lewis Johnson sur No 480. a L. O. 14 in bs N 51½° W 85 ns and a do 12 in S 86½° E. 82 ns. Thence East with the S. line of said Elisha. A. Williams original sur 272 ns to a point thence, Thence N 872 ns to a point in the North line of said last named survey Thence West 272 ns to the place of beginning!

2nd tract containing 128 acres being the tract of land patented to Elisha. A. Williams on the 3d day of May 1881 by patent No 299. Vol 9 2nd class and described by miles and bounds as follows: Beginning at the S. E cor of E. Riggs and S. W. cor of L. M. Manns pumption stone mound a L. O. 10 in bs S. 46° E. 71 ns. Do 12 in bs. S. 47° E. 73 ns. Thence East with Manns S. line 950 ns cor bearing down. Thence S. 150 ns stone md. and S. W. cor of E. Anderson sur No 262. a mesq 12 in bs N 8° W 27 ns. Thence East 545 ns N. W. cor of R. Cochrane sur No 269 stone mound. Mesq 8 in bs S. 45½° E. 15 ns Do 8 in bs N 29½ E. 22 ns. Thence S. 389. ns N. E. cor of Wm Webber. Thence West 1495 ns cor in prairie, Thence N 539. ns to the beginning.

That all the right title interest and claim of T. L. Wren. T. A. Willie L. N. Williams. G. G. Williams, Mary L. Williams and Felix M. Williams in and to the tract of land hereinafter described be and the same is hereby divested out of them and fully vested in Hugh N. Williams, said tract of land being described as follows: allotted and set apart the tract of land marked "H" on the plats hereto appended, containing 163½ acres to H. N. Williams and described as follows:. Being a part of a tract of 1.852.500. sq varas of land patented to Elisha. A. Williams on the 22nd day of January 1880 by patent 248 Vol 9 2nd class. Beginning at the beginning cor of the said Elisha. A. Williams cor a stone md the S. W. cor of David Bruding's cor No 728 a mesq 12 in bs S. 14½° E. 18 ns. do 6 in N 8¼° W. 15 ns. Thence West 1450 ns mk. S. B. line of No 26. G. N. & N. R. R. Co. 1450 ns stone md the S. W cor of same, and N. E. cor of No 18 a mesq 5 in bs N 84½° E 252 ns. a forked do 10 in N 10½ E. 47 ns. Thence S 950 ns to a point in the N. boundary line of the original survey, Thence East 1450 ns to a point in the East boundary line of the original survey. Thence North with said boundary line 950 ns to the place of beginning,

It is further ordered adjudged and decreed by the court that E. D. Johns Esq. Guardian ad litem for the minor defendants be and he is hereby allowed the sum of twenty five (25) dollars for his services in this cause to be taxed and paid as other costs in this cause,

It is further ordered adjudged and decreed that the plaintiff T. L. Wren pay one fourth of all the costs incurred in this cause, that the defendant

January 19th 1883.

T. H. Miller pay one fourth of all the costs incurred in this cause; that the defendant L. W. Williams pay one fourth of all costs incurred in this cause and that each of the other defendants pay nine eightieths of all costs incurred in this cause for all which execution may issue in favor of the officers of court as in other cases.

Frank Gilstrap vs J. H. Raymond & Co. Pltff har leave to file 1st amended original petition

5840 N. B. Hilyer vs. Jos. N. Haning Set for February 19th 1883.

Court adjourned till tomorrow morning 9 o'clock

January 20th 1883.

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings were had viz:

5856 Louisa Schmidt et al vs William Schmidt. Ordered by the Court that the Dist Clerk pay over the money in his hands of the minors to their Guardian J. Schmidt he having his receipt therefor.

5205 E. M. Shands et al vs Milton Wallace - And now on this day coming on to be heard the motion of the defendant for a new trial in this cause and said motion having been duly considered by the court was overruled to which ruling of the Court the defendant excepts.

Court adjourned till Monday Morning 9 o'clock.

January 22nd 1883

Court met pursuant to adjournment. Present same as on first day Whereupon the following proceedings were had viz:

5825 T. C. & L. H. Eaves vs City Water Company. Continued on affidavit of Defts.

Court adjourned till tomorrow Morning 9 o'clock. January 23rd 1883.

Court met pursuant to adjournment. Present same as on first day and there being no civil minutes of this date to be recorded. Court adjourned till tomorrow morning 9 o'clock.

January 24th 1883.

Court met pursuant to adjournment. Present same as on first day Whereupon the following proceedings were had viz:

5267 Laura A. Ormond vs Charles J. Ormond. Upon suggestion of Plaintiffs Attorney of the death of the defendant suit abates, and ordered that this cause be and the same is hereby dismissed at plaintiffs cost. It is further ordered that a fee of ten dollars be taxed as costs for John Donnell Esq ally appointed by the Court to represent the absent defendant for all of which let execution issue.

Court adjourned until to morrow morning at 9 O'Clock

January 25th & 26th 1883.

Court met each day pursuant to adjournment. Present same as on first day and there being no civil minutes to be recorded of either of the above dates, Court adjourned until to morrow morning at 9 O'Clock

January 27th 1883

Court Met Pursuant to adjournment. Present same as on last day whereupon the following proceedings were had to wit:

Alice O. Pyle & W. D. F. Pyle
vs
I. & G. N. R.R. Company & M. O. & Tac. Ry Company

5847

This the 24th day of January 1883 this Cause came on for trial and the parties Plaintiff and defendant by their respective Attorneys announced ready for trial and lawful men duly impannelled and Sworn Thereupon came a jury of good and to wit: E. E. Winfrey and eleven others & the Cause then proceeded to trial and progressed from day to day until the morning of the 26th of January 1883 when the Pleading and the Evidence having been heard & closed and the Court charged the jury & they retired with an Officer of Court to Consider of their verdict thereupon on the morning of the 27th of January 1883 the jury returned into Court the following verdict found by them: We the Jury find for the Defendants E. E. Winfrey Foreman: which verdict was by the Court received & filed. It is therefore. Considered, Ordered & adjudged by the Court that the Plaintiffs Alice O. Pyle & W. D. F. Pyle take nothing by their said suit that the Defendants International & Great Northern Railroad Company & Missouri Pacific Railway Company Go hence without day & that they do have & receive of the Plaintiffs all there Costs in this behalf expended. for which execution may issue

and for supplies within cert. typo Typ't.: A. B. Willis & W. E. Risley

Nannie Taylor
vs
John W. Taylor

5948

And now on this day this Cause coming on to be heard the Plaintiff by Counsel appeared & announced ready for trial and the defendant though duly and legally served with Citation came not and the Court after hearing the Pleadings of the Plaintiff and the evidence offered in support thereto being of opinion that the Plaintiff is entitled to the relief sought. It is therefore ordered adjudged and decreed by the Court that the bonds of Matrimony heretofore existing between the Plaintiff Nannie Taylor and defendant John W. Taylor be and the same is hereby dissolved and it is further ordered adjudged and decreed by the Court the said Plaintiff from this time shall have the Custody Caring and Education of the Six Minor children of said Plaintiff & defendant to wit: Hattie Taylor. Aarm Taylor. Quincy Taylor, Jefferson Taylor, Nannie Taylor, & Bettie Taylor and that said defendant be perpetually enjoined & restrained from hereafter in any manner interfering with said Plaintiff in the management. Control. Care Custody & Education of said Children the said defendant however having the right to visit said Children under such Circumstances and at such times & places as the said Plaintiff shall reasonably require but said ~~Plaintiff~~ Defendant shall not make such visits the means or occasion of annoyance to said Plaintiff and it is further ordered. adjudged and decreed by the Court that the tract of land discribed in the Plaintiffs Petition and by her claimed as her separate property is the separate property of said Plaintiff and that said defendant has no right title or interest therein said tract of land being discribed as follows to wit: Part of the Head right League granted to James Burleson situated about five miles below the City of Austin in Travis County Texas on the west Colorado

January 27th 1883

beginning at a stake on Walnut Creek where Alfred Smiths east line Crosses said Creek Thence N 30° E. with said Smiths east to the South West Corner of a tract sold by John W. Taylor & Nannie Taylor to A J Walker. Thence S. 60° E with the South line of said last named tract to the West side of a tract sold by said John W Taylor and Nannie Taylor to Ed O Taylor and Vallie O. Taylor. Thence S. 30° W with said last named line to Walnut Creek Thence up said Creek with its meanders to the place of beginning Containing Two Thousand acres More or less and it is further Ordered adjudged and decreed by the Court that the said defendant be and he is hereby dissolved of all title to said tract of land and that the title to said tract of land is hereby declared to be and is fully and absolutely vested in the said plaintiff Nannie Taylor and that she be and is hereby forever quieted in her title and possession of the same free of any claim of said defendant And it is further ordered and adjudged that plaintiff recover from defendant all the Costs of this suit for which Execution may issue

Court adjourned till Monday Morning 9 o'clock.

January 29th 1883.

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

5827 Smith & Wilmo. vs W. S. Lee & N. K. Lee. Plaintiff has leave to file 1st amended original petition

Court adjourned till tomorrow morning 9 o'clock.

January 30th 1883.

Court met pursuant to adjournment. Present same as on first day Whereupon the following proceedings were had viz:

5975 Wendel Spence } State of Texas. County of Travis.
Ex parte. } In the District Court of Travis County Texas

January term 1883. At a District Court in and for Travis County begun at the Court House in the City of Austin in said County Wendel Spence made application for a permanent license to practice as an Attorney and Counsellor at law in the District and all inferior Courts of the State of Texas and having produced his license granted him by the Law Department of the Cumberland University Lebanon Tennessee to practice in all the Courts of the said State as an Attorney and Counsellor at law, and having been introduced to this Court by the Hon: William M. Walton. John B. Costa. John D. Templeton. David Sheeks. Thomas J. Smith and other attorneys of this Bar. as a man of good moral character and honorable deportment. And the said Wendel Spence having taken the oath as required by law and which is hereto annexed,

It is ordered by the Court that the said Wendel Spence be and he is hereby admitted and authorized to appear plead and practice as an Attorney and Counsellor at law in all District and inferior Courts of the State of Texas for which this shall be his sufficient license.

Court adjourned till tomorrow Morning 9 o'clock

January 31st 1883.

Court met pursuant to adjournment. Present same as on Friday whereupon the following proceedings were had viz:

Greenlve Block & Co. vs M. Davis. This day came the plaintiffs by their attorneys and the defendant by his attorney A. J. Labatt Esq an attorney at law of this Court. Thereupon the said A. J. Labatt having exhibited his power of attorney a copy of which is as follows: "In District Court of Travis County. Greenlve Block & Co. vs M. Davis, I hereby authorize Henry J. Labatt an attorney at law, for me and in my name to appear in the above entitled Court in said cause and to confess a judgment in favor of said plaintiffs and against me for Twelve Hundred and ninety 89/100. ($1270 89/100) dollars and costs, and to agree that execution issue forthwith and that said plaintiffs be paid the amount of said judgment and costs from any monies deposited in the Registry of this Court for that purpose. Austin January 30th 1883

Witness. Jas. B. Shubb M. Davis

J. M. Jones."

And the said power of attorney having been duly filed. the said attorney A. J. Labatt confessed judgment in favor of plaintiffs in the demand sued upon in the sum of Twelve Hundred and ninety & 89/100 dollars: And it appearing to the Court that the plaintiffs have duly made pait to the justices of the cause of action, stated in their petition filed herein: it is therefore considered adjudged and decreed by the Court that the plaintiffs Abraham Greenlve. Louis Block. Louis C. Michal and Leopold Oppenheimer composing the firm of Greenlve Block & Co do have and recover of and from the said defendant M. Davis the aforesaid sum of Twelve hundred and ninety 89/100 dollars with interest at the rate of 8 per cent per annum from this date together with all costs by them in this behalf expended. And the said defendant by his attorney aforesaid having agreed that execution issue forthwith. it is ordered that the said execution issue at once on this judgment. It is further ordered by the Court that this judgment and interest be paid out of the proceeds of the sale of the personal property of the said M. Davis now in the hands of the Clerk of this Court. 3957

Lem Reed & H. Blum vs M. Davis } This day came the plaintiff by their attorneys, and the defendant by his attorney H. J. Labatt. Esq. an attorney at law of this Court: thereupon the said H. J. Labatt having exhibited his power of attorney a copy of which is as follows & In the District Court of Travis County Lem Reed & H. Blum vs M. Davis No 3958 - I hereby authorize Henry J. Labatt an attorney at law for me and in my name to appear in the above entitled Court in said cause and to confess a judgment in favor of said plaintiffs and against me for Three thousand five hundred and thirty - 03/100 dollars and costs and to agree that execution issue forthwith and that said plaintiffs be paid the amount of said judgment and costs or so much thereof from any money deposited in the Registry of this Court for that purpose Austin January 30th 1883. M. Davis "

Witness Jas. B. Shubb

J. M. Jones. 3958 36

January 31st 1883.

And the said power of attorney having been duly filed the said Attorney H. J. Labatt entered judgment in favor of plaintiff in the demand and sum in the sum of Three thousand Five hundred and thirty $^{00}/_{100}$ dollars: And it appearing to the court that the plaintiff have duly made oath to the justness of the cause of action, stated in their petition filed herein: It is therefore considered adjudged and decreed by the court that the plaintiff Leon Blum, Hyman Blum & Sylvan Blum composing the firm of Leon & H. Blum do have and recover of and from the said defendant M. Davis the aforesaid sum of Three thousand Five hundred and thirty $^{00}/_{100}$ dollars with interest at the rate of 8 pr cent per annum from this date, together with all costs by them in this behalf expended, and the said defendant by his attorney aforesaid having agreed that execution issue forthwith it is ordered that said execution issue at once on this judgment. It is further ordered by the court that any balance of the proceeds of the sale of the personal property remaining in the hands of the Clerk after the payment of costs and the judgment in cause No 5957. of Greenbrier Block & Co vs M. Davis be applied as a credit on this judgment.

Ellen E. Hunton et al
vs
Young Mens Real Estate & Building Association

3624 ½

And now come the parties plaintiffs and defendant by attorneys and file the following agreement in writing in this cause to-wit;

"The Hon A. S. Walker Judge of the 16th Judicial District having his disqualification to try the above entitled cause of record. It is agreed between the parties plaintiffs and defendant by their attorneys of record that David E. Thomas a practicing lawyer and member of the Bar of this Court shall act as Special Judge for the trial of said cause. This agreement shall also apply to cause No 2623. on the docket of said Court. January 30th 1883

G. R. Freeman atty for plaintiff
Hancock & Shelby atty for defendants.

And the said David E. Thomas Esq having taken and subscribed the Constitutional oath prescribed by law and the Hon David E. Thomas presiding the following proceedings were had viz;

Ellen E. Hunton et al
vs
Young Mens Real Estate and Building Association

3624

And now on this the 31st day of January 1883 Came on for trial the above numbered and entitled cause, and all the parties plaintiff to-wit; Ellen E. Hunton & Thomas Hunton the husband, Laura M. Norfoot, Henry W. Norfoot, F. Howard Norfoot, Ida C. Norfoot and John W. Norfoot by their attorneys G. R. Freeman Esq and Sheets & Breed; and the presiding Judge A. S. Walker being disqualified to preside in said cause it is agreed by the parties by their attorneys that David E. Thomas Esq a practicing lawyer at the Bar of this Court shall act as special Judge in this cause which agreement is in writing and filed among the papers in this cause, thereupon the said David E. Thomas having duly qualified as Judge called said cause for trial, the said plaintiffs as above set forth appeared and the said defendants by their attorneys Hancock & Shelby and announced themselves ready for trial, and thereupon the parties having waived a Jury submitted all the matters of law and fact

January 31st 1883

to the Judge, and he having heard the pleadings and evidence adduced, in appearing to the Court that both the law and facts are with the defendants R. F. Peck and The Young Mens Real Estate and Building Association as aforesaid, It is considered ordered and adjudged by the Court that the said Plaintiffs Ellen C. Hanlon & husband Thomas Hanlon, Laura W. Kerfoot and D. Kerfoot, F. Howard Kerfoot, Ida C. Kerfoot and W. Kerfoot take nothing by this said suit; and that the defendants aforesaid go hence without day and recover of the above named Plaintiffs and the sureties on their cost bond bond herein D. C. Freeman & R. F. Peck all the costs of suit for which execution may issue.

The forgoing entry having been examined and found correct is hereby approved,

D. E. Thomas Special Judge.

Court adjourned till tomorrow morning 9 o'clock.

February 1st 1883.

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

J. C. Spicer vs Ruthy Spicer — And now on this the 1st day of February A. D. 1883 this cause came on to be heard in its regular order for trial and the Plaintiff appearing in person and by his Attorney John Dowell and the defendant failing to appear although said defendant having filed in this cause the acceptance of the service of said petition and waiver of any other process to effect service and the said defendant wholly making default the plaintiff demanded a trial. Whereupon a trial was proceeded with, and the Court after hearing the pleadings evidence of witness and argument of Counsel was of the opinion the law and the facts were with the plaintiff. Whereupon it is ordered adjudged and decreed by the Court that the bonds of matrimony now and heretofore existing between the plaintiff J. C. Spicer and Ruthy Spicer as husband and wife be and the same is hereby dissolved and this decree of divorce be granted and they no longer sustain such relation to each other. that plaintiff pay all costs. Execution issue to collect the same. 5881

John Todd vs J. T. Blanks The mandate affirming the judgment in this case having been filed it is now ordered dropped from the docket 5616

Court adjourned till tomorrow morning 9 o'clock

February 2nd 1883,

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

Special Judge David E. Thomas presiding:

Ellen C. Hanlon et al vs A. H. Cook et al — Before the Hon David E. Thomas Special Judge selected by the parties and duly qualified the following proceedings were had viz: 3623

And now on this the 2nd day of February 1883, came on for trial the above numbered and entitled cause and all the parties Plaintiff to wit: Ellen C. Hanlon & Thomas Hanlon her husband. Laura

February 2nd 1883.

W. Korfoot. Henry. D. Korfoot. F. Howard Korfoot. Ida C. Korfoot and John. D. Korfoot by their attorneys G. R. Freeman Esq and Shuter & Smead and the presiding Judge Hon A. D. Walker being disqualified to preside in said cause it is agreed by the parties by their attorneys that David. E. Thomas Esq a practicing lawyer at the bar of this court shall sit as Special Judge in this cause which agreement is in writing and filed among the papers in this cause. Thereupon the said David. E. Thomas having duly qualified as Judge: called said cause for trial, the said plaintiffs as above set forth appeared and the said defendants to wit: Henry A. Cook and Geo Barnhart Simpleman who is sued as the Administrator of Thos Eborn died, by their attorneys Hancock and Dulley and announced themselves ready for trial, and thereupon the parties having waived a jury submitted all the matters of law and fact to the Judge, and he having heard the pleadings and evidence adduced. it appearing to the court that both the law and facts are with the defendants A. A. Cook and Geo B Simpelman admr. as aforesaid It is considered ordered and adjudged by the court that the said plaintiffs Ellen. C. Hunton and husband Thomas Hunton, Laura W. Korfoot. Henry. D. Korfoot, F. Howard Korfoot Ida. C. Korfoot and D. Korfoot take nothing by their said suit: and that the defendants aforesaid go hence without day and recover of the above named plaintiffs and the sureties on their cost bond D. C. Freeman & R. S. Rust all the costs of suit, for which execution may issue—
The foregoing Bill having been examined in open court and found correct is hereby approved— D. E. Thomas Special Judge

Court adjourned till tomorrow morning 9 O'clock.

February 3rd 1883.

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

5949 John. H. Pope vs Capitol State Fair Association and Lewis and Christian. } On motion of plaintiff attorney it is ordered by the court that the judgment heretofore rendered in this cause on the 5th day of

January 1883. be and the same is hereby set aside, thereupon came Lewis & Christian and file their answer herein and ask judgment over in their favor as endorsers on the note sued on in this cause. and the case being again called for trial came the plaintiff John H. Pope by his attorney, and the defendants Lewis & Christian by their attorney but the defendant the Capitol State Fair Association failed to appear and answer in this behalf but wholly made default. And it appearing to the court that the cause of action is liquidated and proved by an instrument in 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 $1962.59 in American Gold Coin as interest; and the principal of the note sued on $4000.00 in American Gold Coin. making a total of ($5962.59) five

February 3d 1883

thousand nine hundred and sixty nine 59/100 dollars. It is considered and adjudged by the court that the said Plaintiff John H. Pope do have and recover of and from the said defendants the Capitol State Fair Associa-tion and Simon Loomis and Edward Christian the sum of Five thousand nine hundred and sixty nine 59/100 dollars. in American Gold Coin. with interest from this date until paid at the rate of ten per cent per annum together with all costs in this behalf incured for which execution may issue, And it appearing to the Court that Simon Loomis and Edward Christian are indorsers on the note sued on in this case. It is further ordered by the Court that plntff have and recover Judgment over against this said principal The Capitol State Fair association any amount they may pay on this judgment for which they may have execution.

T. H. Miller Et Al vs Joseph Geamans et al

And now comes the plaintiffs by attorney and moves the Court to confirm the report of the Commissioners heretofore appointed to partition the property sit out in Plaintiffs pitition, and that an order be made to sell the property in accordance with the recommendations of said report. said report is as follows. "T. H. Miller et al vs Horace Geamans et al. In Dist Court of Travis County Texas. 5853

To Hon A. J. Walker Judge of the 16th Judicial District of Texas holding sessions at Austin

Your Commissioners. John E. Campbell. J. N. Colt II and W. Von Rosenberg. heretofore by an order and decree appointed to divide and partition that certain tract of land situated in the County of Travis and State of Texas, patented to the heirs of Benjamin Nightman on the 13th day of February 1880 by patent No 187 Vol 23. 1st Class. containing 177 acres and described by metes and bounds as follows: Beginning at the S. W. corner of survey No 56 for I & G. N. R. R. Co. Md on N line of Robt Mayo cor. Thence N 39. E. 1430 vrs make a pile rocks. Thence S. 60° E 478 vrs set stake on W. line W. cor ash. Thence N 18° W 394 vrs to N W cor same alone mound. Thence S. 73 W 225 vrs to S. E cor of Anthos Pre claim. Thence S 50° W 830 vrs to S W cor same alone mound. Thence N 40° W 800 vrs to stake on W line of same. Thence S 30° W 1018 vrs make pile rocks. Thence S. 60 E. 995 vrs to beginning; beg leave to report that the tract of land aforesaid (which is well known to John E. Campbell one of these Commissioners) is of but small value probably not more than one dollar per acre, and is in such a shape that if it was to be divided into portions as directed by the aforesaid order and decree. Viz: 1/4 to T. H. Miller 1/4 to W. A. H. Miller and 1/6 to Horace Geamans and 1/6 to Eschu. W. Baxter and 1/6 to Joseph Geamans it would make each of said shares or portions in such a shape and such size, that such portions would be practically of no value - Your Commissioners therefore report that in their opinion a fair and equitable division of said tract of land cannot be made, they therefore recommend that said tract of land be sold for cash, as under execution, and that the proceeds of such sale be divided between the several owners thereof in the proportion as set out in the aforesaid order - and decree. W. Von Rosenberg -

February 3d 1883.

Jno. E. Campbell Commissioner."
Sworn to and subscribed before me January 29th 1883.
Jas R Hatchell Clk.

It is therefore ordered by the Court that said report be received affirmed and confirmed in all things, and further ordered that an order of sale do issue directed to the Sheriff or any Constable of Travis County commanding him to advertise and sell said above discribed track of land as under execution and the proceeds thereof be return into Court to be partitioned among the parties in interest after deducting costs of suit, as follows: 1/4 to T. A. Miller 1/4 to W. A. A Miller 1/6 to Horace Yeamans. 1/6 to Joseph Yeamans and 1/6 to Estine M. Baxter.

Court adjourned till Monday Morning 9 o'clock

February 5th 1883

Court met pursuant to adjournment. Present same as on first day and there being no civil business to be recorded of this date Court adjourned till tomorrow Morning 9 o'clock.

February 6th 1883

Court met pursuant to adjournment. Present same as on first day whereupon there being no civil minutes to be recorded of this date Court adjourned till tomorrow Morning 9 o'clock.

February 7th 1883.

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

0967 The State of Texas vs P. A. Hunter et al. Upon motion of Plaintiffs attorney it appearing to the Court that this case has been settled and costs paid. It is ordered that this case be and the same is hereby dismissed. Court adjourned till tomorrow Morning 9 o'clock

February 8th 1883

Court met pursuant to adjournment. Present same as on first day. and there being no Civil minutes to be recorded of this date Court adjourned till tomorrow Morning 9 o'clock

February 9th 1883

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

5863 J. R. Morgan vs M. E. Morgan. It is ordered by the Court that Plaintiff have leave to file 1st amended original petition and first supplemental petition

Court adjourned till tomorrow Morning 9 o'clock

February 10th 1883

Court met pursuant to adjournment. Present same as on first day. whereupon the following proceedings were had viz:

February 10th 1886

Hume Bros. vs Wm Hudson et al — Upon motion of plaintiffs attorney it is ordered by the Court that this cause be and the same is hereby dismissed at plaintiffs cost. It is therefore ordered by the Court that the plaintiff Hume Bros. and the sureties on their injunction bond to wit: Jno A. Robinson & Jeff A Robinson pay all costs in this behalf incurred for which execution may issue. 5955

Alice Pyle et husband vs G. N. R. R. Co. et al / M. P. Ry Company — And now on this day coming on to be heard the motion of the plaintiffs for a new trial in this behalf, and said motion having been duly considered and fully understood by the Court overruled, to which ruling of the Court the plaintiffs by attorney in open Court excepts. 5847

John C. Alexander vs James R. Alexander et al — On this 10th day of February 1883 in reading and filing the report of Wm Von Rosenberg and J. H. Collett Commissioners appointed to make sale and partition between said parties of the lands and premises in question, which report is as follows: 5861

John C. Alexander vs James R. Alexander et al — Pending in the District Court of Travis County Texas. No. 5861

In pursuance of a decree rendered by the Honorable District Court of said County and State on the 28th day of November 1882 and an order of sale thereon issued by the Clerk of said Court on the 5th day of December 1882 the undersigned Commissioners appointed by this Court for such purpose, did on the 7th day of December 1882 duly advertise the following described property belonging to the four estates of Wm Alexander died to wit: the same being situate in the City of Austin, County of Travis and State of Texas and known as lot No seven (7) in Block eighty three (83) and Lot No seven (7) in Block ninety eight (98) together with all improvements thereon: and thereafter to wit: on the 1st Tuesday in January A D 1883 the said property was exposed to public sale, at the door of the Court House of said Travis County and the same was bid off by D. D. Atchison Junior for and in the name of James. R. Alexander, Thomas. B. Alexander and Francis B. Atchison, at the following prices and for the following sums:

Lot No 7 in Block 98 at $1275.00

Lot No 7 in Block 83 at $550.00

Your Commissioners further respectfully report that said advertisement and said sale were, in all things made in strict compliance with the directions of said decree and order of sale and in conformity with law, the necessary notice of 20 days by public advertisement in three public places in said County one of which was at the door of the Court House thereof having been made and in other respects the requirements of said decree and order of sale were followed and obeyed. But your Commissioners further report, That neither the said Jas R. or Thomas. B. Alexander or Francis. A. Atchison, or the said D. D Atchison Junior have paid the amount of said sales or either of them, and said persons still fail to pay the same. Your

57

February 10th 1883

Commissioners Courtfor do not ask for a confirmation of said sale, but submit to Your Honor the facts for such action as your Honor may deem right and proper in view of the premises. The said order of sale is hereto attached marked Exhibit "A"

W Von Rozenberg
J. H. Collett.

Sworn to and subscribed to before me by W. Von Rozenberg and J. H. Collett Feby 8th 1883. Jas R Hall Clk.

It is ordered on motion of the attorneys for the plaintiff and defendant that said sale be and the same is hereby set aside.

And it is further ordered that Wm Von Rozenberg and J. H. Collett Commissioners as aforesaid sell said premises, that said Commissioners publicly advertise said property for at least ninety (20) days successively and sell the same at public auction for cash in hand to the highest bidder at the Court House door of the County of Travis on the 1st Tuesday (6th day) of March 1883 between the hours of 10 A.M. and 4 P.M. at auction, said property being described as follows. Lot No 7. known as Block No ninety eight and Lot No seven in Block (83) Eighty three with all improvements thereon, said advertisement to be by posting up printed or written notices thereof at three public places in said County of Travis one of which shall be at the Court house door of said County for 20 days previous to said day of sale, stating in such advertisement the time, place and terms of making said sale, It is further ordered that said Collett and Von Rozenberg Commissioners make a report of this proceedings hereunder and do return into this Court the proceeds of said sale to the end that if no objection be made thereto, the sale or sales made by them in pursuance thereof may be confirmed by this Court and the proceeds thereof divided among the parties thereto entitled

Court adjourned till Monday Morning 9 oclock

Monday February 12. 1883.

Court met pursuant to adjournment. Present same as on first day Whereupon the following proceedings were had. there being no civil minutes to be recorded of this date Court adjourned till tomorrow morning 9 oclock.

February 13th 1883.

Court met pursuant to adjournment, Present same as on first day, Whereupon the following proceedings were had viz:

5788 M A. Taylor et al vs Augusta Ekstrom et al

And now come the plaintiff in this cause by their attorneys and ask to dismiss this cause as to defendants Augusta Ekstrom Augusta Anderson, Augusta Dorman, Augusta Johnson and Isaac Busby. It is therefore ordered adjudged and decreed by the Court that said plaintiff take nothing by this suit as against said named defendants that this suit be dismissed as to them, and that they go hence without day. And it appearing to the Court that the matters in

February 13th 1883

controversy between said plaintiffs and defendants David E. Speight J. W. Groome, J. W. Earnest and his wife Jane Earnest and A. G. Smith and his wife L. F. Smith relates to a question of boundary between the lands claimed by said plaintiffs and said last named defendants and that said parties by their agreement on file have settled among themselves said questions of boundary which is asked to be made the basis of a decree herein: it is therefore further ordered adjudged and decreed by the Court the boundaries of the land of said plaintiffs are hereby declared and established as follows: beginning at a point on the North boundary line of the James Burleson Headright League which is a common corner for both the Lucas Manor and W. H. Saunders survey: Thence N 30° E. Variation 10¼° East 2417 varas to a stone pile which is the South West corner of the said Jane Earnest's tract of land and which stone pile is at a point 3 varas outside of said Earnest fence, Thence S 60° East variation 9° East with the South boundary lines of defendants Earnest, Smith and Groome 2056 varas to a stone pile which is the South East corner of said Groome's tract of land, this corner being outside of the fence of said Groome and situated N 30° E. 14 varas distant from an old stone mound: Thence S 30° West variation 10¼° East 1087 varas to a corner: Thence S 60° East 30¼ varas to the West boundary line of the P. McElroy League: Thence S 30° W with said McElroy line variation 9° East 1309 varas to the N. E. corner of said James Burleson League Thence N 60° W. with the North line of said Burleson league 2056 varas to the place of beginning: said lines of said land of plaintiffs having been run out and surveyed by the Surveyor Dennis Cowan in January 1883. and it is further ordered adjudged and decreed by the Court that said plaintiffs be vested in their title and possession to said land embraced within said boundaries as against said defendants Smith, Earnest, Groome and Speight and that said last named defendants be divested of all right and title to said lands embraced within said boundaries: and that said defendants Earnest Smith and Groome be forever vested in their right and title to the lands claimed by them respectively adjacent to and North of said tract of land of plaintiffs, and that said plaintiffs be divested of all title to the lands claimed by said Smith, Earnest and Groome North of the North line of said tract of land of said plaintiffs, And it is further ordered and adjudged that said plaintiffs pay all the costs of this suit for which execution shall issue.

Anthony Burdett vs Laura Burdett. } This cause being this day called for trial came the plaintiff by attorney and announced ready for trial but said defendant came not although duly served with process in this cause but wholly made default. Whereupon the Court the trial to proceed, and the Court having heard the evidence and pleadings in the cause and being of the opinion that the material allegations in plaintiffs petition contained are true doth order adjudge and decree that the bonds of matrimony heretofore existing between

February 13th 1883

the plaintiff Anthony Burdett and the defendant Alice Burdett be and the same are hereby forever discharged.

Court adjourned till tomorrow morning 9 o'clock

February 14th & 15th 1883.

Court met each of the above days pursuant to adjournment. Present same as on first day and there being no civil Minutes of either date to be recorded, Court adjourned till tomorrow morning 9 o'clock.

February 16th 1883

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

5790 Virginia Nilon &al vs F. J. Whitehead Continued by Plaintiff.

5827 Sarah A. & Nyhus vs W. S. Lee &al. Set for February 23d 1883.

3951 Frank Gildart vs J. H. Raymond & Co. Defendants have leave to file 1st amended original and 1st supplemental answers.

5868 Page McDannell vs Caroline Wahrenberger. On January 22d this cause was continued by consent.

Court adjourned till tomorrow morning 9 o'clock

February 17th 1883.

Court met pursuant to adjournment. Present same as on first day and there being no civil business of this date Court adjourned till ~~to~~ -morrow morning 9 o'clock.

Monday February 19th 1883.

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

3748 John A. Green &al vs Lucinda Raymond. The Mandate of the Supreme Court affirming the judgment in this case having been filed it is ordered by the Court that this case be now dropped from the docket.

5840 H. B. Hillyer vs J. W. Harvey It is ordered by the Court that defendant have leave to file 1st amended original answer and Plaintiff have to file 1st supplemental petition.

Court adjourned till tomorrow morning 9 o'clock

February 20th 1883.

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

944 5840. H. B. Hillyer vs J. W. Harvey } On the 19th day of February 1883 this cause being regularly called for trial came the parties by their attorneys and whereupon came on to be heard defendants exceptions to plaintiffs petition, which exceptions being considered by the Court, were overruled, to which ruling of the Court defendants excepts. and whereupon came on to be heard plaintiffs exceptions to defendants 1st amended original answer which exceptions after being duly considered by the Court were overruled. to which ruling of the Court plff excepts. When both parties announced

Febuary 20th 1883

thereto ready for trial, and thereupon came a jury of seven good and lawful men, (said number having been agreed upon by the parties) who being duly empannelled and sworn according to law, heard the pleadings and evidence and argument of counsel and being duly charged by the Court as to the law retired on this the 20th day of Febuary 1883 to consider of their verdict: and thereafter said jury returned into open Court the following verdict: to-wit: "We the jury make a verdict in favor of plaintiff for the sum of $196.00 Feby 20/83. P. M. Curry Forman" It is therefore considered ordered & adjudged by the Court that the plaintiff A. B. Killgore do have and recover of the defendant J. W. Fanning the sum of One hundred and ninety six dollars and all costs in this behalf incurred for all which he may have his execution.

The State of Texas vs S. M. Strayhorn et al Continued by Consent. 5595

John Burdon Guard &c vs Ed Cleary sheriff et al. Passed to end of entire docket. 5690

The State of Texas vs W. R. Edwards et al Passed to Feby 23rd 1883 5774

J. R. Morgan vs M. E. Morgan Continued on affidavit of Plaintiff 5863

Frank Gildart vs J. H. Raymond & Co. Set for Feby 26 1883. 5951

Court adjourned till tomorrow morning 9 oclock

Feby 21st 1883

Court met pursuant to adjournment. Present same as on first day and there being no civil business transacted of this date. Court adjourned till tomorrow morning 9 oclock.

Febuary 22d 1883

Court met pursuant to adjournment, Present same as on first day, Whereupon the following proceedings were had viz:

Foster & Co vs W. S Lee et als { And now on this day came the plaintiff by attorney and moves the Court to dismiss this cause at defendants 5703
costs. And it appearing to the Court from the Statement of A. P. Woodridge atty for Plaintiff that this cause had been settled between the parties it is therefore ordered by the Court that this cause be and the same is hereby dismissed and that said plaintiff recover of the defendant all costs in this behalf expended for which they may have their execution, it is further ordered by the Court that the money raised from the sale of the goods of the defendant by order of this Court. Which was attached and sold by Ed Cleary sheriff of Travis County less the costs of this suit is ordered to the defendant which is accordingly done as per receipt in the execution docket of this Court.

