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The State of Texas } Be it remembered that at a term of
Travis County. } the Hon District Court of Travis
County began and holden at the Court House thereof at the City
of Austin on Monday the 1st day of October A.D. 1883. the
same 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, and James. P. Hart Clerk of said Court
and W. M. Hornsby Sheriff of said County being present the
following proceedings were had to wit:

C. P. B. Moeller. } Declaration of intention to become a Citizen
Ex Parte. }

I C P B Moeller being duly sworn according to law,
in the District Court of said County doth declare
that he was born in the year AD 1855 in the Kingdom of Germany
whence he emigrated in the year 1871 to the United States of America
and has selected the State of Texas as the place of his intended settlement
and he further declares that it is a 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 Empire of
Germany of Germany of whom he was a subject -

Sworn to and subscribed before Bernard Moeller
me this 1st day of October 1883. Jas P Hart Clerk By W H Shelley Dpty
in open Court.

The State of Texas } I James P Hart Clerk of the District Court
County of Travis } within and for the County and State aforesaid
do hereby certify that the foregoing is a true copy of the declaration
of intention to become a citizen of the United States of America, filed
and entered in the records of the District Court of said County
Witness my hand and the seal of said Court this 1 day of
October AD 1883 Jas P Hart Clk By W H Shelley Deputy -

C P B Moeller } District Court October Term 1883.
Ex Parte } To the Hon A G Walker Judge of said Court

C P B Moeller respectfully shows that he is a native
of Germany that he emigrated to the United States of America
during his minority and has resided in the United States
three years next preceding his arrival at that age and
has continued to reside therein to the time of making this
application to be made a citizen thereof - He further states
that he has resided in the United States more than five years
including the three years of his minority - He further states

District Court Minutes, October Term, 1883

Monday the First day of October 1883

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers,

that he has filed his declaration of intention to become a Citizen as required under Art 2167 of United States Laws. He further declares on oath that since arriving at his majority and especially for the last two years next preceding this application that it has been bona fide his intention to become a Citizen of the United States, and that he has resided in the State of Texas more than one year - And that he has never borne any hereditary title or been of any of the orders of Nobility in his own or any other Country - He therefore prays that on his making proof, and taking the oath prescribed by Law he may be admitted a Citizen of the United States C P B. Moller -

7122

United States of America
The States of Texas County of Travis } District Court
October 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 1st day of October in the year of our Lord one thousand Eight Hundred and Eighty three Present the Honorable A. J. Walker. Be it remembered that on the said day personally appeared in open Court, C P B Moller 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 this said application, he produced to the Court the declaration on oath of H W Moller and Oscar Samatz, both citizens of the United States of America, that said C P B Moller 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 C P B Moller 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 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 whatsoever and particularly to the Emperor of Germany - of whom he was a Subject. It was therefore ordered by the Court that the said C P B Moller be admitted and he was admitted as a Citizen of the United States of America.

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6033. Wm Blackwood Guard. vs W. A. & J. E. Miller, Upon motion of Plaintiffs attorney and it appearing to the court that this cause has been settled between the parties, It is ordered that this cause be and the same is hereby dismissed.

6064. James. B. Goff vs Chas. S. Jones Sal. It is ordered by the court that Plaintiff have leave to file 1st Amended Petition

6072. Eric Matthews Sal vs Mary. E. Matthews Sal } Be it remembered on this the 1st day of October 1883 the above entitled cause came on to be heard and it is ordered by the court that John. F. Smith be and is hereby appointed special guardian of Eric Matthews, Paul Matthews Annie Matthews and Rosa Matthews minors the Plaintiffs; and thereupon appeared the said Eric Matthews Paul Matthews, Annie Matthews and Rosa Matthews the Plaintiffs by John. F. Smith next friend and their special guardian and Mary. E. Mathews and Frank Mathews defendants by their attorneys and a jury was waived and this cause was submitted to the court and the pleadings evidence and argument of counsel having been heard and fully understood by the court and it appearing to the court that Plaintiffs and Mary. E. Mathews are each entitled to one fifth in value of the land described in Plaintiffs petition to wit: out lots Nos. (40) forty and (41) forty one, and that part of out lot No. thirty (30) which lies on the North side of the center of the channel of the branch or ravine known as Boggy Bank, all of which lots or parcels of land are situated in Division "A." of the out lots of the Austin City tract in Travis County State of Texas and contain about 37¼ acres including strip taken up by Railroad, and it further appearing to the court that said Mary. E. Mathews had with her seperate means erected and put upon the west part of said out lot No forty valuable improvements of the value of about two thousand dollars consisting of a dwelling house, barn, smoke house stable and fencing, orchard and well, and said improvements may be allotted to her without detriment to the Plaintiffs; It is therefore ordered adjudged and decreed by the court that said land and real estate be partitioned between Plaintiffs and said Mary. E. Mathews defendant joint owners thereof as follows to wit: to each of Plaintiffs and to said Mary. E. Mathews one fifth interest in Value of said land and real estate. And it is further ordered that one fifth in value of said land shall be set

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aside to said Mary. E. Mathus so that the said set aside to her shall include said improvements by her made, and that the Value of said improvements shall not be charged against her in Partition but that they shall be set aside to said Mary. E. Mathus as her separate property in fulfillment of the Value of said land and all improvements on her portion. It is further ordered that Aaron Bigham. E. S. Mathus and T. A. Turner who are disinterested persons be and they are hereby appointed Commissioners to make said Partition in accordance with law and this decree 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 prescribed by law returnable at this term of this Court

6086 John Stinger & wife vs A. J. Evans. Upon motion of Plaintiffs attorney it is ordered by the Court that this cause be and the same is hereby dismissed by Plaintiff and at their Cost. for which Execution may issue,

7020 Daniel Gettins Exparte— It is ordered by the Court that D W. Dunn. R. J. Hill and N. G. Shelby Esq be and they are hereby appointed a committee to examine the applicant as to his qualifications to practice law— Examination for Oct 2nd 1883.

Court adjourned till tomorrow morning 10 o'clock,

Tuesday October 2nd 1883.

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

2955 Abby Thompson Admx. vs A. A. Barnes & W. Merriel, No counsel appearing it is ordered by the Court that this Case be continued.

2958 Abby Thompson Admx. vs George Saunders. No counsel appearing it is ordered by the Court that this Case be continued.

2960 Abby Thompson Admx. vs H. L. Ramm. This Case being this day regularly reached upon the docket and called for trial, and the said Plaintiff neither appearing by counsel or in person, and said Plaintiff being distinctly called three times at the Court House door and still failing to appear, 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. It is further

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ordered by the Court that the Plaintiff pay all costs in this behalf expended for which execution may issue.

3030. Giles H. Burdett admr. vs W. B. Burdett et al. Ordered by the Court that this case be passed to the end of the docket.

4795 John C. Duval et al vs Robt Covington. Continued by consent.

5274 J. R. Ray et al vs Vincent Chambers et al. Ordered by the Court that this case be passed to the end of the docket.

5383. Buckley Pickett vs Lee Pickett. Ordered by the Court that this case be passed to the end of the docket.

5389. W. C. Hamilton vs James T. Ellison ordered by the Court that this case be passed to the end of the docket.

5447 Mary A. Swisher vs Swisher Bryan et Campbell. Continued by Consent.

5449 Thomas T Kemp vs Geo King. No counsel appearing it is ordered by the Court that this cause be continued.

5452 Mary A. Swisher v Swisher et Campbell. Continued by consent.

5454 Mary A. Swisher vs Swisher et Brand Continued.

5559 D. L. Cross et al vs Ella Cates et al. No counsel appearing it is ordered by the Court that the cause be continued.

5652 Julius Dulch et al J. T. Blount. 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 the plaintiff pay all costs in this behalf expended for which execution may issue.

5677. Catherine Wagoner vs Joseph Wagoner. No counsel appearing it is ordered by the court that this cause be continued.

5679 Richard J. Galvray v. Martha M. Galvray, It is ordered by the court that this case be passed to the end of the docket.

5693 J. N. Carey vs Augusta Carey, Continued by consent.

5695 W. H. Bell et al. vs E. W. Brand et al. It is ordered by the court that this case be passed to the end of the docket.

5696 W. H Bell et al v Ed Williams, Passed to the end of the docket

5774 The State of Texas vs Wm. R. Edwards et al. It is ordered by the court that this case be passed to the end of the docket.

5784 Ed Christian and R. Radley vs Texas Building association et al. Upon motion of Plaintiffs attorney, and it appearing to the court that judgment had heretofore at a former term of this court been rendered against the Texas Building association principal defendant herein in favor of said Plaintiffs. It is now ordered

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Tuesday the Second day of October 1883

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by the Court that this cause be and the same is hereby dismissed as to the Garnishee-defendants to wit; L. M. Corotha W. L. Campbell, Austin City R. R. Co. M. M. Long, E. Duncan J. M. Preston, L. E. Campbell & T. M. Carrico, at plaintiffs costs. and case now dropped from the docket.

3790 Virginia Nelson vs T. J. White et al By consent of parties it is ordered by the Court that this case be set for trial Oct 18th 1883

5801 Charles Francis Amer et al vs J. Stewart and J. A. Stewart } This cause having been reached upon the docket and it appearing to the Court that the money had been disposed of by the Clerk as ordered in the decree in this cause - and said Clerk having procured the receipt of Tom Murrah attorney in fact it is now ordered by the Court that this case be dropped from the docket.

5814 David Stewart vs August Antech } This cause being this day regularly reached on the call of the docket and called for trial, came Messrs Carlton & Morris and stated to the Court that they are not of counsel for Plaintiff, and that they so notified said Plaintiff at the last term of this Court, Whereupon the Court ordered said Plaintiff called by the sheriff three times at the Court House door, and he still failing to appear in person or by counsel. 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 & funded for which execution may issue.

5838 Sarah E. Pitman vs J. R. Pitman. It is ordered by the Court that this case be passed to the end of the docket.

5848 Joe N. Stewart vs Mc L. Reagan continued.

5857 A. R. Jones et al vs R. W. Wilke et al, Passed to end of docket.

5852 Alicia Baker et al vs Francis J. Simon et al Passed to end of docket.

5867. Mendich & Kenny vs Frank W. Kenny et al Passed to end of docket

5940 Abiel Weir et al Felix Smith et al Passed to end of docket.

5961 The State of Texas vs John Mann et al, Passed to end of docket.

5995 Emily Johns vs Robert B. Johns. Set for trial for Oct 6th 1883

6000- Robert Mason vs Nancy Mason Passed to end of docket.

6001 Josephine B. Winn vs T. L. Winn et al The death of Josephine B. Winn the plaintiff herein being suggested it is ordered by the Court that this case be passed to make parties -

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6014 John Brimond vs Geo. T. Harris & Son. Continued for service

6015 A. N. Williams vs G. M. Brass. Passed to end of docket;

6018 Charles Wolf vs Mathilde Jourdan et al., Continued by operation of law.

6019 Sandford & Son vs The A & N. W. R. R. Co. Passed to end of docket, (Messrs. Maxey and Fisher state to the Court that they are no longer of Counsel for defendant)

6025 Geo. P. Aeeman vs Rosa A. Aeeman. Set for Oct 6th 1883

6026 Annie Gimp vs Wesley Sims. Set for Oct 6th 1883.

6028 Geo. E. Mesrole vs M. M. Hamby et al. Continued under rule for costs.

6029 Francis. B. Forster vs Wm Bruggerhoff et al - Upon motion of plaintiff attorney, it appearing to the Court that this case has been settled and costs paid it is ordered dismissed.

6039. W. C. Freeman vs Jno M. McCalla et al, Upon motion of plaintiff attorney and it appearing to the Court that the costs have been paid, it is ordered by the Court that this cause be and the same is hereby dismissed.

6069 Sylvia McPherson vs John McPherson } Now on this day came the plaintiff by her attorney James. W. Smith Esq. this cause having been called by agreement, whereupon said plaintiff by her attorney announced ready - but said defendant John McPherson although having waived the issuance of process but accepting service of the petition herein by written waiver endorsed on said petition complied with the agreement that this cause might be tried at any day of the present term of this Court - failed to appear and answer in this behalf whereupon the trial of this cause proceeded - and the Court after hearing the pleadings evidence and argument of Counsel is of opinion that the law is with the plaintiff and that she should have her divorce - and that the material allegations in said petition are true - It is therefore ordered adjudged and decreed by the Court that the bonds of matrimony heretofore existing by and between the plaintiff Sylvia McPherson and the defendant John McPherson be and they are hereby forever dissolved and held for naught and that plaintiff recover her costs for which execution may issue.

7015 T. H. Miller vs G. M. Brass et al } In this case upon motion of plaintiffs attorney, and it appearing to the Court that G. M. Brass Serv. is the proper person

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers, Printe

to be appointed Guardian of the minor defendants in this case—
It is therefore ordered by the court that the said G. W. Brass
Son be and he is hereby appointed Special Guardian of the
minors G. W. Brass Jr. Matilda P. Brass, Clara Brass Emma
Brass and Amelia Brass Jr. in this cause

Alfred Smith
vs
4464. J. N. Alias Dick Warren

} T. S. Maxey Special Judge presiding
By agreement of the parties it is ordered by the court that this case be and the same is hereby set for trial for Thursday October 11th 1883.

Special Judge.

Court adjourned till tomorrow Morning 10 o'clock

Wednesday October 3d 1883.

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had—
Court adjourned till tomorrow Morning 10 o'clock.

Thursday October 4th 1883

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

L. Henkles
vs
Ex parte.
7024.

} United States of America
The State of Texas. County of Travis

Dis'tich Court. October Term A D 1883.

At a term of the Dis'tich Court held in and for the County of Travis in the City of Austin on the 4th day of October in the year of Our Lord One thousand Eight hundred and Eighty three— Present the Hon A. S. Walker,

It is remembered, that on the said day personally appeared in open court L. Henkles, an alien, and subject of the Kingdom of Prussia 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, on oath, of A. R. Morris and A. M. McB both citizens of the United States of America, that said L. Henkles has resided within the limits of the United States and jurisdiction of same 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 L. Henkles

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Thursday the Fourth day of October 1883

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 Congress, 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 whatsoever and particularly to the King of Prussia of whom he was a subject. It was therefore ordered by the Court, That the said L. Neukals, be admitted and he was admitted to be a Citizen of the United States of America,

Court adjourned till tomorrow morning 10 o'Clock

Friday October 5th 1883.

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

6053. Austin Gas Light Company vs. The Capital Gas Light Company

And now come the parties to this Cause by their respective attorneys and announced ready for trial and thereupon the demurrer of defendant to the petition of plaintiff being submitted to the Court and the same being argued by Counsel and fully understood by the Court and it being the opinion of the Court that said Petition discloses no right of action. and that the demurrer is well Taken - It is therefore ordered by the Court that the said demurrer of Defendant to Plaintiffs petition be sustained - And because said plaintiff declines to amend its said petition - it is further ordered adjudged and decreed by the Court that said plaintiff Take nothing by this suit, and that this suit be dismissed and that defendant recover from plaintiff all the Costs of this suit for which execution shall issue - To which rulings decision and action of the Court plaintiff excepts and gives notice in open Court of Appeal to the Supreme Court.

6070 A F Boyce vs D M Wilson + Elizabeth Boyce } In this Cause appeared the plaintiff by Attorney and it appearing to the Court that the Defendant D M Wilson has been legally served with Citation and Certified Copy of the Original Petition. And it further appearing to the Court that the defendant D M Wilson has failed to appear and demur plead or answer within the time prescribed by law but wholly made default. And it further appearing to the Court that this suit is brought upon a liquidated demand and that the defendant Elizabeth Boyce has answered admitting the claim sued on as just and her liability as Endorser and

Nov 17. 1883. Issued to D M Wilson Defendant in Favor of this Instrument - A F Boyce

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers, Printer

asking judgment over against the defendant D M Wilson in the event that She has this judgment or any part thereof and for execution against the defendant Wilson - It is therefore ordered adjudged and decreed by the Court that the plaintiff A F Boyce do have and recover of and from the defendant D M Wilson as principal and Elizabeth Boyce as Endorser and guarantor, the sum of fourteen hundred and three 80/100 Dollars for his principal debt and interest up to this date with twelve per cent interest thereon from this date until paid together with all costs of this suit for which Execution may issue. And it further appearing to the satisfaction of the Court that the Defendant Elizabeth Boyce is only liable as indorser upon the note sued in this action - It is therefore ordered adjudged and decreed by the Court, in the event that She is compelled to pay this judgment or any part thereof, that she have execution issued in her favor upon this judgment against the Defendant D M Wilson for such amount as she may be compelled to pay on this judgment

6079. Elizabeth Grumbles as T. T. Pendley } On this Fifth day of October 1883. this cause coming on for trial in its regular order, the plaintiff appeared by her attorneys but the defendant came not but wholly made default - And no jury having been demanded the matters of fact as well as of Law were submitted to the Court - And the Court after having heard the evidence is of the opinion that the facts stated in plaintiffs petition are true and that plaintiff is entitled to the relief prayed for - It is therefore considered ordered adjudged and decreed by the Court that the defendant T T Pendley be and he is hereby divested of all right title and claim in and to Lot Number Twelve (12) in Block Number four (4) of the City of Austin Travis County State of Texas according to the map or plan of said City and that the full absolute and legal title thereto be forever vested in the said plaintiff Elizabeth Grumbles - It is further ordered adjudged and decreed by the Court that the deed executed by Mat Grumbles and Elizabeth Grumbles to T T Pendley dated June 4th 1873. and recorded in the record of title deeds of Travis County in Book Y page 252 and the record thereof aforesaid be and the same is hereby cancelled, annulled and held for naught - It is further ordered adjudged and decreed by the Court that the cloud cast upon plaintiffs title to said Lot by reason of the conveyance aforesaid be and the same is hereby removed and that plaintiff is hereby forever quieted in her title and possession of said Lot and property, And that said T T Pendley be and he is hereby forever enjoined from asserting any title or claim to said property

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or any part thereof, as against the superior and lawful title of Plaintiff-
It is further ordered adjudged and decreed that plaintiff do have and recover of defendant all costs in this behalf expended for which execution may issue

6080

McDannell & Co
vs
James K Murray

On this fifth day of October 1883 this Cause being regularly reached and called for trial Came the plaintiffs by their Attorneys and the defendant though duly served with process Came not but wholly made default- Whereupon Plaintiffs aught to recover their damages by reason of the premises- And it appearing to the Court from the evidence that the defendant is justly indebted to the plaintiffs in the sum of Six hundred and twenty three (623) dollars to bear interest at the rate of twelve per cent per annum- in the further sum Sixty two 30/100 dollars as attorneys fees to bear interest at the rate of Eight per cent per annum and the further sum of one thousand & fifty and 87/100 dollars ($1050.87) to bear interest at 8 per cent per annum- It is therefore ordered adjudged and decreed by the Court that the plaintiffs Page McDannell and Martin McCarty do have and recover from the said defendant James K Murray the said sum of Six hundred and twenty three dollars with interest from this date at the rate of 12 per cent per annum and also the sum of Sixty two and 30/100 dollars as attorneys fees with interest from this date at rate of 8 per cent per annum and also the further sum of one thousand and fifty and 87/100 Dollars with interest from this date at rate of 8 per cent per annum- together with all costs in this behalf expended for all of which Execution may issue
And it further appearing to the Court that a writ of attachment issued in this Cause, was on the 10th day of September AD 1883 levied upon the following described property of the defendant, to-wit, One (1) Pool Table One (1) Keg of Gin- One half (1/2) Keg Cognac Brandy three (3) bottles of Bitters One (1) Bottle of Annisette One half 1/2 bottle Peppermint One (1) bottle Gin Five (5) Gallons Blackberry Wine and four (4) Doz Bar Glasses, and that said writ of Attachment was on the 24th day of September 1883 further levied upon the following described Real Estate the property of the Defendant, to-wit. Five Lots Numbers Seventeen and Eighteen (Nos 17 & 18) in the Town of Menardville in the County of Menard and State of Texas with the improvements thereon- It is therefore adjudged and decreed by the Court that the attachment lien created by said Levy on the personal property aforesaid as it existed on said 10th day of September 1883. and that the attachment lien created by said levy on the lots and real Estate aforesaid on the 24th day of September 1883 be and the same is hereby foreclosed and that an Order of Sale be issued to said County of Menard as the law directs, commanding the sale of said property or so much thereof as may be necessary to satisfy this judgment- If said property shall not sell for enough to satisfy this judgment then plaintiff shall have Execution for the balance remaining unpaid

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Friday the 5th day of October 1883.

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

7102 Edward Christian Survivor of Partnership Firm of Loomis & Christian

vs

Austin & Northwestern Rail Road Company

On this 5th day of October A.D. 1883 Came the plaintiff by his attorneys, and the said defendant though duly cited and served with Process as the law provides Came not but wholly made default Wherefore the plaintiff ought to recover his damages by reason of the premises; And it appearing to the Court that the Plaintiffs demand is liquidated and proved by an instrument in writing executed and delivered to the late partnership firm of Loomis & Christian on March 12th 1883 by said defendant Also that said firm of Loomis and Christian was composed of Simon Loomis and the plaintiff Edward Christian and that said Simon Loomis before the institution of this suit and during the continuance of said partnership departed this life and that said plaintiff Edward Christian is the survivor of said partnership and entitled to recover in this action as such And it appearing to the Court that the said defendant is justly indebted to the plaintiff in the sum of Eight hundred and fifty seven 30/100 Dollars principal and interest to this date due upon the Note Sued on with interest at the rate of ten per cent per annum also in the sum of Eighty five and 75/100 Dollars being ~~the Amount~~ ten per cent upon the amount aforesaid for Attorneys fees according to the tenor of the Note Sued on with interest at Eight per cent per annum- It is therefore Considered ordered adjudged and decreed by the Court that Edward Christian Survivor of Loomis & Christian do have and recover of and from the Austin and Northwestern Rail Road Company the said Sum of Eight hundred and fifty seven & 30/100 Dollars with interest at the rate of ten per Cent per annum from this date and also the further sum of Eighty five and 75/100 Dollars with interest from this date at the rate of Eight per Cent per annum together with all Costs in this behalf expended for all which execution may issue

5695 W. H. Bell vs E. W. Strand et al Continued for service-

5961 The State of Texas vs John Mann et al } This time an appearance came for this term of this court, and time now regularly call'd for trial came the State by her attorney and says she will no further prosecute this suit as to the defendants J. W. Hay and Asa Mann who have not been served with citation and asks leave to dismiss as to said defendants. It is

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Friday the 5th day of October 1883

thereupon ordered by the court that this cause be and the same is hereby dismissed as to said defendants J. W. Hay and Asa Mann, and the said defendants C. E Odom, J. P. Simmons. J. C. Tipton, T. M. Clayton. Jas A Grant and W A. Irie though duly served with process having failed to appear and answer in this behalf but wholly made default, Whereupon the said plaintiff The State of Texas, ought to recover against the said C. E. Odom J. P Simmons J. C. Tipton T. M. Clayton. Jas A Grant and W. A. Irie the damages by occasion of the premises. And whereupon it is ordered by the court that the clerk do assess the damages sustained by said plaintiff by reason of said defendants having failed to appear and answer herein, and the said cause coming on to be heard upon the pleadings and proof of the plaintiff and the evidence taken in open court, and it appearing to the court that the cause of action is liquidated and proved by instruments of writing, it is ordered by the court that the clerk do assess the damages sustained by said plaintiff; and the said clerk now here having assessed the said damages aforesaid at the sum of ($1832.23) One thousand eight hundred and thirty two & 23/100 dollars, It is therefore ordered adjudged and decreed by the court that the said plaintiff Edward Lisingrallie do have and recover of the said defendants W. J. Shore & Geo C. Buler said sum of Eighteen hundred and thirty two 23/100 dollars with interest thereon at the rate of ten per

of signing be awarded and cause passed to the end of the docket as to the defendant John Mann not served —

5987. T. L. Wann vs T. H. Miller et al — Passed to the end of the docket

6001. Josephine B. Wann vs T. L. Wann et al. Passed to end of docket.

6002 T. L. Wann vs T. H. Conkling et al. This cause since this day called for trial came the plaintiff by his attorney & but the defendants Marion Archer. R. P. Archer. T. H. Conkling. Fritz Engelking. Charles Engelking and Sigismund Engelking though duly served with citation failed to appear and answer in this behalf but wholly made default, Wherefore said plaintiff ought to recover against said defendants his damages by occasion of the premises and cause passed to the end of the docket.

6012 Frank S. M. Johnson vs Mary Johnson. Passed to end of docket.

6014 John Rymond vs Geo. T. Harris & ux. Continued for service.

6031 Wm Shattuck et al vs Jno O. Johnson. Passed to end of docket.

6032 Edward Lisinorallie vs W. J. Shore & George C. Buler

This day came the plaintiff and the said defendants having failed to appear and answer in this behalf, but wholly made default, Whereupon the said Edward Lisinorallie ought to recover against the said W. J. Shore and George C. Buler 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 by the court that the clerk do assess the damages sustained by said plaintiff; and the said clerk now here having assessed the said damages aforesaid at the sum of ($1832.23) One thousand eight hundred and thirty two & 23/100 dollars, It is therefore ordered adjudged and decreed by the court that the said plaintiff Edward Lisingrallie do have and recover of the said defendants W. J. Shore & Geo C. Buler said sum of Eighteen hundred and thirty two 23/100 dollars with interest thereon at the rate of ten per

4. Book 5 page —

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cost paid. Now come both parties by their attorneys and announce to the court that all costs in this behalf expended for all which let execution issue.

6035 Hannah Williams vs Prince Williams, Continued by operation of law.

6036 Georgia W. Dinman vs Andrew S. Dinman, Continued by operation of law.

6046 James Jackson vs Anna Lucy Cassidy It is ordered by the court that defendant have leave to file 1st amended original answer and case stand to end of docket.

6048 Laura Evans vs H. & T. C. R. R. Co. Upon motion of plaintiffs attorney filed in this cause, it is ordered by the court that this case be and the same is hereby dismissed at plaintiffs cost. for which execution may issue.

6049 John N. Johnson vs H. & T. C. R. R. Co. Upon motion of plaintiffs attorney filed in this cause, it is ordered by the court that this cause be and the same is hereby dismissed at plaintiffs cost for which execution may issue

6050 Morgan T. White vs H. & T. C. R. R. Co. Upon motion of plaintiffs attorney filed in this cause, it is ordered by the court that this case be and the same is hereby dismissed at plaintiffs cause for which execution may issue.

6055 Kate A. Sample vs Alex J. Sample No counsel appearing continued

6058 T. L. Wren vs G. S. Plants and H. J. Bacon. This cause being regularly reached on the docket and called for trial came the plaintiff by attorney and but the defendants though duly cited came not but wholly made default. and it appearing to the court that the amount and for in this case had been settled after the institution of this suit & each the costs. it is therefore ordered that the plaintiff T. L. Wren do have and recover of and from the defendants G. S. Plants and H. J. Bacon his costs in this behalf expended for which execution may issue.

6059 Nannie A. Marsh vs Alonzo T. Marsh Passed to end of docket.

6060 W. P. Rogers vs W. W. Archer & Wife Passed to end of docket.

6064 James B. Goff vs Charles G. Johns & Wife, It is ordered by the court that defendant have leave to file 1st amended original answer and plaintiff leave to file 2d amended Petition and cause set for trial October 13th 1883.

6065 W. J. and J. A. Johnson vs H. & T. C. R. R Co Upon motion of plaintiffs attorney on file it is ordered by the court that this case be and the same is hereby dismissed at plaintiffs cost.

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for which execution may issue.

6066 Bailey Sparks vs N. & T. C. R. R. Co. Upon motion of plaintiff attorney on file it is ordered by the Court that this cause be and the same is hereby dismissed at plaintiffs costs for which execution may issue.

6067 R. A. Majors vs N. & T. C. R. R. Co. Upon motion of plaintiff attorney on file it is ordered by the Court that this cause be and the same is hereby dismissed at plaintiffs cost for which execution may issue.

6040 Ludlow Saylor Wire Company vs John A Webb & Bro } On this day came the plaintiff the Ludlow Saylor Wire Company by attorneys and the said John A Webb and Joseph W Webb partners under the firm name and style of John A Webb & Bro having been duly served with process but failed to appear and answer herein and wholly made default; And it appearing to the Court that the plaintiffs cause of action is liquidated and proved by five certain instruments of writing and the defendant not having demanded a jury the matter in controversy were submitted to the Court: And the Court now having assessed the damages of plaintiff at the sum of sixteen hundred and sixty two and 98/100 ($1662.98) Dollars

It is therefore ordered adjudged and decreed by the Court that the said plaintiff the Ludlow Saylor Wire Company do have and recover of and from said Defendants John A Webb and Joseph W Webb the said sum of sixteen hundred and sixty two and 98/100 ($1662.98) dollars with interest thereon at the rate of 8 per cent per annum from the date hereof together with all costs in this behalf expended - for which let execution issue It is further ordered that execution issue for the use of the officers of Court against each party respectively for the cost by it or him in this behalf ~~incurred~~ -

6043. P. Pfiffer & Co vs W Creary & Robertson } On this day came Phillip Pfiffer Phillip Waller Wilhelm Waller & William Frankenheimer composing the firm of P Pfiffer & Company Plaintiffs by their attorneys Massey & Johns and the said defendants A. J. McCreary and George L Robertson composing the firm of McCreary & Robertson having failed to appear and answer in this behalf but wholly made default Wherefore the Plffs ought to have and recover of Defendants their damages by reason of the premises: And it appearing to the Court that the cause of action is liquidated & proved by an instrument of writing and the damages having been assessed by the Court at the sum of ($571.71) five hundred and ninety one dollars and seventy one cents - It is considered by the Court that the plaintiffs

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do have and recover of and from McCreary and Robertson and of George L Robertson but nat of A J McCreary, nat served with process herein, said sum of $69[illegible]/100 with interest at the rate of Eight per centum per annum and all costs of suit and that Execution therefor issue against the firm property of McCreary & Robertson and against the individual property of the said George L Robertson only subject thereto, but not against the individual property of the said A J McCreary - It is further ordered that the Officers of Court have Execution for this Cost.

1005

The First National Bank
of Austin Pltff
vs
The Austin & North Western Rail Road Company Deft

On this the 5th day of October 1883 Came the plaintiff the First National Bank of Austin by its Attorneys Maxey & Fisher and the said defendant The Austin and North Western Rail Road Company having been duly served with process and having failed to appear and answer in this behalf, but wholly made default wherefor the First National Bank of Austin ought to have and recover against the Austin & Northwestern Rail Road Company the defendant as aforesaid its damages by occasion of the premises; and it appearing to the Court that the Cause of action herein is liquidated and proved by an instrument of writing, to-wit, a certain Note made, Executed and delivered by the said defendant to the said plaintiff which said note is and was at the time of its execution and delivery secured by twenty first Mortgage Gold bonds issued November 1. 1881 by the said defendant for the sum of one thousand dollars each and bearing six per centum per annum interest payable semi annually on the first days of January and July of each year which said Bonds are numbered as follows Twenty nine (29) Thirty (30) Thirty one (31) thirty two (32) thirty three (33) Thirty four (34) thirty five (35) thirty six (36) thirty seven (37) Thirty Eight (38) Thirty nine (39) Forty (40) Forty one (41) Forty two (42) Forty three (43) Forty four (44) Forty five (45) Forty six (46) forty seven (47) & Forty Eight (48) All of which said matters were fully proved to the Court and the damages having been assessed by the Court at the sum of ($15.656 42) Fifteen thousand six hundred and fifty six Dollars and Forty two Cents the principal sum and interest due on said note ($1566.64.) fifteen hundred and sixty five dollars and sixty four cents attorneys fees stipulated for therein: It is therefore Considered by the Court that the said plaintiff do have and recover of and from the said defendant the said sum of ($15656.42). Fifteen thousand six hundred and fifty six Dollars and forty two Cents with interest at the rate of ten per centum per annum and the said sum of ($1565.6.42) Fifteen hundred and sixty five dollars and sixty four cents attorneys fees

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as aforesaid with interest thereon at the rate of Eight per centum per annum and all Costs of suit in this behalf expended - It is further ordered adjudged and decreed by the Court that the lien of the plaintiffs on the Bonds hereinbefore mentioned and described in plaintiffs Petition be and the same is hereby foreclosed and the Sheriff of this County - unless the plaintiff and the defendant in the meantime shall otherwise agree with respect to the Sale or other disposition thereof - Shall seize and Sell the said bonds as under Execution in Satisfaction of this judgment; and if the proceeds of said Sale or of any sale or disposition of said bonds made by agreement of said plaintiff and defendant - be insufficient to satisfy this judgment said Sheriff is hereby ordered to make the money or any balance thereof remaining unpaid out of any other Property of the said Defendant as in case of ordinary Execution or as may be otherwise required by law.

7008 W C Hurley

vs

Austin & Northwestern Rail Road Company

On this the 5th day of October 1883 came the plaintiff W C Hurley by his Attorney A J Perlee and the said defendant The Austin and Northwestern Rail Road Company having been duly served with process and having failed to appear and answer in this behalf but wholly made default Wherefore W C Hurley ought to have and recover against the Austin & North western Rail Road Company the defendant aforesaid its damages by occasion of the premises and it appearing to the Court that the cause of action herein is liquidated and proved by an instrument of writing (to wit a certain Note made executed and delivered by the said defendant to the said plaintiff, which said Note is and was at the time of its execution and delivery secured by Thirteen first Mortgage gold bonds issued November 1 1881 by the said defendant for the sum of One thousand Dollars each and bearing six per centum per annum interest payable semi annually on the first day of January and July of each year which said Bonds are numbered as follows (70) Seventy. (71) Seventy one (72) Seventy two (73) Seventy three (74) Seventy four (75) Seventy five (76) Seventy six (77) Seventy seven (78) Seventy Eight (79) Seventy nine (80) Eighty (81) Eighty one (82) Eighty two - All of which said matters were fully proved to the Court and the damages having been assessed by the Court at the sum of ($10449.54) Ten thousand four hundred and forty nine dollars and fifty four cents the principal sum and interest due on said note and at ($1044.95) Ten hundred and forty four dollars and Ninety five cents attorneys fee stipulated for therein: It is therefore Considered by the Court that the said plaintiff do have and recover of and from the said defendant the said sum of ($10449.54) Ten thousand four hundred and forty nine dollars and fifty four Cents with interest at the rate of ten per centum per an

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sum and the said sum of $1044.95 One hundred and forty four dollars and ninety five cents. attorneys fee as aforesaid with interest thereon at the rate of Eight per centum per annum and all costs of suit in this behalf expended. It is further ordered adjudged and decreed by the Court that the lien of the plaintiff on the bonds herein before mentioned and described in plaintiffs petition be and the same is hereby foreclosed and the Sheriff of this County – unless the plaintiff and the defendant in the meantime shall otherwise agree with respect to the sale or other disposition thereof – shall seize and sell the said Bonds as under execution in satisfaction of this judgment and if the proceeds of said sale – or if any sale or disposition of said bonds made by agreement of said plaintiff and defendant – be insufficient to satisfy the judgment said Sheriff shall is thereby ordered to make the money or any balance thereof remaining unpaid out of any other property of the defendant as in case of ordinary execution or as may be otherwise required by law

6075. Wm M Saunders vs S.C. Stovall } This cause being this day regularly reached upon the docket and called for trial came the parties plaintiff and defendant by their respective attorneys and suggested to the Court the necessity of an Order of Survey to establish the line or lines of the property in Controversy. It is therefore ordered by the Court that an Order of survey be granted and that John E Campbell County Surveyor of Travis County survey and report all facts showing or tending to show the locality of the south line of the E Rodriguez survey and the N line of the D H Haskins – to aid in the location of said lines. Survey to be made from the known corner on Cotton Mouth Creek branch of Onion Creek S 30° W so far as may be necessary in said investigation –

6089 Wm Blackwood Guardian vs A.C. Champion } This cause this day being regularly reached on the docket and called for trial came the plaintiff by Attorney and announced ready for trial, but said defendant though having duly and legally accepted service of the petition in this cause failed to appear and answer but wholly made default, Wherefore the said William Blackwood Guardian of the person and estate of Wm Frazier a Lunatic ought to recover against the said A.C. Champion his damages by occasion of the premises; And it further appearing to the Court after hearing the pleadings and Evidence that the cause of action is liquidated and proved by an instrument of writing being a promissory note secured by a Vendors lien upon the following

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described property, towit, three hundred and twenty one acres of land out of the James Pett survey in Travis County Texas and twenty nine acres out of the James Spillman survey Travis County said tracts constitute a body a body of 400 acres of land described and specified in a certain deed executed by plaintiff to defendant on or about the 1st day of May 1880 said note being in part payment of the purchase money thereof- It is therefore considered ordered and adjudged by the Court that the said Plaintiff Wm Blackwood Guardian of the Estate and person of the said Frazier do have and recover of and from the defendant A.C. Champion the sum of ($195.73) Ninety five & 73/100 dollars being balance due on said note at this date with interest thereon at the rate of 12 % per annum together with all costs in this behalf expended- And it is further ordered by the Court that the Vendors lien heretofore on the 1st day of May 1880 and now existing upon the above described tracts of land be and the same is hereby foreclosed and that the Clerk of this Court do issue an order of sale directed to the Sheriff or any Constable of Travis County Commanding him said officer to seize and sell said above described land as under execution and that he apply the procuds to the payment of said judgment and costs and if said land should sell for more than sufficient to pay off and satisfy said sums that he pay over the excess to the defendant. But if the said land shall not sell for enough to pay off said sums that execution issue for balance unpaid

This judgment is for value rec'd, this day transferred to A.J. Jernigan, without recourse on me - Feb. 5th 1884. Wm Blackwood, Guardian of estate of Wm Frazier, per A. W. Jackson Jr. Atty.

W. J. M. Gordon vs J. W. Coombs — This cause being this day regularly called for trial came the plaintiff by his attorney, but the said defendant though having duly and legally accepted service of Petition failed to appear and answer in this behalf but wholly made default Wherefore the said W. J. M. Gordon ought to recover against the said J.W. Coombs his damages by occasion of his 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 said plaintiff and the said Clerk having assessed the damages aforesaid at the sum of $1383.77 It is therefore considered ordered adjudged and decreed by the Court that the plaintiff W J M Gordon do have and recover of and from the said defendant J W Coombs the sum of Thirteen Hundred and Eighty three & 77/100 dollars with interest at the rate of 8 % per annum from this date and all costs of suit for which let Execution issue-

96 Walton vs Hill et al R J Sledge Etal — This cause this day being regularly called for trial came the plaintiffs and announced ready for trial and also came the Defendants by attorneys

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Geo. D. Barnard & Co., Blank Book Manufacturers

Thereupon came on to be heard the demurrer of the Defendant C R Johns as to his liability on the Note sued on in this case and the argument of Counsel thereon being heard, it is the opinion of the Court that the law is for the defendant Johns - It is therefore considered by the Court that the defendant C R Johns go hence and recover of Plaintiff his costs in this behalf expended for which execution may issue - Thereupon came on to be heard the motion of the Defendant R J Sledge to dismiss and the argument of Counsel thereon being heard it is the opinion of the Court that the law is for the Plaintiffs. It is therefore considered by the Court that said Motion be overruled - to which ruling of the Court defendant excepts - Whereupon the trial proceeded and the Court after hearing the pleadings evidence and argument of Counsel thereon doth order adjudge and decree that the Plaintiffs Wm M. Walton & R J Hill under the firm name of Walton & Hill do have and recover of and from the defendant R J Sledge the sum of ($2774cts) Five thousand Seven hundred and Seventy four dollars with interest thereon from from this date at the rate of 10 % per annum until paid and all costs of this suit for which Executions may issue - To which judgment the defendant excepts and gives notice in open Court of Appeal to the Supreme Court.