Smith & Nelms vs W. S & A K Lee. { And now on this day came the parties to this suit and on motion of plaintiffs attorney and by agreement of the parties it is ordered by the court that this cause be and the same is hereby dismissed at cost of the defendant, the cause having been settled between the parties. It is further ordered by the Court that defendant have leave to withdraw the papers filed in this cause. 5827

February 22nd 1883.

Court adjourned till tomorrow morning 9 oclock

February 23d 1883.

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings were had viz:

5774 The State of Texas vs W. R. Edwards et al Continued
5809 Wm E. Smith vs D. G. & S. F. R. R. Co. Continued by consent.

Court adjourned till tomorrow morning 9 oclock

February 24th 1883

Court met pursuant to adjournment. Present same as on first day. and there being no civil minutes to be recorded of this date Court adjourned till Monday Morning 9 oclock

February 26th 1883

Court met pursuant to adjournment. Present same as on first day Whereupon the following proceedings were had viz:

5954 Frank Gildart vs J. H. Raymond & Co. Set for March 26th 1883.

Special Judge Hon David Sheets presiding the following proceedings were had viz:

5767 C. A. Richmond et al vs R. A. Richmond — It is ordered by the Court that defendant have leave to file 1st supplemental answer and plaintiff have leave to file 1st supplemental petition.

5767 C A Richmond vs R A Richmond. It is ordered by the Court that defendant have leave to file 2d supplemental answer. and Plaintiff has leave to amend. and case continued

David Sheets. Special Judg.

Court adjourned till tomorrow morning 9 oclock

February 27th 1883.

Court met pursuant to adjournment. Present same as on first day, and there being no civil minutes of this date to be recorded. Court adjourned till tomorrow morning 9 oclock.

February 28th 1883.

Court met pursuant to adjournment. Present came as on first day. Whereupon the following proceedings were had viz:

5836 Wm Bruggerhoff vs Frank Goldberg — And now on this day this cause coming on to be heard, and it appearing to the Court that citation by publication for the defendant herein was regularly issued on the 12th day of August A D 1882, and that said citation, with a brief statement of contents of the plaintiffs petition were duly published for four successive weeks in a certain newspaper known as the "Austin Wochenblatt" published in the City of Austin, Travis Co Texas, beginning on the 19th day of August A D 1882, and ending

2 x Book 5 pag. 122

February 28th 1883.

on the 9th day of Sept 1882 inclusive, before the October term A.D. 1882 of this court. And thereupon came the parties by their attorneys C. D. Johns Esq having been appointed by the Court to represent the defendants and announced themselves ready for trial and no jury being demanded by either party, the matters of fact as well as of law were submitted to the court - The Court having heard the demurrer of the defendant to plaintiffs petition and the argument of Counsel thereon, and being of opinion that the law is with the plaintiff, the demurrer is overruled. And it further appearing to the Court that the defendant Frank Goldberg did on the 27th day of January A.D. 1877, for a fair and valuable consideration execute and deliver to F. Schiffer and Sophie Schiffer his certain promissory note in writing for the sum of $117.50 with interest at the rate of 12 per cent per annum from date, due and payable ten months after date, the same being part of purchase money for a certain tract of land sold by said F. Schiffer and Sophie Schiffer to said Frank Goldberg on said January 27th 1877. by deed of conveyance of said last named date recorded in Book 36 page 590 of the records of Travis County Texas, and described in said deed and in plaintiffs petition as follows: to wit: All that tract or parcel of land, lying and being situate in the City of Austin, County of Travis and State of Texas, being part of a tract of land bought by F. Schiffer from Mrs Letitia C. Illingsworth and described and bounded as follows, to wit: Beginning at the Outer Stone Wall about 1½ feet N 53° E from a live Oak tree 18 in dia, Thence N 53° E 400 feet to the Centre of Shoal Creek, Thence S 18½° E. 430 feet in the Centre of said Creek. Thence S 6° W 90 feet in centre of Creek, Thence S. 81° W. 290 feet to a Smith in centre of deep water in said Shoal Creek. Thence N 28° W 341. feet to the place of beginning, containing by estimation three and forty three hundreths (3.43/100) acres of land.

And it further appearing to the Court that said F. Schiffer and Sophie Schuffa did on the 11th day of Jan 1879 by their written indorsement and signature on the back of said Note for a fair and valuable consideration, transfer assign and convey the same to the plaintiff Wm Bruggerhoff, whereby he became and is the legal owner and holder thereof, and whereby the said defendant Frank Goldberg is now legally and justly indebted to plaintiff in the sum of $203.28/100 dollars with the rate of interest at 12 per cent per annum as stipulated in said note, and that the same is due and unpaid.

It is therefore considered and adjudged by the Court that the plaintiff Wm Bruggerhoff do have and recover of and from the said defendant Frank Goldberg the said sum of $203.28/100 dollars with interest thereon from the date of this judgment at the rate of 12 per cent per annum together with all costs in this behalf expended and incurred,

And it is further ordered and decreed by the Court that the Vendors lien as it existed on the 27th day of January 1877 upon the above described and mentioned tract of land be and the same is hereby declared established and foreclosed: and that the Clerk of this Court

February 28th 1883.

do issue an order of sale directed to the Sheriff or any Constable of Travis County Texas, Commanding him the said officer to seize and sell said land as under execution, and that he appropriate the proceeds of said sale when so made to the payment of the principal interest and costs of this judgment, And should said land sell for more than enough to satisfy this judgment in full, then said officer shall pay over all such excess to the defendant Frank Goldberg, And it appearing to the Court that the residence of said defendant Frank Goldberg is unknown and that he has been cited by publication and C. D. Johns Esq having been appointed to represent him. it is ordered by the Court that he be allowed a fee of $15.00 as attorney for defendant to be taxed and paid as other costs.

Samuel Faudberger }
vs. } And now on this day this cause coming on
Jno. D. and Lucy Elliott } for trial, and it appearing to the Court that
5834 citation by publication herein for the defend-
& Dock 5 ant was regularly issued on the 10th day of August A.D 1882, and
page 122 that said citation containing a brief statement of the plaintiffs cause of action as stated in his petition on file in this cause was duly published for five consecutive weeks in a newspaper known as the "Daily Dispatch" published in the City of Austin Travis County Texas, beginning on the 13th of August A.D 1882 and ending the 10th day of September A.D 1882 inclusive, before the October term of this Court A.D 1882, Thereupon came the parties by their attorneys. C. D. Johns Esq having been appointed by the Court to represent the defendants) and announced themselves ready for trial, and no jury being demanded by either party the matters of law as well as of fact were submitted to the Court, And the Court having heard the demurrer of defendants to plaintiffs petition and argument of counsel thereon, and being of opinion that the law is with the plaintiff the demurrer is accordingly overruled,

And it further appearing to the Court that the defendant Lucy Elliott formerly Lucy Gibbons is justly indebted to the plaintiff in the sum of $348.00 and the further sum of $20.00 as attorneys fee, and that said amount is evidenced by the promissory note in writing of the said Lucy Elliott for the sum of $200.00 signed by her under her former name of Lucy Gibbons dated and executed, on the 30th day of April A.D 1877. due and payable five years after date to the order of Jas. M. Swisher with interest at the rate of 10 per cent per annum from date and an additional 10 per cent for attorneys fee in case of collection by suit, interest payable annually and if not paid when due to become part of the principal and bear the same rate of interest, Which said note was by the said Jas. M. Swisher and on E. M. Shands assigned conveyed and endorsed for a full and valuable consideration by them written endorsements on the back thereof over to plaintiff. Whereby he became and is now the legal owner and holder thereof. and that the same is wholly due and unpaid,

And it further appearing that said note was executed to secure the pay-

February 28th 1883.

-mich of the purchase money of the following described track of land to wit: The west quarter of lot No 1 C. of Swisher addition to the City of Austin in Travis County Texas excepting Lot of 49½ feet front by 140 feet deep out of said the fourth of said lot one C. the lot above excepted is described as follows: to wit: "A lot beginning at the N.W. corner of lot one C. thence E. with N line of lot one C. 49½ feet, Thence S and par-allel with W line of said lot one C 140 feet, Thence W. parallel with N line of said lot 49½ feet, Thence N with W. line of said lot 140 feet to the beginning, It is therefore considered adjudged and decreed that the plaintiff Samuel Feidberger do have and recover of and from the de-fendants Lucy Elliott the said sum of $348.00 to draw interest at the rate of 10 per cent per annum from the date of this judgment, and the further sum of $20.00 to draw interest at the rate of 8 per cent per annum from the date of this decree together with all costs in this behalf expended and incurred. And it is further ordered adjudged & decreed by the Court that the vendors lein as it existed on the 30th day of April AD 1877 upon the above and foregoing described property and the same is hereby declared established and foreclosed, and that the Clerk of this Court do issue an order of sale of the same directed to the Sheriff or any Constable of Travis County Texas, com-manding him the said officer to seize, and sell said land as under execution and that he appropriate the proceeds of said sale when so made to the payment of the principal interest and costs of this judg-ment, and should said land sell for more than enough to satisfy this judgment in full, then said officer shall pay all such excess to the defendant Lucy Elliott.

And it appearing to the Court that the defendants are non residents of the State of Texas, and that they have been duly, regularly and legally cited by publication to answer plaintiffs petition herein, and E. D. Johns Esq having been appointed by the Court to represent said defendants, it is therefore ordered by the Court that he be allowed a fee of $15.00 to be taxed and paid as other costs.

Court adjourned till tomorrow morning 9 o'clock.

March 1st 2nd and 3d 1883.

Court met each of the above dates, pursuant to adjournment. Present same as on first day. and there being no civil business of either of the above dates transacted Court on the evening of the 3d inst. adjour--ned till Monday morning 9 o'clock.

March 5th 1883

Court met pursuant to adjournment. Present same as on first day Whereupon the following proceedings were had viz:

The State of Texas } On the 5th day of March AD 1883 the above
vs } styled cause came on to be tried. the parties ap- 5906
R. A. Harris et al } -peared by their respective attorneys and announ-
-ced themselves ready, and the Court after hearing the evidence and

3 Received payment of this judgment in

March 5th 1883.

3 Received payment of this judgment in full in this cause from C. R. Breedlove this March 5th 1883 - Orville Carlton Atty for State

pleadings in the cause is of opinion that the defendants in said cause are indebted to the State of Texas in the sum of $316.25. It is therefore considered by the Court that the State of Texas do have and recover of and from the defendants, R. A. Harris, Samuel Stone, C. R. Breedlove James A. Hoch and Lyddleton Smith the sum of three hundred and sixteen 25/100 ($316.25) dollars and all costs of this suit for which execution may issue.

Court adjourned till tomorrow morning 9 o'clock

March 6th 1883.

Court met pursuant to adjournment. Present same as on first day whereupon there being no civil minutes of this date, Court adjourned till tomorrow morning 9 o'clock.

March 7th 1883.

Court met pursuant to adjournment, Present same as on first day whereupon the following proceedings were had viz:

5861 John. C. Alexander
vs
James. R. Alexander
Thomas B. Alexander
Francis A. Atchison

} On this 7th day of March 1883 on filing and reading the report of J. H. Coll. H and Wm Von Rosenberg Commissioners appointed to make partition between the said parties of the lands and premises in question and which said report is as follows,

John. C. Alexander
vs #5861
Jas. R. Alexander et al

} In Travis Co Dist. Ct.

We J. H. Coll. H and Wm Von Rosenberg Commissioners appointed by the District Court to make partition of the lands and premises in question in the above entitled cause, between the parties thereto, do certify and return to the said Court, that in pursuance of the authority and directions to us given in the premises and by virtue of the order of sale directed to us and hereto attached as Exhibit "A" we did on the first Tuesday the 6th day of March A.D. 1883 between the hours of 10 o'clock A.M. and 4 P.M. at the Court House door of the County of Travis in the City of Austin Texas expose to sale at public auction all the property in said order of sale mentioned to wit: Lot No (7) seven in Block No (98) ninety eight and lot No (7) seven in Block No (83) eighty three situated in the City of Austin Travis County Texas, and did sell said lot No (7) seven in Block No (98) ninety eight at such auction for the sum of one thousand one hundred and fifty dollars being the highest sum bid for the same, to Mrs F. A. Raymond, she being the highest bidder therefor; and we sold said lot No (7) seven in Block No (83) Eighty three, at such auction, for the sum of Four thousand five hundred and seventy five dollars, being the highest sum bid for the same, to E. T. Moore, he being the highest bidder therefor.

9061 And we do further certify that due Notice was previously given as-

March 7th 1883

cording to law of the time and place of such sale, by posting up written Notices thereof in three public places in said Travis County, one of which was the Court House door of said County, stating in said advertisement the time place and terms of said sale, and property to be sold, and the herewith return into Court the proceeds of said sale to wit: the sum of Five thousand seven hundred and twenty five dollars.

J. H. Collett
W. Von Rosenberg

Sworn to before me by J. H. Collett and W. Von Rosenberg this 7th day March 1883 Jas P. Hart Clerk D.C.T.C.

It is considered ordered adjudged and decreed by the Court (the plaintiffs hereto not objecting) that said sale be and the same is hereby approved and confirmed, and that the said Commissioners execute conveyances to the said Mrs. F. A. Raymond, and the said E. T. Moore for the premises sold off by them respectively, to wit: to the said Mrs. Raymond Lot No 7 in Block No 98, and to the said Moore lot No 7 in Block No 83 and all improvements,

And it is further ordered that the costs and expenses of the proceedings in this suit including the sum of $108.00 to said Commissioners as compensation for making said sale. and also the sum of one hundred and sixteen 30/100 dollars for taxes for the year 1882. and ninety three dollars and four cents for taxes on lot No 7 Block 83 for the year 1883. be deducted from the proceeds of said sale and that the remainder of said sum be divided between said parties to this suit; share and share alike and the same paid over to said parties respectively or to their attorneys of record, on their filing in Court in this case the proper receipts therefor, and it is further ordered that said sum reserved to pay for 1882 be returned to the purchaser to be by him applied to the payment of the taxes aforesaid, and said sum reserved to pay taxes on said lot No 7 Block 83 for the year 1883. be paid over to the purchaser of said lot

Austin March 7th 1883.

Jno C. Alexander.
vs $5861.
Jas R. Alexander et al

Received of J. P. Hart Clk Dist Ct the sum of Thirteen hundred and forty six 06/100 ($1346.06) dollars in payment of Jno. C. Alexander's one fourth (1/4) interest in the proceeds of sale of lots No 7 Bl. 83. Lots No 7 Blk 98. less $340.74 for sum costs, Taxes and Clerks costs —

	Amt. proceeds of sale	$5725.00
Sum. Costs —	108.00	
Taxes	209.34	340.74
Ct Costs	23.40. =	5384.26
	Bal divided between 4 persons	5384.26

and 1/4 of this amount, or $1.346.06 is owed from J. P. Hart clerk as the interest of Jno. C. Alexander [illegible] in above suit.

signed Maxey & Fisher
Atty's for Jno. C. Alexander

March 7th 1883

Austin March 7th 1883.

Recived Austin Texas of James P Nash Distrch Clerk of Travis County the sum of Four Thousand and thirty eight dollars and eighteen cents in payment of the one fourth interest each of James. R. Alexander Thomas B. Alexander and Francis A Atchison being in all (3/4) three fourth of the procedes of sale of lots No (7) seven in Block (83) and lot No (7) seven in Block No ninety eight Austin city Travis County Texas sold under decree of said Distrch Court in the partition suit No 5861 of John C. Alexander vs James. R. Alexander et al this term being the amount due said parties under said sale less $108 cents to Commissions. $209 34/100 taxes and $23 40/100 costs

signed D. A. Posey
Atty for Defts
James R. Alexander
Thomas. B. Alexander &
Francis A Atchison.

Recived Austin Texas March 7th 1883. of Jas. P. Nash Clerk of the District Court of Travis County Texas the sum of ninety three & 04/100 dollars amount of taxes for 1883 on Lot 7. in Block 83 in the City of Austin in accordance with the decree of said Court of this date in the case of John C. Alexander vs Jas. R. Alexander et al No 5861

signed E. T. Moore

Recived Austin Texas March 7th 1883 of Jas P Nash Clerk of the District Court of Travis County Texas the sum of one hundred and six teen & 30/100 dollars amount of taxes for 1882 on lot 7 in Block 98 and lot 7 in Block 83 in the city of Austin in accordance with the decree of said court of this date in the case of John. C. Alexander vs Jas R. Alexander et al No 5861.

signed E. T. Moore
signed J. N. Raymond Jr.

3842 Adolph Dohme et al vs Ann N. Jones et al } When Motion of Plaintiff it is ordered by the Court that this cause be and the same is hereby dismissed.

Court adjourned till tomorrow Morning 9 oclock

March 8th 9th 10th 12th and 13th 1883

Court met each day pursuant to adjournment. Present each day same as on first day, and there being no Civil Minutes to record of either of the above dates Court on the morning of the 13th adjourned till tomorrow morning 9 oclock.

March 14th 1883.

Court met pursuant to adjournment. Present same as on first day Whereupon the following proceedings were had Viz:

5853 J. N. Miller et al vs Horace Yeaman et al } And now on this day came on to be heard the Motion of the Plaintiffs filed in this cause to approve the report of the Sheriff of Travis County Who was heretofore on the 3d day of Feby 1883 appointed by the Court to sell the property as under execution in Attorney in this suit

March 14th 1883

which report is as follows: "Came to hand Feby 9th 1883 and executed the same day by advertising the within described tract of land for sale on the 1st Tuesday (6th day) of March 1883 by posting up written notices of such sale at three public places in the County of Travis one of which was at the Court House door of said County for thirty days previous to said day of sale, and on said 1st Tuesday (6th day) of March 1883 between the hours of 12 M. and 4 P. M. I offered said property for sale at public vendue at the Court House door to the highest bidder for cash. When Thos. H. Miller bid the sum of ($55.00) fifty five dollars for said land and that being the highest and best sum bid offered. said property was knocked off to said Miller, and he having paid said sum of ($55.00) fifty five dollars, I herewith return said Money with this order of sale for the further order of this court. M. M. Hornsby Sheff by M. M. Johnson deputy." And it appearing to the Court that said sale is fair and just, and that said price is a fair price for said tract of land it is ordered that said sale be approved and confirmed and that the sheriff make a deed to the said Purchaser for said land. as described in the decree rendered in this case on the 3d day of Feby 1883, and further ordered that the proceeds of said sale after deducting the costs of this suit be distributed between the parties as in interest as provided in said decree,

Court adjourned till tomorrow Morning 9 o'clock

March 15th 1883

Court met Pursuant to adjournment. Present same as on first day. And there being no Criminal Minutes to be recorded of this date Court adjourned till tomorrow Morning 9 o'clock

March 16th 1883

Court met Pursuant to adjournment. Present same as on first day. Whereupon the following proceedings were had viz:

J. Franklin Trippe } State of Texas. County of Travis.
Ex parte. } In the District Court of Travis County Texas

January Term A D 1883. At a District Court in and for Travis County held at the Court House in the City of Austin in said County. J. Franklin Trippe made application for permanent license to practice as an attorney and counsellor at law in the District and all inferior Courts of the State of Texas, and having produced the certificate of the Clerk of the Supreme Court of the State of New York, certifying that said J. Franklin Trippe was admitted as an attorney and counsellor of the Supreme Court of said State, and he having been introduced to this Court by Wm P. Gaines and A. W. Jackson Jr Esqs. practicing attorneys of this Court, as a man of good moral character and honorable deportment. and he having taken the oath as required by law: It is ordered by the Court that the said J. Franklin Trippe be and he is hereby admitted and authorized to appear plead and practice as an attorney and counsellor at law in the District and all inferior Courts of the State of Texas for which this shall be his sufficient license

March 16th 1883.

4154 James Family vs J. J. Groo. Com. &c. On the 26th day of February 1883 the mandate affirming this case having been filed. It is ordered by the Court that this case be dropped from the docket.

Court adjourned till tomorrow morning 9 o'clock

March 17th 1883

Court met pursuant to adjournment. Present same as on first day, and there being no civil minutes to record of this date Court adjourned till Monday morning 9 o'clock

March 19th 20th 21st 22nd 23rd 1883.

Court met each day pursuant to adjournment; Present each day same as on first day, and there being no Civil business transacted of either of the above dates, Court adjourned till tomorrow morning 9 o'clock.

March 24th 1883

Court met pursuant to adjournment, Present same as on first day whereupon the following proceeding were had viz:

3723 James Brown vs Lucilia Pinto &al. It is ordered by the Court that the motion of the Clerk for rule for costs in this case be and the same is hereby granted, and further ordered that the Clerk notify the parties to this suit of this order of the Court.

Court adjourned till Monday Morning 9 o'clock

March 26th 1883.

Court met pursuant to adjournment, Present same as on first day, whereupon the following proceedings were had viz:

5957 Frank Gildart vs J. H. Raymond & Co. Ordered that this case be stand until March 28th 1883.

Court adjourned till tomorrow morning 9 o'clock

March 27th 1883.

Court met pursuant to adjournment, Present same as on first day. and there being no civil minutes to be recorded court adjourned till tomorrow morning 9 o'clock

March 28th 1883.

Court met pursuant to adjournment, Present same as on first day whereupon the following proceedings were had viz:

5957 Frank Gildart vs J. H. Raymond & Co, Plaintiff has leave to file 1st Supplemental petition.

Court adjourned till tomorrow morning 9 o'clock.

March 29th 1883

Court met pursuant to adjournment, Present same as on first day, whereupon the following proceedings were had viz:

March 29th 1883

Julia A. Thompson vs W. C. McGinn. This case having been
settled on motion of plaintiffs attorney it is dismissed at plaintiffs 5954
cost

Court adjourned till tomorrow morning 9 oclock

March 30th 1883

Court met pursuant to adjournment. Parties came as on first
day and there being no civil minutes to record of this date Court
adjourned till tomorrow morning 9 oclock

March 31st 1883

Court met pursuant to adjournment; Parties came as on first day
whereupon the following proceedings were had viz:

Charles Klein, Ex parte } United States of America
The State of Texas } Be it remembered that at the District Court 5998
Travis County } for the County of Travis aforesaid. held at the
Court House thereof in the City of Austin on the 31st day of March,
A D 1883. Charles Klein a native of Prussia, exhibited a petition pray-
ing to be admitted to become a citizen of the United States: and it
appearing to the Court that he had declared on oath before the Clerk
of the District Court in and for the County aforesaid on the 24th day
of October 1872 that it was bona fide his intention to become a citizen
of the United States, and to renounce forever all allegiance and fidelity
to any foreign prince, potentate, State or sovereignty whatsoever and
particularly to the King of Prussia of whom he was at that time
a subject; and the said Charles Klein having on oath declared, and
also made proof thereof, agreeably to law, to the satisfaction of the Court
that he had resided one year and upwards within the State of Texas,
and within the United States for upwards of five years, both periods
immediately preceding his application, and that during said periods
of five years he had 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
having declared on oath that he would support the Constitution of
the United States and that he did absolutely and entirely renounce
and abjure all allegiance and fidelity to every foreign prince, potentate
State and sovereignty whatsoever, and particularly to the King of Prussia
of whom he was before a subject; and having in all respects complied
with the laws in regard to Naturalization: Thereupon the said Court
admitted the said Charles Klein to become a citizen of the United
States and ordered all the proceedings aforesaid to be entered on the
records of said Court

Ellen Miller } And now on this day comes the parties plaintiff
vs 5996
Peter Miller } and defendant by their attorneys, and submit to
the court this case upon the pleadings and evidence
on file and it appearing to the court therefrom that the plain-
-tiffs petition is not supported by the evidence. and it further ap

March 31st 1883

-fearing to the Court that the defendant had filed a Cross Petition
in this cause and the material allegations therein being sustained by
the evidence it is therefore ordered by the Court that the defendant be
and he is hereby granted a divorce therein. It is therefore ordered,
adjudged and decreed by the Court that the bonds of matrimony hereto-
-fore existing between the plaintiff Ellen Miller and the defendant Peter
Miller be and the same are hereby forever dissolved - and further
ordered that defendant go hence and recover of plaintiff all costs in
this behalf expended for which execution may issue.

Frank Gildart
vs
J. H. Raymond & Co. } On the 28th day of March A.D. 1883 came
the parties by their attorneys, and thereupon came
a jury of twelve good and lawful men of Travis
County consisting of J. V. Bergen and eleven others who were duly em-
-panelled and sworn according to law to try this cause - and thereupon
came on to be heard the special exceptions and demurrer of defendants
to plaintiffs amended original petition, which exceptions having been duly
considered by the Court was by the Court sustained as to the first
paragraph of said petition - to which ruling of the Court plaintiff
excepts, and the evidence of both parties having been heard from
day to day until this the 31st day of March 1883 when the same
was concluded and said jury duly charged by the Court as to the
law in this case when they retired to consider of their verdict, and
thereafter said jury returned into open Court the following verdict
to wit: "Frank Gildart vs J. H. Raymond & Co. No 5957. In Travis
Co District Court March Term 1883. To Hon A. S. Walker Judge.
We the jury find for the defendants. Jas. V. Bergen Foreman"
and said jury being asked if this was their verdict answered
in the affirmative. It is therefore considered by the Court that
the plaintiff take nothing by his suit and that the defendants recover
of the plaintiff all costs in this behalf expended for which execution
may issue —

Court adjourned till Monday morning 9 oclock

April 2nd 1883.

Court met pursuant to adjournment. Present same as on first day
whereupon there being no civil minutes of this date to record, Court
adjourned till tomorrow morning 9 oclock

April 3rd and 4th 1883.

Court met each of the above dates pursuant to adjournment. Present
each day same as on first day - and there being no civil minutes
of either of the above dates to record Court adjourned till tomorrow-
morning 9 oclock.

April 5th 1883.

Court met pursuant to adjournment; Present same as on first
day. Whereupon the following proceedings were had viz:

April 5th 1883.

Nannie Murphy } On this day came the parties plaintiff and
vs defendant, and the defendant David H. Murphy 5938
David H. Murphy } having filed his written acceptance of service
and waiver of process in said cause and having agreed that the
same should be finally tried on this day, the Court after hearing the
pleadings evidence and argument of Counsel doth find that the defendant
has been guilty of the cruel treatment and outrageous conduct toward
plaintiff as alleged in her petition and that the facts alleged in the
said petition are true, It is therefore considered ordered adjudged and
decreed by the Court that the bonds of Matrimony heretofore existing
between said plaintiff and said defendant be and the same are
hereby forever dissolved, It is further ordered that the plaintiff do have
and recover of the defendant all costs in this behalf expended for
which execution may issue.

Court adjourned till tomorrow morning 9 o'clock

April 6th 1883.

Court met pursuant to adjournment. Present same as on first
day whereupon the following proceedings were had. Viz:

The State of Texas } And now on this day came the plaintiff by her
vs attorneys and moved the Court to dismiss this 5739
F. L. Busch et al. } cause as plaintiff cost. and it appearing to the
Court that the cause of action in this case had been settled by a judg-
-ment rendered at a former day and at the October term of this Court in cause
numbered on the docket 5817. of the State of Texas vs F. L. Busch
et al. in which the amount sued for in this case was settled, It is
therefore ordered by the Court that this case be and the same is hereby
dismissed. and that the defendants herein do have and recover of and
from the plaintiff The State of Texas all costs in this behalf expended
for which let execution issue.

Court adjourned till tomorrow morning 10 o'clock.

April 7th 1883.

Court met pursuant to adjournment. Present same as on first
day whereupon the following proceedings were had viz.:

Frank Sildart } And now on this day came the parties plain- 5951
vs -tiff and defendants by their respective attorneys
J. H. Raymond & Co. } and thereupon came on to be heard the motion
of the plaintiff for a new trial in this behalf, and said motion having
been read and submitted duly considered and fully understood by
the Court was overruled, to which ruling of the Court plaintiff in open
Court excepts and gives notice of appeal to the Supreme Court.
It is further ordered by the Court, that the parties be and they are
hereby allowed ten days after adjournment of this term of the Court
in which to prepare and file a statement of facts in this case.

April 7th 1883.

The State of Texas } The foregoing writs having been read in open
Travis County } Court examined and found correct are hereby
by the court approved and ordered, that said writs stand as a
part of the minutes of the present term of this court, and that this
Court now stand adjourned till the next regular term thereof
April 7th 1883.

A. S Walker,

Judge 16th Judicial Dist of Texas.

May 7th 1883.

The State of Texas } Be it remembered that at a term of the Hon
Travis County } District Court of Travis County begun and holden
at the Court House thereof in the City of Austin on Monday the
7th day of May A D 1883 this being the day fixed by law for the meeting
of said Court: the Hon A. S. Walker Judge of the 16th Judicial District
of the State of Texas presiding. James P. Hill Clerk of said Court
and M. M. Hornsby Sheriff of said County being present. the following pro-
-ceedings were had viz:

R. N. Lane } And now on this day comes the defendant by attorney
vs } and files his motion and moves the Court to make F. W. 5-689½
Wm M. O'Leary } Pattin a party defendant herein. and said motion being
considered it is ordered by the Court that the said F. W. Pattin as Land-
-lord be allowed and he hereby makes himself a party defendant in this
cause as provided under the Statute Article 4810.

In Re } On motion of R. J. Hill Esq it is ordered by the Court
Jno. B. Costa. } that the following resolutions and motion in regard to the 6030.V
death of the Hon Jno. B. Costa be entered of record to wit:

State of Texas } To the Hon A. S. Walker Judge of the Sixteenth Judicial
County of Travis } District of said State.

The petition of R. J. Hill a member of the Bar of said
Court represents: That at a meeting of the Bar of said Court held
on the 28th day of February 1883 certain proceedings were had, a duly
certified record and transcript whereof are hereto attached, in expression
of the sentiment of said Bar upon learning of the death of John Batista
Costa, late a member of this Bar and a practitioner in Your Honors Court:
Wherefore, pursuant to the terms of said proceedings, Your petitioner prays
leave to be heard in due form to make suggestion of the death of said
John Batista Costa, and herewith to present the copy of the proceedings
of the said meeting of the members of the Bar of this Court, and prays
that the same may be recorded at length in the records of this Court
in memory of deceased. R. J. Hill.

"Memorial Meeting of the Bar"

At the District Court room at 2 o'clock P. M. February 28th 1883. a meeting
of the Austin Bar was held. Judge Joseph Lee was elected Chairman and
Dudley S. Wooten Secretary. The Chairman announced the death of Judge
John. B. Costa, and gave a brief outline of his life and character.
A committee on resolutions was ordered and A. P. Bonner. A. S. Walker
and F. W. Chandler were appointed, the meeting adjourned until 9 o'clock
the next day. March 1st the adjourned meeting reassembled business, the com-
-mittee on resolutions reported and the following resolutions were adopted.

Austin March 1st 1883.

Your committee appointed to prepare resolutions expressive of the sense of
this meeting in regard to the death of our late friend and associate at
this Bar John. B. Costa Esq beg leave to report:

That we realize with the profoundest sorrow the personal and professional
loss we have sustained in the death of a laboring accurate and trustworthy
lawyer. a faithful friend, and a pure upright and just man, and

May 7th 1883.

make this sad record of our appreciation of him in this and every relation in life.

John Baptista Costa was born at the City of Sopra La Croce in the Appennines, in the Province of Genoa in 1807. His parents were Giuseppa Costa and Agostina Spadaro. His father was a land lord owning considerable property in the City and vicinity. A liberal education was bestowed upon his big sons. The brother Antonio Costa was a Catholic Priest; eminent for his learning and piety who had under his charge a number of parishes as visitor and supervisor,

3-689 John B. Costa left Italy in 1827, and settled in Fayetteville Arkansas, when he was twenty years of age. In 1838. he married a daughter of Judge D. G. Sneed, At Fayetteville he studied law and for sometime practiced in connection with his father-in-law. In 1848. with his family he removed to Texas and settled at Austin, where he has continued to reside. In 1858 by President Buchanan, he was appointed United States Consul at Nice and important maritime City on the Mediterranean, His love of American institutions and his longing for his adopted home led him to resign his position and return. Before the war he held the office of Chief Justice of Travis County for several terms; in this office his acts mark firm, his character without approach. The people of Travis County revere his name - looking upon him as the standard of a correct, honest and wise Judge.

60 30 For the last sixteen years he has been associated with Messrs Hancock as confidential business manager,

At 12 o'clock at night of February 27th 1883, at the age of seventy five years, with every duty of life fully done, he was called from his labors, He lived and died in the Catholic faith, the church of his fathers, exemplying his faith by his pure life,

Resolved, That although he had reached and passed the period of life usually allotted to man, it is not easy to restrain the expression of a selfish sorrow that he was not spared yet longer upon earth,

Resolved, That in his death society has lost a most worthy member, his friends a cherished Companion, and the profession a approachless brother,

Resolved, That we tender to his bereaved widow and family our heartfelt Condolence with them in their great calamity,

Resolved. That this our action be furnished to the several courts of record in the City of Austin, with request that it be entered in the minutes thereof; that a copy be furnished the newspapers of the City for publication, and that a copy be furnished to the family of our deceased brother,

H. P. Bonnell
A. S. Walker
F. W. Chandler } Committee

By the meeting the following appointments were made to present the resolutions viz: N. G. Shelby to Supreme Court. A. M. Jackson Jr. to Court of Appeals. R. J. Hill to District Court. J. W. Smith to County Judge. and David Shuks to the United States Circuit Court! The following pall bearers were selected! John B. Rector

May 7th 1883

N. G. Shelby, A. S. Walker. O. Arcen. Jonn Eggleton John Donelly Ford Cauldin and Joseph Lee. The Meeting Was adjourned to attend the funeral. Court adjourned till tomorrow Morning 10 o'clock.

May 8th 1883.

Court met pursuant to adjournment; Present same as on first day Whereupon the following proceedings were had. Viz:

Thomas Cassidy Admr. vs R. A. Aldrich Admr. Passed to end of civil docket	1693
Abby Thompson Admx. vs A. H. Barnes & N. Merrill. No counsel appearing continued	2955
Abby Thompson Admx. vs R. A. Richmond. In Supreme Court	2957
Abby Thompson Admx vs George Saunders No Counsel appearing Continued	2958
Abby Thompson Admx vs H. L. Ramm No Counsel appearing Continued	2960
Giles H. Burdill Adm. vs W. R. Burdill et al Passed to end of docket	3030
A. G. Baroagen vs N. & T. C. R. R. Co. Passed to the end of docket and ordered that plaintiff have leave to demand a Jury	4320
John C. Duval et al vs Robt Youngblood et al No Counsel appearing Continued	4795
Richd Coopwood and Andrew E. Caruthers vs William Alexander. This case being this day regularly called for trial and no counsel for either party appearing it is ordered by the court that this case be and the same is hereby dismissed for want of prosecution, and further ordered by the Court that the plaintiff Richd Coopwood and Andrew E. Caruthers pay all costs in this behalf expended for which execution may issue on behalf of the officers of court.	4828
J. R. Ray et al vs Vincent Chambers et al. Passed to end of docket	5274
Ricky Pickett vs Lee Pickett. Passed to the end of the docket	5383
M. C. Hamilton vs James. T. Ellison. No Counsel appearing Continued	5389
Mary A. Smith vs Smith. Borgen & Campbell Continued by consent	5447
Thos. T. Kemp vs Geo Smith. Passed to end of docket	5449
Mary A. Smith vs Smith & Campbell. Continued by consent	5452
Mary A. Smith vs Smith & Shands Continued by consent	5454
Robert Youngblood vs Wm Smith et al. By agreement passed to end of docket	5469
The State of Texas vs Western Union Telegraph Co. Passed for mandate	5490
Lucy A. Field et al vs Thomas A. Field et al Passed to end of docket	5500
John T. Allen vs A. H. Belo & Co. Continued by consent	5521
D. L. Coors et al vs Ella Carter et al. Continued at request of deft no counsel for plaintiff appearing.	5559
J. C. T. Pluess vs Upton Swingley et al. No Counsel appearing Continued	5563
Joe. A. Stewart vs A. H. Belo & Co. Continued by consent	5584
The State of Texas vs N. A. Whatley et al Upon motion of the County Atty and it appearing to the Court that this case had been settled and costs paid it is ordered that this case be and the same is hereby dismissed	5604
The State of Texas vs A. H. McGown et al. Upon motion of the County Atty and it appearing to the Court that this case has been settled and costs paid it is ordered that this case be and the same is hereby dismissed	5620
Julius Zuech et al vs J. T. Blount. Passed to the end of the docket	5652
Lachein Wagoner vs Joseph Wagoner. No Counsel appearing Continued	5677
Richard J. Galloway vs Martha M. Galloway Passed to end of docket	5679

May 8th 1883.