6088

Ex Book 5 Page

The State of Texas vs G W Michael et al

On this the fifth day of October 1883. Came the State of Texas as plaintiff by her County Attorney D H Moreton Esq^r but the said defendants G W Michael Julius Clabarge A M Rogers Sublett Ashworth P R Floyd F A Burton G. A Hudson A Dabbs & H Ochiltree 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 her 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 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 and from the defendants - G.W. Michael Julius Clabarge A M Rogers Sublett Ashworth P.R. Floyd F A Burton G A Hudson A Dabbs and H Ochiltree jointly and severally the sum of Nine hundred and Eighty three dollars and Eighty four Cents ($983^{84}) 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

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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 Julius Clubarger A M Rogers Eublett Ashworth P R Floyd F A Burton G A Hudson A Dabbs and H Ochiltree 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 G W Michael subject to Execution and situated in the County of Travis, before a levy 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 the 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 the 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 the said sureties or any of them and one or more of said sureties fail 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 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 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

6021

Field Thayer & Co

vs

McCreary & Robertson

On this day came the Plaintiffs James B Field Edward P Thayer Emery H Munroe Sewall M Hovey Charles T O'Connor and John B Spencer partners doing business under the firm name and style of Field Thayer & Co by Attorneys also the said defendant George L Robertson having been duly served with process but failed to appear and answer

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herein and wholly made default. And it appearing to the Court that the said Defendants A J McCreary and George L Robertson were at the time of the purchase by them of the goods wares and merchandise declared on by plaintiffs a partnership doing business under the firm name and style of McCreary and Robertson and it further appearing to the Court that plaintiffs cause of action is liquidated and proved by the affidavit of plaintiffs and the defendant having failed to demand a jury the matters in controversy were submitted to the Court and the Court now here having assessed plaintiffs damages at the sum of thirteen hundred and sixty four and 40/100 ($1364.40) Dollars - It is therefore ordered adjudged and decreed by the Court that said plaintiffs James B Field Edward P Thayer, Emery H Munroe Sewall McHenry Charles T O'Horne and John B Spencer partners doing business under the firm name and style of Field Thayer & Co do have and recover of defendants A J McCreary and George L Robertson partners under the firm name and style of McCreary & Robertson and of said George L Robertson individually the said sum of Thirteen hundred and sixty four and 40/100 ($1364.40) Dollars together with interest thereon at 8 per cent per annum from the date hereof and all costs of suit in this behalf expended. And because there has been no service of process upon said A.J. McCreary, it is ordered that execution issue only against the individual property of said defendant Robertson and the partnership property and Estate of said McCreary & Robertson It is further ordered that execution issue for the use of the officers of Court against each party respectively for the cost by him in this behalf incurred—

7/13. R. F. Campbell vs Wm McWalton } On this fifth day of October 1883. came the Plaintiff R. F. Campbell by Attorney and the said Defendant having been duly served with process having failed to appear and answer in this behalf but wholly made default Wherefore the said R. F. Campbell ought to recover against the said Wm McWalton his damages by occasion of the premises And it appearing to the Court that the cause of action herein is liquidated and proved by an instrument of writing towit a certain promissory Note dated Austin Texas July 1st 1872. executed by said defendant and A.H. Parish and made payable to the Life Association of America at the Bank of C R Johns & Co, said Note being secured by Deed of Trust on the following described property towit— Ten acres of Land being part of out Lot No 72 in Division D of the out Lots of the City of Austin and more particularly described

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as follows - Begining at the North West Corner of Out Lot No 72. Thence S 60° E 330 Varas to a stake the N W Corner of a track sold by Mc James to Leander Brown Thence S 30° W 171 Varas to a stake the W S. Corner of a track sold to Fenwick Smith by Mc James Thence N 60° W 330 varas to the North West Corner of the Fenwick Smith track Thence N 30°. E. 171 Varas to the Place of begining Containing ten acres See Book W page 382 of Travis County Records - Which said note and deed of Trust was for a valuable Consideration transferred and assigned to plaintiff all of which said matters were fully proved to the Court and the damages having been assessed by the Clerk at the sum of ($500) five hundred dollars Principal and interest due by said Defendant - It is therefore Considered by the Court that the Plaintiff do have and recover of the said Defendant the said sum of $500= with interest at the rate of 12% from date until paid and all Costs of suit - It is further ordered adjudged and decreed by the Court that the lien of Plaintiff created by said Trust Deed be and the same is hereby foreclosed upon the one half interest of said Defendant Walton of the Land hereinbefore discribed and that the Sheriff or any Constable of this County shall seize and sell said one half interest of Defendant as under Execution in Satisfaction of this judgment and Costs and if the proceeds of said Sale be insufficient he is hereby ordered to make the money or any balance thereof unpaid out of any other property of Defendant as in Case of ordinary Execution as required by law.

6068. C. W. White vs City Water Company Passed to end of docket

6071 Lydia Thompson vs Tobe Thompson Passed to end of docket

6073 Mary E. Kirk vs Chas A. Kirk Set for October 6th 1883.

6074 John A. J. Stallcup vs Francis M. D. Stallcup. Continued by operation of law.

6076 Geo. B. Zimpelman vs Wm Finlay et al. It is ordered by the Court that James Finlay and wife have leave to intervene, and case passed to end of docket

6077 John Ortheny et al vs Jamie W. Neill Admx. It is ordered by the court that this case be and the same is hereby continued on application of plaintiff

6078. Carolyne Kemp vs Alfred Kemp Passed to end of docket.

6081. Amelia Brace et al vs M. M. Hornsby et al. Passed to end of docket by consent of defendants.

6082 Mary E. W. Wilcox vs M. M. Hornsby & A. J. Jernigan Passed to end of docket.

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6083. Francis Miller vs Nick Miller alias Jack Jones. No service.

6084 Emma Milde vs Fredrick Milde. It is ordered by the Court that Plaintiff have leave to file 1st amended petition and case passed to end of the docket;

6085- L. Schlinger vs Alma Taylor. It is ordered by the Court that Plaintiff have leave to file 1st amended petition

6087. P. J. Schrialby vs F. W. Schrialby. Passed to end of docket;

6093. William Shackles vs Mary Schackles. Passed to end of docket;

6094 The State of Texas vs I & G. N. R. R. Co. It is ordered by the Court upon motion of Plaintiffs attorney that this case be and the same is hereby dismissed

6095 The State of Texas vs Wm M. Brown et al. Passed to end of docket;

6097 Mary Thomas vs Sydney Thomas. Passed to end of docket-

6098 W. B. Isham vs John N. Webb. Passed to end of docket-

6099 W. B. Isham vs M. A. Taylor Passed to end of docket-

7001 Estate of C. Billy Loth. dec'd. No counsel appearing. Continued,

7006 John N. Coleman vs Travis County Road & Bridge Company It is ordered by the Court that defendants have leave to file amended original answer-

7007. Field, Thomas & Raney vs Travis Co Road & Bridge Co. It is ordered by the Court that defendant have leave to file 1st amended original answer

7009 O. F. Jinks vs Paul Prissler. Continued by operation of law.

Court adjourned till tomorrow morning 10 o'clock.

Saturday October 6th 1883.

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

4975. T. L. Wood vs Edmund Green. By consent of the parties it is ordered by the Court that this case be retired from the jury docket: consent filed with the papers of this cause-

5809 Wm E. Smith vs I & G. N. R. R. Co. Continued by consent of parties-

5997 James. W. Taylor vs H. & T. C. R. R. Co., It is ordered by the Court that the Plaintiff have leave to file 1st amended original petition

6085- Leopold Schlinger vs Alma Taylor; And now on this day came the parties Plaintiff and defendant by their attorneys, and thereupon came on to be heard the motion of the defendant to quash service of citation in this cause, and the Court after hearing the arguments of Counsel thereon overruled said motion, to which ruling of the

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the defendant excepts.

6077 John Ortney vs Jennie W. Stillwell adms. It is ordered by the Court that the Motion for rule for cost in this case be and the same is hereby granted and Clerk ordered to notify the attorneys for plaintiff.

6087. P. J. Schoralby vs F. W. Schoralby, It is ordered by the Court that the Motion for rule for costs be and the same is hereby granted, and Clerk ordered to notify the attorneys for plaintiff.

7000 Mary Vitch vs Jurge Vitch. It is ordered by the Court that the Motion for rule for costs in this case be and the same is hereby granted and Clerk ordered to notify the attorney for plaintiff.

7011. Martha Junkin vs George Junkin, It is ordered by the Court that the Motion for rule for costs in this case be and the same is hereby granted. and Clerk ordered to notify the attorney for plaintiff.

4975. T. L. Wann vs Edmund Green } This day came the parties by their attorneys and waive a Jury and submit the matter in controversy as well of fact as law to the Court, and the plaintiff failing to produce any evidence, It is considered, ordered and adjudged by the Court that said defendant Edmund Green go hence and recover of and from the plaintiff T. L. Wann all his costs in this behalf expended for which he may have his execution.

8995 Emily Johns vs Robert B Johns } On this 6th day of October 1883 This cause having been on a previous day of this term set for trial on this day and James W. Smith Esq. an Attorney of this Court having been appointed by the Court to represent the Defendant, as provided by the Statute in such cases - Thereupon came the Plaintiff by N. G. Shelley Esq. attorney and announced ready for trial; and it appearing to the Court that the Defendant Robert B Johns has been duly cited in accordance with the Statute to answer plaintiffs petition and the said James W. Smith attorney as aforesaid appeared and for Defendant presented his Demurrer to Plaintiffs petition which being heard and considered by the Court, the same was overruled. and a Jury not having been demanded by either party; the matters of fact as well as law were submitted to the Court - And the Court having heard the pleadings and the Evidence It is considered by the Court that all the material allegations of Plaintiffs Petition are true It is therefore ordered adjudged and decreed by the Court that the bonds of matrimony existing between the plaintiff Emily Johns, formerly

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Emily Haines and Robert B Johns be and they are hereby dissolved and the said Emily is hereby discharged and liberated therefrom. It is further ordered and decreed that the said Plaintiff do have the care custody and control of the daughter Fannie Melissa Johns free from the restraint or interference of the said Defendant Robert B Johns, And it is further ordered and decreed by the Court that any and all the property of the Plaintiff be and the same is hereby given to her absolute and unrestricted control and power of disposition and the said Defendant is hereby forever enjoined from interfering with the custody of the said daughter Fannie and with the property rights of the said Plaintiff. It is further ordered that the Plaintiff have and recover of the Defendant all costs in this behalf expended for which Execution may issue & It is further ordered that after of two dollars by taxed & Collected for W D Smith atty appointed by the Court

Henry Todd vs Sarah Todd

5999.

And now on this the 5th day of October AD 1883. This cause came on to be heard in its regular order for trial and the Plaintiff appearing by John Dowell his attorney and the Defendant appearing by W D Williams her attorney appointed by the Court to represent her in this suit and both parties announced ready for trial and the same being submitted to the Court, who after hearing the pleadings evidence and argument of Counsel was of the opinion the facts stated in Plaintiffs Original Petition were true and the divorce as prayed for be granted- Whereupon it is ordered adjudged and decreed by the Court that the bonds of Matrimony Between the plaintiff Henry Todd as Husband and the Defendant Sarah Todd as wife be and are hereby separated and this decree of divorce be and is hereby granted and that they no longer sustain this relation to each other and that Plaintiff pay all costs for collection of which execution issue and further ordered by the Court that a fee of Ten Dollars be taxed for W D Williams Atty appointed by the Court and Collected as the other Costs in this case

7026. James McCune } Declaration of Intention to become a Citizen
Ex Parte }

The State of Texas. County of Travis. James McCune being duly sworn according to law, in the District Court of said County doth declare that he was born in the year AD 1855 in the Kingdom of Ireland 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 to the Every foreign Prince Potentate State or Sovereignty whatsoever and particularly to the Queen of England of whom he was a subject- James McCune

Sworn to and Subscribed before me this 6th day of October 1883. in Open Court Jas P Hart Clerk

Court adjourned till 10 o'clock Monday morning the 8th of October

Dietrich Court Minutes, October Term, 1883

Monday the 8th day of October 1883.

Printers, Lithographers and Stationers, St. Louis.

Court Met Pursuant to adjournment. Present same as on first day. Whereupon the following Proceedings were had towit.

6073 Mary E Kirk vs Charles A Kirk — On this Eighth day of October AD1883 Came the plaintiff Mary E Kirk by her attorney Walton & Hill and the defendant Came not; and it appearing to the Court that the Defendant had been duly served with a Copy of the petition and Citation more than five days before preceding the Commencement of the present term of this Court; and this said Cause being now regularly reached for trial and no jury having been demanded the Court proceeded to hear and determine said Cause. And the Court having heard the pleadings and Evidence, after Consideration finds the material allegations in the Petition contained to be sustained by the Evidence and to be true in fact and therefore doth here and now order adjudge and decree as follows: 1. That the bonds of Matrimony heretofore existing between the said Charles A Kirk and Mary E Kirk be and the same are hereby forever dissolved and each of them are hereby restored to a Condition of Single life with all the rights and responsibilities thereto belonging. 2-That the care Custody and Education and maintenance of plaintiffs Child Robert R Kirk be and is hereby decreed to plaintiff free from any and all interference on the part of defendant Charles A Kirk. 3. That the name of the plaintiff Viz - Mary E Kirk before her marriage to the said Charles A Kirk be and the same is hereby restored to her - in which name she may do all acts in law the same as if she had never been married to the said Charles A Kirk. 4. That Defendant pay all Costs of suit for which Execution may issue

7015 F H Miller Plaintiff vs G M Brass Trustee G M Brass Guardian ad litem of G M Brass Jr Matilda P Brass. Clara Brass Emma Brass Amelia Brass Jr Pauline Brass and Ida Brass Defendants — In Dietrich Court of Travis County - And now on this the 5th day of October AD1883 this Cause coming on to be heard in its regular order for trial and the plaintiff appearing in person and by his attorneys N G Shelby John Dowell and A B Barnhart and the Defendants G M Brass Trustee appearing in person and the Defendants G M Brass Jr Matilda P Brass, Clara Brass Emma Brass Amelia Brass Jr Pauline Brass and Ida Brass minors as aforesaid appearing by their Guardian ad litem, G M Brass who was personally present and all of the said Defendants appearing by their Attorneys of Record Reuben Thompson both parties plaintiffs and Defendants announced ready for trial and a Jury not having been demanded the Cause was submitted to the Court, who after hearing the pleadings evidence and argument of Counsel in the Cause was of the opinion the law and the facts were with the Plaintiff and he ought to have the relief prayed for. Whereupon it is ordered adjudged and decreed by the Court that the Plaintiff is

District Court Minutes, October Term, 1883

Monday the 8 day of October 1883

No 114. 3-82-2. Geo. D. Barnard & Co., Blank Book Manufacturers, Printe

this cause do have and recover of and from the Defendants in this cause G. M. Brass Jr as Trustee and of and from G. M. Brass Guardian ad litum of the minors G M Brass Jr Matilda P Brass Clara Brass Emma Brass Amelia Brass Jr Pauline Brass and Ada Brass and of and from Each and all of said minors individually the following described Real Estate viz- Lot Number Seven (7) in Block Number Sixty (60) of the City of Austin County of Travis and State of Texas also (200 3½) Two thousand and three and one half acres of land in Travis County Texas part of the Martha G. Marrow survey and described as follows- Begining at the S W Corner of said League thence with the line of said league No 30. E. 3476½ Varas to the Centre of said line Thence N 60° W 3736 varas to the Centre of the upper side of said survey- Thence S 30° W with said upper line 3476½ Varas to a Stake Thence S 60° W with W line to begining together with all improvements thereon and together with all costs of suit That he have his writ of possession against said defendants and those claiming under or by them to place him in possession of said lands, and that Execution issue for collection of Costs-

Geo P Assman } And now on this the 8th day of October A D 1883 this
vs } cause came on for trial- and the Plaintiff by his
Rosa Assman } attorneys Carleton & Morris announced ready for
trial and it appearing to the Court that the Defendant had been duly
and regularly cited in this cause and having filed an Answer in
said Cause by H B Bankhead her attorney, and the Court having
heard the evidence and pleadings in said Cause doth find
the material allegations in the petition contained to be true
in fact and therefore doth here now order adjudge and decree
That the Bonds of matrimony heretofore existing between the said
George P Assman Plaintiff and the Defendant Rosa Assman be
and the same are hereby forever dissolved and each of them
are hereby restored to a condition of single life with all the
rights and responsibilities thereto attached- It is further ordered
by the Court that the property belonging to the Plaintiff and
Defendant be so divided that each shall have an equal
share thereof and further ordered adjudged and decreed that
the Care, Custody, maintenance and Education of the child Paul Ass-
man be and remain with the plaintiff free from all control
or interference on the part of the Defendant- And it is further
ordered that the Plaintiff pay all Costs of this suit and
for which Execution may issue-

Thereupon Court adjourned till to-morrow Morning at 9 O Clock

District Court Minutes, October Term, 1883

Tuesday the 9th day of October 1883

Printers, Lithographers and Stationers, St. Louis.

Tuesday Oct 9. 1883. Court met pursuant to adjournment present same as on first day. Whereupon the following proceedings were had-

W J Hopkins
vs
A W Norton

And now on this the 9th day of October 1883 this cause having been regularly reached on the call of the Jury Docket was called for trial and thereupon came the parties by their attorneys and announced ready for trial and thereupon came a jury of good and lawful men of Travis County to-wit, Wm M Milby and Eleven others who after having heard all the pleadings and evidence and the charge of the Court in this cause retired to consider of their verdict and afterwards returned into open Court their verdict as follows, to-wit, "W J Hopkins vs A W Norton. We the jury find for Plaintiff in the above cause as follows- Eight hundred and seventy 40/100 Dollars Principal & interest Wm M. Milby Foreman" which verdict having been inspected by the Court and found correct was ordered to be recorded- It is therefore ordered adjudged and decreed by the Court that the plaintiff W J Hopkins do have and recover of and from the Defendant A W Norton the sum of Eight hundred and seventy Dollars and 40 Cents ($870.40) together with interest thereon from this date as follows, viz according to the rates fixed by the notes in evidence upon seven hundred fifteen 95/100 ($715.95) Dollars thereof at the rate of twelve per centum per annum and upon one hundred and fifty four 45/100 ($154.45) Dollars thereof at the rate of eight per centum per annum. And it is further ordered adjudged and decreed that according to the terms of the notes sued upon the the said Plaintiff do further have and recover of and from the said Defendant as collection fee the further sum of one hundred and thirty 56/100 Dollars as collection fee as stipulated by said Notes together with 8% per annum interest thereon from this date and the said plaintiff further recover of and from said Defendant all his costs in this behalf expended for all which let Execution issue-

60 20
Ex docket 6 page

3723. James Brinn vs Lucretia Brinn et al. It is ordered by the court that this case be passed to end of docket.

4926. Rust vs Watkins vs H. & T. C. R. R. Co. on the 8th day of October it was ordered by the court that this case be passed to end of State docket.

4985- Carlton & Robertson vs R. Trigg On the 8th day of October 1883 it is ordered by the court by consent of parties that this case be passed to end of docket.

6393 D. Weinhagen & wife vs H. & T. C. R. R. Continued by consent.

Dist Ct Court Minutes, October Term, 1883

Tuesday the 9th day of October 1883

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers, Printers

5404 D. Weinberger Guardian vs N. & T. C. R. R. Co Continued by Consent.

5521 John T. Allen vs A. A. Belo & Co Continued by Consent.

5528 Herman Schmidt vs Caldwell & Morris. On the 8th day of October 1883. this case being regularly reached on the call of the docket and called for trial came the plaintiff by attorney and asked leave to dismiss this cause, It is therefore ordered by the court that this case be and the same is hereby dismissed and that the defendants Caldwell and Morris do have and recover of and from the plaintiff Herman Schmidt and his surety on his cost bond herein. Van Bockman all costs in this behalf expended for which let execution issue.

5530 D. The Agnes vs Wm C. Walsh Adm &c Continued by Consent.

5564 John and Louis Hancock vs R. Hannachi Sal. Passed to end of Jury docket.

5584 Joe A. Stewart vs A. A. Belo & Co Continued by Consent.

5690 John Burton Nat Guard &c. vs Ed Cranz Shff &al. Set by Consent for trial for November 11th 1883.

5774 The State of Texas vs W. R. Edwards &al. Set by Consent for trial for Nov 15th 1883.

5843. Letitia Illingsworth vs Alfred Smith et al. This case being this day regularly reached and called for trial on the Jury docket came the defendant Alfred Smith in person and by attorney and announced ready for trial, the plaintiff not appearing - and said plaintiff and his attorney Peel & Newkirk being distinctly called three times at the Court House door by the sheriff and still failing to appear and the Court having waited a reasonable time and they still failing to appear 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 defendants have and recover of and from the plaintiff Letitia Illingsworth and the surety on her cost bond herein John R. Peel all costs in this behalf expended for which execution may issue -

5863. J. R. Morgan vs M. E. Morgan - Passed to end of Jury docket.

5868 Page McDaniel vs Caroline Wahrenburger, Passed to end of State docket.

5976 Robert Kretchmore vs Lydia Kretchmore This case being this day regularly called for trial and neither party appearing

Dishich Court Minutes, October Term, 1883

Tuesday the 9th day of October 1883

Printers, Lithographers and Stationers, St. Louis.

and the Plaintiff and his attorney being distinctly called
three times at the Court house door and still failing to appear.
and a reasonable time having expired and it appearing to the
Court that this case was continued at the last term under a
rule for costs, and the same not having been complied with
it is now ordered by the Court that this case be and the
same is hereby dismissed, that the Plaintiff pay all costs in
this behalf expended for which execution may issue.

5990 H. M. and Kate K. Burroughs vs A. & N. W. R. R. Co. Set for trial for November 26th 1883.

5992 The State of Texas vs A. B. Hardin et al. Set for trial for December 8th 1883.

5997 James. W. Taylor vs N. & T. C. R. R. Co. Set for trial for October 11th 1883.

6023 J. N. Manig vs Sandford & Son. Passed to end of State docket.

5846 W. C. Denny vs J. W. Easton et al Passed to end of State docket.

6037 Mandy Nesbit vs I. & G. N. R. R. Co, Passed to end of State docket

6091 R. Krauss vs The City of Austin. Passed to end of State docket.

6099 W. B. Isham vs M. A. Taylor Passed to end of State docket.

7003 Jane Brim & Husband vs H. & T. C. R. R. Co. Passed to end of State docket

7004 William Brim. vs H. & T. C. R. R. Co Passed to end of stat. docket.

7006 John. H. Coleman vs Travis County Road & Bridge Comp'y Set for October 19th 1883.

7007 Field Thomas & Ramy, vs Travis County Road & Bridge Co Passed to end of State docket

7001. Est of C. Bills deceased. It is ordered by the Court that the continuance heretofore entered in this case be set aside and cause set for trial for Oct 20th 1883.

Court adjourned till tomorrow morning 9 o'clock.

Wednesday October 10th 1883.

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

Dishich Court Minutes, October Term, 1883

Wednesday the 10th day of October 1883

No. 114. 3-83-2.

Geo. D. Barnard & Co., Blank Book Manufacturers

6085

6010

Leopold Schlinger vs Abner Taylor. Continued by consent of plaintiff this defendant not having appeared.

N B Mayo Plaintiff

vs

Austin & Northwestern Rail Road Company

Sandford & Son Defendants

And now on this the 9th day of October 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 Austin and Northwestern Rail Road Company by their attorneys Mess Robertson & Williams and the Defendants Sandford and Son appearing in person. Whereupon the Defendants the said Austin and North Western Rail Road Company asked leave of the Court to file a second amended original answer which was granted and said answer filed. Thereupon both parties Plaintiff and Defendants announced ready for trial and the demand for a jury being withdrawn the cause was by consent of all the parties submitted to the Court without a jury and the Defendants said Austin and Northwestern Rail Road Company asked of the Court to find the findings of law and of fact in the case. Thereupon the Court proceeded with the trial of the case who after hearing the pleadings evidence and argument of Counsel took the case under advisement to make up the judgment of the Court thereon and on the 10th day of October A D 1883 the Court was of the opinion the Plaintiff should have judgment and so ordered and decreed. Whereupon it is ordered adjudged and decreed by the Court that the Plaintiff in this Cause N. B. Mayo do have and recover of and from the Defendants in this Cause Sandford and Son a firm composed of S Sandford and D W Sandford as partners & of them individually the sum of one hundred and forty nine dollars and ninety cents and it is further ordered and decreed by the Court that this judgment be and is hereby established and made a lien on the Rail Road of the Defendants the Austin and Northwestern Rail Road Company from Austin in Travis County Texas to Burnett in Burnett County Texas and on the Road bed, track right of way and land on which the same is situated and on the Section Houses and the land on which the same is situated and the rolling stock and franchises of the same and that the same be and is hereby ordered and decreed to be sold as under execution to satisfy this judgment, and it is further ordered adjudged and decreed by the Court that the Plaintiff N. B. Mayo do have and recover of and from the Defendants Sandford and Son a firm composed of S. Sandford and D W Sandford and of and from S Sandford and D W Sandford individually and of and from the said Austin and Northwestern Rail Road Company the sum of Three hundred and ninety nine dollars

(Marginal entry made by order of Court)

Thursday the Court at and after the adjournment of the Court on Wednesday R. R. Co coming on to be heard the Court after hearing the evidence and argument of Counsel took the case under advisement to make up the judgment of the Court thereon and on Thursday the 11th day of October A D 1883 the Court was of the opinion the Plaintiff should have judgment and so ordered and decreed. Whereupon it is ordered adjudged and decreed by the Court that the Plaintiff in this Cause N. B. Mayo do have and recover of and from the Defendants in this Cause Sandford and Son a firm composed of S Sandford and D W Sandford as partners & of them individually the sum of one hundred and forty nine dollars and ninety cents and it is further ordered and decreed by the Court that this judgment be and is hereby established and made a lien on the Rail Road of the Defendants the Austin and Northwestern Rail Road Company from Austin in Travis County Texas to Burnett in Burnett County Texas and on the Road bed, track right of way and land on which the same is situated and on the Section Houses and the land on which the same is situated and the rolling stock and franchises of the same and that the same be and is hereby ordered and decreed to be sold as under execution to satisfy this judgment, and it is further ordered adjudged and decreed by the Court that the Plaintiff N. B. Mayo do have and recover of and from the Defendants Sandford and Son a firm composed of S. Sandford and D W Sandford and of and from S Sandford and D W Sandford individually and of and from the said Austin and Northwestern Rail Road Company the sum of Three hundred and ninety nine dollars

(Marginal entry made by order of Court)

District Court Minutes, October Term, 1883

Wednesday the 10th day of October 1883

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and six cents and that in the event this said amount of this judgment is made out of or paid by said Austin and Northwestern Rail Road Company the same shall stand and be a credit for that much in favor of them against said Sandford & Son for what the said Austin and North Western Rail Road Company owes said Sandford and Son that Plaintiff have judgment for all costs & expended against all of the Defendants for collection of which execution will issue To all of which the defendant the A & N. W. R. R. Co. excepts and in open court gives notice of Appeal.

G. E. Cornwell Plaintiff

vs

Austin & North western Rail Road Company and Sandford & Son Defendants

And now on this the 9th day of October AD 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 Austin and North western rail road company appearing by their attorneys Mess Robertson & Williams and the Defendants Sandford and Son appearing in person all of the parties plaintiff and Defendants announced ready for trial and a demand for Jury being withdrawn by consent of all parties the cause was submitted to the Court without a Jury and the Defendants the Austin and North western Rail Road Company asked of the Court to find the findings of fact and of law in the case and the cause being then heard by the Court who after hearing the pleadings, Evidence and argument of Counsel took the Cause under advisement to make up the decision of the Court and upon duly considering the same on the 10th day of October AD 1883 the Court gave judgment for the Plaintiff for amount sued for as asked in his Petition. When upon it is ordered adjudged and decreed by the Court that the Plaintiff G.E. Cornwell in this cause do have and recover of and from the Defendants in this Cause Mess Sandford and Son a firm composed of D Sandford and D W Sandford as partners and of and from the said D Sandford and D W Sandford individually the sum of One Hundred and twenty six dollars and twenty eight cents and it is further ordered adjudged and decreed by the Court that this judgment be and is hereby established and made a lien on the Rail road of the Defendants the Austin and Northwestern Rail Road Company from Austin in Travis County Texas to Burnett in Burnett County Texas consisting of the road bed rolling Stock, right of way, Land on which the track is situated and the Station Houses and the Land on which the same is situated and the franchises thereof and the same be and is hereby ordered to be sold as under execution to satisfy this judgment. That Plaintiff recover of and from all of the Defendants all Costs in this behalf Expended for collection of which let execution issue. To all of which the defendants the A & N W R.R. Co excepts and in open court give notice of appeal to the Supreme Court.

(Marginal entry made by order of the court —)

5992

The State of Texas vs A. B. Hatchie et al. By consent of parties it is ordered by the Court that this case be and the same is hereby set for trial for December 10th 1883.

C. N. Richardson et al } Judge David Sheeks Special Judge presiding —

5767.

vs

R. A. Richardson Sr } It is ordered by the Court that the

District Court Minutes, October Term, 1883

Friday the 12th day of October 1883

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers, Printers, Li

defendant on this the 8th day of October 1883 have leave to file 2d amended answer and amended 1st Supplemental answer,

David Sheets, Special Judge.

October 12th 1883

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

5997 — James. W. Taylor. vs. The Houston & Texas Central Railway Company. — The above styled cause coming on to be heard in its regular order came the said plaintiff and defendant by their attorneys and also came a jury of twelve good and lawful men to-wit; Wm M. Milby and eleven others who being duly tried 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, and thereafter the said jury returned into open Court the following verdict to-wit:

"James. W. Taylor vs Houston & Texas Central Railway Company We the Jury find for the plaintiff in the sum of Twenty Eight hundred dollars Wm. M. Milby Foreman." and the said verdict being received and approved by the Court; it is therefore ordered adjudged and decreed by the Court that the said plaintiff James. W. Taylor do have and recover of and from the defendant The Houston & Texas Central Railway Company the sum of Twenty Eight Hundred dollars ($2800.00) with interest at the rate of Eight Percent per annum, together with all his costs in this behalf expended for all of which he may have his execution.

6037 — Manly Hesley vs H. & T. C. R. R. Co. — By agreement of parties on file. it is ordered by the Court that this case be and the same is hereby set for trial for Dec 20th 1883.

6095 — The State of Texas vs Wm M. Brown et al. — Set for Nov 19th 1883

6068 — C. W. White vs City Water Company — In this case appeared the parties plaintiff and defendant upon motion of the plaintiff and consent of the defendant it is ordered by the Court that the plaintiff have leave to substitute the original petition in this case, said original petition having been lost or mislaid, and said plaintiff does substitute them for by filing same.

There upon Court adjourned till tomorrow morning at 9 O'Clock

Filed Oct 27 1883

District Court Minutes, October Term, 1883

Saturday the 13th day of October 1883

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Court met pursuant to adjournment Present same as on first day - Thereupon the following proceedings were had, towit:

C'll Rutherford &
R A Rutherford Jr
vs
R A Rutherford Jr

5767

On this day before the Hon David Shanks Special Judge duly appointed, qualified and sitting in the trial of this cause the Hon A. S. Walker being disqualified, came on to be heard the general and special demurrers of the defendant in second amended answer to the plaintiffs third amended Petition, and the Court after hearing the same and argument of Counsel thereon doth order that the defendants said general demurrer be overruled and that the defendants special demurrers numbers 1. 2. 3. 4. 5. 6. 7. 8. 9. 11 & 13. be also overruled and that the defendants special demurrers numbers 11 & 12 be sustained and thereupon came on to be heard the general and special demurrers of the plaintiffs to the defendants third amended answer and the Court having heard and considered the same - as well as the argument of Counsel thereon doth order that the plaintiffs said general demurrer be overruled and the plaintiffs said special demurrers marked 1, 2, 3 & 4 be also over ruled and that the plaintiffs special demurrers numbered 5 & 6. be and the same are sustained - And thereupon came on to be heard the defendants general and special demurrers to the plaintiffs Amended 1st Supplemental Petition and the same being heard and considered by the Court it is ordered by the Court that the Defendants general demurrer and special demurrers numbered 1 & 2 be overruled and that the remaining special demurrers numbered 3. 4. 5. 6. 7 & 8. be and the same are hereby sustained - And upon motion leave is granted to both the plaintiffs and the defendant to amend their several pleadings

David Shanks, Special Judge.

John Bremond
vs
G T Harris & Son

Co 14
4 Docket 100
5 Page
Settled Oct 2/1886
John Bremond

And now comes the plaintiff in this cause by attorneys and submits his motion to set aside the order of this Court entered at a former day of this term continuing this cause and asking for judgment final by default herein: And because it appears to the Court that said motion should be granted: It is ordered and adjudged by the Court, that said order of Continuance entered at a former day of this Term of this Court be set aside vacated and held for naught And because it appears to the Court that said Defendants G T Harris and J M Harris have each been duly cited according to law to appear and answer the petition of said plaintiff and that they have failed to so appear and have wholly made default; And it also appearing to the Court that plaintiffs demand is liquidated, being the promissory note set out in the petition (which note is submitted in evidence to the Court) It is therefore further ordered adjudged and decreed by the Court that

District Court Minutes, October Term, 1883

Saturday the 13th day of October 1883

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers, Printers, Li

said Plaintiff John Bremond do have and recover of and from said Defendants G T Harris and J W Harris Composing the firm of G.T. Harris & Son the sum of $974 50/100 principal & interest on this note sued on to date said sum to draw interest from date at the rate of one per cent per month until paid and it is further ordered adjudged and decreed by the Court that the said Plaintiff do have and recover of and from said defendants the further sum of $67 24/100 being ten per cent on the principal of said note sued on as attorneys fees for Collection as specified and agreed to be paid in said note and that this last named sum draw interest from this date until paid at the rate of eight per cent per annum - And it is further ordered and adjudged that Plaintiff recover from Defendants all the Costs of this Suit for all of which let Execution issue -

7028

Declaration of intention to become a Citizen

Daniel Gettins } The State of Texas County of Travis Daniel
Ex parte } Gettins, being duly sworn according to law in the District Court of 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 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 Queen of Great Britain of whom he was a subject - Daniel Gettins - Sworn to in open Court and subscribed before me this 13. day of October 1883. Jas P Hart Clerk

7028

Daniel Gettins } State of Texas } To all to whom these presents shall
Ex Parte } County of Travis } come Greeting - Know ye that Daniel Gettins hath this day applied to the Honorable A.S. Walker Judge of the Sixteenth Judicial District of the State of Texas for a license to practice as an Attorney and Counsellor at Law, and having produced a Certificate from Z T Fullmore County Judge of Travis County Texas that he is twenty one years of age and of good moral character and honorable department and having been examined touching his knowledge of the Law in open Court by a Committee of Attorneys in good standing and said Committee and the Court being satisfied with the legal qualifications of the applicant - These are therefore to license authorize and Empower him the said Daniel Gettins of the County and State aforesaid to practice as an Attorney and Counsellor at Law in the several District and inferior Courts of this State -

District Court Minutes, October Term, 1883

Saturday the 13th day of October 1883

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6087. P T Swalby vs J W Swalby } This Cause being this day regularly called for trial Came the plaintiff P. T. Swalby by attorney and announced ready for trial, but the defendant though duly and legally served personally with process failed to appear and answer in this behalf but wholly made default- thereupon the trial of said Cause proceeded and the Court after hearing the pleadings evidence and argument of Counsel is of opinion that the law is with the plaintiff and that the material allegations in her petition Contained are true and she ought to have her divorce - It is therefore ordered by the Court that the bonds of matrimony heretofore and now existing between the plaintiff P T Swalby and the Defendant J W Swalby be and the same are now and henceforth forever dissolved It is further ordered adjudged and decreed by the Court that the care and Custody of two of the Children of said Plaintiff and defendant towit Hattie & Charley Swalby be and the same is hereby adjudged to plaintiff free from any interference on the part of said Defendant and that the care and Custody of the three remaining Children of said plaintiff and defendant be adjudged to defendant and further ordered that the parties each pay the Costs incurred by them in this behalf for which let Execution issue

6097. Mary Thomas vs Sidney Thomas. Set for the 15th Oct 1883.

7098. Elizabeth Brown vs Wm Brown Set for the 15th Oct 1883

6085. Leopold Schlinger vs Anna Taylor, And now on this the 13th day of October 1883 Came the parties by their attorneys and thereupon Came on to be heard the motion of the defendant to set aside the order of Continuance heretofore entered in this Cause at a former day of the present term of this Court, and the Court after hearing said Motion read and argument of Counsel thereon, and duly Considering the same, doth order that said Motion be and the same is hereby overruled.

5987 T L Horn vs T H. Willis dal } And now on this day Came on to be heard the Motion of the defendants, the unknown heirs who were cited by publication in this Case to quash said citation they appearing by their attorney appointed by the Court John Dowell Esq And it appearing to the Court from the return of the Sheriff on said Citation that the same had not been published for Eight Weeks as required by law, it is therefore ordered by the Court that said Citation be and the same is hereby quashed and held for Naught- and this Motion granted -

Court adjourned till Monday Morning 9 o'clock.

Dis'trict Court Minutes, October Term, 1883

Monday the 15th day of October 1883

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers, Printers,

6038 Geo W. Russ. vs Lewis J. Tilson } And now on this the 15th day of October 1883 the defendant by his attorney having presented his petition and bond for the removal of this cause to the United States Circuit Court, it is submitted the cause to the Court on the 5th day of October 1883, and said petition and bond appearing regular are received and bond approved. It is now therefore ordered by the Court that further proceedings in this cause in this Court be suspended

7018 Elizabeth Brown vs Wm Brown } And now on this day this cause being called for trial, came the plaintiff by her attorney, and announced ready for trial but the defendant although duly served with process came not. whereupon the trial proceeded - pleadings read - and the testimony of the witnesses sworn taken. When the plaintiff asked postponement for further testimony, which was by the Court allowed. and ordered by the Court that the case be and the same is hereby postponed for further testimony

6097 Mary Thomas vs Sidney Thomas } And now on this day this cause being regularly called for trial came the plaintiff by attorney and announced ready for trial - but the defendant though duly and legally served with process herein failed to appear and answer, and the Court after hearing the pleadings evidence and argument of Counsel is of the opinion that the material allegations contained in the petition are true and that 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 Mary Thomas and the defendant Sidney Thomas by and the same are hereby forever dissolved and held for naught. and further ordered that the parties pay the costs incurred by them for which execution may issue,

6037 Manley Aiken vs I & G. N R. R. Co Rule for December 13th 1883 by agreement of parties on file

Ex Parte J. S. McNutt

The State of Texas County of Travis. To all to whom these presents shall come greeting Know ye That Josiah S McNutt hath this day applied to the Honorable District Judge of the Sixteenth Judicial District of the State of Texas for a License to practice as an Attorney and Counsellor at Law, and having produced a Certificate from Hon Z. T. Fulmore County Judge of Travis County Texas that he has resided in said County for more than twelve months

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and that he is a man of good reputation for moral character and honorable deportment and being introduced to the Court by Z T Fulmore, Osceola Archer and W B Dunham Esqrs practicing attorneys of this Court and also producing to the Court his license from the Judges of the Commonwealth of Virginia dated June 8th 1854 and the Court being satisfied of the legal qualifications of applicant therefrom - There are therefore to License authorize and Empower him the said Josiah S McNutt of the County and State aforesaid to practice as an Attorney and Counsellor at Law in the several Districts and Inferior Courts of this State for which this shall be a sufficient License.

Court adjourned till tomorrow morning 9 oclock.

Tuesday October 16th 1883

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

6064 James B. Goff vs Chas G. Jones & Wife. It is ordered by the Court that the Plaintiff have leave to file 1st Supplemental petition and Deft leave to file 1st Supplemental answer.

Court adjourned till tomorrow morning 9 oclock.

Wednesday October 17th 1883. Court met pursuant to adjournment present same as on first day whereupon the following proceedings were had viz:

7018 Elizabeth Brown vs William Brown } And now on this 16th day of October 1883 this cause having been under consideration of the Court - it is considered and found by the Court that the allegations in Plaintiffs petition are true and that the Plaintiff is lawfully entitled to the relief prayed for. It is therefore adjudged & decreed that the bonds of matrimony heretofore existing between Plaintiff Elizabeth Brown and Defendant William Brown be and the same are hereby dissolved and that the said Plaintiff be and she is henceforth forever released therefrom - And it is further adjudged that said Plaintiff have the custody & Education and maintenance of the children Catherine William and Maggie - children of Plaintiff and Defendant - It is further ordered adjudged and decreed that plaintiff have and recover the possession, use rents and profits and Enjoyment for and during the term of five years from this date of all the community property of Plaintiff and Defendant and Especially of that Real Estate situate in the County of Travis State of Texas known as the North half of Lot No Nineteen (19) in Subdivision of out Lot No one (1) in Division "B" of the out Lots adjoining the City of Austin - And that at the end of said term unless sooner otherwise disposed of by the mutual act and consent of both parties said property shall

Wednesday District Court Minutes, October Term, 1883

Wednesday the 17th day of October 1883.