5689 R. N. Lane vs Wm M. Ocsay et al. Set for May 9th 1883.
5692 J. N. Carey vs Augusta Carey. Passed to end of docket.
5693 Martha R. Holbert et al vs Henry Richie et al. Upon motion of plaintiffs ally it is ordered by the Court that this case be and the same is hereby dismissed.
5695 W. H. Bell et al vs E. W. Shands Continued by consent.
5696 W. H. Bell et al vs Ed Williamson Continued by consent.
5784 Christian & Radley vs The Texas Building association et al. Passed to end of docket.
5790 Virginia Nelson et al vs T. J. White et al. Passed to end of docket.
5801 Charles Francis Howe et al. J. Stewart & J. A. Stewart. Passed to end of docket.
5803 A. R. Timmons et al. vs Joe Baron et al No counsel appearing Continued.
5809 Wm E. Smith vs G. H. & S. A. R. R. Co. Set for May 21st 1883.
5838 Sarah E. Pittman vs J. R. Pittman Passed to end of docket.
5845 John Rainey vs Dicey Rainey Passed to end of docket.
5846 W. C. Dewey vs Jas. D. Easton et al. Passed to end of docket.
5848 Joe H. Stewart vs Mc. L. Ragan Passed to end of docket.
5852 Alicia Baker et al. vs S. J. Simson et al. Passed to end of docket.
5857 The State of Texas vs E. T. Moore. Passed to end of docket.
5865 The State of Texas vs Richard A Harris et al. Upon motion of plaintiffs ally and it appearing to the Court that this case has been settled and costs paid it is ordered that this case be and same is hereby dismissed.
5866 The State of Texas vs Richard A. Harris et al Upon motion of plaintiffs ally and it appearing to the court that this case has been settled and costs paid it is ordered that this case be and the same is hereby dismissed.
5867 Menglich. W. Henry et al. vs Frank. D. Henry et al. The clerk of J. B. Costa Commissioner heretofore appointed by the court in this case be and he is hereby appointed by the Court Commissioner and he is authorized to complete the unfinished work of the Court.
5883 N. C. Gullett et al vs Forster & Hanning. Upon motion of plaintiffs ally and it appearing to the court that this case has been settled and costs paid it is ordered by the court that this case be and the same is hereby dismissed.
5885 M. E. Robinson vs Thomas Andrews. Passed to the end of the docket.
5939 Eva A Terry vs Jas A. Terry Passed to the end of the docket
5940 Abit Weir et al vs Felix E. Smith et al Set for May 12th 1883.
5941 Smith & Blackburn vs W. P. Newsome. No counsel appearing Continued.
5962 The State of Texas vs Miller Mark et al Upon motion of plaintiffs attorney and it appearing to the court that this case has been settled and costs paid it is ordered that this case be and the same is hereby dismissed —
5963 The State of Texas vs John J. McCann et al Set for May 21st 1883
5965 The State of Texas vs W. L. Yates et al. Upon motion of plaintiffs ally

May 8th 1883

and it appearing to the Court that this case has been settled and cost paid, it is ordered that this case be and the same is hereby dismissed.

The State of Texas vs John. M. Formoral et al. Upon motion of plaintiffs Attorney and it appearing to the Court that this case had been settled and cost paid it is ordered by the Court that this case be and the same is hereby dismissed. 3966

The State of Texas vs John. P. Kilroy et al. Set for June 25th 1883 3968

The State of Texas vs W. S. Wilkinson et al Set for June 25th 1883 3977

The State of Texas vs W. L. Williamson et al Set for June 25th 1883 3978

L. Balletti vs C. Balletti. Passed to end of the docket 3980

Jas W. Taylor vs M. Day Admt. Passed to end of the docket 3985

A. B. Mayo vs A. & N. W. R. R. Co et al Set for May 28th 1883 6010

E. Cromwell vs A. & N. W. R. R. Co et al Set for May 29th 1883 6011

Wm Bush et al vs Samuel C. Vineyard et al

Now on this the 7th day of May 1883 came on to be heard the application of S. C. and A. W. Vineyard Guardians of the minors Harry, Alex Ferrell, and Lillian Vineyard to have $2457.15 dollars adjudged in their favor in the above entitled cause at the June term 1881 of said Court, this time the amount (after deducting costs adjudged against said minors) deposited with the Clerk of this Court for safe keeping by said judgment:— delivered over to them as the guardians of said minors, and it appearing to the satisfaction of the Court that the said S. C. and Annie W. Vineyard are the legally constituted guardians of the estate of the minors aforesaid by letters issued out of the County Court of Presidio County Texas, and that the said minor Alex-Ferrell Vineyard is the identical minor described in the original judgment in the above entitled and numbered cause as James R. Vineyard; It is therefore ordered adjudged and decreed by the Court that the Clerk of this District Court of Travis County Texas, J. P Nash Esq upon the filing of proper receipts therefor by the said guardians S. C. and A. W. Vineyard pay over to the said guardians the sum of ($2457.15) two thousand four hundred and fifty seven & 15/100 dollars, and further ordered that applicants pay the costs of this motion and entry for which execution may issue. 5260

The State of Texas }
County of Travis } Copy of receipt filed with the papers.

Received of Jas. P. Nash the Clerk of the District Court the sum of ($2457.15) Two thousand four hundred and fifty seven & 15/100 dollars being the same money that was held by the Court in the case of the Methodist Episcopal Church vs Vineyard et al No 5260 in the District Court of Travis County for the minors Harry. S. and J. R. Vineyard whose name of J. R. has been since changed to Alexander Ferrell Vineyard. The said Harry. S. and Alexander Ferrell Vineyard are our children and we have been appointed guardians of the estate of said Children by the Probate Court of San Patricio Co Texas. Witness our hands this the 7th day of May A D 1883.

Attest
Jno R. Rector
F. G. Morris

S. C. Vineyard Guardian
Annie. W. Vineyard guardian
of Harry S. Alex F. & Lillian Vineyard

May 8th 1883.

Court adjourned till tomorrow morning 9 oclock.

May 9th 1883.

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

3966. Mary Clay } And now on this the 9th day of May A D 1883 this
3983. vs } cause came on to be heard in its regular order for trial
Joseph Clay } and the plaintiff appearing by her attorney John Dowell and the defendant failing to appear although duly served and the plaintiff demanding a trial the same was ordered. and the Court after hearing the pleadings and evidence in the cause and duly considering the same was of the opinion the facts stated in plaintiffs petition are true as stated, whereupon it was ordered adjudged and decreed by the Court that the bonds of matrimony heretofore existing between the plaintiff Mary Clay and the defendant Joseph Clay as husband and wife be and the same is hereby severed and this decree of divorce be and is hereby granted, and plaintiff and defendant no longer sustain this relation to each other

1693. Thomas Cassidy Admr. } It is ordered by the Court that plaintiff have
vs } leave to file amended original petition also to
R. A. Smith Admr &al } file 2nd supplemental petition. Also leave granted
Mrs. S. J. Cassidy intervenor to file amended original petition and 2nd supplemental petition.

3689. R. N. Lacy vs Wm M. O'Leary et al, Set for May 16th 1883
3814. David Stewart vs August Knitch. Passed to the end of the docket.
3950. John Groundwater vs City Water Company. The rule for costs heretofore entered in this case not having been complied with. It is ordered by the Court that this case be and the same is hereby dismissed for failure to comply with the rule.
3973. The State of Texas vs Thomas Gilbert et al Upon motion of plaintiffs attorney it appearing to the Court that this case has been settled and costs paid it is ordered that this case be and the same is hereby dismissed.

Court adjourned till tomorrow morning 10 oclock

May 10th 1883.

Court met pursuant to adjournment, Present same as on first day whereupon the following proceedings were had viz:

3790. Virginia Nelson vs T. J. Wheeler et al. Set for July 5th 1883.
3870. Wm A. Myers & Co. vs W. H. Randolph, It is ordered by the Court that Jno. R. Pool Esq an atty of this be and he is hereby allowed to go on Cost bond in this case.

Court adjourned till tomorrow morning 9 oclock.

May 11th 1883.

Court met pursuant to adjournment; Present same as on first day whereupon the following proceedings were had viz:

3844. Rufus Howard vs Martha Howard Set for May 18th 1883.
3850. Elizabeth James vs Philip James. Passed to end of docket.

May 11th 1883.

A. R. Jones vs R. W. Duke et al Passed to end of docket 5851

Thmas. J. Moore et al vs A. N. Burdett et al. This case being this day called 5855
for trial came the said plaintiffs plaintiff and defendants by their attorneys, and by
agreement of the parties hereto plaintiffs dismiss this suit, it being agreed be-
tween the parties that A. N. Burdett pay the defendants pay all costs
in this behalf expended, It is therefore ordered by the Court that this case
be and the same is hereby dismissed, and further ordered in accor-
dance with said agreement that A. N. Burdett pay all costs
in this behalf expended for which execution may issue.

Smith Blackburn vs W. P. Newcome, It is ordered by the court that 5941
the Continuance heretofore entered in this cause be set aside. and case
passed to the end of the docket.

Gottlieb Schumacher } This case being this day regularly called for
vs } trial came the plaintiff by his attorney and an- 5945
Karoline Schumacher } -nounced ready for trial, but the defendant
came not, though duly served with citation pursuant to law, nor filed
answer herein whereupon the Court ordered the trial to proceed, whereupon
the Court after hearing all the evidence introduced and having duly
considered the same is of the opinion that the material allegations
in plaintiffs petition contained are true, it is therefore ordered adjud-
-ged and decreed by the Court in accordance with the prayer of the
petition that the bonds of matrimony heretofore existing between the
plaintiff Gottlieb Schumacher and the defendant Karoline Schumacher
be and the same are hereby forever dissolved, and further ordered that
the defendant pay all costs in this behalf expended for which execu-
-tion may issue.

J. Rosenfield & Co } This case being this day regularly called for
vs } trial came the plaintiffs by their attorney and 5954
M. Davis. } announced ready for trial, but the said defendant
came not although duly cited by citation according to law, but wholly
made default, Whereupon said plaintiffs ought to recover of said defen-
-dant their damages by occasion of the premises. And it appearing
to the Court that plaintiffs cause of action is based upon a sworn
account for the sum of $75.89 5/100. It is therefore ordered adjudged and
decreed by the Court that the plaintiffs Daniel Burchardt and Julius Rosen-
-field under their firm name and style of J. Rosenfield & Co do have and
recover of and from the defendant M. Davis the sum of Five hundred
and eighty-nine & 55/100 dollars and all costs of this suit. for all which
let execution issue.

The State of Texas vs John Mann et al. Passed to the end of the docket 5961

The State of Texas vs T. A. Lanthrick et al, Passed to the end of the docket 5964

The State of Texas } On this the Eleventh day of May A.D 1883 came the
vs } State of Texas plaintiff by its attorneys E. T. Moore County 5969
J. W. Michael et al } attorney and W. W. Worm and says because the defen- 4th docket
-dants J. A. Dobbs and C. C. Delano are dead and have not been served with page 127
citation in this cause the will not further prosecute this suit as to said defen-
-dants, but will discontinue this suit as to them. Wherefore this suit is discon-

May 11th 1883

-tinued as to said defendants J. A. Dobbs and C. C. Delano, and the defendants
G. W. Michael, J. Van Ratcliff, W. A. Junker and Samuel Perilo after having been
duly served with citation as required by law having failed to appear and an-
-swer in this behalf but wholly made default. Whereupon the said plaintiff
ought to recover against the said defendants his damages by occasion
of the premises, and no jury being demanded this cause is tried by the court
without a jury, and the pleadings and evidence having been heard and fully
understood it is considered ordered adjudged and decreed by the court
that the said plaintiff the State of Texas do have and recover of the defen-
-dants G. W. Michael, J. Van Ratcliff, W. A. Junker and Samuel Perilo jointly
and severally the sum of Twelve hundred and Eighty-two & 66/100 dollars
with interest thereon from this date until paid at the rate of eight per cent
per annum together with all costs in this behalf expended, and that plain-
-tiff have his execution. And it further appearing to the Court that the
defendant G. W. Michael is the principal in the official bond sued on in
this cause and that the defendants J. Van Ratcliff, W. A. Junker and
Samuel Perilo executed said bond as sureties, and as such sureties
are entitled to the benefit of the Statute in such case made and
provided it is therefore further ordered adjudged and decreed by the
Court that the Sheriff levy the execution issued by virtue of this
judgment first upon the property of the said G. W. Michael subject
to execution situated in the County of Travis before any shall be
made upon the property of said sureties or of any of them, provided
so much property of the said G. W. Michael subject to execution shall
be found in said Travis County as will be sufficient to make the amount
of said execution, otherwise the levy thereof to be made on the property of
the said G. W. Michael that may be found if any and upon so much
of the property of said sureties as may be necessary to make the
amount of said execution. And it is further ordered adjudged and
decreed by the Court that in case said sureties or any of them
shall make any payment which is applied on this judgment by
reason of their suretyship on said official bond this judgment shall
not be discharged by such payment but shall remain in full
force and be prosecuted to execution against the said G. W. Michael
for the use of the sureties or surety making such payment to the amount
of such payment and interest thereon, and it is further ordered adjudged
and decreed by the Court that in case this judgment is paid by the said
sureties or any of them, and one or more of said sureties fails to pay his pro-
-portionate part of said judgment, and in consequence of such failure one
or more of said sureties is compelled to pay more than his proportionate
part of said judgment then execution may issue against the said G. W.
Michael for the use of the sureties or surety who shall have paid more
than his proportionate part of said judgment for the whole amount paid
by him and interest thereon, and also against his co sureties for their pro-
-portionate part of the same so paid by him and interest thereon. And it
is further ordered that execution may issue on behalf of the officers of the Court
for all costs in this behalf incurred.

May 11th 1883.

Miriam DuPre vs L. J. DuPre. No Counsel appearing continued 5970
The State of Texas vs Wm King et al. Set for 12th inst: as in motion docket. 5971
The State of Texas vs J. S. Harrison et al. Passed to the end of the docket 5972
The State of Texas vs T. T. Gammage et al. The death of defendant Parker suggested, and case passed to the end of the docket 5974
Robt Kretchmer vs Lulu Kretchmer, No counsel appearing continued 5976
Jos Brown vs Mary Brown. Continued by operation of law. 5981
Jas A. Raymond et al vs S. T. Mitchell } And now on this day this cause coming on for trial, the plaintiffs appeared by attorneys and announced themselves ready for trial, and the defendant though duly and legally cited to appear and answer the petition in this cause has failed to do answer and has wholly made default, and it appearing to the Court that plaintiffs demand is liquidated being the promissory note described and set out in said petition, and it further appearing to the Court said note and on was given for a part of the purchase money of lot No 3 in subdivision of out lot No 31. in Division "D" of the City of Austin in Travis County Texas upon which lot the plaintiffs have the Vendors lien to secure the payment of the amount due on said note; it is therefore ordered adjudged and decreed by the Court that said plaintiffs James A. Raymond Frank Hamilton and James R. Johnson do have and recover of and from the said defendant S. T. Mitchell the sum of nine hundred and seventeen dollars principal and interest due on the note sued on and the further sum of Ninety one dollars and seventy cents as attorneys fee stipulated for in the said note making the aggregate sum of one thousand and eight dollars and seventy cents to draw interest at the rate of eight per cent per annum from this date until paid together with all costs of this suit; and it is further ordered adjudged and decreed by the Court that the said Vendors lien of said plaintiffs in said lot No 3 in subdivision of out lot No 31 in Division "D" in the City of Austin Travis County Texas be and the same is hereby foreclosed and that an order of sale do issue directed to the Sheriff of Travis County aforesaid requiring said Sheriff to levy on and sell said lot as under execution, and after said sale said Sheriff shall execute and deliver to the purchaser of said lot a deed conveying all the right and title of said defendant and of said plaintiff in and to said lot and that said Sheriff shall apply the proceeds of such sale first to the payment of the costs of this suit and next to the payment of the recovery herein in favor of said plaintiffs, and any balance remaining in the hands of said Sheriff he shall pay over to said defendant. And in case said lot shall not sell for an amount sufficient to satisfy this judgment then execution shall issue against said defendant for the collection of such unsatisfied balance. 5982 (4 docket 5 page 127.)
T. L. Nunn vs T. A. Millie et al Continued by operation of law. 5987
Annie L. Saunders vs Samuel Saunders, No Counsel appearing continued 5988
Thomas Plummer vs Martha Plummer. No Counsel appearing continued 5989
Mary Francis Boutlin vs James Boutlin Continued by operation of law 5991
The State of Texas vs A. D. Bonnell et al, Passed to end of the docket 5993

May 11th 1883.

5995 Emily Johns vs Robt B. Johns. Continued by operation of law

5999 Henry Todd vs Sarah Todd. It is ordered by the Court that Williams Esq be and he is hereby appointed to represent the absent defendant in this case who is cited by publication, and this case continued by operation of law.

6000 Robt Mason vs Nancy Mason. No counsel appearing Continued

6001 Josephine B. Winn vs T. L. Winn et al. Continued to perfect service

6002 T. L. Winn vs T. H. Conkling et al. Continued to perfect service.

6003 Thomas W. Blake vs Joseph Walle. This case being regularly reached on the docket and called for trial upon the parties plaintiff and defendant by attorneys and thereupon plaintiff by attorney asks leave of the Court to dismiss this cause, and it appearing to the Court that the parties have agreed that each party pay the costs incurred by him in this suit: it is therefore ordered that this cause be and the same is hereby dismissed, and further ordered that the plaintiff Thos. W. Blake and the sureties on his cost bond to wit: S. E. Blake. pay all costs in this behalf incurred by said plaintiff for which execution may issue and that the defendant Joseph Walle pay all costs in this behalf incurred by him for which execution may issue.

6004 Wm Allen vs Amanda Allen. Continued by operation of law.

6006 The State of Texas vs P. W. Herbick. Passed to the end of the docket.

6008 Ella Tryon Clarke vs W. F. Clarke, Continued by operation of law.

6012 Frank. M. Johnson vs Mary Johnson. Continued for service.

6013 Charlotte Timms vs Robt Timms Continued for service

6015 A. A. Wilkins vs G. M. Brace et al. Set for June 9th 1883. subject to the condition of the jury and Criminal docket.

6016 Wallis Tips vs Texas Building Association. No Counsel appearing Continued

6017 Edward Burleson vs Beatrice Burleson. Set for May 12th 1883. after the motion docket.

6018 Charles Wolf vs Mathilde Jourdan Continued for service.

6019 Sandford & Sons vs Austin & N. W. R. R. Co. Passed to end of docket.

6021 Chaney Pickett vs Jas Pickett No counsel appearing Continued.

6024 Roza Calhoun vs Jas. W. Calhoun. Continued for service.

6025 George. P. Aeseman vs Roza. P. Aeseman. Defendant has leave to file 1st amended answer. and case set for May 17th

6026 Annie Gims vs Wesley Gims Passed to the end of the docket.

6027 Linney Jones. J. Stora Culbreath et al, Upon motion of plaintiffs attorney in applying to the Court that this case had been settled and costs paid. it is ordered that the cause be and the same is hereby dismissed.

6028 Geo. E. Mizeroue et al vs W. M. Storms by Sal. Continued for service

6029 F. B. Forshe vs Wm Bruggerhoff Sal. Continued for service.

Wallis Tips for himself &
3979 for the use of E. T. Eggleston Sal. vs The Austin Turn Verein } This day came the plaintiff by his attorney and the defendant having failed to appear and answer in this behalf but wholly made default, Whereupon the said Wallis Tips, for himself and for the use of E. T. Eggleston, Ed Christian, Geo. B. Zimpelman R. Bertram. J. P.

May 11th 1883

Schmidt. Jacob Kuchlu. A. Hallmann and D. Loomis ought to recover against the said Austin Texas Virgin defendant his damages by occasion of the premises, and it appearing to the Court that the cause of action is liquidated and proven by an instrument of writing, it is ordered that the Clerk do assess the damages sustained by the said plaintiff, and said Clerk now here having assessed the damages aforesaid at the sum of $2266oo and it appearing to the Court that the defendant was on the 6th day of April 1878 indebted to the plaintiff in the sum of Two thousand dollars, and in said day executed and delivered to Plaintiff the Mortgage sued on in this cause on the personal property hereinafter described to secure the payment of said sum, and it appearing to the Court that under the Writ of sequestration heretofore issued herein the sheriff on the 10th day of February 1883 seized and took into his possession the following described personal property mortgaged in said mortgage to wit:

26 bottles of wine. 1 Silver plated Water Pitcher, 1 Dice box & six Dice, 6 Napkins, 4 bottles California wine. 2 bottles Champagne, 4 Small beer glasses. 7 Champagne glasses, 5 Glasses mixed, 1 Comb and shears, 1 Ice box. 5 Glass tumblers, 1 Black board. 3 boxes Dominoes, 1 Wardrobe. ballot box. books & papers, 1 Billiard table - 29 cues. cue rack 4 balls. chalk board & box chalk. 2 small tables & 6 beer tables. 1 Clock 1 Desk. 2 Slop buckets. 1 Water bucket. 1 Tub - 1 Demijohn. - 2 Funnels. 4 Stove. 1 Ice box - 5 tables Scenery & Furnace fixtures. 200 chairs. 2 Chandaliers and globes, 1 Piano Stool. 1 set nine Pins and nine balls, Which said property not having been replevined by either party to this suit still remains in the possession of said Sheriff, It is therefore considered by the court that the plaintiff Austin Texas for himself, and for use aforesaid do have and recover of the said defendant, the Austin Texas Virgin the said sum of ($2266 50) Two thousand two hundred and sixty six dollars principal and interest, with interest thereon from this date at the rate of 12 per cent per annum together with his costs in this behalf expended, and it is ordered adjudged and decreed by the court that the mortgage lien as it existed on the 8th day of May 1878. upon the above described personal property be and the same is hereby foreclosed, and that the Clerk of the court do issue an order of sale directed to the Sheriff or any Constable of Travis County commanding him to seize and sell the above described personal property as under execution, and that he apply the proceeds thereof to the payment and satisfaction of the said sum of $2266 00 together with all interest that may be due thereon and the costs of this suit and of said property shall sell for more than sufficient to pay off and satisfy said sum of money then said officer is directed to pay over the excess to the deft. but if said property shall not sell for enough to pay off and satisfy this judgment, then said officer shall make the balance as under execution. Court adjourned till tomorrow morning 9 oclock

May 12th 1883

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

May 12th 1883.

5830 4 Vols 5 pages

James Dietrich vs D. M. Wilson } And now on this day this cause coming on for trial the plaintiff appeared by attorney and announced ready for trial, and the defendant though duly and legally cited to appear and answer the petition in this cause was failed to so answer but was wholly made default, and it appearing to the court that plaintiffs demand is liquidated being the promissory note described and set out in the petition in this cause, and it further appearing to the court that said note was given in part payment of the purchase money being the one third part of said purchase money for the following described tract of land to wit: A tract of Four thousand five hundred and five acres, situated in the County of Bee and State of Texas, being the same tract of land patented to the heirs of William Ryan died by patent No 320 Vol 3 1st Class dated December 31st 1845. Beginning at a post bearing from a live oak marked X N 70° E 3 vrs and two live oaks mkd X each, thence meanders the creek as follows. N 34° W 163 vrs. S 50° W 70 vrs. S 37° W 210 vrs. S 84° W 303 vrs. N 44° W 326 vrs N 70½° W 548 vrs. N 88° W 350 vrs. S 77° W. 391 vrs. S 84° W 316 vrs N 77° W 350 vrs S 58° W 321 vrs. S 81½° W 585 vrs. S 53° W. 365 at the upper corner of a survey a post bearing from a live oak marked X 20° W 6 vrs. Thence due South 6283/10 vrs to the corner a post bearing from a live Oak 24 inches in diameter South 67 vrs. Thence due East 3853 varas to the S.E. corner a post bearing from a Post Oak chopped S 5° W 110 varas. Thence North 448 varas to the San Felipe 6484/10 vgras to the place of beginning, upon which tract of land the plaintiff holds a Vendors lien to secure the payment of the amount due on said note, It is therefore ordered adjudged and decreed by the court that the said plaintiff James Dietrich do have and recover of and from the said defendant D. M. Wilson the sum of $1191.41 one thousand one hundred and ninety one 41/100 dollars, to draw interest at the rate of ten (10) per cent per annum from this date until paid with all costs of this suit. It is further ordered adjudged and decreed by the court that the said Vendors lien of said plaintiff on said tract of land above described situated in the County of Bee and State of Texas, be and the same is hereby foreclosed, and that an order of sale do issue directed to the Sheriff of Bee County Texas requiring said Sheriff to levy upon, advertize and sell said tract of land as under execution, and apply the procuds of such sale first to the payment of the costs of this suit and next to the payment of this judgment and interest in favor of said plaintiff, and any balance remaining in the hands of said Sheriff he shall pay over to said defendant, And in case said land shall not sell for an amount sufficient to pay off and satisfy this judgment, then execution shall issue against said defendant for the collection of such unsatisfied balance.

6005 ✓

Domestic Sewing Machine Company vs Dunlap & Wilson } And now in this cause it is ordered upon the application and affidavit of the Sheriff of Travis County Texas

May 12th 1883

and his deputy in charge of a certain iron safe and the unknown convicts thereof attached and in the custody of said Sheriff. That said Sheriff shall in the manner best injurious thereto with the assistance and advice of some skilled person to be chosen by said Sheriff, open said safe, and repair the same if necessary in order to make sale of said safe and contents to the best advantage,

First National Bank of Austin vs George Dunlap & J. W. Wilson } The motion of plaintiff for leave and direction to the Sheriff of Webb County to amend his return upon attachment in this case, directed to said Sheriff, coming on to be heard, it is therefore ordered by the Court, that the Sheriff of Webb County have leave, and he is hereby directed to amend his return upon the attachment in this case, and make his return so as to describe the property levied on by him, and said Sheriff is directed to amend and make his corrected return instanter to this Court. 6009

Edward Burleson vs Beatrice Burleson } And now on this 12th day of May 1883 this cause being called for trial the parties appear, the plaintiff in person and by attorneys, and the defendant by her attorney W. G. Love Esqr. and announce themselves ready for trial, and no jury being demanded the cause is submitted to the Court, and after the Court heard the allegations of the parties and the evidence offered in support of the same is of opinion that the plaintiff has sustained his allegations, It is therefore ordered adjudged and decreed by the Court that the bonds of matrimony now and heretofore existing between said plaintiff Edward Burleson and said defendant Beatrice Burleson be and the same are hereby dissolved and that said parties be and they are hereby forever divorced from each other, and it is further ordered that the plaintiff pay all the costs of this suit for which execution shall issue. 6017

Elizabeth James vs Phillip James } And now on this the 12th day of May 1883. this cause being regularly called for trial came the plaintiff in person and by her attorney and announced ready for trial, but the said defendant although duly cited in accordance with law failed to appear or answer in this behalf but wholly made default. Thereupon the Court ordered the trial to proceed. and after the Court heard the allegations of the plaintiff and proof in support of the same is of opinion that plaintiff has sustained his allegations, it is therefore ordered adjudged and decreed by the Court that the bonds of matrimony now and heretofore existing between plaintiff and defendant be and the same are hereby forever dissolved, and that the custody and care of the only child issue of said marriage be and the same is hereby given to the plaintiff and costs adjudged against each party as incurred by them — for which execution may issue. 5850.

The State of Texas vs Wm King et al. } Upon motion of plaintiffs attorney, and it appearing to the Court that this case has been settled and costs paid, it is ordered that the case be and the same 5971

May 12th 1883

is hereby dismissed.

3985 James. W. Taylor vs Mabel Day Admx } And now on this day came on to be heard the demurrer and exceptions of defendant to plaintiffs petition, and the same having been argued and submitted the same is taken under advisement by the Court.

5851 A. R. Timms et al vs R. W. Duke et al } And now on this day came on to be heard the Motion of plaintiff to quash the return of the Sheriff on the citation in this case and the same having been heard and considered by the court, said motion is sustained and citation quashed.

5939 Eva A. Terry vs Jas A. Terry. It is ordered by the Court upon motion of the Clerk that a rule for costs be and the same is hereby granted, and Clerk ordered to notify the plaintiff or her attorney of record

5976 Robt Kutchmer vs Lulu Kutchmer } It is ordered by the Court upon motion of the Clerk that a rule for costs be and the same is hereby granted in this case, and Clerk ordered to notify the plaintiff or his attorney of record.

5980 S. Ballilli vs C. Ballilli } It is ordered by the Court upon motion of the Clerk that a rule for costs be and the same is hereby granted in this case, and Clerk ordered to notify the plaintiff or his attorney of record.

5986 Malvina Bahn vs A. Bahn.
6015 A. H. Willms. vs G. M. Brass et al
6019 Sandford & Son vs A. & N. W. R. R. Co.
6020 W. J. Hopkins vs A. W. Horlon.
6028 Geo. E. Merzerole et al vs M. M. Hornsby et al } Upon motion of the Clerk it is ordered by the Court that the plaintiffs in each of the five above numbered and styled causes be and they are hereby required to give security for costs in said causes respectively, and further ordered that the Clerk notify each of said plaintiffs or their attorneys of record of this rule.

Court adjourned till Monday Morning 10 o'clock

May 14th 1883

Court met pursuant to adjournment. Present same as on Friday whereupon the following proceedings were had viz:

The State of Texas vs Mills Livingston et al } This day came the parties by their attorneys and announced ready for trial, and thereupon the matters in controversy as well of fact as of law were submitted to and tried by the Court, and the pleadings of the parties and the evidence having been heard and fully understood, It is ordered adjudged and decreed by the Court that the plaintiff, the State of Texas do have and recover of and from the defendants to wit: J. C. Page, David Thompson, A. V. Miller, A. C. Isaacs, George Miller and P. M. Kolb, the sum of Twenty five hundred dollars and all costs of suit for which let execution issue.

5970 Mills Livingston et al vs The State of Texas — Dismissed at Plaintiffs Cost — Writ issued May 14. 1883 — Paid Thompson

May 14th 1883

Thomas Cassidy adm. vs R. A. Smith adm. Set for Friday May 18" 1883 1693
Giles N. Burdett adm. vs W. B. Burdett dal Passed to end of Jury docket 3030
M. D. Milby vs Randle & Nolda. No counsel appearing, Continued. 4007
A. G. Barrager vs N. T. & R. R. Co. Continued by Consent 4320
Bucky Pickett vs Lee Pickett No Counsel appearing, Continued 5383
Thos. T. Kemp vs Leo Kemp Passed to end of Jury docket. 5449
Lucy A. Field dal. vs Thomas A. Field dal Passed to end of Jury docket 5500
Julius Zulch dal vs J. T. Blount, no counsel appearing, Continued. 5652
Richard J. Galloway vs Martha M. Galloway Continued by Consent of plaintiff
deft not appearing 5879
J. N. Carey vs Augusta Carey, Passed to 17" May 1883 5692
Christian and Radtke vs Texas Building Association dal. Continued by Consent of plff 5784
defendants not appearing
Charles Francis Howe vs J. Stewart & J. A. Stewart; Passed to end of Jury docket 5801
David Stewart vs August Knitch. Passed to end of Criminal docket 5814
Sarah E. Pittman vs J. R. Pittman Passed to end of Jury docket 5838
John Rainey vs Dicey Rainey, Upon motion of plaintiffs attorney it is
ordered by the court that this cause be and the same is hereby dismis-
-sed, and further ordered that plaintiff pay all costs in this behalf ex-
-pended for which execution may issue 5845
W. & Denny vs Jas. D. Eaton et al. Set for Saturday May 19" after motions 5846
Joe. A. Stewart vs Mc & Reagan No counsel appearing, Continued 5848
A. R. Torres et al. vs R. W. Duke dal, Continued to perfect service, return
of sheriff on citation awarded. 5851
Celia Baker dal vs S. J. Dawson dal. Passed and set for trial for May 19. 5852
The State of Texas vs E. T. Moore, Passed to July 13." 1883. 5857
M. E. Robinson vs Thomas Anderson. Passed to June 2" 1883. after motions 5885
Eva A. Terry vs James A. Terry, No Counsel appearing. Continued. 5939
Abith Weir et al vs Felix E. Smith et al. It is ordered by the Court that
A. G. Shelley Esq be and he is hereby appointed guardian ad litem 5940
of the minor defendants in this cause - and case passed to the end of
the Criminal docket.
The State of Texas vs John Mann dal. Passed to end of Jury docket 5961
The State of Texas vs T. A. Lambeth dal. Pltff has leave to file 1st
supplemental petition and Case set for May 15" 1883. 5964
The State of Texas vs J. S. Harrison dal. Case set for trial Saturday
June 2" 1883. after motion docket. 5969
The State of Texas vs T. T. Jamnagin dal set for saturday June 2" 1883 5974
after motion docket.
S. Ballew vs C. Ballew. No Counsel appearing Continued. 5980
The State of Texas vs A. D. Bonnet dal. Set for May 19" 1883. after motions 5993
The State of Texas vs P. W. Herbert dal. Passed to end of Jury docket 6006
Sandford & Son vs A. & N. W. R. R. Co. Passed to end of Jury docket 6019
Annie Sims vs Wesley Sims Passed to end of Jury docket 6026

Court adjourned till tomorrow morning 9 o'clock

May 15th 1883.

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz.

3941. Dorsch and Blackburn vs W. P. Newcome.

Q Docket 5-page 125

Now on this day the above styled cause being called for trial it appearing to the Court that the defendant W. P. Newcome has been regularly served with process as required by law, the plaintiff appeared but the defendant though duly cited wholly made default, and it appearing to the Court that the plaintiff cause of action is evidenced by three promissory Notes duly described in the petition and that they were given for the purchase money of the tract of land described in plaintiff petition and hereinafter described. It is therefore ordered adjudged and decreed by the Court that the plaintiff Robt A. Smith and W. A. Blackburn do have and recover from the said W. P. Newcome the sum of ($430.00) four hundred and thirty dollars, the principal and interest of the said Notes, and the further sum of Forty three dollars their attorneys fee as provided in the said Notes and prayed for in said petition, together with (10%) Ten per cent interest on the said $430.00 until paid, for all which execution shall issue, It is further ordered that the Vendors lien reserved by the said Smith and Blackburn in the said Notes be foreclosed and that the Sheriff of Burleson County be ordered to sell as under execution the following described tract of land to satisfy this judgment and costs. to wit: Part of the T. K. Pearson survey in Burleson County Texas and to wit: Beginning at the South East corner of said Pearson survey thence N 45° W. 5-30 varas to a corner on the East line of said survey being W. E. May's Sq.re Corner, Thence S. 45° W. 1067 varas to said May's South West corner, Thence S. 45° E. 5-30 varas to a corner Thence N 45° E. 1067 varas to the place of beginning containing one hundred acres of land, and if said land should sell for more than enough to satisfy this judgment and costs then said Sheriff is hereby directed to pay such balance over to said defendant.

3844. Rufus Howard vs Martha Howard alias M. Elgin

This case being this day called for trial came the plaintiff in person and by attorney, but the defendant came not though duly served with process in accordance with law. The Court thereupon ordered the trial to proceed. And the Court after hearing the evidence introduced by plaintiff is of opinion that the material allegations contained in plaintiffs petition are true therefore orders adjudges and decrees that said marriage between said plaintiff and defendant be and the same is hereby declared null and void, and that the bonds of matrimony heretofore existing between said parties be forever dissolved and held for naught. And that each party pay the costs incurred by them in this behalf for which execution may issue against each party respectively.

6028 George. P. Aeamann vs Rosa. A. Aeamann

On application of the defendant it is ordered by the Court that Richard A. Boyce, George Erben and A Stein be and they are hereby appointed Commissioners to make an inventory and appraisement of both the real and personal property that may be in the possession of the plaintiff

May 15th 1883

George P. Yoakum, and make their report to this court at as early a day as possible,

The State of Texas } Upon motion of Plaintiffs attorney it appearing to the Court this cause has been 3964 56
vs } settled and costs paid, it is therefore ordered
T. A. Lambeth et al } that this cause be and the same is hereby dismissed

The State of Texas } On this Eleventh day of May A D 1883. Came the
vs } State of Texas plaintiff by her attorney E. T. Moore 6007
Benito Gonzales et al. } County Attorney and D W Dorn, and it appearing & doblish 5. page
to the Court that the Citation issued to the defendant S. C. Slade has been returned not executed, the plaintiff by her attorney says she will no further prosecute this suit against said defendant. Wherefore this suit is discontinued as to the said defendant S. C. Slade, and the said defendants Benito Gonzales James. P. Hague. A. M. Mundy, Leonor. S. Flores and B. Maziary after having been duly served with Citation as required by law having failed to appear and Answer in this behalf but Wholly made default Whereupon the said plaintiff ought to recover against the said defendant the damages by occasion of the premises and no jury having been demanded this cause is tried by the court without a jury, and the pleadings and evidence having been heard and fully understood, it is considered ordered adjudged and decreed by the court that the said plaintiff the State of Texas do have and recover of the said defendants Benito Gonzales, James P. Hague A. M. Mundy. Leonor. S. Flores and B. Maziary jointly and severally the sum of Eighty Eight & 70/100 dollars with interest thereon from this date until paid at the rate of eight per cent per annum together with all costs in this behalf expended and that plaintiff have the execution. It is further ordered that execution may issue on behalf of the officers of court for all costs in this behalf incurred.

Jas. W. Taylor } On this 14th day of May 1883. this cause
vs } this cause being in this court on appeal from 5985
Mabel Day Admx } the Probate Court, and now on this day coming on to be heard upon defendants demurrer to plaintiffs petition or application for partition, and the court having heard the pleadings demurrer and exceptions and the argument of Counsel thereon, and having duly considered the same is of opinion that the law is with the defendants. It is therefore ordered and adjudged by the court that defendants demurrer and exceptions to plaintiffs pleadings be sustained, and the plaintiff declining to amend his pleadings, it is thereupon ordered by the court, that this cause be and the same is hereby dismissed, that plaintiff take nothing by his appeal and that defendant go hence and recover of Jas. W. Taylor and his sureties on his appeal bond to wit: J. R. Blocker and J. H. Kelly all costs in this court and in the Court below, in this behalf expended. For which execution may issue.

Court adjourned till tomorrow morning 9 o'clock

May 16th 1883

May 16th 1883

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

5689½ R. N Lane vs Wm M. O'Leary } This day came the parties by their attorneys, and the plaintiff says he will no further prosecute his said suit. It is therefore considered by the court that the plaintiff R. N Lane take nothing by his said suit, and that the defendant Wm M. O'Leary go hence without day, and that he have and recover of the plaintiff R. N Lane and the surety on his cost bond to wit: J. R. Blocker all costs in this behalf expended. For which execution may issue

6005½ Domestic Sewing Machine Company vs Dunlap & Wilson } And now on this 11th day of May 1883 this cause having been called in its order on the appearance docket, came the plaintiff the Domestic Sewing Machine Company by its attorneys Walton & Hill, but the defendants George Dunlap and J. D. Wilson although duly cited according to law came not but wholly made default. And thereupon the plaintiff demanded judgment by default, and it appearing to the Court that both of said defendants have been duly cited by personal service, in due time before the beginning of the term of Court, and that neither of said defendants for himself or for said firm of Dunlap and Wilson has filed any answer herein, it is adjudged that said plaintiff is entitled to judgment by default on its cause of action sued upon, against both of said defendants and said firm.- And afterwards on the 16th day of May 1883 came the plaintiff in this cause, and said cause having been reached in its order on the docket, and said defendants being still in default as heretofore adjudged, the plaintiff submitted this cause to the Court and asked for judgment final by default, and that its damages be assessed, and the Court having heard the pleadings and evidence finds that the said defendants George Dunlap and J. D. Wilson under their firm name as co partners are indebted in the sum of Sixteen hundred Thirty Six & 25/100 dollars ($1636.25) the same sum sued for unto the plaintiff the Domestic Sewing Machine Company and for which sum and costs of this suit plaintiff is entitled to a judgment final by default against defendants; it is therefore ordered adjudged and decreed that plaintiff The Domestic Sewing Machine Company do have and recover of and from the defendants George Dunlap and J. D. Wilson the sum of Sixteen hundred and Thirty Six and 25/100 dollars ($1636.25) and interest thereon from this date at 8% per annum and all costs in this behalf expended for which execution may issue, and it appearing to the Court that said indebtedness is secured by a lien in favor of plaintiff by virtue of an attachment in this cause regularly issued and by the Sheriff of Travis County Texas on the 7th day of April A.D. 1883 levied on the following described personal property of said defendants to wit:

May 16th 1883.

1	Howe Sewing Machine	#1145278	22	50	35 dog Tin Knife pleaders.	@ 3.00	105	00
1	" " "	"1197038	22	50	23½ " 2 oz. Bt Machine oil	@ 65¢	15	27½
1	Whale & Wilson "		22	75	4 " 1 " " "	" 50	2	00
1	" " " "		22	75	26½ " 3 " " "	" 80	21	20
1	" " " "		22	75	11 5/16 " 3 " " "	" 80	9	46½
1	" " " "		22	75	10 2/3 " Asstd Shuttles	" 1.50	16	00
1	St. Johns "		20	00	11 Leather bands.	" 10	1	10
1	Henry Stewart "		20	00	9 Monreal paper patterns	" 2½		22½
1	Domestic "		21	50	63 " " " "	5¢	3	15
1	" "		22	50	105 " " " "	5½	7	87½
1	Fair Lanks "		22	50	438 " " " "	10	43	80
1	" "		22	50	1112 " " " "	12½	139	00
1	" "		22	50	687 " " " "	10¢	103	05
1	" "		22	50	22 Crown Tuck Marker	" 40	8	80
1	" "		22	50	10 New Home " "	" 40	4	00
1	Americans "		22	50	2 Victor " "	" 40		80
1	" "		22	50	1 Remington " "	" 40		40
1	Wilcox & Gibbs "		10	00	3 Wood " "	" 40	1	20
1	Jas Wilcox 2d hd "		5	00	8 Whale & W " "	" 40	3	20
2	Machines locked & 1 Singer	H.B. 60¢ 15¢	21	00	26 Singer " "	" 40	10	40
1	Whale & Wilson "		10	00	38 Eldridge " "	" 40	15	20
1	" " " "		10	00	10 American " "	" 40	4	00
1	" " " "		10	00	12 Domestic " "	" 40	4	80
1	Florence "		15	00	11 W & W. 8 " "	" 40	4	40
1	Domestic "		15	00	6 Assorted " "	" 40	2	40
1	Singer "		10	00	5 Singer Foot Ruffles	" 60	3	00
1	Eldridge "		22	38	23 American " "	" 60	13	80
1	Decor "		5	00	5 Assorted " "	" 60	3	00
1	Howe "		7	50	6 Wood " "	" 60	3	60
1	" (all Iron) "		30	00	4 New Home " "	" 60	2	40
1	Whale & Wilson "		6	00	9 Domestic Plate "	" 75¢	6	75
1	Howe "		5	00	6 " " Foot "	" 60	3	60
1	" "		5	00	3 Eldridge "	" 60	1	80
1	Whale & Wilson "		3	00	21 American "	" 60	12	60
1	" " " "		5	00	36 Crown "	" 60	21	60
1	" " " "		5	00	12 18 Remington "	" 60	7	20
1	Singer "		2	50	18 Whale "	" 60	12	80
1	" "		5	00	10 W & W. #2 B.S Plate	" 75¢	7	50
1	Howe "		2	50	7 " " " Foot	" 60	4	20
1	American "		5	00	78 Assorted Rubbings			75¢
1	Domestic Call Iron "		10	00	21 Shuttle Screw drivers		1	75¢
1	Whale & Wilson "		10	00	74 Assorted Keys		6	00
1	" " " "		10	00	36 c. Throat Plates & Slides		12	60
21	" " " "	@ 2.50	5	00	6 Howe Shuttle take ups			75¢
1	Singer (in Crate)		20	00	1 " " " "			50
9	Florence Oil Stoves		21	50	1 " Feed Bar			40

May 16th 1883.

15	Howe Shuttle Carr.		2 00	5	Household Fud Springs @	5	25
15	New Home Shuttles	@ 50	7 50	5	Howe " " "	5	25
2	" " Cogs		50	12	Eldridge Thread Guides "	5	60
16	" " Presser Feet		6 40	5	Howe P. J. " " "	5	25
15	" " Needle Clamps		3 75	8	Eldridge take up Springs "	10	80
1	" " Spooler		25	11	New Home Shuttles "	10	1 10
38	" " White Bobbins		50	4	" Howe thread guides		50
4	Domestic Bobbins		5	11	" Howe Full Springs		1 20
12	Wood "		10	3	Ch. Johns Shuttle Springs "	5	15
53	Singer "		50	30	assorted Spiral "	1	30
39	Eldridge "		40	78	Thread guides & Springs assorted	1	50
9	Wood N. S. "		10	25	Tensions		80
6	Household		05	173	small bolts and Screws	1	75
112	assorted		1 10	10	assorted Skid Hummers	3	00
6	American Rolls Studs		1 20	3	" Steel Presser Feet	1	20
7	" Braiders	@ 40		4	" " Braiders		40
1	" Presser Foot	" 40		10	" Feeds	4	00
4	" Bobbins		1 09	6	Wilson Oscillator Shuttles @	40	2 40
4	" Hummers Tabs	@ 50	2 00	4	Victor "	50	2 00
3	" Braiders	" 50	1 20	3	Buckeye "	50	1 50
2	" Presser Feet	" 40	80	10	3 spool Morrick Thread	8	80
1	" Hummer	" 50	50	16	4 " " "	10	1 60
6	" Stripes	" 05	30	10	5 " " "	12	1 20
5	" Cords	" 40	2 00	47	assorted Cords.	40	6 80
6	" "	" 40	2 40	37	" Linda guides	10	3 70
1	Florence Shuttle	" 40	40	24	Black Gauges	10	2 40
4	Wood "	" 40	1 60	44	assorted thumb Screws.	10	4 40
10	" Cams Rolls & studs	" 25	2 50	1	Ch. John " "		10
6	" Needle Bars	" 15	90	14	Singer thumb Screws		1 40
3	" O. S. Shuttles	" 40	1 20	1	Home Shuttle		10
6	" N. S.	" 40	2 40	7	White "		70
3	" N. S.	" 40	1 20	9	assorted Ruffles		4 50
5	Braiders	" 20	1 00	19	White shuttles		9 50
6	O. & B. Shuttle Carriers	" 20	1 20	21	W. & W. #2 Shuttles Fud Bars O.S.		1 05
8	" " " "	" 20	1 60	6	" " " " N.S.		1 20
6	" " " Rollers & Posts	" 20	1 20	2	" Bobbins		02
4	" " " Springs		10	4	W. & W. #8 Shuttle Carriers	2	00
1	Lot assorted Machine Stripes		50	8	" " " Bobbins		08
115	Tin " Hummers & Braiders		2 30	15	" " " Spiral Springs		15
9	Needle Cutters		45	3	" " " Cam Braces		30
10	Oil Can Holders		50	6	Tension Studs & Posts	1	20
7	Bullion Hole Cutters		70	5	Volute Springs		50
8	White casting		05	9	W. & W. 1/8 Fud pointers	2	25
14	Emery Wheels & Studs	@ 10	1 40	14	Spiral Springs		14
1	" Stone		10	9	Needle Wrenches		45
2	Glass Cutters		20	4	W. & W. 1/2 O. S. Glasses		20
8	White Springs		10	24	" " #8 N. S. "	1	20
1	New Shuttle Fud Springs		10	21	" " #8 Bobbins		21
7	White " " "		70				

May 16th 1883

16 #2 N & W. Braiding Glasses 80
15 " " Tucking " 75
3 " Tinsins complete 2 50
32 " Steel Screws 16 00
10 " Feed Screws 20
4 Sme Tinsins O. S. 1 00
1 " Shuttle 50
30 pr Rollers & studs 3 00
4 Shuttles Domestic 2 00
6 Throat Plates 60
4 Steel Screws 2 00
4 " Braiders 1 60
1 " Presser Foot 40
1 set Tin Goodrich Screws
1 Steel Singer "
1 " " Braider
1 " " Presser Foot
9 Shuttles
20 Bobbin Winders Singer
13 Cog Wheels "
22 Check Springs
5 Presser Foot lifters Singer
8 O. S. Feed
16 Check Spiral Screws
21 Slack Thread Pins
18 Tinsin Springs
1 Check Lever
8 Feed Rolls for Singer
16 Screws #76 & 15 #72
10 Shuttle Carriers 1.50 5 Feed rock shaft #62. .25
156 Check Springs 1.50 12 Shuttle studs & Springs 1.20
8 Spiral Springs .05 7 Needle Clamps O. S. 70.
7 Presser foot Screw Heads
8 " " Slide Screws 4.00 12 Rollers & studs 2.40
48 Shuttle Springs .48 9 Needle Clamps N. 6, 1.80
6 Presser foot Springs O. S. .12 11 Shuttle Springs .22
12 Shuttle Carriers #56. 1.20 39 Feed Springs .78
10 " " 1.50 20 Band Wheels 10.00
8 #67. Regulator Cap .15 43 Eldridge Cords & 21 .10
1 set Tin Guides & 2. Tin Braiding attachments
21 Hair Cords 2.10 3 Horizontal shafts .75
6 Vertical shafts Singer.
6 Eldridge Screws. @ .50
4 " Presser Feet .40
28 Singer Needle Bars. .20
40 Eldridge Ruffles. .05

3 Hart Cams @ .10 .30
2 Household Shuttles " .50 1 00
2 Remington " " 1 00
8 Davis " " 4 00
2 Royal St Johns Fed Bar Cams. .15 .30
8 " " " " Shuttles .50 4 00
9 G. B. Stripers complete .20 1 80
4 Thread guide Posts .05 .20
14 G. & B. Spiral Springs .01 .14
10 " " " #653 Screws .10 1 00
13 " " " Circular Needles .25 3.25
19 " " " #646 Screws .05 .95
3 " " " " 624 " .15 .45
4 N. & W. Throat plates No 2 .20 .80
12½ 65 " " " Spiral Springs Fed #2 .33
.50 2 " " Needle Arm Screws .05 .10
40 15 " " Brush Heads .25 & 5 Eyelets .10 .35
40 6 " " Thread Pins .25 1 Millinguage .05 .10
4 .50 1 " " Plate gauge .20
5.00 25 Papers Remington Needles #16 .25 14 for H. Machines .75 .50 9.75
2 60 11 " Davis " 2.25 " 26 Howe 6.50 9 25
1 00 25 " O. S. 6.25 34 " Victor " 8.50 14 75
.25 7 " G. & B. straight 1.75 16 " Howe 4.00 5 75
80 29 " Eldridge 7.25 42 " Eldridge 10.50 17 75
61 White 13 25
16 17 " Florence 4 .25 4 25
2 05 .25 " American 6.25 12 Wilcox & Gibbs 3.00 9 25
90 12 " Household 3.00 2 G. B Cams .50 3 50
.05 .18 " Wilcox O. S. 4 .50 42 Needles 10.50 15 00
2 00 28 N. & W. Straight 7.00 48 New Home 12.00 19 00
2 57 2 Common Screws .50 4 G. & B. Straight 1.00 1 50
1 75 3 Rotary Unknowns .50 58 Domestic 14.50 15 00
2 76 51 Wilcox 12.25 1 Howe .25 13 00
78 1 Domestic .25 3 Singer .25 1 00
1 40 3 Need Leather Needles .75
6 40 63 Singer N. F & Med 9 60
2 .28 5 Crown 1 25
34 .54 N & W. Curved 13 50
1 98 40 " " " Straight 10 00
11 .50 236 Loose Needles (Doubles) 2 36
21 .65 343 Singer N. F. 3 43
2 60 163 Eldridges 1.63
2 .85 166 Loose Needles Singer Med 1 25
1.20 180 Howe F. W 1 80
3 00 70 New Home 70
1 60 373 Royal St. John 3 73
.60 98 Secor 98
.50 .00 247 Howe D. 2 47

May 16th 1883.

163	Loose	Needle	Empire	1	63	1	G.&B. Spiral F. B. Spring			25
278	"	"	St. Johns	2	78	1	" " " Thumb Scrw 02 / Pr Hinges 05			07
274	"	"	Acme	2	74	1	New Home thumb Scrw 02 / Shut Hinge 50			52
314	"	"	G. & B. Straight	3	14	7	" " Needle Clamps 1 40 / Presser foot 40	1		80
225	"	"	Weed G. F.	2	25	2	Tin Hinges 05 / 4 Thread guide Spgs 20			25
208	"	"	G. B. Curved	2	08	1	Spiral Spring & 2 Shut Hinges			81
253	"	"	Weed F. F.	2	53	7	Hose shuttle Carriers 1 05 / 7 Rubbers 14		1	19
358	"	"	Finley & Lyon	3	58	1	Singer Med throat Plate			10
161	"	"	White Domestic N. S.	1	60					
255	"	"		2	55	1	" " " Shuttle			20
224	"	"	Household	2	24	1	" " " Braider			40
217	"	"	Domestic plain	2	17	1	" " " N. F. Shuttle			20
145	"	"	Florence	1	45	5	" " " Needle Clamps			30
191	"	"	New Shuttle	1	91	1	" Feed rock			4½
235	"	"	Domestic S. S.	2	35	15	" Shuttle Spring forks			25
93	"	Remington	N. S.		93	1	" Feed Rock			07½
132	"	Wilson	Oscillating	1	32	3	" Slack Thread take ups			17½
213	"	Wilcox & Gibbs		2	13	1	" Shuttle 1 " Chain Stitch Regulator			25 05
195	"	America	P.	1	95	15	" Thread Guide Spring 1 " Oscillating Shuttle Foot 50 / White shuttle 40			30 02
156	"	Davis	improved	1	56	1	Spiral Spring			02
123	"	"	O. S.	1	23	1	Needle Clamp			20
82	"	Victor			82	7/8	" White thumb Screws			25 25
144	"	Crown		1	44	6	Household feed Spring 25 / Trimmer 70			65
130	"	W & W	Straight	1	30	7	Large Kendall plates 49 00 & 1 Small 6 00		55	00
164	"	"	" Curved	1	64	1	Thread Gde Spg 05 / 1 Lot Screws 25			30
3	Machine	Keys			15	2	Wilson feed points			30
1	Eldridge	Trimmer			05	1	Amer Bobbin 01 / 3 Steel Hammers 1 80		1	81
1	"	"	Bobbin		05	6	Amer Studs & rollers. @ 10 ¢			60
1	"	"	Take up Spring		05	11	Chuck Springs 44 / 4 Davis shuttles 1 40		1	84
1	Steel	Hammer			40	2	Victor Shuttles		1	00
1	Embroidery	Foot			40	36	Feild Washers 20 / Crown Steel Hammers 50			70
1	Shuttle	driver			15	1	Crown Bowder 40 / " " Presser foot 40			80
6	Thread	guides			30	1	W & W Feed points 20 / W & W thumb screws 50			70
1	Spiral	Spring			01	1	" " Steel Hammer 50 / " " Feed point 20			70
1	Needle	Clamp			20	1	" " Ivory Wheel 05 / 4 Plate screws 10			15
2	Tension	Studs			08	2	Thumb screws 10 / 5 Spools Spgs 05			15
3	Trimmer	attachments			15	12	Glass Discs 50 / 2 Nuts for 6 drawer machines 60		6	50
10	Rubber	Rings			10	2	Eldridge Heads 1 20 00 / 2 Crown heads 18 00		38	00
10	Iron	Washers			10	4	White heads 40 - 9 eils accessories 1 80 / 4 dog nuts 30		4	30
1	Shuttle	Domestic			10	4	Crown & Ball (from out) heads		20	00
1	Nut	Needle	Arm Screw.		75	9	tables for machines 11 25 / 3 table leaves 1 50		12	75
1	Domestic	Bar			05	1	old Little Rues 2 50 / Fair hand to head. Broken 10		12	50
1	"	Ruffle		1	60	2	Broken machine heads		10	00
3	"	Throat	Plates		50	2	" " "		2.	50
1	"	Foot	"		54	7	Balance Wheels 7 00 / 13 nuts for 2 drawer machines 11 70		18	70
1	"	Steel	Trimmer		40	14	24 extra drawers 4.20 & 7 " " 3 " 10 50		14	70
1	"	Trimmer	Shuttle		40	12	eils leaf supports (Bronzed)		3.	30
1	"	Shuttle			40	10	" " " (Japanned)		1	50
4	"	G. B.	Stud & Roller		50	11	" " " Brackets (Iron)		1.	10

May 16th 1883.

14 drop saws	3.50	4 pitmans	1.00	4 50	1 lot needle bags	5.00
11 support Pegs	10	40 Wooden brackets	80	90	Counter	2.50
1 lot pails W.T. #2	3.00	1 Top cast pails	2.00	5.00	1 Morse Bahman safe.	
1 lot drop Knobs				50	(Contents unknown)	100.00
15 Machine covers				7.50	1 Sign - Man	2.50
1 lot screws	1.00	16 cast legs	3.20	4 20	1 Lamp, 1.50 2 Crowns & frames	5.00 4.50
5 Band Wheels	5.00	3 Eldridge bradles	50	6 50	1 lot pattern cases	10.00
1 Crown bradle	50	14 Traces cast	10.50	11 00	1 " Stationary	2.00
12 Mpli machine in Boxes.				240.00		
12 Household Covers in boxes				150.00	1 " office furniture	5.00
1 lot tools & attachments				50.00	3 horses - 2 machine wagons	
1 Counter Show case				25.00	& 1 set double Harness	100.00
1 Stand " "				10.00	Petititions sky lights & c	25.00

Which property said Sheriff still has in his possession by virtue of said writ; And that said debt is further secured by a lien obtained by levy of another writ of attachment regularly issued in this cause, and by the sheriff of Webb County Texas on the 9th day of April 1883. levied upon the following personal property of the defendants, to wit: one hundred and seventeen (117) cases of merchandise. Which personal property was on said day taken by said Sheriff into his possession by Virtue of said writ from the International and Great Northern Rail Road Company at Laredo Texas, as the property of defendants, and is still in the possession of said Sheriff. It is therefore ordered adjudged and decreed that Plaintiff said attachment lien upon the said property in the hands of the Sheriff of Travis County levied upon as aforesaid be and the same is hereby foreclosed, and that Plaintiffs said lien upon said property in the hands of said Sheriff of Webb County, be and the same is hereby foreclosed, and it is ordered that an order of sale be issued according to law, first directing the Sheriff of Travis County to make sale of said property so levied upon by him and now in his possession as under execution, and to apply the proceeds to the satisfaction of this judgment. And if the proceeds of such property and sale shall be insufficient to satisfy the same in full, then that an order of sale issue to the said Sheriff of Webb County commanding him to make sale in like manner of said property so levied upon by him by Virtue of said writ in this cause, or so much thereof as may be necessary, and out of the proceeds to satisfy this judgment in full and if there then remain any portion of said judgment that Plaintiff have execution therefor.

Court adjourned till tomorrow morning 9 Oclock

May 17th 1883

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings were had viz:

The State of Texas } On this the Seventeenth day of May A.D. 1883
vs } came the State of Texas plaintiff by her attorney
P. W. Herbst et al } E. T. Moore County Attorney and O. Archer and it
appearing to the Court that the Citation issued to the defendant P. W. Herbst
was duly returned not executed, and it further appearing to the Court

from evidence submitted by plaintiff that said defendant is totally insolvent, it is ordered by the Court that said plaintiff be and is hereby allowed to discontinue his said suit as to the said P. W. Herbst. Wherefore this suit is discontinued as to the said defendant P. W. Herbst and the said defendants William Lovell. W. M. Thomas. J. F. Patricks. J. P. Carlile. A. A. Gindrat. Thomas H. Snow. E. M. Patricks. L. A. McGinn and R. B. Love after having been duly served with Citation as required by law having failed to appear and answer in this behalf but Wholly Made default. Whereupon the said plaintiff ought to recover against the said defendants his damage by occasion of the premises, and no Jury having been demanded, this Cause is tried by the Court. Whereupon a Jury, and the pleadings and evidence having been heard and fully understood, it is considered ordered adjudged and decreed by the Court, that the said plaintiff the State of Texas, do have and recover of the said defendants. William Lovell. W. M. Thomas. J. F. Patrick. J. P. Carlile. A. A. Gindrat. Thos. H. Snow. E. M. Patrick L. A. McGinn and R. B. Love jointly and severally the sum of $385 Three hundred and Eighty five & 00/100 dollars with interest thereon from this date until paid at the rate of eight per cent per annum together with all costs in this behalf expended, and that plaintiff have her execution. It is further ordered by the Court that for whatever amount any of the said defendants may have to pay on this judgment over and above their pro rata share as enures of P. W. Herbst they may have execution in their favor against their Co defendants who may fail to pay, for such amount as they may over pay, provided that no execution shall issue against any one defendant for more than his pro rata share of this judgment.

6025 George. P. Assmann vs Rosa A. Assmann } This day came the parties by their attorneys and in person, and thereupon came on to be heard the demurrer and exceptions of the defendant to plaintiffs petition, which being duly considered by the Court, it is ordered by the court that said demurrer and exceptions be and the same are hereby overruled. it is further ordered that plaintiff have leave to file first supplemental petition, and thereupon both parties announcing themselves ready for trial a part of the evidence of plaintiff being submitted, the plaintiff says he will no further prosecute his said suit; it is therefore considered and ordered by the court that the plaintiff George P. Assmann take nothing by his suit, and that the defendant Rosa A. Assmann go hence without day, and that she have and recover of the plaintiff the costs in this behalf expended, for which she have her execution.

1693 Thomas Cassidy's admr. vs R. A. Smith Admr. It is ordered by the Court that plaintiff Mrs. S. J. Cassidy have leave to file 2d amended petition. and 2d Supplemental petition

3857 Wm Radam vs R. S. Wills Sal } On this the 11th day of May A.D. 1883. this cause coming on to be heard in regular order and it appearing to the court that the defen-

May 17th 1883.

-dants, Mary Mills. R. S. Mills and Mary. M. Mills having been duly served in person with citation in said cause, through their attorneys Jennings and Baker on the 5th day of May 1883. filed their plea of disclaimer alleging that they have no interest in the land in controversy, and it appearing that the defendant Mary. M. Mills is a minor. J. W. Robinson Esq is appointed guardian ad litem by the Court to represent the interest, and thereupon said guardian in behalf of said minor defendant submitted the case to the Court on the pleadings and evidence, And the Court after hearing the pleadings and evidence doth order adjudge and decree as follows:

1st That the plaintiff Wm Radam do have and recover of the said defendants the land and property described in his petition towit: Lot No (6) Six in Block No (29) twenty nine. in the City of Austin. Travis County Texas, and that all the title real or apparent of said defendants be divested out of them and invested in the said plaintiff

2d That the deeds from Francis Pomliss to Alexander Russell dated April 8th 1841 and recorded in Travis County Registry of deeds Book. "B." page 161, and from Robert Mills to Davis. S. Mills dated March 26th 1849 and recorded in Travis County Registry in Deed Book "O" page 499, in so far as the same in any manner effects the title of the plaintiff Wm Radam to the lands in controversy, and the record aforesaid thereof be and the same is hereby cancelled and held for naught and the cloud thereby cast upon plaintiffs title is thereby removed,

3d It is further ordered adjudged and decreed that the plaintiffs title to said land be and the same is hereby established and confirmed against the defendants and each and every of them,

4th It is further ordered and decreed that the plaintiff pay all the costs of this suit to be taxed by the Clerk of this Court, and that a fee of ($20.00) twenty dollars be allowed and taxed as part of the costs in behalf of J. W. Robinson guardian ad litem of said minor defendant. for use of which execution may issue.

It is further ordered by the Court that plaintiff have leave to withdraw the title papers filed by him in this cause.

Court adjourned till tomorrow morning 9 Oclock

May 18th 1883

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings were had viz:

Thos Cassidy Admr. vs R. A. Smith Admr. Set for June 2d 1883 1693.

Thomas Plummer vs Martha Plummer } Upon motion of plaintiffs attorney it is ordered by the Court that the continuance heretofore entered in this cause be and the same is hereby set aside, and thereupon this case being regularly called for trial came the plaintiff by his attorney and announced ready. but the said defendant Martha Plummer though duly served with process of citation in this cause failed to appear and answer in this 5984

May 18th 1883.

behalf this Wholly made default thereupon the Court ordered the trial do proceed and the Court having heard the evidence on behalf of plaintiff is of opinion that the material allegations contained in plaintiffs petition are true. Therefore ordes. adjudges and decrees that the bonds of matrimony heretofore and now existing between the plaintiff Thomas Plemmons and the defendant Martha Plemmons be and they are hereby forever dissolved and held for naught. and that the defendant pay all costs in this behalf expended for which let execution issue.

5988. Annie C. Saunders vs Samuel Saunders } Upon Motion of plaintiffs attorney it is ordered by the Court that the Continuance heretofore entered in this cause be and the same is hereby set aside. and thereupon this cause being regularly called for trial came the plaintiff by her attorney and announced ready. Whereupon the said defendant William Saunders though duly and legally served personally with citation according to law in this cause failed to appear and answer in this behalf. Whereupon Wholly made default. Whereupon the Court ordered the trial to proceed, and the Court having heard all the evidence introduced by plaintiff is of opinion that the material allegations in plaintiff petition contained are true. Therefore ordes adjudges and decrees that the bonds of matrimony heretofore and now existing between the plaintiff Annie C. Saunders and the defendant William Saunders be and the same are hereby forever dissolved and held for naught. It is further ordered by the Court, that the plaintiff Annie C. Saunders have the care and custody of the two children of the plaintiff and defendant the issue of such marriages it appearing to the Court that the plaintiff is a proper person for such charge. It is further ordered by the Court that each party pay the costs incurred by them respectively in this behalf. for which let execution issue.

6025. George. P. Assmann vs Rosa. H. Assmann } And now on this day coming on to be heard the Motion of plaintiff to reinstate this cause upon the docket, and said Motion having been submitted duly considered and fully understood it is ordered by the Court that said Motion be and the same is hereby granted, and further ordered by the Court that all the costs of this suit up to and including this Motion be and the same are hereby adjudged against said plaintiff for which execution may issue.

693.

Court adjourned till tomorrow morning 9 o'clock

May 19th 1883.

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

6013 Charlotte Owens vs Robert Owens. on motion of plaintiffs attorney it is ordered by the Court that the Continuance heretofore entered in

this case be and the same is hereby set aside, and thereupon came the parties by their attorneys and after hearing the pleadings and the evidence and the case being submitted to the court without argument of counsel, it is considered, ordered adjudged and decreed by the court that the bonds of matrimony between plaintiff and defendant be dis-solved and held for naught and that the divorce be granted. Fur-ther ordered that plaintiff being in possession of lots 3 & 4. Block 45 Division D. City of Austin Texas and occupying same as a home-stead, shall have and hold the said property as the homestead during the natural life or so long as she may continue to so oc-cupy the same, and at her death, or upon her abandonment of same as the homestead, then said property to be subject to par-tition in equal shares between plaintiff and defendant. or heirs. Further ordered that defendant pay all costs of this suit. for which execution may issue.

The State of Texas vs. H. D. Bennett et al

On this the 19th day of May A.D. 1883 came the State of Texas plaintiff by the attorneys: E. T. Moore County attorney and O Archer, and thereupon the said plaintiff asks leave of the court to dismiss the suit as to the defendants H. Bennett and Daniel Bennett said defendants being dead, and says she will no further prosecute this suit against said defendants, Whereupon this suit is discontinued as to said defendants H. Bennett and Daniel Bennett. Whereupon said plaintiff was by the court granted leave to file trial amend-ment. and the said defendants H. D. Bennett. J. H. Kampmann and D. Dannenhauer after having been duly served with citation as required by law having failed to appear and answer in this behalf but wholly made default Whereupon the said plaintiff ought to recover against the said defendants the damage by occasion of the premises and no jury having been demanded this cause is tried by the court without a jury, and the pleadings and evidence having been heard and fully understood it is considered, ordered adjudged and decreed by the court that the said plaintiff the State of Texas do have and recover of the said defendants H. D. Bennett. J. H. Kampmann. D Dannenhauer jointly and severally the sum of ($1066 12/100) one thousand and Sixty six & 12/100 dollars with interest thereon from this date. at the rate of eight per cent per annum to-gether with all costs in this behalf expended and that plaintiff have her execution. It further appearing to the court that J. H. Kampmann and D. Dannenhauer are sureties in this cause for H. D. Bennett; it is there-fore ordered by the court that said surety defendants do have and recover from the defendant H. D. Bennett a judgment over in their favor for whatever amount of this judgment they may pay and that execution issue in their favor for such amount.

It is further ordered that execution may issue on behalf of the of-ficers of the Court for all costs in this behalf incurred.

5993 v. H. Book 5 page 126

May 19th 1883.

6008. Ella Tryon Clarke. vs Wm F. Clarke. } And now on this day came the plaintiff by attorney and moved the Court to set aside the continuance heretofore entered in this case. It is therefore ordered by the Court that said continuance be and the same is hereby set aside, and case called for trial. Whereupon the plaintiff announced ready, and it appearing to the Court that said defendant had waived the service of process and had accepted service of petition the trial was allowed to proceed, and the Court after hearing the pleadings and evidence and said cause being submitted without argument doth find that the material allegations in plaintiffs petition contained are true it is therefore ordered adjudged and decreed by the Court that the bonds of matrimony heretofore and now existing between the plaintiff Ella Tryon Clarke and the defendant Wm F. Clarke be and the same are hereby forever dissolved and held for naught and that plaintiff recover of and from defendant all costs in this behalf expended for which let execution issue.

5274. J. R. Ray et al Vs Vincent Chambers et al. No counsel appearing in this the 14th day of May 1883. it is ordered by the Court that this cause be continued Court adjourned till Monday Morning 9 o'clock

May 21st 1883

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

5980. S. Ballelli vs L. Ballelli } Now comes the defendant by attorney and states to the Court that by agreement of the parties to this suit this case is to be dismissed the parties having amicably to settle their marital relations. It is therefore ordered by the Court that this case be and the same is hereby dismissed, and that the plaintiff pay all costs in this behalf expended for which execution may issue.

6016 & Book S-p. 131 Walter Tips vs Texas Building Association } On this 19th day of May 1883. Upon motion of plaintiffs attorney it is ordered by the Court that the continuance heretofore entered in this cause be and the same is hereby set aside, and it appearing to the Court that said defendant had been duly and legally served with process in this case in accordance with law, and failing to appear and answer in this behalf. But wholly made default. Wherefore the said Walter Tips ought to recover against the said Texas Building Association his damages by occasion of the premises, and it appearing to the Court that the cause of action is liquidated and proven by an instrument of writing, it is ordered that the Clerk do assess the damages sustained by said plaintiff: and the said Clerk now hereby having assessed said damages at the sum of ($1061 89/100) one thousand and sixty one 89/100 dollars, it is therefore considered by the Court that said plaintiff do have and recover of and from said defendant Texas Building Association the said sum of $1061 89/100 with interest thereon at the rate of eight per cent per annum, together

May 21st 1883

Mich his writ in this behalf executed and that he have his execution.