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remain the property of Plaintiff and Defendant in Commune and it is further adjudged that Plaintiff recover of and from the defendant all Costs in this behalf expended - and the said Defendant William Brown is enjoined from in any manner interfering with the rights of Plaintiff under this decree and from hindering delaying or preventing them from the full and free exercise and enjoyment thereof -

B510 Lucy A Fields Etal vs Thos A Fields Etal } And now on this day came on to be heard the final report and account of R J Hill Commissioner heretofore appointed to make sale of the property partitioned herein and it appearing to the Court that said Commissioner has made sale of all of said property of which any sale could be made and has fully paid over the proceeds thereof to the distributees entitled thereto according to the decree of the Court herein except the sums thereof expended in payment of Taxes on said property and expenses of said sale including the sum of $ Compensation to said Commissioner which is hereby adjudged and allowed to him for his services herein - Said Report and account is accepted approved and confirmed and said Commissioner is discharged from further duty herein -

5769. Henrietta Brown vs Henry Brown. It is ordered by the Court that Plaintiff have leave to file 1st Amended original petition

5803 B. R. Townsend vs Joe Barrow et al } Upon motion of Plaintiff attorney 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

6084 Emma Milde vs Frederick Milde. It is ordered by the Court that Plaintiff have leave to file 1st Supplemental petition

Court adjourned till tomorrow morning 9 o'clock

October 18th 1883

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

5190 Virginia Nelson &c vs J. J. Whelan et al It is ordered by the Court that Plaintiffs have leave to file 2d Supplemental Petition and defendants supplemental answer.

Court adjourned till tomorrow Morning 9 O'clock

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District Court Minutes, October Term, 1883

Saturday the 20th day of October 1883

Court on the 19th day of October pursuant to adjournment and there being no civil business transacted of this date Court adjourned till the morning of the 20th 9 Oclock.

October 20th 1883.

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

6093. Wm Shackles vs Mary Shackles } This cause being this day regularly called for trial came the plaintiff by attorney and announced ready for trial, and it appearing to the Court that the defendant had been duly and legally served with process to appear at the present term of this Court failed to appear and answer. Whereupon the bill of this cause proceeded. And the Court after hearing the pleadings evidence and argument of counsel thereupon is of the opinion that the material allegations in plaintiff petition contained are true, and he ought to have his divorce. It is therefore ordered adjudged and decreed by the Court that the bonds of matrimony heretofore existing between the plaintiff William Shackles and the defendant Mary Shackles be and the same are hereby forever dissolved and held for naught and that plaintiff recover his costs for which let execution issue.

7006 John H. Coleman vs Ironing County R. & B. Co. This cause being this day called for trial, came the parties by their attorneys, and thereupon came on to be heard the application and affidavit of the defendant for a continuance in this behalf, and said application being submitted, fully considered and understood by the Court, was by the Court granted, and ordered by the Court that this cause be and the same is hereby continued on affidavit of defendant

Thereupon Court adjourned until Monday morning at 9 o Clock -

Monday Morning Oct 22nd 1883. Court met pursuant to adjournment - Present same as on first day. Whereupon the following proceedings were had - to wit -

5389 M. C. Hamilton } This day came the plaintiff by Atty and
vs
James T. Ellison } moves the Court to dismiss this cause at his cost. It is therefore ordered by the Court that this cause be and the same is hereby dismissed and that the

District Court Minutes, October Term, 1883
Monday the 22nd day of October 1883
No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers, Printers, L

defendants recover of plaintiff all costs in this behalf expended for which let execution issue.

7029. Thomas Hutto et al vs Emmelia Heller et al It is ordered by the Court that W. B. Dunham Esq be and he is hereby appointed guardian ad litem to represent the minors who are plaintiffs in this cause

6064 James B. Loff vs Chas. G. Jones & Cammie A. Jones } Now on this the 16th day of October A.D. 1883. came the plaintiff and defendants by their counsel and in person and announce ready for trial, and defendants excepting to plaintiffs second Amended petition and first supplemental having been submitted and the Court having duly considered the same doth order that said exceptions contained in defendants first Amended Answer to plaintiffs second amended petition numbered respectively 3. 4. & 5. be sustained, and to which action of the Court in sustaining the same plaintiff then and there excepted, and that said exceptions 1 and to the same numbered respectively 1. 2 6. & 7. be overruled. and that all of said exceptions contained in defendants first supplemental answer be overruled, to which action of the Court in overruling said exceptions defendants in open Court excepted. Whereupon both parties having waived a Jury the cause proceeded to trial before the Court on the pleadings and evidence, and the Court having heard and duly considered the same and the argument of counsel, and said case having been submitted to the Court for its judgment on this the 20th day of October 1883. the Court doth find from the law and the facts that plaintiff is entitled as against defendants to the specific performance of the written contract read in evidence bearing date January 8th 1883 and executed by defendants and to have decreed to him the land therein described and the possession thereof together with the entire dwelling house Kitchen and other improvements thereon and in plaintiffs petition mentioned and to the right to remove the same,

And the Court doth order and decree that the legal title to said premises viz. namely two feet of ground on the North line of Block No one hundred and thirty four of the city of Austin Travis County Texas and on the South line of College Avenue between Lavaca and Guadalupe Streets, said ninety two feet being bounded on the West by property of Wilson Green and running back Southward to the alley in the center of

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said Block, together with the entire dwelling house Kitchen and other improvements upon the same and all those parts of the same which project over the Eastern line of said land upon the land of defendants be divided out of defendants and each of them and that the same be vested in Plaintiff in fee simple, subject however to the Vendors lien in favor of defendants for the unpaid purchase money thereof viz: the sum of $2100.00 payable according to the tenor and effect of two promissory notes for $1050.00 each dated July 5th 1883. and executed by Plaintiff payable to the order of Charles G. Jones, the first on or before the 8th day of July 1884 and the second on or before the 8th day of July 1885. with ten per cent interest payable semi annually, which notes together with the sum of $500.00 in gold coin tendered into Court by plaintiff the Clerk of this Court is ordered to receive and hold subject to the order of defendants Charles G. Jones and to pay and deliver the same to said Charles G. Jones his heirs or assigns on demand, and that on the failure of said Jones to demand and receive the same that said Clerk receive from Plaintiff his heirs or assigns at or before the maturity payment of the same and the interest thereon according to the tenor and effect of said notes and hold the money so paid subject to the order of said Jones his heirs or assigns and that on payment to said Clerk or to said Jones or other legal holders of said notes of the amount of the same together with the accrued interest thereon up to the time of payment, plaintiff be forever discharged from all liability on account of said notes and said promises, from said Vendors lien, The Court doth further order and decree that the writ of possession do issue to put Plaintiff in possession of said premises together with all of said dwelling house Kitchen and other improvements and that Plaintiff be permitted within a reasonable time after receiving possession of the same to remove from the adjoining land of defendants all said parts of said buildings as may project over the same towit: over the Eastern boundary line of said 9x feet thereof adjudged to Plaintiff, and that Plaintiff recover his costs herein expended and have execution therefor. From which judgment and decree defendants gave notice in open court of appeal to the Supreme Court of Texas.

Court adjourned till tomorrow morning 9 o'clk.

Dishich Court Minutes, October Term, 1883

the 23"24"25"26 days of October 1883.

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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 the above dates to record. Court on the evening of the 26th adjourned till tomorrow morning 9 o'clock.

October 27th 1883

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

7029.

Theresa Hutto
Helen Hutto &
Charles Hutto.
vs
Emelia Hutto
Annie Zimmerman &
Florian W. Zimmerman
Helen Hutto and Charles Hutto

In this day this cause coming on to be heard the plaintiff Theresa Hutto in her individual capacity and as next friend of the plaintiffs Helen and Charles Hutto minors appearing by her attorneys Robertson and Williams, the said minor plaintiff Hutto appearing also by their guardian ad litem W. B. Dunham Esq appointed by the Court at a former day of this term and the defendants Emelia Hutto and Annie and Florian W. Zimmerman appearing in person and by their answer on file, and the parties being duly before the Court by service of process and by the acceptance of service and by waiver of process, and all the parties plaintiff and defendant agreeing and consenting to try the cause at this day, And said cause coming on regularly for hearing and no jury having been demanded the said parties plaintiff and defendant submit all the matters in issue of fact as well as of law to the Court, And the Court having heard the pleadings and evidence doth find that the plaintiff Theresa Hutto, Helen Hutto, Charles Hutto and the defendants Emelia Hutto and Annie Zimmerman are joint owners in fee of the following described properly to wit: The North half of lot number Two (2) in Block number Forty Two (42) fronting on Congress Avenue in the City of Austin in the County of Travis and State of Texas according to the map and plan of said City on file in the General Land Office of Texas, and that said parties own possess said properly in the following proportions to wit: The said Theresa Hutto one undivided one half thereof. The said Helen Hutto one undivided one eighth part thereof. The said Charles Hutto one undivided one eighth part thereof: the said Emelia Hutto one undivided one eighth part thereof

District Court Minutes, October Term, 1883

Saturday the 27th day of October 1883

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and the said Annie Zimmerman wife of Florian N. Zimmerman one undivided one eighth part thereof. And it further appearing to the Court that a necessity exists for the partition of said lot as prayed for in said petition and as consented to by the defendants and that the said plaintiffs are entitled to partition thereof. It is therefore considered ordered adjudged and decreed by the Court that said lot of land be partitioned and set apart among and between the said plaintiffs and defendants as follows: To said plaintiff Theresa Hutter one half thereof: To the plaintiff Helen Hutter one eighth part thereof: To the plaintiff Charles Hutter one eighth part thereof: To the defendant Emelia Hutter one eighth part thereof: and to the defendant Annie Zimmerman one eighth part thereof. It is further ordered that M. M. Homsby Ham Metz and J. K. Donnan be appointed Commissioners of partition said properly and that they report to the present term of this Court and as soon as practicable and that a writ of partition issue as provided by law.

5997. James W. Taylor vs Houston and Texas Central Railway Company. } On this day came the parties plaintiff and defendant by their attorneys, and thereupon came on to be heard the motion of the defendant for a new trial in this behalf, and said motion having been submitted, duly considered and fully understood was by the Court overruled - to which ruling of the Court the defendant by its attorney Geo Goldthwaite Esq in open Court excepted - and in open Court gave notice of Appeal to the Supreme Court of Texas.

October 29. 30. 31 Nov. 1. 2 & 3d 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 the above days to record Court on the evening of the 2nd November adjourned until tomorrow morning at 9 O'Clock.

November 3rd 1883

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

7029 Theresa Hutter Helen Hutter & Charles Hutter vs Partition Emelia Hutter Annie Zimmerman & Florian N Zimmerman } And now on this day came on to be heard the report of the Commissioners of Partition. M M Homsby. J K Donnan and Ham Metz appointed by this Court on October 20th 1883 filed in this cause on October 31 1883 as follows -

District Court Minutes, October Term, 1883

Saturday the 3rd day of November 1883

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No 7029.

Theresa Hutto
Helen Hutto &
Charles Hutto
as
Emelia Hutto
Annie Zimmerman &
Florian H Zimmerman

Suit for Partition. Pending in the District Court of Travis County Texas October Term A.D. 1883.

To the Hon A S Walker Judge of said District Court

The undersigned Commissioners of Partition appointed by your Honor in the Decree of Partition rendered in the above stated and numbered Cause on October 20th 1883. to Partition the North half of Lot No 2 in Block No 42 fronting on Congress Avenue in the City of Austin in the County of Travis and State of Texas respectfully submit their report as follows. — In Compliance with the writ of Partition to us directed and Served upon us as the Law Provides on October 1883. We did on October 31st 1883 proceed to Carefully inspect and examine said Lot and the improvements thereon - We find that it is impossible to make a fair and equitable division of the same and so report the same as our opinion - Our reasons for so reporting are that said Lot is only 23 feet front by 160 feet in depth, that the buildings and improvements upon the same are of such character and so situated as to be incapable of division without destroying the value of the property - We believe the property to be of the value of Three thousand dollars ($3000.00) and believe it would be greatly to the advantage of the parties at interest to have the same sold for the purposes of Partition - Our Commissioners submit this report and pray to be discharged Jno K Donnan A W. Watts -

Filed Oct 31/83. Jas P Hart Clk

Sworn to & Subscribed before me this 31 day of October 1883 Jas P Hart Clk, D & C J, C

And the said report having been examined and considered by the Court the same is in all things 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 (the said minor Plaintiffs being represented by their guardian ad litem heretofore appointed) having applied for the appointment of a Commission to make Sale of said property for the purpose of partition, such Sale to be made for Cash or on time as may appear most advantageous to the said parties, And it appearing to the Court that the appointment of such Commission is necessary - It is therefore considered ordered adjudged and decreed by the Court that Tom Murrah Esq. be and he is hereby appointed to sell the property described in the Decree of Partition rendered in this Cause on October 20th 1883. (to wit The North half of Lot No 2 in Block No 42

Saturday District Court Minutes, October Term, 1883

Saturday the 3 day of November 1883

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fronting on Congress Avenue in the City of Austin according to the map or plat of said City on file in the General Land office. Such sale to be made by said Commissioner on time or for Cash, and any Contract for the sale of said property shall be first reported to this Court for Confirmation and such sale when subject complete shall be subject to approval and Confirmation by this Court. Said Commissioner may report at any time Court then adjourned til Monday morning at 10 O'Clock.

Monday November 5th 1883.

Court met pursuant to adjournment. Present same as on first day. There being no Civil business Court adjourned till tomorrow morning 9 O'Clock.

Tuesday November 6th 1883.

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

7029

Theresa Hutter
Helen Hutter &
Charles Hutter
vs
Partition
Emmelia Hutter
Annie Zimmerman &
Florian H Zimmerman

To the Hon A.S. Walker Judge of the District Court in and for Travis County Texas - Now at this day comes Tom Warrah Commissioner appointed by said District Court on November 2nd 1883 to sell the North half of Lot No 2 in Block No 42 fronting on Congress Avenue in the City of Austin according to the Map or plat of said City on file in the General Land Office of Texas for the purpose of partition between the plaintiffs and defendants in the above stated and numbered cause conformably to the order of this Court made on said 2nd day of November A.D. 1883 and submits his report as follows. Said Commissioner has contracted and bargained said property to Frank Brown of Travis County Texas upon the following terms towit, for the sum and price of thirty three hundred ($3300.00) dollars to be paid as follows Cash in hand Two thousand dollars ($2000.00) and the promissory note of said Frank Brown secured by Vendors lien for the sum of thirteen hundred dollars ($1300.00) due October 1st 1884 with interest from October 1st 1883 at the rate of ten per cent per annum Said Brown reserving the privilege of paying said note at any time before maturity should he so elect - Your Commissioner would further report that said sale is a fair one and the price offered is the full value of the property - that all the parties plaintiff and defendant are anxious that it be made at said sum and upon said terms that this sale is in conformity with a private sale effected by the parties in person to said Frank Brown on September 25 1883 and in conformity with the certain title Bond of said last date Recorded in the Records of Travis County Book No 57. pages 370 & 371 & 372 - That said Frank Brown has paid to this Commissioner said sum of Two thousand dollars ($2000.00) as the

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Cash payment aforesaid and is ready to execute his note for the said balance of Thirteen hundred dollars ($1300.00). Your Commissioner would recommend that out of said Cash payment the sum of $112.50 one hundred be set apart to the plaintiff Charles Hutter and that the remaining $1175.00 in Cash and the note for $1300.00 be set apart and partitioned between the plaintiff Thomas Hutter and the defendants Emelia Hutter and Annie Zimmerman and that the said note for $1300.00 should be made payable to the said parties in proportion to their several interests therein with the Vendors Lien on the said lot to secure the same. The premises considered the said Commissioner reports said proposed sale to the Court and prays the Court for an order confirming the same and authorizing and empowering said Commissioner to close and consumate the same as aforesaid and for authority to make deed to the said purchaser when the terms of the said sale are complied with and the purchase money paid into the registry of this Court or disposed of as this Court may direct and he also prays for an order partitioning and distributing the proceeds of said sale according to the several interests of the parties, and for an order for the payment of Costs and Counsel fees and of the same and for such other and further orders as to your Honor may seem meet in the premises and will ever pray Etc Tom Murrah Commissioner

Tom Murrah being first duly sworn on oath says that the facts stated in the foregoing report are true Tom Murrah- Sworn to and Subscribed before me this 5th November 1883. Jas P Hart Clk D.C.T.C

1029

Thurza Hutter
Helen Hutter &
Charles Hutter
vs Partition
Emelia Hutter
Annie Zimmerman et al
Florian H Zimmerman

And it appearing to the Court that said Sale has been fairly made

1036

Ex Parte. John W Combs Minor

In District Court Travis County Nov Term A.D. 1883. And now on this the 6th day of November A.D. 1883 came Petitioner into Court in this Cause by his attorney John Dowell and requested of the Court to appoint to appoint a Special Guardian in this Cause for the said minor John W Combs, whose duty it shall be in connection with the Honorable G. T. Fulmore County Judge of Travis County Texas to represent the true interests of said minor

On this day came on to be heard the report of Tom Murrah the Commissioner appointed by this Court on November 2 1883 to sell the North half of Lot No 2 in Block No 42 fronting on Congress Avenue in the City of Austin according to the map or plat of said City on file in the General Land office of Texas in

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as provided by Law and thereupon the Court appointed H. B. Barnhart Esq^r as such Special guardian and thereupon said Cause came on to be heard in its regular order for trial thereupon the said John W Combs Petitioner in person and by his attorney John Dorsett Esq^r Came and announced ready for trial and thereupon Came B. F. Fulmore County Judge of said County of Travis and also Came H. B. Barnhart Esq^r the said Special guardian appointed by the Court as aforesaid and all parties announced ready for trial and the Court after hearing the pleadings and Evidence in the Cause and argument of Counsel thereon was of the opinion that the facts stated in the Petition of the said John W. Combs minor as aforesaid are true as stated and that his disabilities as a minor ought to be removed as prayed for in said Petition - Whereupon it is ordered adjudged and decreed by the Court that the disabilities of the said John W Combs a minor over the age of Nineteen years be and hereby removed and the said John W Combs be and he is hereby dunred and held for all legal purposes of full age and shall be held responsible and shall have all the privileges and advantages as if he were of full age Saving only that he shall not vote until he arrives at the full age of twenty one years and that he the said John W Combs shall have charge of, manage and control his said property that he now owns or may hereafter acquire in his own right and on his own responsibility as legally and fully as if he was of full age towit, twenty one years of age and no one shall molest or interfere with him in the exercise of the same That an allowance of the sum of Ten dollars is hereby made to H. B. Barnhart Esq^r Special guardian as aforesaid as his fee for representing said minor to be paid out of the Estate of said Minor and to be taxed in the Bill of Costs - that said John W Combs pay all costs in this behalf expended for Collection of which Execution issue -

Thomas Hutter
Helen Hutter
Charles Hutter
vs
Emelia Hutter
Annie Zimmerman
Florian W Zimmerman

7029 Partition

On this day Came on to be heard the report of Tom Murrah the Commissioner appointed by this Court on November 2 1883 to sell the North half of Lot No 2 in Block No 42 fronting on Congress Avenue in the City of Austin according to the map or plat of said City on file in the General Land office of Texas which said report is as follows — Thomas Hutter Helen Hutter & Charles Hutter vs Emelia Hutter Annie Zimmerman & Florian W^m Zimmerman No 7029 Partition — To the Hon^l A. S. Walker Judge of the District Court in and for Travis County Texas. Now at this day Comes Tom Murrah Commissioner appointed by said District Court on November 2^nd 1883 to sell the North half of Lot No 2 in Block No 42 fronting on Congress Avenue in the City of Austin according to the map or plat of said

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City on file in the General Land office of Texas for the purpose of partition between the plaintiffs and defendants in the above Stated and numbered Cause Conformably to the order of this Court made on said 2nd day of November 1883, and submits his report as follows- Said Commissioner has Contracted and bargained said property to Frank Brown of Travis County Texas upon the following terms, towit, for the sum and price of Thirty three hundred dollars ($3300) to be paid as follows: Cash in hand Two thousand dollars ($2000.00) and the promissory note of said Frank Brown secured by the Vendors Lien for the sum of ($1300) Thirteen hundred Dollars due October 1st 1884 with interest from October 1 1883 at the rate of ten per cent per annum, Said Brown reserving the privilege of paying said note at any time before maturity should he so elect. Your Commissioner would further report that said sale is a fair one and the price offered is the free value of the property, that all the parties plaintiff and defendant are anxious that it be made at said sum and upon said terms- That this sale is in Conformity with a private sale effected by the parties in person to said Frank Brown on September 25. 1883. and in Conformity with their Certain title Bond of said last date Recorded in the records of Travis County Book No 57. pages 370 371 & 372. That said Frank Brown has paid to this Commissioner said sum of Two thousand dollars ($2000.00) as the Cash payment afore said and is ready to Execute his note for the said balance of thirteen hundred dollars ($1300.00) when the Court shall so order. Your Commissioner would recommend that out of said Cash payment the sum of $412.50 be set apart to the Plaintiff Helen Hutter as her share, that the sum of $412.50 be set apart to the plaintiff Charles Hutter and that the remaining $1175.00 in Cash and the note for $1300.00 be set apart and partitioned between the plaintiff Theresa Hutter and the defendants Emilia Hutter and Annie Zimmerman and that said note for $1300 shall be made payable to the said parties in proportion to their several interests therein with the vendors lien on the said lot to secure the same The premises the said Commissioner reports said proposed sale to the Court and prays the Court for an order Confirming the same and authorizing and empowering said Commissioner to Close and Consummate the same as aforesaid and for Authority to make deed to the said Purchaser, when the terms of said Sale are Complied with and the Purchase money paid into the registry of this Court or disposed of as this Court may direct And he also prays for an order Partitioning and distributing the proceeds of said Sale according to the several interests of the parties

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Thursday the 7 day of November 1883

And for an order for the paymnt of Costs and Counsel fees out of the same and for such other and further orders as to your Honor may seem meet in the premises and will ever pray Etc. Tom Murrah Commissioner" Tom Murrah being first duly sworn on oath says that the facts stated in the foregoing reporh are true Tom Murrah Sworn to and subscribed before me this 5th November 1883. Jas P Hart Clk D.C. S.C.