Charles Wolf vs Mathilda Jourdan et al. It is ordered by the Court that Plaintiff have leave to file 1st amended original petition 6018.

James Brown vs Lucullus Pimpo et al } It is ordered by the Court that leave be and the same is hereby granted State and L. E. Edwards 3723.
to intervene. and thereupon plaintiff replys to petition of intervenor and ordered by the Court that Plaintiff have leave to file 12mo supplemental petition, by request of N. G. Shelby and A. Posey Esqrs. their names are stricken from the docket as attorneys in this case.

Wm. E. Smith vs G. C. & S. F. R. R. Co. Continued by consent 5809.

The State of Texas vs A. B. Hardin et al. Set for May 31st 1883 5992.

Court adjourned till tomorrow morning 9 o'clock.

May 22nd 1883.

Court met pursuant to adjournment. Present same as on first day and the evidence in the case No 3723. of Brown vs Pimpo et al not having concluded. Court adjourned the coming of this day till to-morrow morning 9 o'clock,

May 23rd 1883.

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

Rust & Dinkins vs H. & T. C. R. R. Co. Passed to the end of the Civil Jury docket. 4926.

Carlin & Robinson vs Bingham Trigg. Passed to end of Civil Jury docket 4935.

T. L. Nunn vs Edmund Grien. Passed to the 30th day of May 1883. 4975. 600

D. Weinberger & Wife vs H. & T. R. R. Co. Continued by consent 5392.

D. Weinberger Guard. vs H. & T. C. R. R. Co. Continued by consent 5404.

John T. Allen vs A. N. Pilo & Co. Continued by consent 5521.

D. The Agne vs W. C. Walsh Sher. & C. Continued by consent 5530.

John & Lewis Hancock vs R. Kaufmacher et al Passed to end of State docket. 5564.

Joe H. Stewart vs A. N. Pilo & Co. Continued by consent 5584.

John Burton Nat Guard &c. vs Ed Cray Sheff et al Continued by consent 5640.

Jas. W. Taylor vs H. & T. C. R. R. Co. Set for May 29th 1883 5997.

Chas E. Roth vs G. C. & S. F. R. R. Co. Set for May 30th 1883 6022.

C. N. Richardson et al } Special Judge Hon. David Sheets presiding
vs
R. A. Richardson Sr. } It is ordered by the Court that the plaintiffs have leave to amend their second amended original petition and 2d Supplemental petition. 5767.

The above order in case No 5767. examined found correct. hereby approved

David Sheets Special Judge.

The Domestic Sewing Machine Company } on this the 23d day of May
vs } 1883. came on to be heard 6005.
Dunlap & Wilson } in open Court the application of the plaintiff The Domestic Sewing Machine Company to sue the personal property of the defendants Dunlap and Wilson levied on and now in the hands of W. M. Arnold Sheriff of Travis County and

held by him under and by virtue of a writ of attachment issued in this cause out of the District Court of Travis County Texas on the 7th day of April 1883. at the instance of the plaintiff and in his favor against the said defendants George Dunlap and J. D. Wilson partners doing business under the firm name of Dunlap and Wilson, said property being described and set out in the original judgment and decree of foreclosure in this cause on pages 529. to 533. inclusive, and ordered on the 16th day of May 1883: in the following grounds that the said personal property was not been claimed or replevied and that said property is in danger of serious and immediate waste and loss and that the keeping of the same, (which is also held under attachment in cause 6009 of the 1st National Bank of Austin against said defendants) till the trial of said cause will necessarily be attended with such expense as greatly to lessen the amount likely to be realized therefrom, and it appearing to the court from sufficient and satisfactory proof that the facts stated in said application are true and that a necessity exists for the order therein asked, it is therefore ordered adjudged and decreed that said M. M. Hornsby sheriff as aforesaid sell at public sale as under execution the said property set out and described in said judgment; and that the clerk issue to said sheriff an order of sale to sell said property at once, after giving ten days Notice thereof as required by law, and that the proceeds of such sale be pay over within five days thereafter to the Clerk of the District Court of Travis County as under article 174 R. S.

6009 First National Bank of Austin vs Dunlap and Wilson } On this the 23d day of May 1883. came on to be heard in open court the application of the plaintiff The First National Bank of Austin to sell the personal property of the defendants George Dunlap and J. D. Wilson under their firm name of Dunlap & Wilson levied on and now in the hand of M. M. Hornsby sheriff of Travis County and held by him under and by virtue of a writ of attachment issued in this cause out of the District Court of Travis County Texas on the 12th day of April 1883. at the instance and in favor of plaintiff against the said defendants George Dunlap & J D Wilson partners doing business under the firm name of Dunlap and Wilson, and being the same personal property attached in cause No 6006 of The Domestic Sewing Machine Company vs Dunlap & Wilson, said property being more fully described as follows. to Wit:

1	Home sewing machine # 1145278	1	Domestic sewing machine
1	" " " " 1197058	1	" " "
1	Whale & Wilson "	1	Fairbanks " "
1	" " " "	1	" " "
1	" " " "	1	" " "
1	" " " "	1	" " "
1	St. Johns "	1	" " "
1	Henry Stewart "	1	American " "

May 23d 1883.

1 American Sewing machine.
1 Wilcox & Gibbs " "
1 Jas Wilcox 2d hand " "
1 Machine locked A. B. " "
1 Singer " "
1 Whale & Wilson " "
1 " " " " "
1 " " " " "
1 Florence " " "
1 Domestic " " "
1 Singer " " "
1 Eldridge " " "
1 Secor " " "
1 Howe " " "
1 " (all iron) " "
1 Whale & Wilson " "
1 Howe " "
1 " " "
1 Whale & Wilson " "
1 " " " " "
1 " " " " "
1 Singer " " "
1 " " " "
1 Howe " " "
1 American " "
1 Empire (all iron) " "
1 Whale & Wilson " "
1 " " " " "
1 " " " " "
1 Singer (in crate) " "
4 Florence oil stoves
35 doz Tin Knife Plates
23½ " 2 oz bottles machine oil
4 " 1 " " " "
26½ " 3 " " " "
11⅝ " 3 " " " "
10⅔ " cts Hammers
11 Leather Gauges.
9 Mineral paper pattens
63 " " "
105 " " "
438 " " "
1112 " " "
687 " " "
22 Crimp Tuck Markers
10 New Home " "
2 Victor " "

1 Remington Tuck Marker
3 Wood " "
8 W. & W. " "
26 Singer " "
38 Eldridge " "
10 American " "
12 Domestic " "
11 W & W. 8 " "
6 Assorted " "
5 Singer foot rufflers
23 American " "
5 Assorted "
6 Wood "
4 New Home
9 Domestic Plate "
6 " Foot "
3 Eldridge " "
21 American " "
36 Crown " "
12 Remington " "
18 White " "
10 W & W No 2 Bed Plate " "
7 " " " Foot "
78 Assorted Rubber rings
21 Shuttle Screw drivers
74 Assorted Keys
36 Assorted Throat Plates & slides
6 Howe shuttle tatch springs.
1 " " " "
1 " Feed Bar
15 " Shuttle Bars
15 New Home Shuttles
2 " " Cogs
16 " " Presser feet
15 " " Needle Clamps
1 " " Spools
38 White Bobbins
4 Domestic "
12 Wood "
53 Singer "
39 Eldridge "
9 Wood N. S. "
6 Household "
112 Assorted "
6 American Roller Studs
7 " Braiders
1 " Presser feet

May 23d 1883.

4 American Bobbins
24 " Hemmers (Steel)
3 " Braiders
2 " Presser Feet
1 " Hemmer
6 " Stringers
5 " Cording
6 " "
1 Florence Shuttle
4 Wood "
10 " Cam Rollers & Studs
6 " Needle Bars
3 " O.S. Shuttles
6 " M.S. "
3 " N.S. "
5 Braiders
6 G. & B. Shuttle Carriers
8 " " " "
6 " " " Rollers & Posts
4 " " " Springs
1 Lot assorted Machine Fingers
115 assorted Tin Hemmers & Binders
9 Needle Cutters
10 oil Can Holders
7 Button Hole Cutters
8 White Castors
14 Emory Wheels & Studs
1 " Stone
2 Glass Cutters
8 White Springs
1 Home Shuttle Feed Spring
7 White " " "
5 Household " "
5 Home " "
12 Eldridge Thread guides
5 Home O.S. " "
8 Eldridge Take up Springs
11 New Home Shuttle "
11 Home Thread guide Washers
24 White Feed Springs
3 St. John Shuttle "
30 assorted Spiral Springs
78 Thread guides & Springs assorted
2 Tensions
173 small Bolts & Screws
10 assorted Steel Hemmers
3 " Presser Feet

4 assorted Steel Braiders
10 " Feeds
6 Wilson Oscillator Shuttles
4 Victor "
3 Buckeye "
10 Spool Mariett Thread
164 " " "
105 " " "
17 Assorted Cards
37 Quilting Guides
24 Black Gauges
44 assorted Thumb Screws
1 St. John " "
14 Singer " "
1 Home Shuttle
7 White "
9 assorted ruffles.
19 White Shuttles
21 W & W. #2 Feed Bars O.S.
6 " " " " " " N.S.
2 " " " Bobbins
4 " " " 8 Shuttle carriers
8 " " " Bobbins
15 " " " Spiral Springs
3 " " " Cam Screws.
6 Tension studs & posts
6 Volute Springs
9 W & W. 98 Feed Points
14 Spiral Springs
9 Needle Winches
4 W & W. 1/2 O.S. Glasses
24 " " No 8 N.S. "
21 " " " Bobbins
16 " " " 2. Braiding Glasses
16 " " " Tucking "
5 " " " Trimming Complete
32 " " " Steel Hemmers
10 " " " Feed Screws
4 Home Tension O.S.
1 " Shuttle " 4
50 pr Rollers & Studs
4 Shuttles Domestic
6 Throat Plates
4 Steel Hemmers
4 " Braiders
1 " Presser Foot
1 set Tin Goodrich Hemmers

May 23rd 1883.

1 Steel Singer Hammer
1 " " Braider
1 " " Presser foot
9 Shuttles
20 Bobbin Winders Singer
13 Cog Wheels "
22 Check Screws
5 Presser foot lifters Singer
8 O.S. Feeds "
16 Check Spiral Screws "
21 Slack Thread Pins
18 Tension Springs
1 Check Screw
8 Feed rests for Singer
16 Screws #76 & 15 #72
10 Shuttle Carriers & 5 Feed rests
156 Check Springs & 12 Shuttle Studs & Springs
8 Spiral Springs & 7 Needle Clamps
7 Presser foot & Screw heads
8 " " Steel Hammers & 12 Rollers & Studs
#8 Shuttle Springs & 9 Needle Clamps N.S.
6 Presser foot " O.S. & 11 Shuttle Springs
12 Shuttle Carriers #56. & 29 Feed Springs
10 Shuttle " & 20 Band Wheels
8 #67 Regulator Cap & 45 Eldridge Cords
1 set Bridges & 2 sets Bridges attachments
21 Heart Cams & 3 Horizontal shafts
6 Vertical shafts Singer.
6 Eldridge Hammers &
4 " Presser feet
28 Singer Needle Bars
40 Eldridge Ruffles
3 Heart Cams
2 Household shuttles
2 Remington "
8 Davis "
2 Royal St. John Feed Bar Cams
8 " " " Shuttles
9 G. & B. Tensions Complete
4 Thread guide posts
14 G. & B. Spiral Springs
10 " " " No 653 Screws
13 " " " Circular Studs
19 " " " #646 Screws.
3 " " " " 624 "
22 Springs White
11 Feed Pints White

9 Binders White
1 Hammer
6 White Heart Cams
16 " Lower thread guides
14 " Rollers & Studs
12 " Upper thread Guides
8 " Needle Clamps
6 " Tension Pulleys
9 " Roller & cam studs
7 " " " No "
77 " Vibrating Presser feet
6 " Feed Regulator Screws
9 " Shuttle Carriers
2 " Disconnecting Wheels &c
4 W & W. Throat Plates No 2
65 " " Spiral Spg Feed #2
2 " " Needle Arm Screws
15 " " Brush pad & Eyelets
6 " " Throat pins & 12 Guide gauges
1 " " Plate gauges
25 papers Remington Needles
14 " Household "
11 " Davis "
26 " Howe "
25 " Davis " O.S.
34 " Victor
7 " G & B. Straight "
16 " Howe Needles.
29 " Eldredge "
42 " " "
61 " White "
17 " Florence "
25 " American "
12 " Wilcox & Gibbs "
12 " Household "
2 " G & B. Curved "
18 " Wilcox O.S. "
42 " Weed "
28 " W & W. Straight "
48 " New Home "
2 " Common Sense "
4 " G & B. Straight "
3 " Rudy. Milwaukee "
58 " Domestic "
57 " Wilcox "
1 " Howe "
1 " Domestic "

May 23d 1883.

3 pr. Needles Singer
3 papers Mid. V. Needles
63 " Singer " N. F. & Mid
5 " Crown "
54 " W. & W. Curved
40 " " " " Straight
236 " Loose Needles D
343 " " " Singer N. F.
163 " " " Eldridge
166 " " " Dauntless Mod
180 " " " Howe F. W.
70 " " " New Home
373 " " " Royal St. John
98 " " " Decor
247 " " " Howe D.
163 " " " Empire
278 " " " St. John
274 " " " Acme
314 " " " G. & B. Straight
225 " " " Wood G. F.
208 " " " G. & B. Curved
253 " " " Reed F. F.
358 " " " Finkle & Lyon
161 " " " White
255 " " " Domestic N. S.
224 " " " Household
217 " " " Domestic plain
145 " " " Florence
191 " " " Howe Shuttles
235 " " " Domestic S. S.
93 " " " Remington N. S.
132 " " " Wilson Bee
213 " " " Wilcox & Gibbs
195 " " " American P.
156 " " " Davis improved
123 " " " Davis O. S.
82 " " " Victor
144 " " " Crown
130 " " " W. & W. Straight
164 " " " " " " Curved
3 Machine Keys
1 Eldridge Trimmer
1 " Bobbin
1 " Take up Spring
1 Steel Hemmer
1 Embroidery Foot
1 Shuttle driver

6 Thread Guides
1 Spiral Spring
1 Needle Clamp
2 Tension Studs
3 Trimmer attachments
10 Rubber Rings
10 Iron Washers
1 Shuttle Domestic
1 Mid Needle Arm screw
1 Domestic bar
1 " Ruffle
3 " Throat plates
1 " Foot "
1 " Stud Trimmer
1 " "
1 " Shuttle
4 G. & B. Slide & Roller
1 " " Spiral F. B. Spring
1 " " Thumb screw
1 " " Pr Hinges
1 New Home Thumb screw
1 Stud Hemmer
7 New Home Needle clamps
1 " " Presser Foot
2 Tin Hemmers
4 Thread guide Springs
1 Spiral Spring
2 Steel Hemmers.
7 Howe Shuttle carriers
7 Rubbers
1 Singer Mid Throat plate
1 " Shuttle
1 " Braider
1 " N. F. Shuttle
5 " Needle clamps
1 " Feed Rock
15 " Shuttle Spring ports
1 " Feed rock
3 " Slack Thread Take ups
1 " Shuttle
1 White Stitch regulator
15 Thread Guide Springs
1 Oscillator White Foot
1 Shuttle White
1 Spiral Spring
1 Needle Clamp
7 " " Screws

May 23d 1883

5 White Thumb Screws
6 Household Fud Springs & 1 Trimmer
7 Large Kendall plates & 1 Small
1 Thread guide Spring & 1 lot Screws
2 Wilson Feed Points
1 American Bobbin & 3 Steel Hemmers
6 " Studs & Rollers
11 Check Springs & 4 Davis Shuttles
2 Victor Shuttles
56 Full Washers
1 crow Steel Hemmer
1 crow Braider & 1 crow Steel Presser foot
1 W & W. Feed point & 1 W. & W. Thumb screw.
1 " " Steel Hemmer & 1 " " Feed point
1 " " Emery Wheel & 4 Plate screws
2 Thumb screws & 5 Spools Springs
12 Glass Discs & 2 Nuts for 6 drawn machines
2 Eldridge Heads & 2 Crown Heads
4 White heads & 9 sets accessories
4 doz White Needles
4 Brown & Bates worn out heads
9 Tables for machines & 3 Table leaves
1 old Little price & 1 Fairbanks head (broken)
2 broken Machine heads.
2 " " "
7 Balance Wheels & 13 Nuts for 2 drawn machines & 1 set double hemmers,
14 Extra drawers & 7 " " 3 " " Petitions & sky lights &c.

22 sets Leaf supports (Bronze)
10 " " " (Japaned)
11 " Brackets (Iron)
14 chief Pans & 4 Pitmans
11 support Pegs & 40 Wooden Brackets
1 Lot parts W & W. & 1 Lot assorted parts
1 " drop Knobs
5 Machine Covers
1 Lot Screws & 16 assd. Cogs.
5 Band Wheels & 3 Ebd. Treadles
1 crown Treadle & 14 Braces assd.
12 White Machines (in Boxes)
12 Household Covers " "
1 Lot tools & attachments
1 Counter show Case
1 Stand " "
1 Lot Needle Trays
1 Counter
1 Marks Behmann safe, (Contents unknown)
1 Singer - man.
1 Lamp & 2 Crones & frame
1 Lot Pattern Case
1 Lot Stationary
1 " office furniture
3 Straws. 2 Machine Wagons

On the following grounds that said personal property has not been replevied or claimed and that said property is in danger of serious and immediate Waste and loss and that the Keeping of the same until the trial of this cause by said sheriff will necessarily be attended with such expense as greatly to lessen the amount likely to be realized therefrom: and it appearing to the Court from sufficient and satisfactory proof that the facts stated in said application are true, and that a Necessity exists for the order therein asked it is therefore ordered adjudged and decreed that said M. M. Stoneby sheriff as aforesaid sell at public sale as under execution the property above described and that the Clerk of this Court issue to said sheriff an order of sale and that said sheriff sell said property at public Vendue after giving ten days Notice thereof as required by law and that said sheriff pay over the proceeds thereof to the Clerk of this Court within five days thereafter as required by law—

Court adjourned till tomorrow morning 9 o'clock

May 24th 1883

Court met pursuant to adjournment. Present same as on first day Whereupon the following proceedings were had viz:

May 24th 1883.

4464 Alfred Smith vs J. K. Warren } And now on this day come the parties by their attorneys and file the following agreement in this cause to wit: " We the undersigned agree that T. S. Maxey a practicing attorney of this Court shall act and sit as Special Judge for the trial and disposition of this cause and that he be invested with all the power as such Special Judge as provided by law. May 24th 1883.

Shuko and Smead attys for Plff
Walton and Hill attys for Defts.

and the Hon T. S. Maxey having taken the Constitutional oath of office as prescribed by law, and pursuing made the following order in said cause to wit:

Alfred Smith vs J. K. Warren. It is ordered by the Court that this case be and the same is hereby set for trial for the 1st day of June 1883.

T. S. Maxey
Special Judge.

5036 G. Conn vs C. R. Johns & Co. } And now on this day came the parties by their attorneys and file the following agreement in this cause to wit: " In this case the presiding Judge having been of Counsel for the defendants it is agreed by the parties that N. G. Shelley Esq an attorney at law be elected and appointed as Special District Judge for the trial and disposition of the said cause.

Ford Carleton atty for plaintiff
Maxey & Fisher, Shuko & Smead
attys for defts.

and the Hon N. G. Shelley having duly qualified as such special Judge by taking and subscribing the Constitutional oath prescribed by law. and presiding the following proceedings were had in said cause to wit:

5036 G. Conn vs C. R. Johns & Co } This day this cause came on for trial and the District Judge Hon N. G. Walker being of Counsel in the cause and therefore being disqualified to sit in the same; thereupon the parties by their respective attorneys entered into a written agreement, which is on file with the papers by which they selected the Hon N. G. Shelley to act as Special Judge in said cause, and the said Special Judge having taken the oath of office and duly qualified, whereupon the parties announced ready for trial and submitted the matters in controversy as well of fact as of law to the Court, and the Court having fully considered the evidence pleadings and argument of Counsel, It is ordered adjudged and decreed by the Court that the plaintiff Galen Conn do have and recover of and from the defendants C. R. Johns, N. Von Rosenberg and Flavius Everett the sum of $1696.29 and all costs of suit, for which let execution issue.

N. G. Shelley
Special Judge

5595 The State of Texas vs L. M. Strayhorn et al. Passed to end of Jury Civil docket.

May 24th 1883

C. N. Richurford et al vs R. N. Richurford Sr. } It is ordered by the Court that defendant have leave to file 1st supplemental answer and 2nd amended Answer. and Cause Continued on application and affidavit of defendant this order made by Hon. D. Shultz. Special Judge presiding. 5767

Davis Sheets Special Judge.

The State of Texas vs W. R. Edwards et al. Passed to end of Jury docket. 5774
F. C. and L. H. Cause vs City Water Company. Set for May 31st 1883 5825
Letitia C. Illingsworth vs Alfred Smith et al. No Counsel appearing, and it appearing to the Court that there has been no service on the defendant Scheiflecker, Case Continued 5843
J. R. Morgan vs M. E. Morgan, No Counsel appearing Case Continued 5863
Page McDaniel vs Caroline Wahrenberger. Continued by agreement 5868
W. and A. Myers & Co. vs W. H. Randolph. } This Cause being regularly reached on the docket and called for trial Came the parties by their attorneys, and Plaintiff thereupon files his application and affidavit for a Continuance, and same having been submitted and duly considered by Court said application is overruled, Whereupon said plaintiffs take a nonsuit in this Cause, It is therefore considered by the Court that the plaintiff take nothing by their said suit, and that the defendant go hence without day and this Cause be and the same is hereby dismissed, and that said defendant recover of and from said plaintiffs & the sureties on their Cost bond herein. Jno. R. Peel Esq all costs in this behalf & heretofore for which let execution issue. 5870
Robt Knickerbocker vs Lula Knickerbocker. Set for June 2nd 1883. 5976
N. M. and Sarah K. Burroughs vs A. & N. W. R. R. Co. Passed to end of Jury docket. 5990
J. R. May vs A. & N. W. R. R. Co. & Sandford & Son. Set for May 28th 6010
G. E. Cornwall vs A. & N. W. R. R. Co. & Sandford & Son Set for May 29 1883 6011
W. J. Hopkins vs A. W. Horton. Passed to end of Jury docket 6020
J. W. Nanney v. Sandford & Son Passed to end of Jury docket 6023

Court adjourned till tomorrow morning 9 o'clock.

May 25th 1883.

Court met pursuant to adjournment. Present same as on first day, and there being no Civil minutes to record of this date. Court adjourned till tomorrow morning 9 o'clock. 60

May 26th 1883.

Court met pursuant to adjournment. Present same as on first day Whereupon the following proceedings were had viz:
Maurice McKeag } No 6034. In District Court of Travis
Ex parte. } County Texas. May 26th 1883. 6034

The State of Texas
County of Travis. 59
At a term of the District Court within and for the County of Travis 6035

May 26th 1883.

State of Texas held at the Court House thereof in the City of Austin in said County on the 26th day of May AD 1883. Maurice McKeag made application for permanent license to practice as an attorney and Counsellor at law in the District and all inferior Courts of the State of Texas, and having produced his license issued to him from the Circuit Court of St Charles County Missouri also the license issued to him out of the District Court of the United States. Eastern District of Missouri, and he having been introduced to this Court by Thos. E. Sneed and J. W. Robilson Esqrs practicing attorneys of this Court as a man of good Moral Character and honorable deportment; and he having taken the oath as required by law, it is ordered by the Court that the said Maurice McKeag be and he is hereby admitted and authorized to appear plead and practice in the District and all inferior Courts of the State of Texas, for which this shall be his sufficient license.

J. N. Casey
vs
Augusta Casey

} Came now on this day this case coming on for trial came the plaintiff by attorney and the defendant being represented by D. A. Posey Esq. heretofore appointed by the Court, and it appearing to the Court that the defendant had been duly and legally cited by publication and being represented by attorney the trial was ordered to proceed. Thereupon came on to be heard, defendants demurrer to plaintiffs petition, and the same having been duly considered by the Court was overruled, and the Court after hearing the evidence introduced is of opinion that the same is insufficient in law and that plaintiff is not entitled to his divorce. It is therefore ordered by the Court that plaintiff be allowed to take a nonsuit and that this cause be and the same is hereby dismissed. And thereupon upon motion of plaintiffs attorney it is further ordered by the Court that this cause be and the same is hereby remanded and that all costs incurred to this date be and the same is hereby adjudged against the plaintiff J. N Casey for which execution may issue.

Court adjourned till Monday Morning 9 Oclock

May 28th 1883

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

N. B. Mayo
vs
A & N. W. R. R. Co & Sandford & Son

} Came the parties by their attorneys and the demurrer and exceptions of the defendant the A. & N. W. R. R. Co came on to be heard and after argument it is considered and adjudged by the Court that the 3rd 4th & 5th Special exceptions are well taken, and as to the matters named in exceptions No. 3 & 4 plaintiff was leave to amend as to the other exceptions they are overruled, and the case is continued as on affidavit of the defendant the A & N. W. R. R. Co.

The State of Texas. vs. John. P. Kelsey et al, On this 28th day of May AD 1883 came the State of Texas plaintiff by its attorney E. T.

May 28th 1883.

Moore County Attorney and D. W. Doom and the defendants John P. Kelsey and Lino Ramiro by their attorney A. J. Leo, and it appearing to the Court that the defendant John Dicker is dead and was never served with Citation in this cause plaintiff by her said attorneys says she will not further prosecute this suit as to the said defendant John Dicker, Wherefore this suit is discontinued as to him and thereupon the said plaintiff and the said defendants John. P. Kelsey and Lino Ramiro announce ready for trial and waive a Jury and submit the matters in controversy as well of fact as of law to the Court, and the pleadings evidence and argument of Counsel having been heard and fully understood, and it appearing to the Court that Jno. E. Martin the principal for whom the defendants John. P. Kelsey and Lino Ramiro are sureties in the official bond sued on, is dead. And that the said John. E. Martin was and is indebted to the State of Texas plaintiff in the sum of Four hundred and Eighty eight and 98/100 dollars on his account for the year 1881 as shown by the statement of the Comptroller of Public accounts of this date, it is therefore considered ordered adjudged and decreed by the Court that the plaintiff the State of Texas do have and recover of the said defendants John. P. Kelsey and Lino Ramiro jointly and severally the said sum of Four hundred and eighty Eight & 98/100 dollars principal and the further sum of Thirty five & 62/100 dollars interest to this date, in all Five hundred and twenty four & 60/100 dollars with interest thereon from this date until paid at the rate of eight per cent per annum together with all costs in this behalf expended and that plaintiff have her execution.
And it further appearing to the Court that the said John. E. Martin now deceased was the principal in the official bond sued on in this cause, and that the said defendants John. P. Kelsey and Lino Ramiro executed said bond as sureties it is therefore further ordered adjudged and decreed by the Court that in case this judgment is paid by the said sureties or either of them and one of them fails to pay his proportionate part of said judgment and in consequence of such failure the other one pays more than his proportionate part of said judgment then execution may issue for the use of the surety who shall have paid more than his proportionate part of said judgment against his co surety defendant in this judgment for his proportionate part of the excess so paid by him and interest thereon,
And it is further ordered that execution may issue in behalf of the officers of the Court for all costs in this behalf incurred.
The State vs S. M. Straughn et al Set for June 21st 1883 55.95
The State of Texas vs W. R. Edwards et al Continued by agreement. 5774.
A. M. & Kate R. Burroughs vs A. & N. W. R. R. Co. Continued by defendants 5990.
N. B. Mayf. vs A. & N. W. R. R. Co. et al. It is ordered by the Court 6010.
that the defendant R. R. Co. have leave to file 1st original answer and plaintiff leave to file 1st supplemental petition, and cause continued as

May 28th 1883

on affidavit of Rail Road Company. It is further ordered by the Court that plaintiff have leave to withdraw from his supplemental petition the 4th with upon having copies made, and further ordered that defendants Sandford and Son have leave to file 1st amended answer and plaintiff to file 1st amended original petition and 1st supplemental petition

6011 ✓ J. E. Cornwall vs A. & N. W. R. R. Co et al } It is ordered by the Court that the defendants Austin & Northwestern R. R. Company have leave to file 1st amended original answer and cause continued as on affidavit of the Rail Road Company. It is further ordered that defendants Sandford & Sons have leave to file 4th amended original answer and that plaintiff have leave to file 1st amended original petition and 1st supplemental petition.

6009 ✓ First National Bank of Austin vs Dunlap and Wilson } Now on this day this cause coming on for trial came the plaintiff by its attorneys and defendants came not but made default, and it appearing to the Court that the defendants had been duly cited and that plaintiff cause of action is a liquidated demand, it is therefore ordered and adjudged by the Court that the plaintiff do have and recover of the defendants George Dunlap and J. D. Wilson the sum of one thousand and fifteen dollars and fifty three cents principal and interest to this date to bear interest from this date at the rate of Nine per cent per annum, and the further sum of one hundred and one & 55/100 dollars with interest from this date at the rate of eight per cent per annum to go with all costs in this behalf expended,

And it further appearing to the Court that the writ of attachment was been issued in this cause and levied upon the personal property hereinafter described, and that the same is now in the custody of the Sheriff of Travis County to wit:

1	Howe Sewing Machine	#1145278	
1	" " "	" 1197058	
1	Whulu & Wilson	"	
1	" " "	"	
1	" " "	"	
1	" " "	"	
1	Dr. John	"	
1	Henry Stewart-	"	
1	Domestic	"	
1	"	"	
1	Fairbanks	"	
1	"	"	
1	"	"	
1	"	"	
1	"	"	
1	American	"	
1	American Sewing Machine		
1	Wilcox & Gibbs	"	"
1	Jas Wilcox 2d hd.	"	
2	Machines locked G & B.	"	
1	Singer	"	
1	Whulu & Wilson	"	
1	" " "	"	
1	" " "	"	
1	Florence	"	
1	Domestic	"	
1	Singer	"	
1	Eldridge	"	
1	Decor	"	
1	Howe	"	
1	" (all Iron)	"	
1	Whulu & Wilson	"	

5957
7744
9905
0105

May 28th 1883

1 Howe Sewing Machine
1 " " "
1 Whulen & Wilson "
1 " " " "
1 " " " "
1 Singer "
1 " "
1 Howe "
1 American "
1 Empire (all Iron) "
1 Whulen & Wilson "
1 " " " "
2 " " " "
1 Singer (in Crate) "
9 Florence oil Stoves
35 doz tin Knife Plates
23½ " 2 oz bot Machine oil
4 " 1 " " " "
26½ " 3 " " " "
18⅔ " 3 " " " "
10⅔ sets of Hemmers
11 Leather Bands
9 Mineral paper Pattens
63 " " "
105 " " "
435 " " "
1112 " " "
687 " " "
22 Crown Tuck Machine
10 New Home " "
2 Victor " "
1 Remington " "
3 Wood " "
8 W & W " "
26 Singer " "
38 Eldridge " "
10 American " "
12 Domestic " "
11 W & W 8 " "
6 Assorted " "
5 Singer Foot ruffles
23 American " "
5 Assorted " "
6 Wood " "
4 New Home " "
9 Domestic Plate "
6 " Foot "

3 Eldridge Foot ruffles
21 American " "
36 Crown " "
12 Remington " "
18 White " "
10 W & W No 2 Bed Plate
7 " " " " Foot " "
78 assorted Rubber rings
21 Shuttle Screw drivers
74 assorted Keys.
36 assorted Throat Plates & slides
6 Howe Shuttle take ups
1 " "
1 " Feed Bar
15 " Shuttle Bars
15 New Home shuttles
2 " " Cogs
16 " " Pressure feet
15 " " Needle Clamps
1 " " Spooler
38 White Bobbins
4 Domestic "
12 Wood "
53 Singer "
39 Eldridge "
9 Wood N.S. "
6 Household "
112 Assorted "
6 American Roller studs
7 " Braiders
1 " Presser feet
4 " Bobbins
4 " Hemmers (slide)
3 " Braiders
2 " Presser feet
1 " Hemmer
6 " Hinges
5 " Circles
6 " "
1 Florence Shuttle
4 Wood "
10 " Cam Rollers & studs
6 " Needle Bars
3 " O.S. Shuttles
6 " N.S. "
6 " N 8 "
5 " Braiders.

May 28th 1883.

6 S. & B. Shuttle carrius
8 " " " " "
6 " " " Rollers & Posts
4 " " " Springs
1 Lot assorted Machine Hinges
115 assorted Tin Hemmers & Guides
9 Needle cutters
10 oil Can Holders
7 Button Hole Cutters
8 White Carders
14 Ebony White & Studs
1 " Stone
2 Glass Cutters
8 White Springs
1 Home shuttle Feed Spring
7 White " " "
5 Household " "
5 Home " "
12 Eldridge Thread guides
5 Home Pf " "
8 Eldridge Take up Springs
11 New Home shuttle "
11 Home Thread guide Washers
24 White Feed Springs
3 St John Shuttle "
30 assorted Spiral Springs
78 Thread guides & Springs assorted
2 Trimmers
173 Small bolts & Screws
10 assorted Steel Hemmers
3 " Presser feet
4 " Braiders
10 " Feeds
6 Wilcox Oscillator Shuttles
4 Victor "
3 Buckeye "
18 3 spool Merrick Thread
16 #. 4 " " "
10. 5- " " "
17 assorted Cords
37 " Quilting Guides
24 Black Gauges
44 assorted thumb Screws.
1 St John. " "
11 #. Singer " "
1 Home shuttle "
7 White. " "

9 assorted Ruffles
19 White shuttles
21 W & W. #2 · Feed Cams O. S,
6 " " " " " " N. S,
2 " " " " Bobbins
4 " " " " No 8 Shuttle carrius
8 " " " " " " Bobbins
15 " " " " " Spiral Springs
3 " " " " " Cam Cranes
6 Tension Studs & Posts
5- Volute Springs
9 W & W. #8 Feed Pinch
14 Spiral Springs
9 Needle Wrenches
4 W & W 1/2 O. S. Glasses
24 " " & N. S. "
21 " " " Bobbins
16 " " " 2 Braiding glasses
15- " " " " Tucking glasses
5- " " " Trimming Emplicite
32 " " " Steel Hemmers
10 " " " Feed Screws
4 Home Trimmings N. S.
1 " Shuttle
50 prs Rollers & Studs
4 Shuttles Domestic
6 Throat Plates
4 Steel Hemmers
4 " Braiders
1 " Presser Foot
1 Set Tin Goodrich Hemmers
11 Steel Singer "
1 " " " Braider
1 " " " Presser foot
9 Shuttles
20 Bobbin Winders Singer
13 Cog Wheels "
22 Check Leavers
6- Presser Foot Lifters Singer
8 O. S, Feed "
16 Check Spiral Screws "
21 Black Thread Pins
18 Tension Springs
1 Check Leaver
8 Feed Rocks for Singers
16 Screws No 76. & 15- No 72
10 Shuttle Carrius & 5- feed rocks No 62

May 28th 1883.

156 Check Springs & 12 Shuttles Studs & Springs
8 Spiral " " & 7 Needle Clamps O.S.
7 Presser foot Screw Heads.
8 " " Steel Hemmers & 12 Rollers & Studs
48 Shuttle Springs & 9 Needle Clamps N.S.
6 Presser foot Spring O.S. & 11 Shuttle Springs
12 Shuttle Carriers & 39 Feed Springs
10 " " & 30 Hand Wheels
8 #67 Regulator Cap & 45 Eldridge Cradles
1 set Embroidery & 2 Embroidery attachments
21 Heart Cams & 2 Arrigonlat Shafts
6 Vertical shafts Singer.
6 Eldridge Hemmers & 4 Eldridge Presser feet
28 Singer Needle Bars & 40 Eldridge Ruffles
3 Half Cams & 2 Household Shuttles
2 Remington Shuttles & 4 Davis Shuttles
2 Royal St John Feed Bar Cams
8 " " " Shuttles
9 G & B Tension Complete & 4 Thread guide Posts
14 " " " Spiral Spring
10 " " " #683 Screws & 13 G & B. Circular Needles.
19 " " " " 646 Screws & 3 " " " #624 Screws
22 Spring Wheels & 11 Feed points White
9 Binders " & 1 Hammer
6 White Heart Cams & 16 White Lower thread guides
14 " Rollers & studs & 12 " Upper " "
8 " Needle Clamps & 6 " Tension Pulley
9 " Rollers & Cam studs
7 " No " & 11 " Vibrating Presser feet
6 " Feed Regulator Screws
9 " Shuttle Carriers & 2 White disconnecting Wheels
4 W & W Throat Plates No 2. & 65 W & W. Spiral Springs No 2.
2 " " " Needle Arm Screws & 15 " " " Brush Pads & 5 Eyelets.
6 " " " Thread Pins & 1 Guide Guage
1 " " " Plate Guage & 25 papers Remington Needles
14 papers Household Needles & 11 " " Davis "
26 " Home " & 25 " " O.S. "
7 " G. & B. Straight & 34 " " Victor
16 " Home & " & 29 " Eldridge "
42 " Eldridge " & 61 " White "
17 " Florence " & 25 " American "
12 " Wilcox & Gibbs " & 12 " Household "
2 " G & B. Curved " & 18 " Wilcox O.S. "
42 " Weed " & 28 " W & W. Straight "
48 " New Home " & 2 " Common sense "
4 " G. & B Straight " & 3 " Rocky mountain "
58 " Domestic " & 57 " Wilson "

1 Papers Home Needles
1 " Domestic "
3 " Singer "
3 " New Leather "
63 " Singer N.S. & New "
5 " Crown "
54 " W & W. Curved "
40 " " Straight "
236 " Loose Needles D "
343 " " " Singer N.S. "
163 " Eldridge "
166 Loose Needles Singer New "
180 " " Home & W "
70 " " New Home "
373 " Royal St John "
98 " Siever "
247 " Home D "
163 " Empire "
278 " St John "
274 " Arbra "
314 " G & B. Straight "
225 " Weed G.F. "
208 " G & B. Curved "
253 " Weed F.F. "
358 " Finkle & Lyon "
161 " White "
255 " Domestic N.S. "
224 " Household "
217 " Domestic Plain "
145 " Florence "
141 " New Home "
235 " Domestic N.S. "
93 " Remington N.S. "
132 " Wilson Oscillating "
213 " Wilson & Gibbs "
195 " American P. "
156 " Davis improved "
123 " " O.S. "
82 " Victor "
144 " Crown "
130 " W & W Straight "
164 " " " Curved "
3 Machine Keys
1 Eldridge Trimmer
1 " Bobbin
1 " Take up Spring
1 Steel Hemmer

May 28th 1883

1 Embroidery Foot & 1 Shuttle driver,
1 Thread guide & 1 Spiral Spring
1 Needle Clamp & 2 Tension studs
3 Trimmer attachments & 10 Rubber rings
10 Iron Washers & 1 Shuttle Domestic
1 Wood Needle Arm Screw & 1 Domestic Bar.
1 Domestic Ruffler & 1 Domestic Throat Plate
1 " Foot Plate & 1 Steel Trimmer
1 " Trimmer & Domestic Shuttle
4 G & B. Stud & Roller & 1 G & B. Spiral F. B. Spring
1 " " " Thumb Screw & 1 Pr Hinges
1 New Home thumb " & 1 Steel Hammer
1 " " Needle Clamp & 1 Narrow Foot.
2 Tin Hammers & 4 Thread guide Springs
1 Spiral Spring & 2 Steel Hammers
7 Howe Shuttle Carriers & 7 Rubbers.
1 Singer Med Throat plate & 1 Singer Med Shuttle.
1 " " " Braider & 1 " " N.F. " " Feed rock
3 " " " Needle Clamps & 1 " " Feed rock
15 " Shuttle Spring posts & 1 " Fud Rock
3 " Black Thread take ups " 1 Singer Shuttle
1 White Stitch Regulator & 15 Thread guide Springs
1 Oscillator White Foot
1 Shuttle " & 1 Spiral Spring
1 Needle Clamp & 7 Needle Clamp Screws.
5 White Thumb Screws. & 6 Hemmed Feed Springs
1 Trimmer & 7 Large Kendall pleaters & 1 Small
1 Throat guide Spring & 1 lot Screws.
2 Wilcox Feed pawls & 1 Amer Bobbin
3 Steel Hammers & 6 American studs & Rollers.
11 Check Springs & 4 Davis Shuttles
2 Victor Shuttles
& 6 Feed Washers & 1 Crow Steel Hammer
1 Crow Braider & 1 " " Narrow Foot
1 W & W Feed Pinch & 1 W & W Thumb Screw
1 " " " Steel Hammer & 1 " " " Feed pinch
1 " " " Ivory Shut. & 4 Plate Screws.
2 thumb Screws & 5 Spooler Springs.

12 Glass Discs & 2 Nuts for 6 Drawer Machs
2 Eldridge Heads & 2 Crown Heads
4 White Heads & 9 sets Accessories
4 doz White Needles
4 Drawer & Baller (worn out heads)
9 Tables for Machines 3 Table leaves
1 old Silver Jones & 1 Fairbanks Head broken
2 Broken Machine Heads
2 " " " "
1 Balance Wheels
13 Nuts for 2 drawer machines
14 Extra drawers
7 Nuts for 3 drawer machines
22 sets leaf supports (Bronze)
10 " " " (Japaned)
11 " " Brackets (Iron)
14 disk faces & 4 pitmans
Support Pigs & 40 Wooden brackets
1 Lot parts W & W. # 2)
1 Box assorted parts
1 lot Wood Knobs & 5 Machine Cams
1 " Screws & 16 assorted
5 Band Wheels & 3 Eldridge Heads
1 Crown Heads & 14 Braces assd.
12 White-machines (in Cases)
12 Household Cases " ")
1 lot tools and attachments
1 Counter show case
1 Stand " " & 1 lot Needle trays
1 Counter
1 Morse Behman safe (Contents included)
1 Singer. man & 1 Lamp
2 Cromos & Frames
1 lot pattern cases
1 " Stationary. 1 lot Office furniture
2 machine wagons
1 set double Harness
Petitions Sky lights & C.

And it further appearing to the Court that a writ of attachment has been issued in this cause and levied upon the personal property hereinafter described and that the same is now in the custody of the Sheriff of Webb County Texas. to wit:- 117 Corpus Merchandise containing 80 eighty one Crown and Family White sewing machines and attachments and ten pleaters,

It is further ordered and adjudged by the Court that plaintiffs said attachment lien be and the same are hereby foreclosed and that writs of sale do issue to the Sheriffs of said Counties respectively commanding

May 28th 1883

thim to sell said propity as under execution and the proceeds thereof be applied to the satisfaction of this judgment and costs.
It is further ordered that the Plaintiff have execution for any balance of this judgment not satisfied by the proceeds of the sale of said attached propity.

J. T. Brown
vs
Lucretia R. Penfro et al

And now in this the 31st day of May A.D. 1883, the above numbered and entitled cause came on to be heard in its regular order for trial, and the plaintiff appearing in person and by his attorneys John Dowell and Enoch & Trigg and the defendant Lucretia R. Penfro appearing in person and by her attorneys Messrs Walton & Hill and the defendant Willie Daniel minor appearing by his special guardian and guardian ad-litem E. D. Johns and the defendants James Bickway and Martha J. Bickway not appearing in person although duly cited and the said James Bickway and Martha J. Bickway having filed their written answer to said cause and made their appearance and answer to said citation by filing said answer in this cause, being parties defendants to this cause, and also came M. J. R. Edwards, Ajed L. E. Edwards her husband in person and by their attorneys Messrs Shuck & Breed and asked permission to be allowed to intervene in this cause, because of being interested in a portion of the subject matter, and pursuant to the Court their original plea and petition of intervention therefor which leave was granted by the Court and said petition filed in the cause, Whereupon Plaintiff by his attorneys asked leave of the Court to file a reply to the said petition of intervenors, which leave was granted and said reply filed, and Plaintiff asked leave of the Court to file a Third supplemental petition in said cause which leave was granted and said supplemental petition filed, Whereupon the defendant Lucretia R. Penfro by her attorneys suggested to the Court the death of the defendant W. E. Penfro her husband and asked that he be dismissed as a party defendant to this cause which was accordingly done and the said defendant Lucretia R. Penfro took and obtained of the Court leave to file a first supplemental answer in this cause, and which said answer was filed whereupon all the parties (Plaintiff and defendants) announced ready for trial in the law of the case, Whereupon came on to be heard the General and Special exceptions and demurrer of the plaintiff to the amended original Answer of the defendant Lucretia R. Penfro, and after the same being presented and read and argument thereon heard, and fully understanding the same the Court was of the opinion that the General demurrer be overruled and that all of the Special demurrers be overruled except the following viz: Special exception Number (3) Three as follows: All of that portion of said answer setting up the care for principal, Made and conduct of said defendant R. Lucretia Penfro towards the minor James and W. H. S. Brown be stricken out because of the fact they are irrelevant and immaterial Matters and can in no way effect this suit, that it is the duty of said R. Lucretia Penfro in law to provide for and not abandon them, that her care for her children can in no way effect the right of plaintiff to recover him," and Special exceptions Number (4) Four as follows "That all of the allegations in said

3723 v & 574 page

May 28th 1883.

Answer as to petitions James T. Brown and A. W. Orr or any one else as alleged in said answer conspiring together to spirit said minors Jamie and W. H. S Brown from and away from said defendant R. Lucretia Rumpo, or poisoning their minds as well as the endeavors and attempts of said defendant R. Lucretia Rumpo to get possession of them or to regain their persons or affections or both, should be stricken out as such matters have nothing to do with the litigation as now pending between the parties to this suit and can in no way effect petitioners right to recover and special demurrer number (9) nine as follows. all sums of damages set up in the plea called a plea in reconvention such as counsel fee of $500.00 and expense of said defendants alleging court $150.00 should be stricken out as the same do not properly sums of damages and are not permissable in law and special demurrer number (10) Ten as follows: The said sum of $500.00 is specially further defective in the way and manner plead, The name of counsel or counsels to whom paid and when and where and in what amounts are not given. neither is it averred same is a reasonable and proper amount and should be stricken out, and special demurrer number (7) seven, The said sum of $150.00 expense alleging court is bad and defective in way and manner plead because the same presents no itemized account. neither dates nor amounts of expenditure nor for what paid so that Court may see same is not barred by Statute of limitations and correct and proper and should be stricken out, all of which said special demurrers as aforesaid are sustained and each and all portions of said answer presenting and pleading the matters excepted to by and in said demurrer are stricken out and so longer held as issues in the cause, and each and all of the remainder of said special demurrers and general demurrer are overruled by the Court. thereafter Cause coming on to be heard the general and special demurrers of plaintiff to the first supplemental answer of defendant Lucretia. R. Rumpo as contained in his second supplemental petition and after being heard and considered by the Court are overruled, and thereupon Cause coming on to be heard the general demurrer of defendant Lucretia. R. Rumpo to the plea in abatement as plead by plaintiff in his first supplemental petition which is marked number III (3) and which after being heard by the Court was sustained and said plea in abatement stricken out; and after so disposing of the issues of law. both and all the parties, the said plaintiff, defendants and intervenors. each and all announced ready for trial on the facts of the case, and a jury having been thereupon duly and lawfully demanded in the cause, thereupon came a jury of twelve good and lawful men of Travis County consisting of A. Allen and eleven others, and after being duly tried, sworn, passed upon and qualified were accepted by the parties as the jury in the cause and who being duly sworn after hearing the pleadings evidence and argument of Counsel in the cause, and after having received the charge of the Court in the way and manner provided by law retired to consider of their verdict and on the 23rd day of May A.D 1883 returned into open court the following verdict: " We the jury find for the plaintiff. and we further find for the Intervenors Edward and wife the land claimed

May 28th 1883

by them in their petition A. Allen Forman"
Whereupon it is ordered adjudged and decreed by the Court that the Plaintiff James. T. Brown was on the 4th day of March A.D. 1871. at the time and date of entering into the following Agreement viz:
State of Texas } This agreement by and between James. T. Brown and
County of Travis } Lucretia R. Brown both of said State and County
witnesseth: That whereas Lucretia Brown has instituted her suit
in the District Court of Travis County against the said James
T. Brown for a divorce and to have decreed and set apart
to her the homestead of said parties consisting of lots (5) five
(6) six (7) seven and (8) eight in Block No 73 in the City of Austin
in said County with improvements thereon and also to have decreed
to her the care and custody of the three children of said parties
viz: Mary Ellen Brown about 15 years old. James Brown now 9
years old and William H. L. Brown now six years of age, and
whereas said parties are desirous of saving the expense of useless
litigation with respect to the division of property and the custody
of the said minor children, Now therefore in case a decree of
divorce from the bonds of Matrimony shall be granted and ordered
by said Court in favor of said Lucretia Brown against said James
T. Brown in the suit aforesaid it is hereby stipulated and agreed
by said parties that said District Court shall also by its decree
in said suit make the following disposition of said property as
a full settlement of all controversy with regard to money and property
and children to wit:
1. They shall be set apart and decreed to Martha Jane Rockway
the wife of James Rockway and child of said James. T. Brown by a
former Marriage Lot No 8 and the West one third of lot No 7
in Block No 73. in said City of Austin with the improvements
thereon
2. They shall be decreed and set apart to Mary Ellen Brown child
of said James. T. and Lucretia Brown the East two thirds of lot
No 7 and the West two thirds of Lot No 6 in said Block No 73. and
one third of the household and kitchen furniture, now owned by said
parties, said pairs of lots and household and kitchen furniture so
set apart to the said Mary Ellen Brown to remain in the possession
of the said Lucretia Brown until the said Mary Ellen Brown shall
arrive at the age of twenty one years or marry, at which time the same
shall be turned over by the said Lucretia to her;
3d The East one third of lot No 6 and lot No 5 in Block No 73
with all the improvements thereon and the remaining two thirds of
the household and kitchen furniture shall be decreed and set apart
absolutely to the said Lucretia Brown, and that the care and custody
of said three minor children of said parties shall be given by decree
to the said Lucretia Brown. In testimony of all which we have hereto
sign our name and affix our seals on this the 4th
day of March 1871
signed J. T. Brown (seal)

May 28th 1883.

Lucilia Brown (seal

Attest
Joseph Walker
Thos. E. Sneed.

And on the 6th day of March A.D. 1871 at the time of the entering up of the judgment of this Court as hereinafter set forth in Consolidated Causes No 3038, 3056, entitled Lucilia R. Rufro plaintiff vs James T. Brown defendant and Lucilia R. Rufro plaintiff vs James T. Brown Martha J. Rickway and James Rickway defendants which said judgment is recorded in Book J. on pages 431, 432, and 433 of the record of the minutes of this Court and dated May 6th 1871 and which is in words and figures as follows, to wit:

Lucilia R. Brown
vs
James T. Brown
3038

James Rickway & Martha Rickway
Lucilia R. Rufro
vs
James T. Brown
3056

May 6th 1871.

Now on this day came all the parties to the two causes above entitled and numbered and by consent said causes are consolidated, and thereupon the parties announced themselves ready for trial and it appearing to the Court that the matters in controversy in said cause No 3038 as settled by agreement of the parties filed in said cause No 3056 and that only the matters involved in said cause No 3056 require the intervention of a jury - x x x x x x and it further appearing to the Court that since the institution of said suit No 3056 said Lucilia R. Brown and James T. Brown for the purpose of settling all dispute and controversy between them with respect to the care and custody of their minor Children and also with regard to the community property now owned by them have entered into the following written agreement and signed by them which is on file in said cause No 3056 as part of the record thereof to wit:

The State of Texas } This agreement by and between James T.
County of Travis } Brown and Lucilia R. Brown both of said State and County Witnesseth that Whereas the said Lucilia R. Brown has instituted her suit in the District Court of Travis County against the said James T. Brown for a divorce and to have the community property apportioned between them and set apart to her the homestead of said parties consisting of Lots Nos (5) five (6) six (7) seven and (8) eight in Block No 73 in the City of Austin in said County with improvements thereon and also to have the care and custody of the three Children of said parties viz: Mary Ellen Brown about 15 years of age, James Brown now 9 years of age and William H. L. Brown now 6 years of age, and whereas said parties are desirous of saving the expence of further litigation with respect to the division of property and the custody of their said minor children, now therefore in case a decree of divorce from the bonds of Matrimony shall be granted and rendered by said District Court in favor of said Lucilia Brown against said James T. Brown in the suit aforesaid it is hereby stipulated and agreed by and between said parties that said District Court

May 28th 1883

shall also by it decreed in said suit make the following disposition of said property as a full settlement of all controversy with regard to money and property

Thus shall be set apart and decreed to Martha Jane Rockway the wife of James Rockway and child of said James F. Brown by a former marriage Lot No 8 and the West one third of Lot No 7 in Block No 73 in said City of Austin with improvements thereon,

2. Thus shall be decreed and set apart to Mary Ellen Brown child of said James F. and Lucretia R. the East two thirds of Lot No 7 and the West two thirds of Lot No 6 in said Block No 73. and one third of the household and Kitchen furniture now owned by said parties, said pairs of lots and household and Kitchen furniture to set apart to the said Mary Ellen Brown to remain in the possession of the said Lucretia Brown until the said Mary Ellen Brown shall arrive to the age of twenty one years or marry at which time the same shall be turned over by the said Lucretia to her,

3d Thus the West one third of Lot No 6 and Lot No 5 in Block No 73. with all the improvements thereon, and the remaining two thirds of the household and Kitchen furniture shall be decreed and set apart absolutely to the said Lucretia Brown and that the care and Custody of the said three minor children of said parties shall be given by decree to the said Lucretia Brown,

In testimony of all which We hereto sign our name and affix our Seavels for seals on this the 4th day of March A D 1871.

Attest
Joseph Walker
Thos. E. Sneed.

Signed J F Brown (Seal)
Lucretia Brown (Seal)

It is therefore ordered adjudged and decreed by the Court that the care custody management and control of the said minor three children issue of the marriage between the said Lucretia R. and James F. to wit Mary Ellen, James and William H. S. Brown be and the same are hereby given and decreed to the said Lucretia R. Brown during the continuance of their respective minorities, and it is further ordered and adjudged by the Court that there be set apart to Martha Jane Rockway wife of James Rockway Lot No (8) Eight and the West one third of lot No (7) Seven in Block No 73. in the City of Austin in Travis County with the improvements thereon and the said Martha Jane Rockway be forever vested in the possession and title to said property

And it is further ordered adjudged and decreed by the Court that the East two thirds of lot No (7) seven and West two thirds of lot No (6) Six in Block No 73. in said City together with one third of the household and Kitchen furniture now owned by said Lucretia R. Brown and James F. Brown be and the same are hereby set apart to Mary Ellen Brown child of the said Lucretia R and James F. Brown and that said

May 28th 1883

Mary Ellen be invited in the title thereto and that said parts of lots and household and Kitchen furniture so set apart to the said Minor Mary Ellen Brown shall remain in the possession use and control of the said Lucretia R. Brown until the said Mary Ellen Brown shall Marry or become twenty one years of age at which time the same shall be delivered by the said Lucretia R. to the said Mary Ellen Brown, and it is further ordered by the Court that the said Lucretia R. Brown do have and recover of and from the said James. T. Brown the East one third of No 6 and lot No 5 in Block No 73 in the City of Austin together with all the improvements thereon and that she also recover from said James T. Brown the remaining two thirds of all the household and Kitchen furniture now owned by said parties, and that the said Lucretia R. be forever quieted in the possession of and title to said property so set apart and decreed to her, and it is further ordered that said James T. Brown be forever enjoined and restrained from any interference with the Lucretia R. in the care custody management and control of said minor children and from any interference with the said Lucretia R. in the management and control of said property hereon set apart to the Mary Ellen Brown, and from any interference with the said Lucretia R. in the use possession enjoyment and complete dominion over the property hereon decreed to the said Lucretia R. Brown, and it is further ordered that James Bickway and Martha Jane Bickway pay all costs in said Cause No 3038 and that defendant James T. Brown pay all the costs in said Cause No 3056 for which execution may issue against said parties respectively

and at all times inclusive and between said dates to wit: the 4th and 6th of March 1871. Was insane, a lunatic and incapable in law of executing said contract and incapable in law of being a party to said judgment and that said agreement and said judgment based on the same for and on account of the insanity and mental incapacity of said James. T. Brown be and is hereby cancelled annulled vacated and set aside and are hereby decreed and declared to be and have been null and void and of no binding force and effect in the said James. T. Brown from the beginning, and all rights and privileges in and to property divested or sought to be divested out of the said James. T. Brown by virtue of the said agreement and said decree and invested in other be and the same is hereby divested out of said parties taking and holding by virtue of said agreement and decree and be and is hereby reinvested in the said James. T. Brown as perfect and absolute as if the said agreement had never been entered into or said decree entered up and ordered on the same, and it is further ordered adjudged and decreed by the Court that the plaintiff the said James. T. Brown do have and recover of the said Lucretia R. Rutro. James Bickway March J. Bickway and Willis Daniel and his said special guardian and guardian ad litem C. W. Johns defendants herein a

May 28th 1883

one half undivided interest in and to lots No (5) Five (6) Six (7) Seven and (8) eight in Block number Seventy three (73) of the City of Austin County of Travis and State of Texas, and a one half undivided interest in and to all improvements thereon Whereon, that the said James T. Brown be and is hereby as against the defendants their agents and representatives as well as their Vendees or those holding by or through them since the filing of this suit quieted in his title to said property as above described to him and the said defendants their agents and representatives as well as their Vendees or those holding by or through them be and are hereby prohibited from interfering with or molesting him in his rights thereto as aforesaid or in his possession as a joint owner, that he have his writ of possession against said defendants their agents representatives as well as their Vendees or those holding by or through them since filing this suit to place him in possession of his interest as tenant in common with said Lucretia Rufro aforesaid and right of property as aforesaid as joint owner with said Lucretia Rufro; and that the said Plaintiff James T. Brown do have and recover of and from the defendants all costs in this behalf expended for collection of which let execution issue

And it is further ordered and decreed by the Court that the Intervenors E. J. R. Edwards and his husband L. E. Edwards do have and recover of and from the plaintiff James T. Brown and of and from the defendants Lucretia R. Rufro, James Bickway, Mattie J. Bickway, Willie Daniels and his special guardian and guardian ad litem C. D. Johns the following property viz: Beginning at the S. E. Corner of lot number Five as aforesaid, thence North with Guadalupe Street 64 feet; Thence West 128 feet or parallel with Bois-de-arc Street; Thence South parallel with Guadalupe Street 64 feet to Alley, Thence East with Alley 128 feet to beginning in Block number 73. of the said City of Austin together with all improvements thereon, and the said Intervenors be and are hereby forever quieted in their title and possession of said property as against all of the other parties to this suit, and that said other parties be and are hereby prohibited from molesting or interfering with said intervenors in their title and possession to the said property, and it being shown to the Court that of the said Edwards and wife recovery that they hold 64 feet off the lot No 5 and of the E. 1/3 of lot No 6. off the S end thereof by purchase of defendant Lucretia Rufro the same is charged to her in partition, the remainder 36 feet by 64 to be charged in partition one half to plaintiff and one half to said Lucretia Rufro; and it further appearing that said Lucretia Rufro is entitled in partition to one half of said lots 5. 6 7. 8 and that as against her the deed of gift to his daughter Mrs Bickway does not pass title, it is ordered that said parties viz: lot 8 and the W 1/3 of lot No 7 in partition be allotted to the plaintiff and be charged in partition in his share: and it is further ordered that said intervenors have and recover all costs expended by them in prosecution of this cause against all of the other parties to this suit for collection of which execution will issue, and that this case remain on the docket for further proceedings in partition.

May 29th 1883

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings was had viz:

5997 James. W. Taylor vs H.T.C. & R.R. Co. Continued as on affidavit of defendant. Court adjourned till tomorrow morning 9 o'clock

May 30th 1883.

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings was had. viz:

6022 Chas. E. Rock vs T. & G. N. R.R. Co. } This day came the parties by their attorneys and it is ordered by the Court that defendant have leave to file first amended original ~~petition~~ answer, and thereupon came on to be heard the general demurrer and exceptions of defendant to plaintiff petition and the argument of counsel thereon being heard it is the opinion of the Court that the law is for the plaintiff. It is therefore considered by the Court that said demurrer and exceptions be overruled. Whereupon both parties announced themselves ready for trial. Thereupon came a jury of twelve good and lawful men of Travis County consisting of A. Eaves and eleven others, who being duly elected tried empannelled and sworn according to law heard the pleadings, evidence and argument of counsel thereon, and being duly charged by the Court as to the law in this case retired to consider of their verdict and thereafter on the same day said jury returned into open Court the following verdict to wit: "We the jury find for the plaintiff and assess the damages at one thousand dollars $1000.00 A. Eaves Foreman"

It is therefore considered ordered adjudged and decreed by the Court that the plaintiff Charles. E. Rock do have and recover of and from the defendant International & Great Northern Rail Road Company the Sum of ($1000.00) one thousand dollars and all costs in this behalf expended. for which execution may issue.

3972 The State of Texas. vs J. S. Harrison et al. It is ordered by the Court that plaintiff have leave to file 1st amended original Petition

4975 T. L. Nunn vs Edmund Green. It is ordered by the Court that defendant have leave to file 1st amended original answer.

Court adjourned till tomorrow morning 9 o'clock

May 31st 1883.

Court met pursuant to adjournment. Present same as on first day Whereupon the following proceedings was had. viz:

3972 The State of Texas vs J. S. Harrison et al. It is ordered by the Court that defendants have leave to file 1st Amended original answer.

Court adjourned till tomorrow morning 9 o'clock.

June 1st 1883.

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings was had viz:

June 1st 1883.

Thmas Cassidy: Admr. vs R. A. Smith. Admr. Set for June 9th 1883 169
Court adjourned till tomorrow morning 9 o'clock.

June 2nd 1883

Court met pursuant to adjournment. Present same as on first day
Whereupon the following proceedings were had viz:
John & Eliza Holland vs John A. Conner. The mandate of the 3163
Supreme Court having been filed affirming this judgment it is
now ordered by the court that this case be dropped from the docket.
The State of Texas vs J. S. Harrison et al. This case is ordered passed 3972
to the 9th of may 1883.
The State of Texas vs T. T. Gammag et al It is ordered by the court
that this case be passed to June 9th 1883 3974
Chas. E. Rork } And now on this day came the plaintiff
vs } and defendant by attorneys and thereupon
D & G. N. R. R. Co. } came on to be heard the motion of the de- 6021
-fendant for a new trial in this behalf, and said motion having
been submitted thereon argument to the court, and same duly
considered and fully understood, was overruled, to which ruling
of the court the defendant in open court excepts and in open
court gives notice of Appeal to the Supreme Court.
The State of Texas } On this the 2nd day of June 1883 this cause 3977
vs } being called for trial, the plaintiff appeared by at- Ef. Rock
W. S. Williamson et al } -torney and the defendant J. A. Davis appeared by
his attorney Horace Chilton Esq and plead in bar of this suit, that she
was a married woman when she signed the bond sued on in this cause
and that she is still a married woman, that her husband did not sign
the bond and is not a party to this suit. Which plea was sworn to by
said J. A. Davis and filed in this cause, It is considered by the Court
that, inasmuch as the said defendant J. A. Davis has proven the truth
of the said plea that judgment be rendered in her favor against the
State of Texas for all costs in this cause incurred by her and that she
be allowed to go hence without day; the plaintiff announced ready for
trial as to the balance of the defendants who had accepted service and
waived the issuance of process, and the said defendants, notwithstanding
their said acceptance of service failed to appear but wholly made default,
and it appearing to the Court from the evidence submitted that there
is due the plaintiff from the balance of the defendants herein after
allowing all legal offsets and credits, the sum of $5627.70. besides all
costs of suit. It is therefore considered ordered adjudged and decreed by
the Court that Plaintiff the State of Texas do have and recover of and
from the defendants W. S. Williamson, W. A. Cousins. M. Scott. O. Loftin D. F.
Scott. B. F. Erwin. E. C. Williams W. S. Herndon and John W. Hamm the
sum of Five thousand Six hundred and twenty seven 70/100 ($5627.70) dollars
with interest thereon from this date until paid at the rate of 8 per cent
per annum besides all costs of suit for all of which execution may issue.
And it appearing to the court that the defendant W. S. Williamson

June 2d 1883

is the principal and that the balance of the defendants herein are his sureties, it is therefore ordered by the Court that the said sureties, it is therefore ordered by the Court that the said sureties do have judgment over against the said principal W. S. Wilkinson for Whatever amount of this judgment they may pay and that Execution may issue therefor at the instance of the said surety so paying, as provided by law, and should any one of said sureties pay more than his proportionate part of this judgment it is ordered by the Court that Execution may issue in his favor therefor against the Co sureties of the party so paying for their proportionate part of the Costs so paid by said surety and interest thereon in the manner provided by law.

The State of Texas vs W. S. Wilkinson et al } On this the 2d day of June 1883. this cause being called for trial, plaintiff appeared by attorney and discontinued as to the defendants J. S. O Brooks and J. L. Brooks who were not served with process and announced ready for trial as to the balance of the defendants. The balance of the defendants failed to appear and answer in this cause, although they had all accepted service and waived the service of process, but Wholly made default, and it appearing to the Court from the evidence submitted that there is due the plaintiff herein from the defendants after allowing all offsets and credits the sum of Three thousand one hundred and thirty three and 26/100 ($3133.26) dollars. It is therefore Considered ordered adjudged and decreed by the Court that the plaintiff, The State of Texas do have and recover of and from the defendants W. S. Wilkinson, A. M. Whitaker, T. R. Bonner, Wm Gimble G. J. Gilomich, W. P. Loftin, W. C. Pierce, L. E. Verner, W. J. McFarland A. M. Rather, John Darrough A. G. Arkin, T. R. Niblack, N. L. Roberts J. F. Whitaker, J. M. Teagle, W. B. Butler, D. L. Butler, W. O. Butler J. A. Bullard and D. A. Cain the sum of Three thousand one hundred and thirty three 26/100 ($3133.26) dollars with interest thereon from this date until paid at the rate of 8 per cent per annum besides all costs of suit; for all of which Execution may issue. It appearing to the Court that the defendants W. S Wilkinson is the principal and that the balance of the defendants herein are his sureties, it is therefore ordered by the Court that the said sureties do have judgment over against the said principal W. S Wilkinson for Whatever Amount of this judgment they or either of them may pay and that Execution may issue in his favor therefor at the instance of said surety so paying as provided by law, and should any one of said sureties pay more than his proportionate of this judgment it is ordered by the Court that Execution may issue therefor in his favor at the instance of said surety so paying as provided by law, and should any one of said sureties pay more than his proportionate part of this judgment it is ordered by the Court that Execution may issue therefor against the Co sureties of the party so paying for their proportionate part of the Costs so paid by said surety and interest thereon in the Manner provided by law.

1693 3165 3972 3974 5978 Ex Book 5 page 178.

June 2d 1883

F. L. Law & L. H. Evans } And now on this 31st day of May 1883 5-820
vs } Come the said plaintiff and defendant in
City Water Company } person and by attorneys, and thus came on
to be heard the demurrer of defendant to plaintiff petition, and the argument
of counsel thereon being heard it is the opinion of the Court that the law
is for the plaintiff: it is therefore considered by the Court that said
demurrer be overruled, to which ruling of the Court defendant excepts;
thereupon came on to be heard the exceptions of Plaintiff to the offsets
plead by defendant in their amended original answer, and the argu-
ment of counsel thereon being heard it is the opinion of the Court that the
law is for the plaintiff it is therefore ordered by the Court that said exceptions
as to the offsets be sustained, and overruled as to other exceptions, to which
ruling of the Court defendant excepts in the said sustaining said exceptions,
and thereupon both parties announced themselves ready for trial on
the facts of the case: Whereupon came a jury of twelve good and
lawful men of Travis County consisting of P. L. Hopkins and eleven
others who being duly selected tried empannelled and sworn accor-
ding to law, heard the pleadings read, and part of the evidence intro-
duced until the morning of June 1st 1883, and at last said date
by agreement of the parties one of the jurors to wit: C. A. Anderson
was excused from further service in the case on account of sickness
in his family, and the trial of the cause proceeded with the other eleven
jurors, thereupon the balance of the evidence was heard, and the
argument of counsel thereon until the evening of June 2d when the
Court duly charged said jury as to the law in this case. When they
retired to consider of their verdict, and thereafter said jury returned
in open Court the following verdict to wit: "We the jury find for
the defendant P. L. Hopkins Foreman" It is therefore considered
by the Court that plaintiff take nothing by this suit, and that de-
fendant recover of plaintiff and the sureties on this cost bond to wit:
Alexander Evans and Sylvester V. Evans its costs in this behalf expended.
for which execution may issue.

Court adjourned till Monday Morning 9 o'clock.

June 4th and 5th 1883

Court met each of the above dates pursuant to adjournment,
Present same as on first day, and there being no civil minutes
of either of said dates to record Court adjourned till tomorrow
morning 9 o'clock.

June 6th 1883

Court met pursuant to adjournment. Present same as on first
day whereupon the following proceedings were had viz:
The State of Texas } It is ordered by the Court that plaintiff 5-963
vs } have leave to file 1st supplemental petition
John. J. McConnell } and thereupon upon motion of plaintiffs
attorney it appearing to the Court that the indebtedness of the

June 6th 1883

defendants had been settled and costs paid it is ordered that this cause be and the same is hereby dismissed.

Court adjourned till tomorrow morning 9 o'clock

June 7th 1883.

Court met pursuant to adjournment. Present same as on first day and there being no civil minutes to be recorded of this date court adjourned till tomorrow morning 9 o'clock.

June 8th 1883

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

5974 & Book 5 page.

The State of Texas } On this 8th day of June A.D. 1883 came
vs. } the State of Texas, plaintiff by her attorneys
T. T. Jammage et al } E. T. Moore County attorney and D. W. Doom
and the defendants T. T. Jammage. Wm Shumalle. J. A. Fields
J. C. Simpson and Stephen B. Parker administrator of the estate
of Isaac Parker deceased by their attorneys Walton & Hill and
both parties announce ready for trial and waive a jury and submit
the matters in controversy as well of fact as of law to the Court. and
the pleadings and evidence having been heard and fully understood
and it appearing to the Court that Geo. P. Wallace the principal
for whom the defendants T. T. Jammage Wm Shumalle. J. A. Fields
and J. C. Simpson and the said Isaac Parker deceased were sureties
in the official bond sued on is dead, and that the said Geo P. Wallace
as collector of taxes of Anderson County Texas was and is indebted
to the State of Texas plaintiff in the sum of Twelve hundred and
ninety four & 05/100 dollars on his account for the year 1881 as
shown by the Statement of the Comptroller of Public accounts on
which the suit is brought and his bills of this date directing fur-
-ther credit of Seventy Six & 45/100 dollars, it is therefore considered
ordered adjudged and decreed by the Court that the plaintiff the
State of Texas do have and recover of the said defendants T. T.
Jammage. Wm Shumalle, J. A. Fields. J. C. Simpson and Stephen
B. Parker as administrator of the estate of Isaac Parker deceased
jointly and severally the said sum of Twelve hundred and ninety
four & 05/100 dollars principal and the further sum of ninety six
& 90/100 dollars interest to this date in all Thirteen hundred and ninety
& 95/100 dollars with interest thereon from this date until paid at the
rate of eight per cent per annum from this date until paid with all
costs in this behalf expended and that plaintiff have her execution
against the said defendants T. T. Jammage. Wm Shumalle J. A.
Fields and J. C. Simpson, and that this judgment as against the
said Stephen. B. Parker as administrator of the estate of Isaac Parker
deceased be paid in due course of Administration. and no execution
shall issue against said Stephen. B. Parker as such administrator
on this judgment, but the same shall be certified to the proper County

5963

June 8th 1883

Court sitting in matters of probate to be then enforced in accordance with law.