And it appearing to the Court that said sale has been fairly made and that the price agreed to be paid for said property is the reasonable and full value there of and that it is to the interest of the plaintiffs and defendants in this suit that said sale be made It is therefore considered ordered adjudged and decreed by the Court that the reporh of said Commissioner Tom Murrah be and the same is hereby approved and that the sale of said property made by him to said Frank Brown upon the Terms and Conditions set forth in said reporh be and the same is hereby approved and confirmed and upon the payment of said sum of $2000.00 in cash and the Execution of his note for the sum of $1300.00 due October 1st 1884 and to bear interest at rate of ten percent per annum from October 1st 1883 by the said Frank Brown as hereinafter directed, the said Commissioner shall execute and deliver to said Frank Brown a deed of Conveyance conveying to him all the right title and interest of the said Theresa Hutter Helen Hutter, Charles Hutter Emelia Hutter Annie Zimmerman and Florian W Zimmerman her husband in and to said Lot No 2 Block No 42 in the said City of Austin and upon the paymnt of said $2000 and the Execution of said note by the said Frank Brown and the Execution of the deed of Conveyance aforesaid by said Commissioner all right title and interest Estate and Claim in law and in Equity to the said real Estate and property aforesaid shall be forever divested out of the said Theresa Hutter Helen Hutter, Charles Hutter Emelia Hutter Annie Zimmerman and Florian W Zimmerman and the same shall be forever vested in said Frank Brown save only as hereinafter limited - It is further ordered adjudged and decreed by the Court that distribution of the proceeds of said sale shall be made as follows. 1- The Costs and Expenses of this suit shall be paid and deducted therefrom - 2 One half of the remainder shall be set apart and paid to the plaintiff Theresa Hutter. 3- One Eighth of said remainder shall be set apart and paid to the said Helen Hutter 4- One Eighth of said remainder shall be set apart and paid to the said Charles Hutter. 5- One Eighth of said remainder shall be set apart and paid to the said Emelia Hutter. 6. One Eighth of said remainder shall be set apart and paid to said Annie Zimmerman wife of Florian W Zimmerman - 7. In making the partition and distribution, the said Helen Charles Emelia and Annie shall be paid their several shares in Cash out of said Cash payment of Two thousand Dollars ($2000.00) 8. The said Theresa Hutter shall receive the remainder of said Cash and the said note for $1300.00 and said note

District Court Minutes, October Term, 1883

Tuesday the 6th day of November 1883

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers, Printers, Lith

shall be made be made payable to the said Theresa Hutter and the Vendors lien shall be retained on said property in her favor to secure the same and this sale shall not become absolute until said Note is fully paid 9. The Shares of the minors Helen and Charles shall remain on deposit with the Clerk of this Court until said minors severally become of age or until a guardian of their Estates shall be duly appointed and qualified 10 The Shares of the remaining parties shall be paid directly to the parties entitled thereto the Clerk Taking their Several receipts therefor- The note shall be delivered directly to the said Theresa Hutter- W.B. Dunham Esq Guardian Ad Litem for the minor plaintiffs shall be allowed a fee of $20.00 to be taxed in the Bill of Costs - When the Deed is executed and the proceeds distributed as herein directed the said Commissioner shall make his final report showing what has been done- When this Sale is finally Consumated and Closed the said parties shall be relieved of their titles bonds referred to in said Commissioners report of sale.

Court adjourned till tomorrow Morning 9 Oclock

November 7th 8th 9th 1883

Court met each of the above dates Pursuant to adjournment; Present same as on first day. And there being no Civil Minutes to record of either of the above dates Court on the evening of the 9th 1883 till tomorrow morning 9 oclock

November 10th 1883

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

7019

Louise Brown vs Wm Brown } This day this cause coming called for trial came the Plaintiff in person and by her attorney and announced ready for trial, and it appearing to the Court that the defendant had accepted service of Citation and waived Copy thereof it was therefore ordered by the Court that the trial proceed- and the Court after hearing the Pleadings evidence and argument of Counsel thereon is of opinion that the matrige allegations contained in Plaintiffs petition are true- and that she ought to have the divorce it is therefore ordered adjudged and decreed by the Court that the bonds of matrimony heretofore and now existing between the Plaintiff Louise Brown and the defendant Wm Brown

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Saturday the 10th day of Nov 1883

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he and the same is hereby forever dissolved, and held for naught, and that the have the costs for which execution may issue.

5774 The State of Texas vs W. R. Edwards et al. Suit for D. & T. 1883.

Court adjourned till Monday Morning 10 o'clock

Tuesday November 13th 1883

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

7035 Jno. F. Thompson vs State National Bank of Austin } And now on this day comes the plaintiff by attorney and moves the Court to dismiss this cause at his cost. It is therefore ordered by the Court that this cause be and the same is hereby dismissed, and that defendant recover of plaintiff his costs in this behalf expended for which execution may issue.

7037 P. J. Lawler vs J. F. Thompson } And now on this day comes the plaintiff by attorney and moves the Court to dismiss this cause at his cost. It is therefore ordered by the Court that this cause be and the same is hereby dismissed and that defendant recover of plaintiff his costs in this behalf expended for which execution may issue. Adjourned till tomorrow morning 9 o'Clock

November 14 & 15. Court met each day pursuant to adjournment. There being no civil business adjourned to Friday Morning November 16th 9 o'Clock.

Friday November 16th 1883

Court met pursuant to adjournment present same as on first day. The following proceedings were had viz:

7038 Ex parte P. A. Lundberg } Declaration of Intention to become a Citizen

The State of Texas. County of Travis. P. A. Lundberg 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 Sweeden 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 King of Sweeden of whom he was a subject. P. A. Lundberg. Sworn to & subscribed before me this 16 day of Nov 1883 in Open Court. Jas. P. Hart Clk

Dishich Court Minutes, October Term, 1883

Saturday the 17th day of November 1883

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers, Printers

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

7016. Eugenia G. Caldwell vs E. F. Caldwell } On the 12th day of November 1883 this cause being called for trial came the plaintiff in person and by attorney, but the defendant although duly served with citation failed to appear and answer, and said plaintiff having announced ready for trial, the Court heard the pleadings and part of the evidence and postponed the further hearing of the case until this the 14th day of November 1883. Whereupon the evidence having been concluded the Court doth find that the material allegations contained in plaintiffs petition are true and that she ought to have the divorce, It is therefore ordered adjudged and decreed by the Court that the bonds of matrimony heretofore and now existing between the plaintiff Eugenia G. Caldwell and the defendant E. F. Caldwell be and the same are hereby forever dissolved and held for naught. and that the defendant pay all costs in this behalf expended for which execution may issue

7000. Mary J. Vitek vs George Vitek } This cause being this day called for trial came the plaintiff by attorney but the defendant although duly served with citation in this cause failed to appear, and said plaintiff having announced ready for trial, the Court heard the pleadings and evidence is of the opinion that the material allegations contained in plaintiffs petition are true and that she ought to have the divorce, It is therefore ordered adjudged and decreed by the Court that the bonds of matrimony heretofore and now existing between the plaintiff Mary J. Vitek and the defendant George Vitek be and the same are hereby forever dissolved and held for naught. and further ordered by the Court that said plaintiff be and she is hereby allowed to resume her maiden name.

2957 Abby Thompson Admx. vs R. A. Rutherford. The Mandate of the Supreme Court having been filed affirming this judgment. it is now ordered that this case be dropped from the dockett

6095 The State of Texas vs Wm H. Brown Case set for for Nov 27/883

District Court Minutes, October Term, 1883

Saturday the 17th day of November 1883.

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6072

Eric Mathews Paul Mathews
Annie Mathews Rosa Mathews minors
by their next friend J F Smith

vs

Frank Mathews & wife
Mary E Mathews

And now on this 17th day of November came on to be heard the motion of the defendants to Confirm the report of the Commissioners of partition filed in this Cause which report is as follows towit "To the Hon A.S. Walker Judge of the District Court for Travis County Texas. We the undersigned Commissioners appointed by & in pursuance to an order of your Honorable Court dated the 1st day of October A.D. 1883. to partition certain real estate described in said order, beg leave to make the following report as said Commissioners towit. We set aside to Mary E Mathews Seven & a half (7½) acres and all improvements thereon off the West portion of out Lot No forty in Division 'A' of out Lots of the Government tract of the City of Austin in Travis County Texas as shown & indicated by the plat marked Exhibit 'A' hereto attached & made a part of this report said 7½ acres being estimated by us one fifth (⅕) of the value of the real Estate mentioned in said order, not including the improvements in Estimated value.

We set aside to Eric Mathews Seven & a half (7½) acres off of the East portion of said Out Lot No forty (40) as indicated & shown by said plat the same being estimated by us as one fifth (⅕) in value of said real Estate

We Set aside to Paul Mathews Seven (7) acres off of the West portion of Out Lot No forty one (41) in said Division "A" as shown and indicated by said plat the same being estimated by us as one fifth (⅕) in Value of said real Estate.

We Set apart to Rosa Mathews Seven (7) acres being the middle portion of said Out Lot No forty one (41) as indicated in said plat the same being Estimated by us as one fifth in Value of said Real Estate

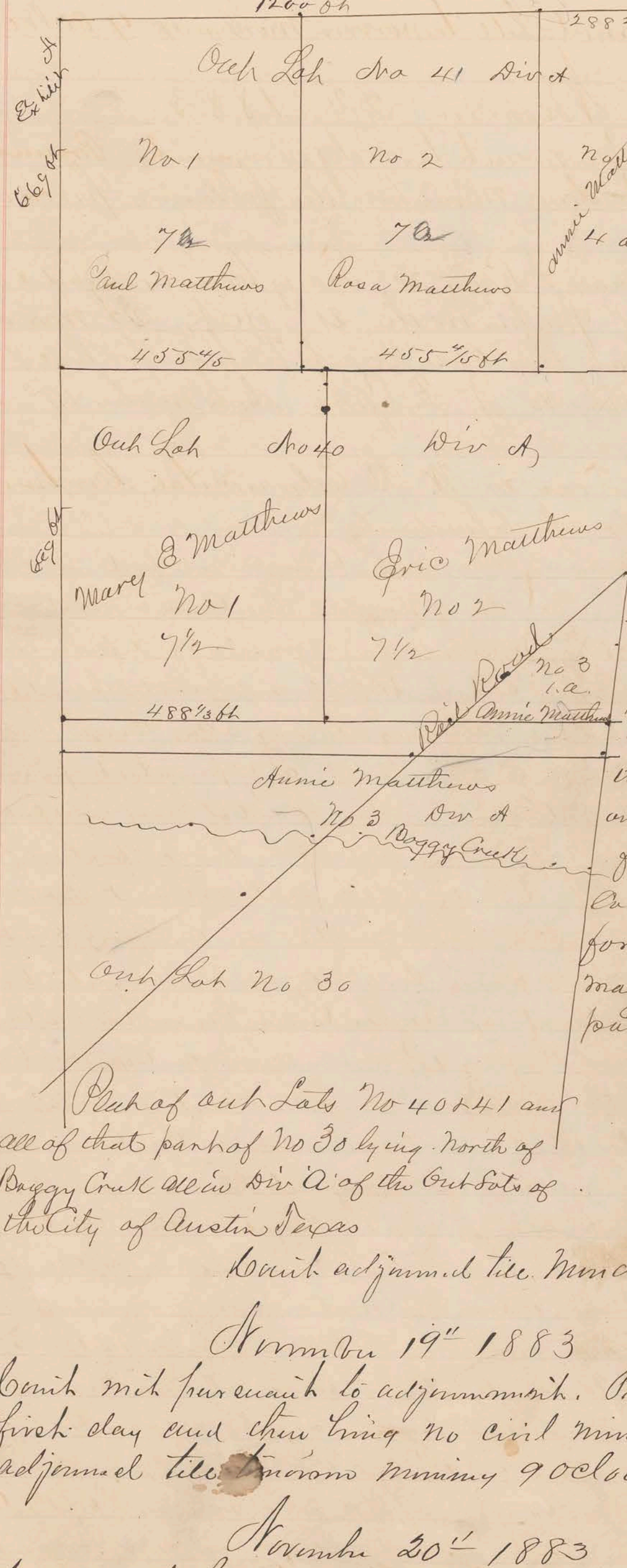
We Set aside to Annie Mathews four acres off of the East portion of said Out Lot No forty one (41) as shown and indicated by said plat, and also one acre out of the South East Corner of said out Lot No (40) forty and South of Rail Road marked Annie Mathews on said plat & also to Annie Mathews all that part of out Lot No thirty (30) in said division "A" lying North of Boggy Creek as shown & indicated & marked Annie Mathews on said plat - The parts herein set aside to the said Annie Mathews being estimated by us as one fifth in Value of said Real Estate

The parts set aside to Each of the above parties is indicated by having the name of the party written on the part so set aside to Each party - All of which is respectfully reported to your honorable Court

Sworn to and Subscribed before me by E F Mathews this E F Mathews
the 18th 1883 of Oct. Jas P Hart Clk. Aaron Burleson

Sworn to & subscribed before me by A Burleson Oct 25 1883. Jas P Hart Clk

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Plat of out Lots No 40 & 41 and all of that part of No 30 lying North of Boggy Creek also in Div A of the Out Lots of the City of Austin Texas

And there being no objections to said report and the same appearing to the Court just and equitable and fair to all the parties concerned It is therefore ordered adjudged and decreed by the Court that said Report be and the same is hereby in all things approved and confirmed And further ordered by the Court that the property set apart to the plaintiffs and defendants respectively in said report be vested in each as therein set out and divested out of each and all others further ordered that the costs be taxed prorata for which execution may issue against the parties respectively

Court adjourned till Monday Morning 10 O'clock

November 19th 1883

Court met pursuant to adjournment. Present same as on first day and there being no civil minutes to record Court adjourned till tomorrow morning 9 O'clock

November 20th 1883

Court met pursuant to adjournment. Present same as on first day and there being no civil minutes to record

Dishich Court Minutes, October Term, 1883
Thursday the 22nd day of November 1883

Printers, Lithographers and Stationers, St. Louis.

Court adjourned till tomorrow morning 9 oclock

November 22nd 1883.

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

7007 Fields Thomas & Ramy vs Travis County Road & Bridge Co. By consent of parties on the 21st inst. It was ordered by the court that this case be set for trial for Dec 19th 1883.

7040 Wm F. Storch vs J. F. Goho. Set on the 19th inst for trial for Dec 3rd 1883.

5774 The State of Texas vs W. R. Edwards et al. Continued as no affidavits of defendants.

5961 The State of Texas vs John Mann et al } This cause being called for trial on this the 22nd day of Nov 1883 the Court on motion of the plaintiff set aside the judgment by default rendered in this cause on the 5th day of October AD 1883. and granted plaintiff leave to file a supplemental petition alleging among other things that the defendant John Mann is notoriously insolvent and permitted plaintiff to discontinue the suit as to him — The plaintiff being satisfied from the affidavits on file in this cause and from the certificate of the County Clerk of Taylor County that the defendants James H Grant, W A Dix and J W Clayton who were sureties on the first bond sued on herein have been relieved from liability as such sureties by action of the Commissioners Court of Taylor County Texas had on the 7th of July A.D. 1879. Whereupon the plaintiff discontinued this cause as to said defendants James H Grant, W A Dix and J W Clayton and announced ready for trial as to the other defendants in this cause and the remaining defendants although duly cited as required by law failed to appear but wholly made default and the Court after hearing the evidence submitted by plaintiff is of the opinion that the defendant John Mann is notoriously insolvent and that the remaining defendants C. E. Odom J. C. Tipton and J P Simmons are indebted to the State of Texas at this time in the sum of twelve hundred and Eighteen 33/100 Dollars ($1218.33) as principal and three hundred and thirty 29/100 ($330.29) dollars as interest It is therefore considered ordered & decreed by the Court that the plaintiff the State of Texas do have and recover of and from the defendants C. E. Odom J. C. Tipton and J P Simmons the sum of fifteen hundred and forty Eight 62/100 Dollars ($1548.62) with

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

interest thereon from this date until paid at the rate of Eight Per cent per annum, besides all costs in this cause expended for which Execution may issue— Court then adjourned until tomorrow morning 9 O'Clock.

Friday & Saturday November 23 & 24 Court met pursuant to adjournment there being no Civil business Court adjourned until Monday Morning November 26th at 10 O'Clock.

Monday November 26th 1883.

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

5846

W. C. Denny Guardian of Tula A Denny minor

vs

James D Easton
George Suoman
Brice Dellinghaus
A H Barnes
John Hedley &
Calvin

Now on this the 26th day of November 1883 this Cause being called for trial there upon the parties plaintiff and defendants appeared by their attorneys and announced themselves ready for trial and there upon the parties presented to the Court the terms of Compromise and Settlement of the rights of the plaintiff and the Defendants respectively in the subject matter of this suit and it further being made to appear to the Court by a Copy of an order made and entered in the Probate Court of Travis County on the 10th day of November 1883. in the matter of the Guardianship of the minor Tula A Denny authorizing the said Guardian W.C. Denny to sell and compromise the Claim of the said minor in and to the undivided half of the Track of Land described in the plaintiffs petition for the sum of Two thousand dollars to be paid to the said Guardian by the Defendant A H Barnes the grantee of the other defendants in this suit. Said Amount to be applied and disposed of in accordance with the directions of said Probate Court: And it further appearing to the Court that the said two thousand dollars have been paid by the said A H Barnes in pursuance of said Compromise agreement and the order of said Probate Court It is therefore Considered ordered adjudged and decreed by the Court that the defendants do have and recover of the plaintiff and the said Tula A Denny the following track of Land described in plaintiffs petition towit

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Monday the 26th day of November 1883

Printers, Lithographers and Stationers, St. Louis.

"One Equal undivided one half of that Certain tract or parcel of land Containing four
"teen hundred and Seventy six acres, situated in the County of Travis and State of Texas
"being the tract of Land Patented to Albert Sidby assignee of Francisco Garcia on
"the 22nd day of October 1845 by patent No 328 Vol 4 1st Class and described by
"metes and bounds as follows Begining at the North East Corner of Survey
"No 19. for James Rogers at a Stone mound on the bank of a small branch
"Thence North 30° East 1344 Varas to the Northwest Corner of Survey No 80 a
"Mound Thence South 60° East 50 Varas with the line of Survey No 80 to
"mound of Stone Thence North 30° East 3558 Varas to a mound in the Prairie
"Thence North 60° West 2632 Varas intersected Survey No 22 at a Stone
"mound Thence South 30° West 1800 Varas with the line of Survey No 22
"to a Stone mound Thence South 60° East 1232 Varas to the North East
"Corner of Survey no 22. Thence South 30° West 2082 Varas to the
"South East Corner of Survey No 22 Thence South 60° East 500 Varas
"to the North East Corner of Labor No 20. a Stake in the fork of Walnut
"Creek from which a live oak marked X bears South 70° West 8 Varas
"Thence South 30° West 1000 Varas to a Stake from which a live oak 12
"in dia bears Date North 27° West and another live oak 12 in dia bears
"North 21° West 60 Varas Thence South 60° East 800 Varas to place of
"beginning" And it is further ordered adjudged and decreed by the
Court that all the right title and interest of the said minor Inda A
Denny in and to said above described track of land be and the same is
hereby divested and vested in the Defendant A&N Barnes and his Co-
Defendants as his assigns; free from any claim or right of the
said minor in and to said track of land or any part thereof
It is further ordered and adjudged that the defendants have and
recover of the Plaintiff all their Costs in this behalf expended
in accordance with the order of the Probate Court aforesaid.

A. W. & Kate K. Burroughs vs A. & N. W. R. R. Co. 5990

This case being this day regularly called for trial came the parties by their attorneys; and announced ready; Thereupon came a jury of twelve good and lawful men of Travis County consisting of D. P. Kinney and eleven others who being duly empannelled and sworn to try this cause heard the pleadings evidence and argument of Counsel and being duly charged by the Court as to the law in this case retired to consider of their verdict; and thereafter said jury returned into Open Court the following verdict towit: "We the Jury find for the Plaintiffs in the sum of Two thousand dollars D. P. Kinney Fr." and said jury being asked by the Court

Dis'k Court Minutes, October Term, 1883

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if this was their Verdict answered in the affirmative, It is therefore considered, ordered adjudged and decreed by the Court that the Plaintiffs A. M. and Kate K. Burroughs do have and recover of and from the defendant the Austin & North Western Rail Road Company the Sum of ($2000.00) Two Thousand dollars and all costs in this behalf incurred for which let execution issue.

3723. James Brimm vs Lucretia Brimm et al. It is ordered by the Court that this case be passed until the 17th December 1883.

4926. Rust and Watkins vs H. & T. C. R. R. Co. } This cause being this day called for trial and the death of the one of the Plaintiffs J. H. Watkins being suggested the suit is prosecuted by R. S. Rust surviving partner and by consent case passed till December 4th 1883. and ordered by the Court that the Plaintiff have leave to file 2d amended original petition

4935. Carlton and Roberson vs B. Ing, Passed to end of docket 2d time

5564 John and Louis Hancock vs R. Kammacher et al. By consent it is ordered by the Court that this case be passed 2d time to end of docket; and death of John R. Billingsley being suggested case continued to make his representatives parties.

5690 John Burton guard. &c. vs Ed Cleary Aff et al. Continued by consent.

5863 J. R. Morgan vs M. E. Morgan, Passed 2d time to end of docket.

5868 Page McDaniel vs Caroline Wahrenberger, Continued by consent.

5992 The State of Texas vs A. B. Hardin et al. Continued on application of State for want of testimony of witness Gardner—

6020. Chas. E. Rock vs H. & G. N. R. R. Co. Continued by consent.

6023. J. H. Haning vs Sandford & Son. Continued by consent.

Court adjourned till tomorrow morning 9 o'clock.

November 27th 1883

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

6091. R. Strauss vs City of Austin } This case being this day regularly called for trial came the parties by their attorneys. Whereupon came on to be

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heard the demurrer and exceptions of the defendant to Plaintiff's petition, which being considered by the Court was overruled as to the petition so far as it sets up the improper excavating &c. in a public Street for purpose of drainage &c. and sustained as to that part alleging omission of alleged duties, to which ruling of the Court defendant excepts- and by consent of parties case set for trial December 6th 1883.

6099. W. B. Isham vs W. A. Taylor. } By consent passed to end of docket.

4935. Carlton & Robinson vs B. Trigg. No counsel appearing- Cause continued

6767. C. N. Rutherford &al. vs R. A. Rutherford Sr. Judge David Shulte. Special Judge presiding. Continued.

Vania Sheets — Special Judges.

5852. Alitia Barker &al vs S. J. Simmons & A. N. Barnes Continued by Consent.

Court adjourned till tomorrow morning 9 o'clk

November 28th 1883

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

3030. Silas A. Burdett Admr. vs W. B. Burdett &al. Passed.

5274. J. R. Ray &al vs Vincent Chambers et al. No counsel appearing case continued,

5679. Richard J. Galvray vs Martha M. Galvray. No counsel appearing case continued,

5696. W. A. Bell &al. vs Ed Williams, No counsel appearing continued

5838. Sarah E. Pitman vs J. R. Pitman, no counsel appearing case continued,

5851. N. R. Timmes &al vs R. W. Dike &al. Passed until Dec 1st 1883.

5867 W. W. Henry &al vs Frank D. Henry &al. No counsel appearing continued,

5940. Abit Weir &al vs Felix Smith &al. Passed until Nov 30th 1883.

5981 Joseph Brown vs Mary Brown, No counsel appearing continued

5987 T. L. Womp vs T. N. Willis &al. Passed to December 10th 1883.

6000 Robert Mason vs Nancy Mason, No. Counsel appearing continued,

6001 Josephine B. Wood vs T. L. Wood &al. Continued to make parties.

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6002 ✓ T. L. Wren vs T. A. Conkling et al. Passed to Dec 10th

6004 ✓ William Allen vs Amanda Allen No counsel appearing Continued

6012 ✓ Frank. M. Johnson vs Mary Johnson No counsel appearing Continued

6013 ✓ A. N. Wilkins vs G. W. Brass et al. Passed to end of docket.

6019 ✓ Sandford & Son vs A & N. W. R. R. Co. Set for Dec 10th 1883.

6026 ✓ Annie Givins vs Wesley Givins. No counsel appearing Continued

6031 ✓ Wm Shapstand et al vs Jno. O. Johnson No counsel appearing Continued.

6046 ✓ Jamis Jackson vs Ann Lucy Cassidy. Passed to end of entire docket.

6059 ✓ Nannie A. Marsh vs Alonzo A. Marsh, Continued by operation of law.

6060 ✓ W. P. Rogers vs W. W. Archer & wife. Passed to end of entire docket.

6068 ✓ C. W. White vs City Water Company, Passed not to be called before Dec 10th 1883.

6071 ✓ Lydia Thompson vs Tobe Thompson. Continued for service

6076 ✓ Geo B. Simpson vs Wm Finlay et al Continued for service

6078 ✓ Caroline Kemp vs Alfred Kemp. No counsel appearing Continued.

6081 ✓ Amelia Brass et al vs M. M. Hornsby et al. } And now comes the Plaintiffs by their attorney and asks leave of the Court to dismiss this cause at their cost. It is therefore ordered by the Court that this cause be and the same is hereby dismissed, and that the defendants recover of and from the Plaintiff Amelia Brass and G. W. Brass and the equity on their injunction bond Charles Wolf all costs in this behalf expended for which let execution issue.

6082 ✓ Mary E. D. M. Wilson vs M. M. Hornsby & A. J. Jernigan Continued by consent.

6084 ✓ Emma Wilde vs Fredricks Wilde. Passed to end of entire docket

6098 ✓ W. B. Isham vs Jno A Webb Continued by consent

7010 ✓ Francis Lobis vs Lydia Lobis. No counsel appearing Continued

7011 ✓ Martha Junker vs John Junker Continued for service

7012 ✓ C. D. Johns vs City of Austin. Set for 3 o'clock Dec 28th 1883

7022 ✓ Henry Dunn vs Delia Dunn Continued for service

7023 ✓ W. A. Wilfall vs G. M. Flournoy Continued for service

7025 ✓ Augusta Canto vs Ellen G. Canto Continued for service

6055 Kate A. Sample vs Alex J. Sample — This case being this day called for trial by consent came the Plaintiff by her

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Attorneys and the defendant by attorney assembled by the Court whereupon both parties announced ready for trial, 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 and that she ought to have the divorce as prayed for. It is therefore considered adjudged and decreed by the Court that the bonds of Matrimony heretofore and now existing between the plaintiff Kate A. Sample and the defendant Alex J. Sample be and the same are hereby forever dissolved, and it further appearing to the Court that the plaintiff Kate A. Sample is a proper person to have the care and custody of the minor children of said plaintiff and defendant to wit; Alexander John Sample and Charles Delany Sample it is therefore ordered by the Court that said plaintiff have the care and custody of said children free from the interference of said defendant, and that each party pay one half the costs in this behalf expended for which let execution issue.

Wm M Saunders
as
J C Stovall

In District Court Travis County Texas.

It is ordered by the Court that John E. Campbell and John E Wallace practical surveyors be and hereby appointed to make all necessary surveys for the purpose of determining the true Southern boundary line and South West Corner of Gertrudes Rodriguez Survey No 506. in Travis County Texas, one of said surveys to be made by said surveyors To begin on the South Bank of Onion Creek at the upper Corner of Survey No 500 made for Jonathan Bettick, a stake on a very high bluff of Onion Creek from which an Elm 10 inches in diameter bro S 69½° E 73 Varas and a wild China 4 inches in diameter bro S 30½° E 9 Vrs Thence S 30° W with Survey No 500. 805 Vrs to a stone mound in prarie - Thence South 60° E with S W line of said Survey No 500 - 1105 Varas to a stone mound near the head of a little Prarie Ravine Thence S 30° W with N W line of the U M Bain Survey 954 Varas to a stone mound Thence N 60° W 2626 Vrs to a good sized stone mound on line of Del Valle grant Thence N 30° E 405 Vrs a little branch 1030 Vrs to the original Corner of the Del Valle 10 League grant on Cotton mouth Creek - The next Survey to be made by said Surveyor is to be made by Commencing at said original Corner of said Del Valle 10 League grant on Cotton mouth Creek and run South 30° W

6075.

along West line of Garner Mayo, G Nunez B L Ly Morales J A Paschal James Pooley & G Rodriguez Surveys. in said County as called for in the Field Notes of said Surveys & report to this Court said Surveys & all facts connected therewith to enable the Court to determine the true Southern boundary line & South west Corner of said Survey and the true Northern line & north west Corner of the Hoskins Survey

We agree to above Walton & Hill for Defts
Smith & Trigg for Plaintiff

✓ 4795

John le Duval Etal
vs
Robt Cruz baur Etal

And now on this day came on to be heard the report of W Von Rosenburg Trustee filed on November 14th 1883. in this Cause which report is as follows. towit,

"Cause No 4795 Hon A S Walker Judge 16th Judicial District

The undersigned Trustee respectfully represents that the sale of 197½ acres of land in Karnes County, confirmed at the last Term of the District Court of Travis County, has been consumated. The proceeds of sale has been disbursed in accordance with Decree of June 5. 1880, as set forth in detailed statement herewith submitted — There is not now any money in the hands of the Trustee, who respectfully prays the Cause to remain on the Docket until the suit pending in the Supreme Court about locations near Eagle Lake in Colorado County will be fully settled — Respectfully Submitted, Austin November 14th 1883

Sworn to before me this the W Von Rosenburg Trustee
14th day of November 1883 Jas O Hart Clerk DC Travis Co

No 4795. Statement of account Continued from the Statement made and ordered Recorded on the 14th December 1882

By Balance in hands of Trustee-		100,00
" 2/3 of the proceeds of Sale of 197½ acres Chas O'Harra Survey in Karnes Co (⅓ thereof accounted for to R Cruzbaur)		196,67
Expenses incurred-		
To 2/3 of Amt paid J P Kirby for Expenses and services in the "Booth vs Strickleman" Case	57,00	
" Pd Ballinger & Matt for attending to Case in Supreme Court. (⅓ paid by Cruzbaur)	33.33	
" Paid Court Clerk to include end of present Term of Court	22.75	
" Paid for Copies of transfers. Notary and recording fees	5.80	
	118.98	
Net proceeds of Land Sold	183.69	
	296.67	296.67

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Distribution of Net Proceeds. 183 69

J & Duval v Florida Howard

Trustee 25% in accordance with Decree 137.77

45.92

183.69 183 69

Duval v Howard paid out to Geo W Sampson per receipt attached & referring to my report of Dec 14th 1882. thereo. 137.77

Remains due Geo W Sampson

On the principal of the Judgment 331.39

On the interest due October 2nd 1882 25.45.00

$137.77/100

Received one hundred and thirty seven dollars and 77 cents from W Von Rosenberg Trustee to be credited on the judgment Wilson Green against me in accordance with Decree of Travis County District Court in Cause No 4795

Geo W Sampson

Which said report being Examined it is ordered by the Court that the same be and is hereby approved and Confirmed; And further ordered that this Case remain upon the Docket for action in other matters in the hands of the Trustee.

Court adjourned till tomorrow morning 9 O'Clock

Thursday Oct 29th 1883. Court met pursuant to adjournment present same as on first day. There being no business Court adjourned until tomorrow morning 9 O'Clock

Friday November 30th 1883

Court met pursuant to adjournment - present same as on first day. Whereupon the following proceedings were had, towit,

7012

C. D. Johns
vs
The City of Austin

On this the 30th day of November the above Cause came on to be heard, and both parties appeared by Counsel, announced themselves ready for trial, waived a jury and submitted the Case to the Court as well on the matters of fact as of law An agreed statement of facts being as follows, towit, "C. D. Johns vs The City of Austin

"In District Court Travis County Texas to Oct Term A D 1883.

"It is hereby agreed that C D Johns Plaintiff in the above numbered "and styled suit was duly elected to, qualified and entered upon "the duties of the office of City Atty of the City of Austin upon the "9th day of September A D 1878, and that he continued to hold that "office and performing all the duties pertaining thereto until the 16th day "of November A D 1881 - It is further agreed that during that period "of time, towit, from the 9th day of September A D 1878 to the 16th day "of November 1881, there was collected as fines in the Mayors Court

District Court Minutes, October Term, 1883

Friday the 30th day of October 1883.

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

" of said City the sum of Twelve thousand five hundred and four 7/100
" Dollars and that L D Johns represented the said City in the Col-
" lection of the same. It is further agreed that all ordinances or
" parts of Ordinances of said City which either party may desire
" to use in this suit shall be admitted and recieved as evidence
" without Proof of the same being made as required by law and
" without reference thereto in the pleadings. Geo T Pendexter Atty for
Plaintiff
N S Walton
" Dep't 24th 1883". City Atty "

Whereupon after argument by the Counsel for the parties respectively, it was the opinion of the Court, that the law and facts are with the plaintiff. And it is therefore Considered ordered and decreed by the Court that the plaintiff L D Johns do have and recover of and from the City of Austin the sum of Twelve hundred and fifty 47/100 Dollars together with all Costs in this behalf ~~incurred~~ for which Execution shall issue

6012

Frank. M. Johnson
vs
Mary Johnson

This day this cause being regularly called for trial came the plaintiff by his Attorney and announced ready. and it appearing to the Court that the defendant had been duly and legally cited as required by law the trial. proceeded. and 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 the divorce prayed for ought to be granted as prayed for It is therefore ordered and adjudged by the Court that the bonds of matrimony heretofore and now existing between the plaintiff Frank. M. Johnson and the defendant Mary Johnson be and the same are forever dissolved and held for naught, and that each party pay the Costs by them in this behalf incurred for which let execution issue. Court adjourned until tomorrow morning 9 O'Clock

Saturday Dec 1st 1883. Court met pursuant to adjournment present same as on first day. Whereupon the following proceedings were had to wit -

7047

The State of Texas } Declaration of Intention to become a Citizen
County of Travis } In Re Petn. Peduzzi Fanasco.

Peduzzi Fanasco 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 Italy where

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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 to renounce forever all allegiance and fidelity to every foreign Sovereign Potentate, State or Sovereignty whatsoever and particularly to the King of Italy of whom he was a subject. Pedrizzi Francesco.

Sworn to and subscribed before me this 1st day of December 1883 in open Court.

Jas P Hart Clerk By W H Shelley Dept

7043. Ex Parte Lorenzo Baggero - Declaration of intention to become a Citizen -

The State of Texas } Lorenzo Baggero 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 AD1846 in the Kingdom of Italy 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 foreign Prince, Potentate, State or Sovereignty whatsoever and particularly to the King of Italy of whom he was a subject. Lorenzo Baggero. Sworn to and subscribed before me this 1 day of December 1883 in open Court. Jas P Hart Clk by W H Shelley Deputy

7044 Ex Parte Ghezi Louis - Declaration of Intention to become a Citizen -

The State of Texas } Ghezi Louis being duly sworn according to law
County of Travis } in the District Court of said County doth declare that he was born in the year AD1859 in the Kingdom of Italy 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 Italy of whom he was a subject. Ghezi Louis. Sworn to and subscribed before me, this 1 day of December 1883 in open Court. Jas P Hart Clk By W H Shelley Deputy -

7045 Ex Parte Ferrari Enrico - Declaration of intention to become a Citizen

The State of Texas } Ferrari Enrico being duly sworn according
County of Travis } to Law in the District Court of said County doth declare that he was born in the year AD1887, in the Kingdom of Italy, 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

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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 allegegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatsoever, and particularly to the King of Italy of whom he was a Subject - Ferrari Enrico

Sworn to and Subscribed before me this 1 day of Dec^r 1883 in Open Court

Jas P Hart Clerk by W H Shelley Deputy

7046 Ex Parte. Guzzetti Angelo - Declaration of intention to become a Citizen

The State of Texas } Guzzetti Angelo being duly sworn according to

County of Travis } law, in the District Court of said County doth declare that he was born in the year A.D 1853 in the Kingdom of Italy 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 Italy of whom he was a Subject Guzzetti Angelo

Sworn to and Subscribed before me this 1 day of Dec^r 1883 in Open Court - Jas P Hart Clerk By W H Shelley Deputy

7047 Ex Parte. Carletti Antonio - Declaration of intention to become a Citizen

The State of Texas } Carletti Antonio being duly sworn according to

County of Travis } law in the District Court of said County, doth declare that he was born in the year A.D 1854 in the Kingdom of Italy 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 whatsoever to every foreign Prince, Potentate State or Sovereignty whatsoever and particularly to the King of Italy of whom he was a Subject

Carletti Antonio

Sworn to and Subscribed before me this 1st day of Dec^r 1883 in Open Court - Jas P Hart Clerk.

7048 Ex parte Asolini Orazio. Declaration of intention to become a Citizen

The State of Texas } Asolini Orazio being duly sworn according

County of Travis } to law, in the District Court of said County doth declare that he was born in the year A.D 1840 in the Kingdom of Italy whence he emigrated in the year of 1881 to the United States of America and has selected the State of

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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 Italy of whom he was a Subject. Adalini his X mark Orazio.

Sworn to and Subscribed before me this 1st day of Dec. 1883 in Open Court.

Jas P Hart Clerk

7049 Ex Parte Frizzera Bartillo. Declaration of Intention to become a Citizen

The State of Texas } Frizzera Bartillo 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 AD1848 in the Kingdom of Italy 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 Italy of whom he was a Subject. Frizzera Bartilla

Sworn to and Subscribed before me this 1st day of Dec 1883. in Open Court

Jas P Hart Clerk

7050 Ex Parte Frizzera Nicalo Declaration of Intention to become a Citizen

The State of Texas } Frizzera Nicala being duly sworn according to law

County of Travis } in the District Court of said County, doth declare that he was born in the year AD1861 in the Kingdom of Italy whence he emigrated in the year of 1881, to the United States of America, and has selected the State of Texas as the peace 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 to every foreign Prince Potentate State or Sovereignty whatsoever and particularly to the King of Italy of whom he was a subject

Frizzera Nicala

Sworn to and Subscribed before me, this 1st day of Dec 1883 in Open Court

Jas P Hart Clerk

7051 Ex Parte Mazalati Giuseppi. Declaration of intention to become a Citizen

The State of Texas } Mazalati Giuseppi being duly sworn according

County of Travis } to Law, in the District Court of said County, doth declare that he was born in the year AD1841 in the Kingdom of Italy 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 for

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over all allegiance and fidelity to every Foreign Prince, Potentate State or Sovereignty whatsoever and particularly to the King of Italy of whom he was a Subject Marz a Cato his + mark Guiozzepi

Sworn to and Subscribed before me this 1st day of Dec^r 1883. in Open Court.

Dav^d P Hart Clerk

7052. Ex Parte Pietro Angeloss - Declaration of Intention to become a Citizen

The State of Texas } Pietro Angeloss being duly sworn according to
County of Travis } law, in the District Court of said County, doth declare that he was born in the year AD 1843. in the Kingdom of Italy 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 to every Foreign Prince Patentate State or Sovereignty whatsoever and particularly to the King of Italy of whom he was a Subject

Pietro his + Angeloss mark

Sworn to and Subscribed before me this 1st day of Dec^r 1883 in Open Court

Dav^d P Hart Clerk

Court adjourned till Monday morning 10 o'clock

Monday December 3^d 1883.

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

7040 Wm F. Storch vs J. F. Goho. The Hon A. J. Wacker being disqualified to try this case - this day noted his disqualification on the docket of this Court.

Court adjourned till tomorrow morning 9 o'clock

Tuesday December 4th 1883.