Court adjourned till tomorrow morning 9 oclock

June 9th 1883.

Court met pursuant to adjournment, Present same as on first day whereupon the following proceedings were had: viz.
Nothing no civil minutes to be noted of this date Court adjourned till Monday morning 10 oclock,

June 11th 1883

Court met pursuant to adjournment, Present same as on first day whereupon the following proceedings were had viz:
Thomas Cassidy Admr. vs R. A. Smith Admr. } And now on this day upon motion of defendants attorney It is ordered by the Court that defendant Smith have leave to file 2d amended original Answer, and Lewis Hancock has leave to make himself a party as heir of Geo Hancock died intermor heir. and whose death was here suggested it is further ordered by the Court that Mrs Ann Kluge Executrix of C W Kluge allowed to make herself party and case set for trial for July 2d 1883. subject to call of Jury docket. 169 3/4

The State of Texas vs J. S. Harrison et al } On this 11th day of June A D 1883 came the State of Texas plaintiff by her attorney E T Moore County attorney and D. M. Doom and the defendants Thomas. W. Markham. A. T. McKinney. R. A. Burk and John Henry by their attorneys Hancock & Shelby and it appearing to the Court that the defendant J. S Harrison is dead and was never served with citation in this cause, Plaintiff by her said Attorneys says she will not further prosecute this suit as to the said defendant J. S. Harrison, Whereupon this suit is discontinued as to him: And thereupon came on to be heard the general and Special demurrers of the defendants Thomas. W. Markham. A. T. McKinney. R. A. Burk and John Henry to the plaintiffs amended original Petition And the argument of Counsel thereon being heard it is the opinion of the Court that the law is for the plaintiff and it is therefore considered and ordered by the Court that the said general and Special demurrers be overruled. to which ruling of the Court the said defendants except: And thereupon both parties announce ready for trial on the facts and No jury being demanded the case is tried by the Court without a jury and the pleadings evidence and argument of Counsel having been heard and fully understood and it appearing to the Court that J. S. Harrison the principal for whom the defendants Thomas. W. Markham. A. T. McKinney R. A. Burk and John Henry are sureties in the official bond sued on in this cause is dead, and that the said J. S. Harrison as collector of taxes of the County of Walker in the State of Texas was and is indebted to the State of Texas plaintiff in the sum of Thirteen hundred and thirty four & 64/100 dollars besides interest, and that the 5973/

60

June 11th 1883.

defendants Thomas W. Markham, A. T. McKinney, R. H. Bush and John Henry as sureties of J. S. Harrison are liable to the State of Texas plaintiff for said sum of money with interest thereon, it is therefore considered ordered adjudged and decreed by the Court that the plaintiff the State of Texas do have and recover of the said defendants Thos. W. Markham A. T. McKinney, R. H. Bush and John Henry the said sum of Thirteen hundred and Thirty four & 64/100 dollars principal and the further sum of Two hundred and seven and 61/100 dollars interest to this date in all Fifteen hundred and forty two & 25/100 dollars. with interest thereon from this date until paid at the rate of eight per cent per annum together with all costs in this behalf expended and that plaintiff have execution, And it further appearing to the Court that the said J. S. J. S Harrison was the principal in the official bond sued on in this cause, and that the said defendants Thos. W. Markham A. T. McKinney, R. H. Bush and John Henry executed said bond as sureties it is therefore further ordered adjudged and decreed by the Court that in case this judgment is paid by the sureties or any of them and one or more of them fails to pay his proportionate part of said judgment and in consequence of such failure one or more of said sureties is compelled to pay more than his proportionate part of said judgment then execution may issue for the use of the sureties or surety who shall have paid more than his proportionate part of said judgment against his co sureties for their proportionate part of the excess so paid by him and interest thereon, And it is further ordered that execution may issue on behalf of the officers of the Court for all costs in this behalf incured, to which judgment of the Court the said defendants except and in open Court give notice of appeal to the Supreme Court of the State of Texas.

Court adjourned till tomorrow morning 9 o'clock

June 12th 1883

Court met pursuant to adjournment; Present same as on first day whereupon the following proceedings were had viz:

Nothing no civil minutes to be recorded of this date. Court adjourned till tomorrow morning 9 o'clock.

June 13th 1883

Court met pursuant to adjournment; Present same as on first day. Whereupon the following proceedings were had viz:

6031 Wm Shappard et al vs Jno O. Johnson. } On the 16th day of May it is ordered by the Court that the defendants be given notice and that the application for injunction be set for argument on Saturday 26th inst; And on the 2nd day of June 1883. said application was submitted on brief and authorities of both parties.

June 13th 1883

Shafstall & Johnson } Application for injunction
vs
John. O. Johnson } Ordered, that upon the complainants filing their 6031
bond in one thousand dollars, conditioned and approved as required by law the injunction will issue to the extent following viz: restraining defendant his agents and employees from obstructing the way described in the bill through & over his lands against the use thereof by the complainants and their tenants occupying the lands of complainants described in the bill, the way from the lands of complainants described in the bill, through the lands of the defendant to be unobstructed and open to the complainants and their tenants upon the said lands of the said Shafstall & Johnson for their necessary use in reaching the public road & in returning, The complainants and tenants aforesaid having the right of way, to be chargeable with the duty of closing gates upon said way passed through by them, and of fastening them in passing through, with such security as the fastenings provided by defendant shall reasonably afford— Further the prayer in the bill is refused
June 13th 1883
Signed A. S. Walker Judge 16th Dist.

Court adjourned till tomorrow morning 9 o'clock.

June 14th 1883

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:
John C. Duval et al } And now on this day come on to be heard the 4795
vs report of sale of Wm Von Rosenberg Trustee and
Robt Coleman et al } Commissioner to sell heretofore appointed by the Court in this cause, which report of sale is as follows: to wit:
Hon A. S. Walker
Judge District Court of Travis Co.

593

The undersigned Trustee, respectfully represents, that there is a tract of land in Travis County Texas, containing 197½ acres, patented to Charles O'Hara, which title in W. M. Booth, which was then located by Booth, Duval and Coleman and is owned by them in equal parts undivided, that your Trustee represents two thirds interest in said land for the benefit of Geo W Sampson under former decree, said interest being that of W. M. Booth and J. C. Duval - that one-third interest is owned by Robert Coleman: that the value of said land was then ascertained to be $2.00 per acre, or $395.00 for the 197½ acres: That Mr. W. J. J. Coggin is the owner of a matured tax title for said land, valued at $100.00, including taxes, paid subsequent to tax sale, and all rights under the Tax Collectors deed: - That said W. J. J. Coggin will pay $295.00 for the title of Booth Duval and Coleman, one half cash and one half in 12 months with interest at the rate of ten per cent per annum, secured by vendors lien. That your Trustee has accepted said offer subject to confirmation by your honorable Court: That Robert Coleman has agreed to said sale, and Mr. Geo. W. Sampson in particular agrees to the terms of said sale: That your Trustee having the land well and fairly sold at its value respectfully asks to have confirmation and as

June 14th 1883

-porval of said sale of the Chas O'Hara 197½ acres in the Trust stated and to authorize him to make deed favor W. J. Scoggin for the ⅔ interest thein represented by said Trustee, to distribute proceeds in accordance with former decree, and to grant time for further report. Austin May 1st 1883.

W. Von Rosenberg Trustee,

Sworn to and subscribed before me this 17th day of may 1883.

Jas R Nash. Clk

And it appearing to the Court that said sale of said property is fair and fairly made, and that the same has sold for its value- said sale of the two thirds interest in said O'Hara 197½ acres as presented by said Trustee and as set out in the above report is hereby in all things confirmed. And ordered that said Trustee upon the purchaser complying with the terms thereof as stated in this report make to him deed therefor, divesting all title and interest of the parties represented by said Trustee out of them and vesting same in purchaser. And that this cause remain upon the docket for further orders. Court adjourned till tomorrow morning 9 o'clock

June 15th 1883

Court met pursuant to adjournment. Parties came as on first day. and there being no civil minutes to be recorded of this day date Court adjourned till tomorrow morning 9 o'clock

June 16th 1883

Court met pursuant to adjournment. Parties came as on first day. Whereupon the following proceedings was had viz:

5939 Eva A. Terry vs James A. Terry

This day came on to be heard the above entitled cause, and it appearing to the Court that said defendant on the 9th day of December A D 1882 had acknowledged and accepted service of said petition herein filed and had failed to answer thereto or in any manner deny the allegations of the same, the plaintiff by her attorney having announced ready for trial submitted the matters and things therein alleged to the Court, the Court after having heard the evidence adduced, and argument of Counsel found that the matters and things as alleged in said petition are true, it is therefore ordered adjudged and decreed by the Court that the bonds of matrimony heretofore existing between the plaintiff and defendant be, and are hereby dissolved, and it further appearing to the Court that said petition contains a prayer by plaintiff for the restoration of her maiden name, and the same being duly considered by the Court, it is ordered adjudged and decreed by the Court that said prayer be granted, and that the name of plaintiff as before the said marriage, to wit; Eva A. Porter be and is hereby restored unto the said plaintiff, and that plaintiff do have and recover of defendant all the costs in this behalf expended and for which execution may issue.

Court adjourned till Monday morning 10 o'clock

June 13th 1883

Shafstall & Johnson } Application for injunction
vs
John O. Johnson } Ordered, that upon the complainants filing their bond in one thousand dollars, conditioned and approved as required by law the injunction will issue to the extent following viz: restraining defendant his agents and employees from obstructing the way described in the bill through & over his lands against the free use thereof by the complainants and their tenants occupying the lands of complainants described in the bill, the way from the lands of complainants described in the bill, through the lands of the defendant to be unobstructed and open to the complainants and their tenants upon the said lands of the said Shafstall & Johnson for their necessary use in reaching the public road & in returning, The complainants and tenants aforesaid having the right of way, to be chargeable with the duty of closing gates upon said way passed through by them, and of fastening them in passing through with such security as the fastenings provided by defendant shall reasonably afford — Further the prayer in the bill is refused

June 13th 1883 Signed A. S. Walker Judge 16th Dist.

Court adjourned till tomorrow morning 9 o'clock

June 14th 1883

Court met pursuant to adjournment. Present same as on first day Whereupon the following proceedings were had viz:

John C. Duval et al } And now on this day come on to be heard the
vs } report of sale of Wm Van Rosenberg Trustee and
Robt Coleman et al } Commissioner to sell heretofore appointed by the Court in this cause, which report of sale is as follows: to wit:

Hon A. S. Walker

Judge District Court of Travis Co.

The undersigned Trustee, respectfully represents, that there is a tract of land in Travis County Texas, containing 197½ acres, patented to Charles O'Hara, which title in W. M. Booth, which was surveyed by Booth, Duval and Coleman and is owned by them in equal parts under their agreement, that your Trustee represents two thirds interest in said land for the benefit of Geo W Sampson under former decree, said interest being that of W. M. Booth and J. C. Duval - that one-third interest is owned by Robert Coleman: That the value of said land was ascertained to be $2.00 per acre, or $395.00 for the 197½ acres: That Mr. W. J. J. Coggin is the owner of a matured tax title for said land, valued at $100.00, including taxes paid subsequent to tax sale, and all rights under the Tax Collectors deed: - That said W. J. J. Coggin will pay $295.00 for the title of Booth Duval and Coleman, one half cash and one half in 12 months with interest at the rate of ten per cent per annum, secured by vendors lien. That your Trustee has accepted said offer subject to confirmation by your honorable Court: That Robert Coleman has agreed to said sale, and Mr. Geo. W. Sampson in particular agrees to the terms of said sale: That your Trustee having the land well and fairly sold at its value respectfully asks to order confirmation and as

June 14th 1883

proval of said sale of the Chas O'Hara 197½ acre in the time stated and to authorize him to make deed favor W. J. J. Scoggin for the ⅔ interest therein represented by said Trustee, to distribute proceeds in accordance with former decree, and to grant time for further report. Austin May 1st 1883.

W. Von Rosenberg Trustee,

Sworn to and subscribed before me this 17th day of may 1883.

Jas P Hart. Clk

And it appearing to the Court that said sale of said property is fair and fairly made, and that the same has sold for its value - said sale of the two thirds interest in said O'Hara 197½ acres as represented by said Trustee and as set out in the above report is hereby in all things confirmed and ordered that said Trustee upon the purchaser complying with the terms thereof as stated in this report make to him deed therefor, divesting all title and interest of the parties represented by said Trustee out of them and vesting same in purchaser. And that this Cause remain upon the docket for further report. Court adjourned till tomorrow morning 9 o'Clock

June 15th 1883

Court met pursuant to adjournment. Parties came as on first day. and thereupon no civil minutes to be recorded of this day Court adjourned till tomorrow morning 9 o'clock

June 16th 1883

Court met pursuant to adjournment. Parties came as on first day. Whereupon the following proceedings was had viz:

5939 Eva A. Terry vs James A. Terry

This day came on to be heard the above entitled cause, and it appearing to the Court that said defendant on the 9th day of December A.D. 1882 had acknowledged and accepted service of said petition herein filed and had failed to answer thereto or in any manner deny the allegations of the same, the plaintiff by her attorney having announced ready for trial submitted the matters and things therein alleged to the Court, the Court after having heard the evidence adduced, and argument of Counsel found that the matters and things as alleged in said petition are true, it is therefore ordered adjudged and decreed by the Court that the bonds of matrimony heretofore existing between the plaintiff and defendant be, and are hereby dissolved, and it further appearing to the Court that said petition contains a prayer by plaintiff for the restoration of her maiden name, and the same being duly considered by the Court, it is ordered adjudged and decreed by the Court that said prayer be granted, and that the name of plaintiff as before the said marriage, to wit, Eva A. Porter be and is hereby restored unto her the said plaintiff, and that plaintiff do have and recover of defendant all the costs in this behalf expended and for which execution may issue.

Court adjourned till Monday Morning 10 o'clock

June 18th 1883

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings were had viz:

L. W. White vs J. B. Baron Et. Al appearing to the Court that 4546
the mandate of the Am Supreme Court of Texas was on the 28th day of May 1883. filed affirming the judgment of this court, this case is now dropped from the docket.

James Brown vs Lucilia Brown et al } And now on this the 12th day of June 1883. it is ordered by the Court that C. D. 3723 604
John Esq. Guardian ad litem heretofore appointed by the Court be and he is hereby allowed a fee of ($20.00) twenty dollars and that the same be taxed as part of the Cost in this case.

The State of Texas vs S. M. Strayhorn et al. Upon motion of plaintiffs 5595
Attorney it is ordered by the Court that plaintiff have leave to file amended original petition

Court adjourned till tomorrow morning 9 o'clock

June 19th and 20th 1883.

Court met each day pursuant to adjournment. Present same as on first. but there being no Civil Minutes to be recorded of either of the above dates, Court adjourned till tomorrow morning 9 o'clock

June 21st 1883.

Court met pursuant to adjournment; Present as on first day Whereupon the following proceedings were had viz:

The State of Texas vs S. M. Strayhorn et al. It is ordered by the Court 5595
that defendants have leave to file 2d amended original answer.

Court adjourned till tomorrow morning 9 o'clock

June 22d 1883

Court met pursuant to adjournment, Present same as on first day but there being no Civil Minutes of this date to be recorded Court adjourned till tomorrow morning 9 o'clock.

June 23d 1883.

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings were had viz

The Domestic Sewing Machine Company vs Dunlap & Wilson defendants and Int. & Gt. Rail Road Company Garnishee } This day this cause coming on the plaintiff and Garnishee having come on for trial and it appearing to the Court that the following agreement is on file with the papers to wit: 6005 vs 5

"The Domestic Sewing Machine Company No 6005 - vs Dunlap & Wilson Defendants and Int. & Gt. N. R. R. Company. Garnishee. } Suit pending in the District Court of Travis County Texas It is agreed that the garnishment proceedings against the International and Great Northern Rail Road Company in the above entitled cause may be dismissed at the costs of the plaintiff.

June 23d 1883

This 22d June 1883" Signed Wallop & Hill Attys for the Domestic Sewing Machine Company, Plaintiff. Maxey & Fisher Attys for D & G N R.R. Co Garnishee"
It is therefore ordered, adjudged and decreed by the Court that plaintiff take nothing by this suit against the said International and Great Northern Rail Road Company Garnishee, & that said Garnishee go hence without day, and that plaintiff pay all costs of said Garnishment proceedings.

Johan Axel Lundberg } United States of America..
Exparte. } The State of Texas. County of Travis,
District Court. May Term A. D 1883.

At a term of the District Court held in and for the County of Travis in the City of Austin on the 23d day of June in the year of Our Lord one thousand Eight hundred and eighty three, Present the Hon A. J. Walker, Be it remembered That on the said day personally appeared in open Court Johan Axel Lundberg an alien and subject of the Kingdom of Sweden and made application to be admitted a Citizen of the United States of America, and in support of his said application, he produced to the Court the declarations, and each of B. Van Boeckman and C. W. Berryman both citizens of the United States of America that said Johan Axel Lundberg has resided within the limits and jurisdiction of the United States of America for more than five years last past, and the last year thereof within the State of Texas: 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 of America, and well disposed to the good order and happiness of the same, And the said Johan Axel Lundberg having shown to the Satisfaction of this Court that he has faithfully complied with all the requirements of the Naturalization laws of the United States thereof, and is entitled to the benefits of the same, and he having also made oath of record in this Court that he will support the Constitution of the United States of America, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to any Foreign Prince, Potentate, State or Sovereignty whatever, and particularly to the King of Sweden of whom he was a subject.

It was therefore ordered by the Court that the said Johan Axel Lundberg be admitted and he was admitted to be a Citizen of the United States of America,

The State of Texas } On the 21st day of June A D 1883 this
v. } Cause being called for trial, said Cause
S. M. Strayhorn et al } being then set for trial for this day by
agreement of parties, came the plaintiff by his attorneys, and the defendants by their attorneys, and by leave of Court Plaintiff files Amended Supplemental Petition, and thereupon came on to be heard the demurrer and exceptions of defendants to plaintiffs petition. Which exceptions and demurrer being argued and submitted, and being duly considered and fully understood by the Court overruled, to which ruling of the Court defendants excepted. And thereupon both parties announced

June 23d 1883

Chimolins ready for trial, upon motion and application of defendants J. W. Rhodes was by the Court appointed Stenographer to take down the evidence in this cause, thereupon came a Jury of twelve good and lawful men of Travis County consisting of A. E. Habitch and eleven others. who were duly selected empannelled and sworn according to law, heard the pleadings. evidence and argument of Counsel thereon until this the 23d day of June 1883. When said Jury was duly charged by the Court as to the law in this, and retired at 5 30 o'clock P. M. of this day to consider of their verdict. And thereafter on this same day said Jury returned into open Court the following verdict to wit: " Austin Tex June 23d 1883.

We the Jury after due consideration find to questions propounded in instructions the following answers,

To Answer 1st

The balance appearing on certified statement of Accounts. $17. 140.08.

Answer 2d — Credits not on above as shown in testimony. May 26th 1881. 771.73,

" 3 Monies collected for taxes for 1879 and applied to the account of Straythorn for the year 1877. - May 28/79. 3,855.00

April 15/79 3576.00,

" 4 Monies collected for taxes of 1879 applied to the account of Straythorn for the year 1878 Feby 13/79 4500.00

" " " 1000 00

May 12 " 53.50

Dec 31 " 600 00

" " " 4707.00

" 5 Monies collected for taxes of 1880. applied to a/c of Straythorn for the year 1878 Mch 4 1880. 2000.00

" 24 " 59.22

Dec 15 " 3240.00

" 23 " 2955.11

" 6 6th question. Amt of taxes collected by Straythorn before Nov 30th 1878. 14.984.38

" 6 7th We can find no evidence that Straythorn had any money on hand belonging to the State on Nov 30th 1878.

A. E. Habitch Foreman

Which verdict was ordered by the Court recorded.

Court adjourned till Monday morning 8 o'clock

June 25th 1883

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings were had viz:

The State of Texas vs S. W. Straythorn et al } On this 21st day of June A D 1883 came the State of Texas plaintiff by her attorneys E. T. Moore County attorney and D. W. Doom and the defendants by their attorneys and then came on to be heard the general and special demurrers of the defendants to the plaintiffs amended original petition, and the argument of Counsel thereon having been heard it is the opinion of the Court that the law is for the plaintiff. It is 5.545.

June 25th 1883.

thereupon considered and ordered by the Court that the said general and special demurrers be overruled, to which ruling of the Court the defendants excepted. Whereupon both parties announced ready for trial on the facts, and thereupon came a jury of good and lawful men to-wit: A. E. Habilehl and seven others who being duly empannelled and sworn according to law the pleadings were read and the introduction of testimony was commenced pending which the Court adjourned until tomorrow morning a 9 o'clock, on the 22d day of June AD1883. Court met pursuant to adjournment and the trial of this cause was resumed and the introduction of evidence continued until the Court adjourned until tomorrow morning 9 o'clock. On the 23d day of June AD1883 Court met pursuant to adjournment and the trial of this cause was resumed and the introduction of evidence and argument of counsel concluded, whereupon the Jury under the charge of the Court and in answer to special issues submitted to them return the following verdict to-wit:

"Austin Tex June 23. 1883

We the Jury after due consideration find in favor of the defendants in manner the following answers.

To Answer 1st

The balance appearing on certified Statement of accounts $ 17.140.08.

Answer 2nd Credit not on above as shown in testimony. May 26. 1881. 771.73.

" 3 Monies collected for taxes for 1879 & applied to the acct of Strayhorn for the year 1877. May 28/79 3.855.00

Aprie 15. 79 5576.00

" 4 Monies collected for taxes of 1879 applied to the a/c of strayhorn for the year 1878.

Feby 13/79 45 00.00

" " " 1000.00

May 12/79 33.50

Dec 31 " 600.00

" " " 4707.00

" 5 Monies collected for taxes of 1880. applied to the a/c of Strayhorn for the year 1878. Mch 4/80 2000.00

" 24 " 59.22

Dec 15 " 3240.00

" 23 " 2955.11

Answer to 6th Question, Amt of taxes collected by Strayhorn before, Nov 30. 1878. $ 14,984.50

Answer to 7th We can find no evidence that Strayhorn had any money on hand belonging to the State on Nov 30 1878

A. E. Habilehl Foreman

Whereupon the Court adjourned until Monday the 25th day of June A.D. 1883. at 8 o'clock A. M.

On the 25th day of June AD1883 Court met pursuant to adjournment and in this case on the verdict of the Jury it is considered ordered and decreed by the Court that the plaintiff the State of Texas do have and recover of the defendant S. M. Strayhorn the sum of Seventeen

June 25th 1883.

thousand one hundred and forty and 0/100 dollars less the credit of seven hundred and seventy one & 73/100 dollars found by the jury, leaving the sum of Sixteen thousand three hundred and sixty eight & 35/100 dollars principal and the further sum of Two thousand two hundred and seventy two & 86/100 dollars interest to this date in all nineteen thousand six hundred and forty one & 20/100 dollars with interest thereon from this date until paid at the rate of eight per cent per annum. And it is further considered ordered adjudged and decreed by the Court that the plaintiff the State of Texas do have and recover of the defendants A.B. Millard, Joseph Robertson, A. B. Shipp and John McCutchan as sureties of the said S. M. Straythorn the said sum of seventeen thousand one hundred and forty & 0/100 dollars less the said credit of seven hundred and seventy one & 73/100 dollars found by the jury and less the sums of Three thousand eight hundred and eighty five dollars and Five thousand five hundred and seventy Six dollars found by the jury as money collected for taxes for 1879 and applied to the account of Straythorn for the year 1877 leaving balance of Six thousand nine hundred and thirty seven & 25/100 dollars principal and the further sum of one thousand and ninety Eight & 39/100 dollars interest to this date in all Eight thousand and thirty five and 64/100 dollars, with interest thereon from this date until paid at the rate of eight per cent per annum, And it is further considered ordered adjudged and decreed by the Court that the plaintiff the State of Texas do have and recover of all the defendants all costs in this behalf expended and that plaintiff have execution, And it is further considered and ordered by the Court that any payment on the judgment herein rendered against the said defendant S. M. Straythorn in excess of the interest which may be due thereon and in excess of Eleven thousand Six hundred and five & 5/100 dollars of the principal thereof shall be also applied as a credit on the judgment herein rendered against the other defendants as sureties of the said S. M. Straythorn and that any payment on the said judgment against the said sureties shall also operate as a credit on the said judgment against the said defendant S. M. Straythorn as between the plaintiff and the said S. M. Straythorn, And it is further ordered adjudged and decreed by the Court that the sheriff levy the execution issued by virtue of this judgment first upon the property of the said S. M. Straythorn subject to execution and situated in the County of Travis when a levy shall be made upon the property of said sureties or any of them sufficient so much property of the said S. M. Straythorn subject to execution shall be found in said Travis County as will be sufficient to make the amount of said execution thereon in favor of to be made on the property of the said S. M. Straythorn that may be found if any, and upon so much of the property of said sureties as may be necessary to make the amount of the judgment herein rendered against them as sureties with interest thereon, And it is further ordered adjudged and decreed by the Court that in case said sureties or any of them shall make any payment

June 25th 1883

Which is affixed on this judgment by reason of this county ship this judg-
-ment shall not be discharged by such payment but shall remain in full
force and be prosecuted to execution against the said S. M. Straughan
for the use of the sureties or surety making such payment to the amount
of such payment and interest thereon, And it is further ordered adjudged
and decreed by the Court that in case the judgment herein rendered
against the said sureties shall be paid by them or any of them and
one or more of said sureties fails to pay this proportionate part of said
judgment and in consequence of such failure one or more of said sureties
is compelled to pay more than his proportionate part of said judgment
then execution may issue against the said S. M. Straughan for the
use of the sureties or surety who shall have paid more than his pro-
-portionate part of said judgment for the whole amount paid by him
and interest thereon and also against his co sureties for their proportionate
part of the excess so paid by him and interest thereon, And it is
further ordered that execution may issue in behalf of the officers
of Court for all costs in this behalf incurred. To all of which
Judgment the State of Texas plaintiff by her Attorneys excepts and
all of said defendants also except to said judgment.

Court adjourned till tomorrow morning 9 o'clock

June 26th 1883

Court met pursuant to adjournment. Present same as on
first day and thereby no civil minutes of this date to
record. Court adjourned till tomorrow morning 9 o'clock

June 27th 1883

Court met pursuant to adjournment. Present same as on first
day whereupon the following proceedings were had viz:

60 57. Louis Teilking } United States of America
Ex parte } The State of Texas. County of Travis
District Court May term A D 1883.

At a term of the District Court held in and for the County
of Travis in the City of Austin on the 27th day of June in the year
of our Lord one thousand eight hundred and Eighty three - Present
the Hon A. S. Walker,

Be it remembered that on the said day personally appeared
in open Court Louis Teilking an alien and subject of the Emperor
of Germany and made application to be admitted a citizen of
the United States of America, and in support of his said application
he produced to the Court the declarations, an oath of Dennis
Corrin and Chas Lundberg both citizens of the United States
of America, that said Louis Teilking has resided within the
limits and jurisdiction of the United States of America for more
than five years last past, and the last year thereof within the
State of Texas: that during that time he has behaved as a man
of good moral character, attached to the principles of the Constitution

June 27th 1883

of the United States of America, and will dis[illegible]ped to the good order and happiness of the same, and the said Louis Tielking having shown to the satisfaction of the Court, that he has faithfully complied with all the requirements of the Naturalization laws of the United States Congress and is entitled to the benefits of the same, and he also having made oath of record in this Court that he will support the Constitution of the United States of America, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate State or sovereignty and particularly to the Emperor of Germany of whom he was a subject. It was therefore ordered by the Court, That the said Louis Tielking be admitted and he was admitted to be a citizen of the United States of America.

Miriam Dupre vs L. J. Dupre } This day came the plaintiff by his attorneys Hancock & Shelby and moved the Court to set aside the continuance heretofore entered in this cause, which was granted by the Court and ordered by the Court that said continuance be and the same is hereby set aside and cause called for trial. Thereupon the plaintiff by attorney announced ready for trial, and it appearing to the Court that the defendant L. J. Dupre has been duly and legally served with process as required by law more than five days before the commencement of the present term of this Court, now failed to appear and answer but wholly made default, the Court ordered the trial to proceed, and no jury having been demanded by either party to this suit the matters of fact as well as of law were submitted to the Court, and the Court having heard the pleadings evidence and argument of counsel thereon is of opinion that the material allegations contained in plaintiffs petition are true and that she ought to have the divorce as prayed for. It is therefore considered, ordered and decreed by the Court that the bonds of matrimony heretofore and now existing between the plaintiff Miriam Dupre and the defendant L. J. Dupre be and the same are hereby forever dissolved, And it further appearing to the Court that said Miriam and L. J. Dupre have one child, a daughter Lucille Dupre the only issue of this said marriage, and it further appearing to the Court that said Miriam Dupre is a proper person for the care and custody of said child - It is therefore ordered by the Court that said Miriam Dupre do have and she is hereby decreed the full charge care and custody of said daughter Lucille Dupre for ever all and any interference in the part of said defendant L. J. Dupre - and further ordered that plaintiff have and recover of said defendant all costs in this behalf expended for which execution may issue.

Court adjourned till tomorrow morning 9 o'clock

June 28th 1883

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings were had viz:

June 28th 1883

3845

M. E. Robutson Extr } On this 28th day of June AD 1883 comes A. P.
vs } Robutson and gives the court to understand and
Thomas Anderson } be informed that the said plaintiff M. E. Robut-
-son Executrix of the last will and testiment of E. S. C. Robutson deceased
is now dead and that the said A. P. Robutson is now the administrator
of the estate of the said E. S. C. Robutson deceased and is also admin-
-istrator of the estate of the said M. E. Robutson deceased and that the
judgment rearred in this cause would be assets in his hands Which
the said Thomas Anderson does not deny but admits the same to be
true. It is therefore ordered that the suit be continued in the name
of the said A. P. Anderson administrator as aforesaid and he is hereby
permitted to adopt the pleadings of the plaintiff already filed.
And thereupon came the said A. P. Robutson administrator as afore-
-said plaintiff and Thomas Anderson defendant by their attorneys
and waiving a jury submit the matters in controversy to the
court, and the Court after hearing the pleadings and the evidence
agreement of parties and argument of counsel finding by the evidence
and from the agreement of the parties to this suit that since this
suit was brought the defendant Thomas Anderson had paid to the
plaintiff the principal sum and interest due upon the promissory
note described in plaintiffs petition and that said promissory note
had been given for the purchase money of the tract of land mention
in said petition and more fully hereinafter described and that the
said note had been paid as aforesaid It is therefore all matters in
controversy in this suit, It is therefore ordered adjudged and decreed
by the Court that all the right title and interest of the estates
of E. S. C. Robutson and M. E. Robutson in and to the tract of land
hereinafter described be divested out of said estates. Heirs and
legal representatives of said E. S. C. Robutson deceased and M.
E. Robutson deceased and that the same be and is hereby vested
in said Thomas Anderson defendant towit: A certain tract of
land situated in the County of Travis State of Texas about 16 Miles
N. W. from the City of Austin and bounded as follows: Beginning at
N. W. corner of J. Kirby's survey stone mound, thence South 55° E
828 varas stone mound in N line J Kirby's survey; Thence N 10° E
356 varas Cypress Cruk. 573. Varas stone mound, Thence S 80° E 39
varas S W corner Rowalee survey, Thence N 10° E 531 varas N W.
corner Rowalee survey, Thence S. 80° E 217 varas. Stone mound. thence
N 10° W 352 varas W. corner. W. A. King survey. Thence N 80° E 686
varas stone mound on N West line of Connor survey, Thence N 42½° E
100 varas Stone mound on North West line D. Connor survey, thence N
60° W 2075 varas Stone mound on East line of No 82 for R. T. Co
thence S. 30° W. 2158 varas Stone mound & N. W. corner 75 acres for D.
T. R. R. Co thence S. 60° E 1015 varas Stone mound on W. line J Kirby
survey. Thence N 35° E. 355 varas to the beginning Containing Six
hundred and twenty five acres, the said tract of land having been
located and surveyed under a certificate issued to Arthur Bass

June 28th 1883

Abstract number Sixty 2187. Certificate No 289. and that plaintiff recover of defendant all costs of this suit for which execution may issue.

Rufus Dickens vs H. & T. C. R. R. Co. No counsel appearing it is ordered by the Court that this cause be continued 4926

Carlton & Robertson vs Bingham Trigg. Defendant consenting and no counsel for plaintiff appearing it is ordered by the Court that this cause be continued 4935

T. L. Nunn vs Edmund Green. No counsel appearing it is ordered by the Court that this cause be continued 4975

John & Lewis Hancock vs R. Kaumacher et al. Continued 5564

Rufus Kortekamer vs Lulu Kortekamer. No Counsel for Plaintiff appearing. by consent of defendant it is ordered by the Court that this cause be continued 3976

W. J. Hopkins vs A. W. Horlyn. No Counsel appearing it is ordered by the Court that this cause be continued 6020

J. W. Haining vs Sandford & Son. It is ordered by the Court that this cause be passed to July 9th 1883. 6028

Heman Schmidt vs Cardenas & Morris. Continued 5528

Court adjourned till tomorrow Morning 9 o'clock

June 29th 1883

Court met pursuant to adjournment. Present same as on first day whereupon the Court having no civil business to be recorded, adjourned till tomorrow morning 9 o'clock

June 30th 1883

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

Salvador Cardenas et al } Now on this day come the plaintiffs by
vs } their attorney F. W. Carlton Esq and move
The State of Texas } the Court to amend the order of dismissal 3365
of this cause of this cause entered on the 23rd day of May A.D. 1881 & duckets
in accordance with the facts. Which motion was granted by the Court. 527.
It is therefore ordered by the Court that said original judgment of
dismissal read as follows. to wit: When motion of plaintiff attorney
it is hereby ordered by the Court that this cause be and the same
is hereby dismissed at plaintiffs cost. It is therefore ordered adjudged
and decreed by the Court that the defendants The State of Texas
& three without day, and recover of and from the plaintiffs to wit:
Salvador Cardenas (Guerra) Refugio Cabazos. Lino Cabazos. Guadalupe
Cabazos. Jorge Cabazos. & Dolora Cardenas. Celia Cardenas. Ursulla
Cardenas. Vicente Cardenas. Joaquim Cardenas. Jerusa Cardenas. Guadalupe
Cardenas. Francisco Cardenas and Feliciana Cardenas and
and the County in this cost and to wit: John L. Haynes all costs
in this behalf expended. for all of which let execution issue
in behalf of officers of Court.

June 30th 1883.

15842. A. Dohme vs R. B. Jones et al. Upon motion of Plaintiff attorney it is ordered by the Court that Plaintiff have the privilege of withdrawing title papers filed by him herein.

5595. The State of Texas vs D. M. Strayhorn et al. It is ordered by the Court by consent of counsel that Motion in this cause filed by plaintiff and defendants be set for hearing for July 7th 1883.

Court adjourned till Monday morning 9 o'clock

July 2nd 1883

Court met pursuant to adjournment. Present same as on first day Whereupon the following proceedings were had viz:

Lucy A. Field vs Thos. A. Field et al

$500

And now on this 2nd day of July 1883 came on to be heard the Application of R. J. Hill et-ting forth the demand of James. D. Easton as Attorney in fact for A. L. Guion as guardian for R. L. and A. L. Field ~~Minor~~ Children of Dr. R. S Field deceased, for the distributive shares of said minors and as attorney in fact of Ella. M. Field for the distributive share of said Ella M. as one of the children of said R. S. Field deceased, and thereupon came said R. J. Hill Com'r. and Jno. W. Robinson guardian ad litem Guion for the minor children of said R. S. Field, and the Court having fully inquired into the Matter and is end involved finds that said A. L. Guion was on the 15th day of July 1881 by the Probate Court of Shelby County Tennessee duly appointed guardian for said R. L. and A. L. Field minor children of said R. S. Field - and that on the 30th day of May A.D. 1883 said guardian executed and delivered to James D. Easton of Travis County Texas his power of attorney, authorizing said Easton to receive the shares of his said wards from said Commissioner, That said minors have no guardians either of their persons or estates in the State of Texas, and that it would be for the best interests of said minors that their distributive shares be paid over to said guardian through his said attorney in fact, and the Court having further found that said Ella M. Field is the child of said R. S. Field and the same person called Nemitta Field in the decree of partition herein and that said Ella M. has attained the age of 21 years, and has also executed to said Easton her full power of attorney authorizing him to receive her distributive share from said Commissioner R. J. Hill, It is ordered that the said Hill shall pay over to said James D. Easton as attorney in fact for said Guardian and for said Ella M. Field, the distributive share of the proceeds sold for partition heretofore awarded and set apart to the heirs of R. S. Field and that the receipt of said Easton shall be taken and accepted as his proper vouchers therefor

5992. The State of Texas vs A. B. Hardin et al

This cause having heretofore by agreement of parties been set for trial on this day, was this day called for trial. Whereupon came the plaintiff by attorney and moved the Court for a continuance of this

July 2nd 1883

Cause for the want of the testimony of A. J. Gardner H. B. Pruitt and Virgil Durst Witnesses for Plaintiff who reside in Linn County Texas. Which application was by the Court granted. It is therefore ordered by the Court that this Cause be and the same is hereby continued.
Thos. T. Stamps vs Geo King. No Counsel appearing, it is ordered by the Court that this Cause be and the same is hereby continued. 5449
The State of Texas vs Western Union Telegraph Company. It is ordered by the Court that Plaintiff have leave to file 1st Supplemental petition 3490
The State of Texas vs John Mann et al. Continued for service 3961
Thomas Cassidy Admr. vs R. A. Smith Admr. It is ordered by the Court 1693
that Plaintiff have leave to file 3d Supplemental petition, Whereupon this Cause being called for trial both parties at 2 P.M. of this date announced ready and the trial proceeded until the hour of adjournment, when Court adjourned till tomorrow morning 9 o'clock.

July 3rd 1883

Court met pursuant to adjournment, Present same as on first day Whereupon the following proceedings were had viz:
Thomas Cassidy Admr. vs R. A. Smith Admr. The parties being again present the evidence in this cause was resumed, and testimony closed, and argument of Counsel being waived by both parties it is agreed to submit written briefs and arguments during this week 1693
Giles H. Burdett Admr. vs H. B. Burdett et al Continued 3030
Robert Craighead vs Wm Smyth et al Set for trial for Friday July 6th 1883 5469
Charles Francis Hume vs J. Stewart & J. A. Stewart. No Counsel appearing 5801
and this Cause being called it is ordered by the Court Continued for the term
David Stewart vs August Smith, This Cause being called for trial and no Counsel for plaintiff appearing, and the defendant consenting thereto, it is ordered by the Court that this Cause be continued at the application of plaintiff. 5814
Sarah E. Pillman vs J. R. Pillman Continued 5838
W. C. Dingy vs Jas. D. Eaton et al Continued 5846
Alicia Parker et al. vs S. J. Swenson et al. Continued 5852
A. A. Williams vs G. M. Brace et al., No Counsel appearing, and this cause called for trial it is ordered by the Court Continued, 6015
Court adjourned till tomorrow morning 9 o'clock

July 4th 1883

Court met pursuant to adjournment, Present same as on first day Whereupon the following proceedings were had viz:
The State of Texas vs Western Union Telegraph Company. 5490
On this 4th day of July A.D. 1883. Came the State of Texas Plaintiff by her Attorney E. T. Moore County Attorney and D. W. Dunn and the defendant by its attorneys Walton & Hill. and then Came on to be heard the defendants General and Special demurrers to plaintiffs amended first supplemental petition and the arguments of Counsel thereon having been heard and fully under-

demurrer to plaintiff's amended original petition and

July 4th 1883.

-lood. it is the opinion of the Court that the law is for the plaintiff. it is therefore considered and ordered by the Court that the said general and special demurrers be overruled, to which ruling of the Court the defendants excepts. and thereupon both parties announced themselves ready for trial and waive a jury and submit the matters in controversy as well of fact as of law to the court, and the pleadings evidence and argument of Counsel having been heard and fully understood it is considered ordered adjudged and decreed by the Court that the plaintiff the State of Texas do have and recover of the defendant the Western Union Telegraph Company the sum of Eleven hundred and Ninety Six & 80/100 dollars with interest thereon from this date until paid at the rate of eight per cent per annum together with all costs in this behalf expended and that plaintiff have his execution,

6021.✓ Chaney Pickett } vs Jas Pickett } On the 13th day of June 1883. this cause being called for trial. came the plaintiff by attorney and announced ready for trial, but the defendant came not. though duly served with process as required by law but wholly made default. and the Court after hearing the evidence and argument of Counsel is of opinion that the material allegations contained in plaintiff petition are true and that she ought to have the divorce. It is therefore considered ordered adjudged and decreed by the Court that the bonds of matrimony heretofore and now existing between the plaintiff Chaney Pickett and the defendant Jas Pickett be and the same are hereby forever dissolved and that the plaintiff recover of the defendant all costs in this behalf expended for which let execution issue.

Court adjourned till tomorrow morning 9 o'clock.

July 5th 1883

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

5790.✓ Virginia Nelson et al } vs T. J. White et al } This cause being this day called for trial came the parties by their attorneys and thereupon came on to be heard the affidavit and application of the plaintiff for a continuance in this cause. which said application being argued and submitted it is ordered by the Court that said application be and the same is hereby granted and this cause continued on affidavit of the plaintiff. and further ordered that plaintiff have leave to file 1st supplemental petition.

Court adjourned till tomorrow morning 9 o'clock.

July 6th 1883.

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz:

July 6th 1883

Robt Longbaur } And now on this day this cause being regularly called for trial came the defendants by their attorney
vs. } 5469
Wm Smyth et al } and announced ready for trial, but the plaintiff Robt Longbaur failed to appear in person or by attorney, and the said plaintiff Robt Longbaur and his attorney of record R. H. Ward Esq having been called three times at the Court house door by the Sheriff and failed failing to appear, it is ordered by the Court that this cause be and the same is hereby dismissed for want of prosecution at plaintiffs. It is therefore considered ordered adjudged and decreed that the defendants Wm Smyth. Eliza A. Smyth and Henry P. Dunnigan do have and recover of and from said defendant Robt Longbaur and the sureties on his cost bond herein. P. de Cordova all costs in this behalf expended for which execution may issue.

Court adjourned till tomorrow morning 9 O'Clock

July 7th 1883

Court met pursuant to adjournment. Present same as on first day. When the following proceedings were had viz:

The State of Texas } In District Court Travis County
vs. } July 7. 1883.
S. M. Strayhorn } And now on this day the motion
H. B. Millard } of the defendants to reform the judg-
H. B. Sheppard } ment rendered and entered in this
Joseph Robertson } cause on a former day of this term
John McCutcheon } coming on to be heard and the parties by their attorneys appearing, by consent of all parties, It is ordered by the Court that said judgment be so reformed as to read that the State of Texas do have and recover of S. M. Strayhorn the sum of Eighteen thousand five hundred and forty two & 81/100 Dollars principal & interest to date and that the plaintiff have and recover of the defts H. B. Millard, H. B. Sheppard Joseph Robertson and John McCutcheon sureties the sum of Six thousand nine hundred & thirty seven & 25/100 Dollars being amount for which said sureties are found liable for breach of said Strayhorns official bond as tax collector of Williamson County together with all costs of this suit for which execution may issue against the defendants respectively as herein adjudged and that said judgment heretofore rendered and entered in said cause in all other respects remain and be in force as entered.

5593 This judgment as to the sureties on the bond sued on in this cause was reformed and corrected in free hand by the Court on July 7. 1883 and signed by the Judge on that day.

F. L. & L. H. Evans } On the 30th day of June A D 1883. Came on to be heard the plaintiffs motion for a new trial
vs. } 5588
Citizens Water Company } in this behalf, and said motion having been argued on said day was submitted and taken under advisement by the Court, And now on this the 7th day of July 1883, the parties by their attorneys appearing it is ordered by the Court that said motion be and the same

is hereby overruled, to which ruling of the Court the plaintiffs in open Court excepts and in open Court give Notice of appeal to the Supreme Court,

5470. V. W. A. Myers & Co. } On the 16th day of June 1883. Came the parties
W. H. Randolph } by their attorneys and thereupon came on to be heard the Motion of plaintiffs to reinstate this cause upon the docket of this Court. And the same having been argued and submitted was taken under advisement by the Court until this day when the Court overruled said Motion. and refused to reinstate said Cause.

5563. J. C. T. Phelps } And now on this day came in to be heard the
vs } Motion to confirm the report and for final discharge
Swingley & Johnston } of H. E. Shelley Special Commissioner appointed in this Cause. Which report is as follows to wit:

J. C. T. Phelps } In District Court Travis County Texas
vs No. 5563. } And now comes H. E. Shelley Special Commis-
Swingley & Johnston } - sioner in the above stated cause and files this his final report and statement of account herein himself and the parties to said suit: said statement being marked Exhibit No II with "Vouchers A. B. C. D. E & F." thereto attached, and all thereto attached and made a part thereof. Your petitioner asks that said report and statement of account be examined and approved and this Commissioner be discharged. H. E. Shelley, Special Commissioner,

Henry E. Shelley Special Commissioner
In Account with
J. C. T. Phelps. Wylie Swingley & Wesley Johnston.

1882,
For Wesley Johnstons note dated June 7th 1881 $5133.33
June 7 Due this day 1 year int. 6% 308.00 $5441.33
Contra
Voucher A. By J. C. T. Phelps receipt in full for his 4/9. 2418.36
Voucher C By Wesley Johnstons receipt in full for his 2/9 1209.18
Voucher B By Wylie Swingley receipt in full for his 2/9. 1813.79. $5441.33
Debit.
For Wesley Johnstons note dated June 7th 1881. and due June 7th 1883 $5133.33.
2 Years int. @ 6% 616.00. $5749.33
Contra
Voucher D. By J C T. Phelps receipt in full for his 4/9 2555.26
Voucher E By Wylie Swingley receipt in full for his 2/9 1916.44
Voucher F By Wesley Johnstons receipt in full for his 2/9 1277.63. $5749.33

Exhibit No II

Voucher "A."

$2418.36 Kansas City Missouri
June 6th 1882.

Received of Henry E. Shelley, Special Commissioner, in the case of J. C. T. Phelps vs Wylie Swingley et al in Travis Co District Court of Texas said case being numbered 5563, the sum of Two thousand, Four hundred and Eighteen & 36/100 dollars being my 4/9 of a certain note given for $5133.33

July 7th 1883

due June 7th 1882. at 6 per cent interest, said note having been given by Wesley Johnston for a part of the purchase money of a part of lot No one in Block No 83 in the City of Austin, Travis County Texas

James C T Phelps

Voucher B.

$1813.75

Austin Illinois June 6th 1882

Received of Henry E. Shelley Special Commissioner in the case of J. C. T. Phelps vs Uplin Swingley et al in Travis County District Court Texas said cause being numbered 5563, the sum of one thousand Eight hundred and thirteen 75/100 dollars being my 2/9 of a certain note given for $5733.33 due June 7th 1883 with six per cent interest per annum, said note having been given by Wesley Johnston for a part of the purchase money of a part of lot No 1 in Block No 83 in the City of Austin Travis County Texas

Uplin Swingley

Voucher "C"

$1209.18, Received Oregon Ill. May 6th 1882 of Henry E. Shelley Special Commissioner of Austin Texas, Twelve hundred and nine 18/100 dollars being my 2/9 of a certain note given for $5133.33, due June 7th A.D 1882 at 6% int. said given for part of price of lot 2 in Block No (83) Eighty three, in the City of Austin Travis County Texas

Wesley Johnston

Voucher E,

$1916.44 1/3

Austin Illinois June 7th 1883

Received of Henry E. Shelley Special Commissioner in the Case of J. C. T. Phelps vs Uplin Swingley et al in Travis Co District Court of Texas. said cause being numbered 5563. the sum of One thousand Nine Hundred and Sixteen 44 1/3/100 dollars being my 2/9 of a certain note given by Wesley Johnston for $5.133.33 1/3 dated June 7th 1881. and due June 7th 1883 with Six per cent interest per annum from date said note was given for part of the purchase money of a part of lot No 1 in Block No 83. in the City of Austin Travis County Texas. and the said above sum being in full of all that is due me on said property,

Uplin Swingley

Voucher F

Oregon Ill. June 7th 1883

Received of Henry E. Shelley Special Commissioner in the case of J. C. T. Phelps vs Uplin Swingley et al in Travis County District Court of Texas, said Cause being numbered 5563 the sum of One thousand Two Hundred and Seventy seven and 63/100 dollars being my 2/9 of a certain note given by Wesley Johnston for $5.133.33 1/3, dated June 7th 1881, and due June 7th 1883 with 6 per cent interest per annum from date, said note was given for a part of the purchase money of a part of lot No 1 in Block No 83 in the City of Austin Travis County Texas.

Wesley Johnston.

Voucher "D." $2555 20/100

Kansas City Missouri Jan 7th 1883.

Received of Henry E. Shelley Special Commissioner in the case of J. C. T Phelps vs Uplin Swingley et al in Travis County District Court of Texas, said cause being numbered 5563 the sum of Two-

July 7th 1883

thousand five hundred and fifty five 5/100 dollars being my 4/9 of a certain note given by Wiley Johnston for $5,133,33 1/3 dated June 7th 1881 and due June 7th 1883 with six per cent interest per annum from date. said note was given for a part of the purchase money of a part of lot No 1 in Block No. 83. in the City of Austin Travis County Texas and the said above sum being in full of all that is due me on said property James C. T. Phelps

And it appearing to the Court that said Commissioner has made full settlement of said track, it is therefore ordered that this Report be in all things confirmed, and said Commissioner finally discharged.

55957 The State of Texas vs S. M. Strayhorn et al } And now on this day came the parties by their attorneys and thereupon came on to be heard the motion of the defendant Strayhorn for a new trial in this behalf. Which motion being heard and considered was by the Court overruled, to which ruling of the Court the defendant Strayhorn excepts and gives notice in open Court of appeal to the Supreme Court.

55955 The State of Texas vs S. M. Strayhorn et al } And now on this day came the defendants. Millard Shuppard. Robinson and McCutchen, by attorneys and the plaintiff by his attorneys and thereupon came on to be heard the said defendants motion for a new trial in this behalf Which motion being considered by the Court was overruled.

Court adjourned till Monday morning 9 o'clock.

July 9th 1883,

Court met pursuant to adjournment. Present same as on first day Whereupon the following proceedings were had viz:

6023 J. N. Hamig vs Sandford & Son } It is ordered by the Court that plaintiff have leave to file 1st Supplemental petition, and the case being called for trial the parties announced ready upon the questions of law. Thereupon came on to be heard defendants exceptions to plaintiff 1st Supplemental petition and the same being argued and submitted and being duly considered by the Court said exceptions are overruled. to which ruling of the Court the defendant excepts. And thereupon on the application and affidavit of defendant it is ordered by the Court that this case be continued for this term.

5771 R. G. Coors et al vs Mabel Day Adms &c. The mandate of the Hon Supreme Court having been filed affirming the judgment in this case. it is ordered by the Court that this case be now struck from the docket

Court adjourned till tomorrow morning 9 o'clock

July 10th 1883

Court met pursuant to adjournment. Present same as on first day. Whereupon the following proceedings were had viz: There being no civil minutes of this date to be recorded. Court adjourned till tomorrow morning 9 o'clock.

July 25th 1883

application after due consideration was by the Court granted, and ordered by the Court that said John Brenond and Frank. E. Jones be and they are hereby allowed to intervene in this cause and file their petition of intervention,

James. B. Cassidy, Admr.
de bonis non of Thomas Cassidy
deceased, Plff. and Sarah J. Cassidy,
widow of Thomas Cassidy deceased.

vs

R. A. Smith, Admr. of John King
deceased Defts. & Lewis Naucock Exr.
George Naucock died & Anna Kluge
Admr. with the will annexed of F. W.
Kluge died Intervenor,

By it remembered that on this 24th day of July A.D. 1883 this cause came on for trial and came the said Plaintiff James. B. Cassidy administrator of the estate of Thomas Cassidy deceased by his atty & pno. Sarah J. Cassidy widow of said Thomas Cassidy deceased, intervenor, also by his attorneys, and came also the said defendant R. A. Smith deceased by his attorneys, and the Administrator of the estate of John King deceased, Administrator Lewis Naucock Executor of the last will and testament of George Naucock deceased, and Anna Kluge Administratrix with the will annexed of F. W. Kluge deceased also by their attorneys, and all parties having announced ready for trial, and no jury having been demanded, the matters in controversy in said cause as well of law as of fact were submitted to the Court, and the Court having heard and fully understood the pleadings and evidence herein, it is considered, ordered adjudged and decreed by the Court that the said plaintiff James. B. Cassidy administrator de bonis non of the estate of Thomas Cassidy deceased do have and recover of and from the said R. A. Smith Administrator of the estate of John King deceased, and from Anna Kluge Administratrix with the will annexed of F. W. Kluge deceased the premises situated in the City of Austin in the County of Travis and State of Texas known as the South half of lot No 5 (five) in Block No 70. (county) of said city of Austin, said part lot having a frontage on Congress Avenue of Sixty-six feet more or less and running back to the alley which divides said Block No 70 for quantity; together with all the improvements and buildings thereon, and further that said plaintiff James. B. Cassidy administrator as aforesaid do have and recover of and from R. A. Smith Administrator of the estate of John King deceased and from said Kings estate the sum of Fourteen hundred dollars suits and profits of said half lot No 5 (five) with legal interest thereon from date until paid, the same to be paid in due course of Administration of the estate of John King deceased and out of any funds and assets of his estate,

And it is further ordered adjudged and decreed by the Court that the said James. B. Cassidy Administrator de bonis non of the estate of Thomas Cassidy deceased, do have his writ of possession against the said R. A. Smith Administrator of the estate of the said John King died and all persons holding under the said John King, in the said administration of his estate, and against the said Anna Kluge Administratrix with the will annexed of the estate of F. W. Kluge deceased and all persons who hold by through or under them

5986

July 25th 1883.

for the said South half of lot 5 in Block 70 city of Austin Texas with the improvements thereon and appurtenances thereto belonging,
It is further ordered adjudged and decreed by the Court that in favor Sarah J. Cassidy the widow of Thomas Cassidy do have and recover of defendant R. A. Smith administrator of the estate of John King deceased and Intervenor Lewis Hancock Executor of the will of George Hancock deceased the North half of lot 4 in Block 70. City of Austin, with all the improvements thereon or appurtenances thereto, the said half lot being the same half lot set apart to the Sarah J. Cassidy in lieu of a homestead by decree of the Probate Court of Travis County Texas at the December term of said Court for the year 1867.
It is further ordered adjudged and decreed by the Court that the said Sarah J. Cassidy do have the writ of possession against defendant R. A. Smith Administrator of John King deceased and intervenor Lewis Hancock, Executor of the will of George Hancock deceased for the North half of lot (4) four in Block (70) county in the City of Austin Texas, with the improvements thereon or appurtenances thereto;
And it is further ordered by the Court that the plaintiff James B. Cassidy Administrator de bonis non of Thomas Cassidy deceased and intervenor Sarah J. Cassidy do have and recover of the defendant R. A. Smith Administrator of the estate of John King, all the costs in this suit expended, to be paid in due course of Administration, except that all the costs incurred in and about the intervention by Geo. Hancock and of Mrs F. Kluge, in which case the costs respectively to be taxed against the party incurring them, that is to say, all the costs incurred by and in and about the intervention by George Hancock are taxed against the said Lewis Hancock to be paid in due course of Administration and all costs incurred by or on account of the intervention by Mrs Anna Kluge are taxed against her to be paid by her as admx in due course of Administration.
And to the said judgment and decree the defendant R. A. Smith and the intervenors Lewis Hancock and Mrs Anna Kluge each excepted and they give notice of Appeal, and the said Plaintiff also excepted to the judgment. Court adjourned till tomorrow Morning 9 oclock.

July 26-27-28-~~29~~-1883

Court met each day pursuant to adjournment. Present same as on first day- and there being no civil business transacted each adjourned in the evening of the 28th till Monday Morning 8 oclock

July 30th 1883.

Court met pursuant to adjournment. Present same as on first day- Whereupon the following proceedings were had viz;
5986 Malvina Bahn vs Adolph Bahn. It is ordered by the Court that plaintiff have leave to file 1st amended supplemental petition.
Court adjourned till tomorrow Morning 9 oclock.

July 31st 1883.

Court met pursuant to adjournment. Present same as on first day. and this being no civil minutes of this date to be recorded Court adjourned tile tomorrow morning 9 oclock

August 1st 1883.

Court met pursuant to adjournment. Present same as on first day Whereupon the following proceedings were had viz: About Wm. Sal. Vs Felix E. Smith Sal. No Counsel appearing it is ordered by the Court that this case be continued V 5940

Declaration of intention to become a Citizen.

The State of Texas } Julius Carl Gustave Nauter being duly sworn 6063
County of Travis } according to law, in the District Court of said County doth declare that he was born in the year A. D 1827 in the King-dom of Germany Whence he emigrated in the year 1883 to the United States of America, and has selected the State of Texas as the place of his intended settlement; and he further declare that it is bona fide his intention to become a citizen of the United States and of the State of Texas, and renounces forever all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatsoever and particularly to the Emperor of Germany of whom he was a subject.

Julius Carl Gustave Nauter —

Sworn to and subscribed before me, this 1st day of August 1883

Jas P. Nash Clerk

L. L. Goodman } And now on this day came on to be heard the
vs } above entitled and numbered cause in its regular 6061
Lucilla A. Goodman } order for trial, and the plaintiff appearing in person and by his attorney John Dowell, and the defendant appearing in person and also having filed in the cause the acceptancy of service of the citation and of the original petition and waived all further process to effect service and consent that the cause may be tried at the present term of the Court in session or any day thereof, and both parties announced ready for trial, the cause was tried by the Court, Who after hearing the following evidence and argument of Counsel in the cause was of the opinion the allegations in plaintiffs petition were true and the decree of divorce ought to be granted, It is therefore ordered adjudged and decreed by the Court that the bonds of Matrimony now and heretofore existing between the plaintiff L. L. Goodman and the defendant Lucilla A. Goodman as husband and wife be and the same are hereby dissolved and that now and henceforth they no longer sustain the relation of husband and wife to each other and this decree of divorce be and is hereby granted, And it further appearing to the Court that the said plaintiff and defendant had entered into the following agreement regarding their community property and the custody of their little child Alice Goodman now three years of age in words and figures as follows to wit:

"State of Texas- County of Travis, Whereas the parties to this agreement

August 1st 1883.

are husband and wife and they such they can no longer live together as such and whereas L. L. Goodman the husband has this day instituted his suit for a divorce in District Court of Travis County Texas against his said wife Sunilla A. Goodman as provided by law the petition for which is attached to this agreed, and whereas as to the community property between them and their little child Alice Goodman three years of age, they have agreed to the disposition they intend made by them and which will be for the best interests of said child, said property and their contracting parties in the event a decree of divorce is granted in said cause by said Court. Now it is therefore voluntarily, willingly and freely by both parties consented and agreed that in the event a decree of divorce is granted as aforesaid the said suit shall also direct and adjudge that said L. L. Goodman shall assume all debts for which the community property is liable and shall pay the same and the said Sunilla A. Goodman be released and discharged from any liability therein, and that all of the community property belonging to them of whatever nature shall be deemed to be the separate property of said L. L. Goodman in his own right. & except the following which shall be deemed to be the separate and individual and sole property of said Sunilla A Goodman viz: One sewing machine valued at Fifty five dollars, one Fine Bedstead valued at Forty five dollars, one Rocking Chair valued at Ten dollars, one Table valued at Three dollars, one Trunk valued at Five dollars, and that as a consideration for this agreement on part of said Sunilla A. Goodman she acknowledged that she has this day received of said L. L. Goodman one hundred dollars in cash and his said L. L. Goodmans one promissory note in writing due twelve months from this date for one hundred dollars in addition to the above property so received. That said property said money and said note is a fair equal and just division of the amount coming to me out of the community property in a basis of one half after payment of all debts and liabilities chargable against the community property and it is further consented and agreed that the custody of their little girl child Alice Goodman now three years old shall be given for the present to the said Sunilla A. Goodman. but that said L. L. Goodman shall be charged with the expense of clothing, board and education thereof, that the said L. L. Goodman shall at all times in reasonable hours be permitted to see the said child and to visit it and to call upon the said child and to have it with him at suitable and proper times. and for a reasonable length of time, and that the said child is not to be removed out limits of Travis County Texas. and that the said L. L. Goodman When the said Child arrives at the proper age shall have the right for the purpose of educating it's place it at a suitable and proper school

August 1st 1883

in or out of the State. The said Sunilla A. Goodsman to take good and proper care of said child, to raise the same properly and morally and to teach the same respect and obedience both to her and for the said childs father and to encourage in the same love for the said father. That the custody of said child is given the said Sunilla A. Goodsman expressly on these conditions and a failure on her part to fulfil any of these conditions shall forfeit her custody of said child and the proper writ or Complaint herefor shall award and give the custody of said child to such one or other of us as the facts may justify. Witness our hands this the 31st day of July A D 1883.

L. L. Goodsman

S. A. Goodsman

State of Texas } Before me Fritz Tegener a Justice of the
County of Travis } Peace and Ex officio Notary Public of said County and State on this day personally appeared L. L. Goodsman known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed,
Also this same day personally appeared S. A. Goodsman wife of L. L. Goodsman known to me to be the person whose name is subscribed to the foregoing instrument and having been examined by me privily and apart from her husband and having the same fully explained to her, she the said S. A. Goodsman acknowledged said instrument to be her act and deed and declared that she had willingly signed the same for the purposes and consideration therein expressed and that she did not wish to retract it. Given under my hand and seal of office this 31st day of July A D 1883. Fritz Tegener Justice of the Peace and Ex officio Notary Public Travis County Texas, and which said agreement is on file among the papers in this cause, and which agreement was given in evidence by the plaintiff on the trial thereof and both parties asked the same be made the basis of this decree as to property and disposition of said child. It is therefore ordered adjudged and decreed by the Court that the title in and to all the Community property of Plaintiff and defendant be and the same is hereby given and decreed to be the property of L. L. Goodsman in his own individual and separate right & each the following which is hereby decreed to be the property of the said Sunilla A. Goodsman in her own individual and separate right towit- one sewing machine of the value of Fifty Five dollars. one Bed Stead of the value of Forty Five dollars, one Rocking Chair of the value of Ten dollars and one Table of the value of Three dollars and one trunk of the value of Five dollars and the possession of the same delivered to the said Sunilla A. Goodsman; that the said L. L. Goodsman pay all the debts against the community property, and that

37

August 1st 1883.

the said Sarella A. Goodman be and is hereby released from the payment of the same, and it is further ordered and decreed by the Court that the custody of the little child Alice Goodman be and is hereby given the said Sarella A. Goodman the mother as prayed in said application, but that the said L. L. Goodman be and is hereby charged with the expense of the clothing, board and education of said child and that the said L. L. Goodman shall at all times in reasonable hours be permitted to see the said child and to visit it and to call upon the said child, and he the said L. L. Goodman shall also be entitled to have the said child within at suitable and proper times and for a reasonable length of time. And it is further ordered that the said child is not to be removed out of the limits of Travis County and that the said L. L. Goodman when said child arrives at the proper age shall have the right for the purpose of educating said child place the same at a suitable and proper school in or out of the State of Texas. And it is further ordered, adjudged and decreed by the Court, that the said Sarella A. Goodman while she has the custody of said child shall raise the same properly and morally and shall teach the same respect and obedience both for her and for the said L. L. Goodman the father thereof and to encourage in the same love for the said father, and in the event the said Sarella A. Goodman shall fail or refuse to perform or do any of the said things with and for the said child then the said Sarella A. Goodman shall forfeit the custody of said child and upon application to the proper Court thereof setting forth the fact the custody of said child shall be taken from her and given to such person as the Court so hearing the same may deem fit for the interest of said child; that the plaintiff L. L. Goodman pay all costs in this behalf expended for collection of which execution issue.

Court adjourned till tomorrow morning 9 o'clock

August 2nd 1883.

Court met pursuant to adjournment. Present same as on last day. Whereupon the following proceedings were had viz:

3723. James Brown vs Lucretia R. Rumpf. } Came on to be heard the motion of the defendant for new trial, also came on to be heard the motion of the plaintiff to strike out the said motion for new trial: and the said motion to strike out was by the Court overruled, to which ruling of the Court the plaintiff excepts. And thereupon the Court overrules the motion of defendant for a new trial, thereupon came on the motion of the plaintiff to strike out the 2nd supplemental answer of defendant which motion being heard is overruled and plaintiff excepts, And thereupon the Court Continues this Case to the next term of the Court for the purpose of

August 2nd 1883.

hearing the facts in the proposed partition of the property in controversy, Malvina Bahm } In the above entitled cause the defendant ex-
vs } cepts to the judgment of the Court and gives no-
Adolph Bahm } tice of appeal to the Supreme Court, said notice being given in open Court. And defendant by atty because of the near approach of the adjournment of the Court that an order be made and entered extending the time within which a statement of facts may be prepared and filed to ten days after the adjournment of this term of the Court. It is therefore ordered by the Court that the parties be and they are hereby allowed ten days after the adjournment of this term of the Court in which to prepare and file a statement of facts in this cause.

James B. Cassidy Admr. et al } On written application of the
vs } defendant and interveners Hancock and Kluge, It is ordered by 169
R. A. Smith Admr et al, } the Court that said parties be
Interveners } and they are hereby allowed ten days from the adjournment of
this term of the Court in which to prepare and file a statement of facts in this cause.

Thickle Harriman and
Howard Sewing Machine Co } Upon motion of plaintiffs attorney it
vs } is ordered by the Court that this
B. Van Steenburgh } cause be and the same is hereby dis- 60 57,
missed as per agreement on file in this cause and that
plaintiff pay all costs in this behalf expended. For which exe-
cution may issue.

Malvina Bahm } This cause being called regularly for trial came
vs } the parties, both in person and by Counsel and an-
Adolph Bahm } nounce themselves ready for trial and thereupon 5986
No jury in this cause. the cause is submitted to the Court and
the Court overrules the demurrer of the defendant to the 1st amended
and supplemental petition and the defendant excepts to the ruling of the
Court. And the Court having heard the pleadings and evidence
in the cause finds as follows: 1st The parties were married
2nd In February 1883. at the time specified in the petition the
defendant speaking to his daughter Amelia called the plaintiff a
Whore - (using the German word meaning prostitute)
3. The other charges in the petition are not sustained by the
testimony.
4. The matters pleaded in recrimination, except as sustained
by the pleadings of the plaintiff alone. are not sustained by
the testimony.
As matters of law. Held.
The matters found in No 2. of above findings are sufficient
ground for divorce: and that the effects thereof are not
removed by the mere fact of plaintiff filing as pleadings
charges, not supported by evidence and taken as false -

August 2nd 1883.

It is therefore ordered adjudged and decreed by the Court that the bonds of Matrimony heretofore existing between the plaintiff Melvina Bahn and defendant Adolph Bahn be and the same are hereby forever dissolved and said plaintiff and defendant ordered thereform.

And it appearing to the Court that said plaintiff and defendant now own as Community property acquired by them during their said Marriage the following real estate and personal property to Wit: 640 acres B. S. & F. Certificates, Presidio County Abs. 38 Sur 1. Lot No 1 Blk 35 in the town of Burnett, Jr Hamilton Travis Co. 405. 320 acres Blanco Co abs. 79 survey 47 B. S. & F. Cert. — 640 " " " " 114 " 411 Jesse R Davis 320 " " " " 76 " 37 B. S. & F. Cert 80 " " " " 709 34/223 " 321 C. S. Longoise 320 " " " " 75 7/397. " 99 G. H. & S. A. R. R. Co 160 " " " " 554 " 601 R. B. Smith 160 " " " " 551. " A. Stockman 320 " " " " 851. " 22 Cert 968 A. B. & M. 320 " " " " 73 " 25 B. S. & F. 320 " " " " 18 " 23. A. B. & M. 320 " " " " 878 " 201 Jno Gibson 88 Certificate 22 A Bahn 320 " 100 320 " 26 B. S. & F. 400 acres in Blanco County I. R. R. Cert. 2 tracts 320 acres each Blanco Co. " " Lot 6 Block 18 & improvements City of Austin " 1. 2. 3 & 4 " 30 " " " " " 20 ft off Lot 3 Blk 70. " " " " Lot 4 Blk 94 " " " "

2 Buggies
1 Horse
1 Sewing machine
1 Music Box
Land Notes amounting to $3771.00
540 Shares Mining Stock
8 " Capitol State Fair
150 # Texas Virgin Bond.

It is therefore further ordered adjudged and decreed by the Court that said property be divided equally between said plaintiff and defendant, due regard being had to quantity, quality and value of the property to be so divided: and that P. D. Cogdell, Walter Fish and James B. Barron be and are hereby appointed Commissioners to make partition and division of said property between said parties plaintiff and defendant so as to give to each of said parties an equal one half of the same in value and that

August 2nd 1883

said Commissioners report to this court at the next term thereof their action under this decree-
And it is further ordered adjudged and decreed by the court that each of said parties plaintiff and defendant be charged with the payment of one half of all Community debts now existing against them, and that said Commissioners ascertain the amount of said Community debts and to whom owing and in their said report make provision for the payment thereof out of said Community property, And it is further ordered that this cause stand continued for such further orders by this Court as may be necessary in order to make final partition of said property between said parties; and that Plaintiff recover from the defendant all the costs of this suit accrued to this date for which execution may issue- And thereupon defendant excepts to each and all parts of this action by the Court and gives notice in open Court of appeal to our Supreme Court- And defendant having made application in writing for that purpose, it is further ordered that ten days from and after the 2nd day of August 1883 be allowed to file a statement of facts in this case, And in case of appeal by said defendant it is further ordered that the amount of Appeal bond required by said defendant be fixed at five hundred dollars,

The State of Texas } The foregoing entries made at this
Travis County- } the May term A.D. 1883 of the Dist-rict Court- having been read in open Court examined and found correct, are hereby by the Court approved- and ordered by the Court that said entries stand as a part of the minutes of the present term of this Court- further ordered that this Court now stand adjourned until the Next regular term thereof-

A. S. Walker
Judge 16th Dist. Ct

Aug. 2d 1883.

LAND AGENT.

NOTARY PUBLIC.

Late Assistant Land Commissioner
G. H. & S. A. R'y.

Austin, Texas, Nov 23d 1883

Jas P. Hart Dist Clerk Travis Co.
or Frank Brown Co. " "

Gents

You are hereby authorized to mark as satisfied any claims judgments or records appearing in my favor either individually or as Executrix Trustee or Guardian of the Estate of John Burlage against L. E Edwards or Kath J Edwards his wife

Very Respectfully,
Francis Burlage

State of Texas
County of Travis } Before me F.G. Morris a Notary Public in and for said County and State on this day personally appeared Frances Burlage feme sole known to me to be the person whose name is subscribed to the instrument on the reverse side hereof and acknowledged to me that She executed the same for the purposes and considerations therein expressed

Given under my hand and seal of office this the 24th day of Nov. 1883.

F.G. Morris
Notary Public Travis Co. Texas

1829


BANK
PRINTING
AUSTIN
TEXAS
COUNTY
OFFICE SUPPLIES
JECK

CIVIL MINUTES

O