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

4926. Rusk & Dinkins vs H. & T. C. R. R. Co. } This case being this day called for trial came the plaintiff R. S. Rusk who prosecutes this suit as the surviving partner of Rusk & Dinkins, by his attorneys and also the defendant the Houston and Texas Central Rail Road Company by attorney. Whereupon said defendant was granted leave to file 2^d Amended original Answer and plaintiff leave to file 3^d Amended original petition, whereupon

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came on to be heard the General and Special demurrers of defendant to Plaintiff's 2d Amended Original Petition, which being duly considered by the Court the General demurrer of defendant was overruled— 2d Exception sustained— 3d and 4th overruled to which overruling of said general demurrer and 3d and 4th Exceptions the defendant excepts. And to the sustaining of the 2d Exception Plaintiff excepts. Thereupon both parties announced themselves ready for trial, When came a jury of twelve good and lawful men of Travis County consisting of W. S. Dunn and eleven others who being selected impannelled 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 said Jury returned into Open Court the following Verdict to Wit: "We the Jury find for the Plaintiff R. S. Rusk as surviving partner of Rusk & Dinkins in the sum of Fourteen dollars and twenty five cents, and further find that the charges of the defendant in the matter of the shipment of Plaintiffs cotton were reasonable. When you we find for the defendant. W. S. Dunn Foreman" It is therefore considered ordered and adjudged by the Court that the Plaintiff R. S. Rusk as surviving partner of the firm of Rusk & Dinkins. (a firm composed of R. S. Rusk and J. A Dinkins originally) do have and recover of and from the defendant the Houston and Texas Central Rail Road Company the sum of Fourteen & 25/100 ($14.25) dollars with interest thereon from this date until paid at the rate of eight per cent per annum and all costs in this behalf expended for all which let execution issue.

5790

Virginia Nelson & her Husband
Thomas Nelson
vs
Thomas J Wheeler
Edward Wheeler
Tabitha Hamilton & her husband
John Hamilton
David C Wheeler
George W Wheeler &
Wm E. Wheeler

Now on this the 1st day of November A.D 1883 Came on this Cause to be heard and the parties plaintiffs and defendants in person and by their attorneys having announced ready for trial (and a jury having been waived) the matters and things in the said Cause in Controversy between the parties both as to matters of fact and law being submitted to the Court and the Court having heard the pleadings read, the Evidence

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introduced and the arguments of Counsel and it appearing to the Court that Plaintiffs Virginia Nelson and her said Husband Thomas Nelson, were not entitled to recover from the defendants herein any of the Cattle and Sheep described in Plaintiffs Petition, it is ordered and decreed by the Court, that Plaintiffs do not recover any of said Cattle and Sheep of said Defendants: And it further appearing to the Court that the said Defendants Edward Wheeler and his Co defendants Thomas J Wheeler Tabitha Hamilton and her husband John Hamilton and David C Wheeler and George W Wheeler had received fourteen head of horses branded W on the left Shoulder the common property of Thomas J Wheeler and Ann Wheeler deceased: And it further appearing to the Court that said Thomas J Wheeler was entitled to one undivided one half of said horses and that said Virginia Nelson Tabitha Hamilton Edward Wheeler and David C Wheeler and George W Wheeler and W E Wheeler were each entitled to one undivided one twelfth interest in said horses and it further appearing to the Court that said Edward Wheeler by gift from his said father Thomas J Wheeler and by purchase from Tabitha Hamilton, David C Wheeler and George W Wheeler and Wm E Wheeler was and is now the legal and Equitable owner of one undivided Eleven twelfths interest in said horses it is ordered by the Court that T K Gaines John Harrell and J W Whitt Commissioners hereby appointed by the Court for that purpose do gather said horses and their increase or so many thereof as can be found by them, and the same when so found to be partitioned and divided as follows towit, The one twelfth of said horses according to value shall be set aside by them to Virginia Nelson and Eleven twelfths thereof according to value shall be set aside by them to the said Edward Wheeler and it further appearing to the Court that Plaintiffs were not Entitled to recover any thing as against said Thomas J Wheeler it is ordered that said Thomas J Wheeler do have and recover of Plaintiffs and Sureties on their Cost bond, towit, Wilson Pape Cain Bowden & R J Everett all Costs incurred in this behalf by reason of having made him a party to this suit and all Costs incurred by him the said Thomas J Wheeler in the defense of this action and for which Execution may issue, And it is further ordered that Plaintiffs pay one Sixth of the balance of the Costs incurred in this suit in and Concerning the said suit for the partition of said personal property described in plaintiffs Petition for which Execution

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May issue against Peffo and their sureties on their Cost bond towit, Pape, Bandon & Sennett And that said Edward Wheler pay five sixths of said balance of said Costs for which Execution may issue in favor of the Officers of the Court. And it further appearing to the Court that that the Plaintiff Virginia Nelson and the Defendants Edward Wheler, Tabitha Hamilton David C Wheler George W Wheler and Wm E Wheler are each the legal and equitable owner of an undivided one sixth interest in the tract of land described in Plaintiffs petition towit Lying and being situated in Karnes County Texas and being part of the David Taylor league of Land set apart to her in the partition and distribution of the Estate of said David Taylor dec? who was the father of said Ann Wheler dec? and by her inherited by the said Father dec? towit, Lot No 5 beginning on the Corner of Lot No 4 in the old line from which a large black jack bears N 57½° E 34 Varas and a post oak bears N 29° West 15 Varas running thence with the old line North 70° East 382 Varas to the Corner of Sarah A Taylors division from which a post oak bears N 26° 64 Varas and a post ~~oak~~ bears S 45° West 5 Varas Thence S 20° East with Sarah Ann Taylors line 5090 Varas to a Stake in the old line in the Prairie Thence S 70° West 382 Varas to a Stake in old line in the Prarie Thence North 20° West 5090 Varas to the beginning Containing 345½ Acres of Land.

It is therefore ordered adjudged and decreed by the Court that Frank Archer M Tyler and J. W. Hutchinson Commissioners hereby appointed by the Court for that purpose ~~dec~~ and are hereby authorized by aid of a Competent surveyor (if necessary) to partition said tract of Land according to quantity and Value as follows towit, They shall set aside one sixth of the value of said land to plaintiff Virginia Nelson, one sixth of the value of the same to said Edward Wheler and one sixth of the value of the same to said Tabitha Hamilton; and one sixth of the value of the same to said George W Wheler and one sixth of the Value of the same to said David C Wheler and one sixth of the Value of the same to the said Wm E Wheler and the said Commissioners shall make a report at the next term of this Court of this said action in the premises accompanied by a plat and field notes showing what land and what amount of land shall have been set aside by them to Each of said named parties as required by this decree and in accordance with law that in case said Commissioners shall be of the opinion and determine that said land cannot be divided as herein directed they shall so report to this Court and it is further ordered that said Virginia Nelson, Tabitha Hamilton David C. Wheler, Wm E Wheler, Edward Wheler and George W Wheler Each pay the one sixth part of the Costs accruing from the said partition of said land for which Execution issue in favor of the Officers of the Court

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Court adjourned till tomorrow morning 9 oclock

December 5th 1883

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz: Court adjourned till tomorrow morning 9 oclock

December 6th 1883

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

7003. Jane Brim & Husband vs Houston & Texas Central Railway Company } On the 4th day of December 1883 this cause being called for trial, came the plaintiffs by Attorneys and announced ready, also came the defendant by attorney and asked leave of the Court to file 1st amended original answer and also presented his motion and affidavit for a continuance of this cause, whereupon the plaintiffs admit the matters expected to be proven by W. Christian as set out in said application to be true, upon which admission of plaintiffs, the Court overruled the application for continuance, to which ruling of the Court the defendant excepts, thereupon came a jury of twelve good and lawful men of Travis County consisting of C. W. Deison and sworn viros who being duly impannelled and sworn according to law, heard the pleadings evidence and argument of Counsel until the evening of this the 6th day of December 1883. 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 into Open Court the following Verdict towit: "We the Jury find for the defendant. C. W. Deison Foreman" and said jury being asked if this was their verdict answered in the affirmative. It is therefore ordered adjudged and decreed by the Court that the defendant the Houston & Texas Central Railway Company go hence and recover of and from the plaintiffs Jane and William Brim all costs in this behalf expended for all which let execution issue. It is further ordered by the Court that the officers of Court have execution against each party for the costs incurred by him in this behalf

6099 W. B. Isham vs M. A. Taylor, Continued by consent of defendant

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Plaintiff attorney being absent

7004. William Brim vs H. & T. C. Ry Co. Continued upon Parol application of defendant, and ordered by the Court that Plaintiff have leave to file 1st amended original petition

6091. R. Strauss vs The City of Austin. Rests for December 12th 1883.

Court adjourned till tomorrow morning 9 O'clock

December 7th & 8th 1883.

Court met pursuant to adjournment. Present same as on first day and there being no civil minutes to record Court adjourned till Monday morning 10 o'clock.

Monday December 10th 1883

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

6019. Sandford & Son vs Austin & North Western Rail Road Company } This cause being regularly called for trial came the Plaintiff by attorneys and announced ready for trial- thereupon came on to be heard the oral application of the defendant in this cause, which application was by the Court granted, and ordered by the Court that all costs to this date be and are hereby adjudged against the defendant. For which execution may issue- Further ordered by the Court that Plaintiff have leave to file 1st Amended original petition, and cause continued upon application of defendant.

6095. The State of Texas. vs Wm M. Brim et al. Continued on application of Plaintiff.

7007. Fields Thomas & Rains vs Travis County R. & B. Co } This cause being this day regularly called for trial came the Plaintiff by Attorney and announced ready thereupon came on to be heard the affidavit and application of the defendant for a continuance of this cause, which being submitted was by the Court granted and cause continued on affidavit of defendant, and thereafter it appearing to the Court that the witness upon a second

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of the absence of whom said cause was continued had come into Court in less than five minutes after said Continuance had been granted, it is therefore ordered by the Court that said Continuance be and the same is hereby set aside and this cause set for trial for the 18th of December 1883. to which action of the Court in setting aside said Continuance the defendant excepts.

Sf. 129

The State of Texas } It appearing to the Court that on the
vs } 29th day of January 1883. that the
Henry Luxenger. } following Judgment Nisi was entered of record in this cause. to wit: "The State of Texas vs Bill Reeves District Court of Travis County. January 29th 1883. No 5946 This cause being called for trial came the State by her attorney but Henry Luxenger a witness for the State in this cause failed to appear and answer in this behalf and he being distinctly called three times at the Court House door by the sheriff. still failed to appear and answer but wholly made default, and it appearing to the Court that the said Henry Luxenger did enter into an recognizance payable unto the State of Texas in the penal sum of ($100.00) one hundred dollars, conditioned that the said Henry Luxenger 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 at the May term 1883 and then remain from day to day and from term to term of said Court until discharged by due course of law then and there to testify in behalf of said State in said above numbered and styled cause, and Henry Luxenger having as aforesaid failed to appear and answer - it is therefore ordered adjudged and decreed by the Court that said recognizance be and is hereby forfeited and that the State of Texas do have and recover of and from said defendant Henry Luxenger in the sum of ($100.00) one hundred dollars. And it is further ordered by the Court that writ of Scire Facias do issue against said Henry Luxenger notifying him to be and appear at the next term of this Court to be held in and for the County of Travis at the Court House thereof in the City of Austin on the first Monday in May A.D. 1883. to show cause if any he may have why said Judgment Nisi as then entered against him be not made final and absolute."

And now on this the 6th day of December 1883 it appearing

Fine $100.00 Paid by the Surety (See bond and fine on file of date July 14th 1884)

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This cause being called for trial, Came again the State by her Attorney but the said defendant Henry Luxenique failed to appear and answer - but Wholly made default. And it appearing to the Court that writ of Scire Facias had been properly issued against said defendant notifying him to appear at the May term 1883. of said Court and show cause why said judgment Nisi should not be made final, and that proper service thereof was had upon said defendant Henry Luxenique. and he failing to appear. It is therefore ordered adjudged and decreed by the Court that 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 said defendant Henry Luxenique the sum of ($100.00) one hundred dollars and all costs in this behalf expended for which let execution issue.

No 130.

The State of Texas vs W. E. Jenkins } This cause being on this the 6th day of December 1883. called for trial came the State by her attorney, and also the defendant by answer filed herein, and the same being submitted to the Court. It is ordered adjudged and decreed by the Court that the judgment Nisi heretofore entered against the defendant in this cause be and the same is hereby made final and absolute for the sum of Ten (10) dollars and all costs of suit. for which let execution issue.

No 132

The State of Texas vs Emmett White } This cause being on this the 6th day of December 1883 called for trial came the State by her attorney, and also the defendant by answer filed herein, and the same being submitted to the Court. It is ordered adjudged and decreed by the Court that the judgment Nisi heretofore entered against the defendant in this cause be and the same is hereby made final and absolute for the sum of Ten (10) dollars and all costs of suit. for which let execution issue.

No 133

The State of Texas vs John Ivey } This cause being on this the 6th day of December 1883. called for trial, came the State by her attorney. but the said defendant John Ivey came not although duly served with writ of Scire facias as required by law - but Wholly made default. It is therefore ordered adjudged and decreed

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by the court that the judgment nisi heretofore rendered in this cause against said defendant John Ivey be made final and absolute. It is therefore ordered by the court that the State of Texas do have and recover of said defendant John Ivey the sum of ($25.00) twenty five dollars and all of costs of suit for which let execution issue.

Of 142.

The State of Texas } This cause being on the 6th day of
vs December 1883 called for trial came
James B. Smith } the State by her attorneys, and announced
ready, also came the defendant Jas B. Smith by answer
filed herein, and the same being submitted to the court.
It is considered and ordered by the court that the
judgment nisi heretofore rendered in this cause be and
the same is hereby made final and absolute for the
sum of ($10) Ten dollars and all costs of suit. It is therefore
ordered adjudged and decreed by the court that the
State of Texas do have and recover of and from said
defendant the sum of ($10.00) Ten dollars and all costs
of suit for which let execution issue.

Court adjourned till 9 o'clock tomorrow morning.

Tuesday December 11th 1883

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

7040- W. F. Stark }
vs Hon. John P. Rieloff Special Judge presiding.
J. F. Goho- } The Hon A. S. Walker Judge of the 16th
Judicial District of the State of Texas having noted his
disqualification to try this case. Came the parties plaintiff
and defendant by their attorneys on the 3rd day of December
1883. and filed in this cause the following agreement in
writing, viz: "7040. Stark vs Goho. District Court Travis
County. In the above entitled and numbered cause the Hon
A. S. Walker, Judge of said Court, being disqualified to try
the same, it is agreed that the Hon John P. Rieloff shall
try the same as special Judge without a jury, and that
as said case cannot be tried on this day as provided
in the agreement of Oct 28th 1883. it shall be called for
trial on Tuesday December 11th 1883. and tried then
or as soon thereafter as said J. P. Rieloff will take it up.

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Walton & Hill
W. F. Rorick
for Plff.

John Dowell &
Fisher & Fisher
Alley for defts "

And thereupon on this the 11th day of December 1883. Came Hon Jno B. Rector and qualified as such Special Judge by taking and subscribing to the Constitutional oath of office as required by law as follows. towit: " The State of Texas. Oath of Office. I. Jno B. Rector do solemnly swear that I will faithfully and impartially discharge and perform all the duties incumbent upon me as Special Judge in the trial of cause No 7040 of Rorick vs Goho. 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. have 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. nor have I acted as second in carrying a challenge, or aided, advised or assisted any person thus offending, And I further 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. or to secure my appointment, so help me God

John. B. Rector

Sworn to and subscribed before me this the 11th day of Dec 1883. Jas P Hart Clerk. D.C.T.C.

Thereupon the Hon Jno. B. Rector presiding. It is ordered by the court that the defendant have leave to file 2d Amended original answer and 1st Supplemental answer, and Plaintiff leave to file supplemental petition, thereupon came on to be heard Plaintiffs exceptions to Defendants supplemental answer which being considered by the court. were sustained, and ordered by the court that said supplemental answer be and the same is hereby stricken out as not in due order of pleading. and defendant granted leave to file

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trial accordingly. Whereupon this Jurors answered ready for trial.

The Jurors duly having been examined and found Correct is hereby approved. Jerry B Rector Special Judge.

7056. James M. Harris } The petition and application of
Ex parte. } James M. Harris having been this day filed for permanent license to practice law, it is ordered by the Court that Jno W. Robuson, Jno. B. Rector and R. J. Hill Esqs attorneys of this bar be and they are hereby appointed a committee to examine said applicant as to his qualifications. Said examination to take place in open Court Saturday 15th inst at 10 am.

Court adjourned till tomorrow Morning 9 oclock

December 12th 1883.

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

Order of proceedings for March Term 1884

Order of Court. - Fixing the Call of the March Term 1884 of the Docket.

1 Grand Jury will be empannelled Monday March 3d
2 Civil Non Jury Docket will be called Tuesday March 4th
3 Civil Jury Docket will be Called March 10th & to Continue 2 Weeks
4 Criminal Docket will be taken up March 24th and to Continue until business disposed of.
5 After Criminal Docket the Civil Jury Docket will be resumed
6th After the Civil Jury Docket the Civil Non Jury Docket will be resumed.
7. Motions on Saturdays
8 When Cases are reached on the first Call of the Civil Docket they will be tried, Set by Consent for a future day of the Term, Passed to the End of the Docket or Continued. Cases passed to the End of the docket will be again called in the order they stand upon the Docket.

Thereupon Court Adjourned until tomorrow morning 9 O'Clock.

Thursday December 13th 1883

Court met pursuant to adjournment present Hon. J B Rector Special Judge appointed to try the following Case and S P Hunt Dist Clerk W W. Hornsby Sheriff & J D Sheeks Dist Atty. To wit

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7040

W F North
vs
J F Yoho

In District Court of Travis County Texas Dec^r 13.th 1883.
Be it remembered that in the above styled and numbed Cause the Hon^t A.S. Walker Judge of the 16^th Judicial District of the State of Texas being disqualified by reason of having been Counsel in this Cause thereupon the parties in said above Cause on the 3^rd day of December in Open Court agreed that the Hon^t J.B. Rector a practicing attorney of said Court should sit and act as special Judge to try the same. Thereupon came the Hon^t J.B. Rector in Open Court on the 11^th day of December 1883 and duly and legally qualified by taking the oath required by the Constitution of the State of Texas and the law thereunder as special Judge in said Cause. Thereupon said parties in said Open Court waived a jury and agreed to submit the matters in Controversy to the Court. Thereupon said Cause being regularly reached upon the Docket was called for trial upon the 11^th day of December 1883. whereupon both parties plaintiff and defendant in open Court announced ready for trial, where upon the Court after having first ~~heard~~ read the pleadings of both parties and the Evidence pro and Con adduced and the argument of Counsel, rendered judgment in favor of defendant J F. Yoho - Wherefore be it ordered adjudged & decreed as against plaintiff W F North and those claiming under him, defendant do have and recover of & from said plaintiff the following described land and premises Situated in Menard County Texas about 10 miles W 30 S from the Town of Menardville and described by metes and bounds as follows - 320 acres out of Survey No 114 begining at the SW Corner of said Survey No 114 Thence East 1900 Varas a Stone mound from which a L.O. 8 in Dia bro S 74° W 24½ Vrs a L.O. 14 in Dia bro N 3° E. 32 Vrs Thence N 950 Vrs to a Stone mound from which a L.O. 14 in Dia bro S 43° E 16½ Vrs and a L.O. 8 in Dia bro N 71½° W 108 vrs Thence W 1900 Vrs a Stone mound Thence S 950 vrs to place of begining. And be it further ordered and decreed that defendant as against plaintiff be quieted in his title to said above described premises and that plaintiffs pretended claims interest or title to the same be Cancelled and for naught held And be it further adjudged that defendant do recover of and from plaintiff all Costs of this Suit for which Execution may issue to which judgment of this court Plaintiff excepts & gives notice of appeal in open court to the Judgment.

The above Minutes Examined and approved.

John B Rector Special Judge

Court adjourned till tomorrow morning 9 oclock

December 14th 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 oclock

District Court Minutes, October Term, 1883

Saturday the 15 day of December 1883.

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

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

7012 — C. D. Johns vs The City of Austin — And now on this day came the parties by their attorneys and thereupon came on to be heard the motion of the defendant for a new trial, which being considered by the Court, was by the Court overruled, to which ruling of the Court the defendant excepts, and in open Court gives notice of appeal to the Supreme Court. And upon application it is ordered by the Court that the parties have ten days from the adjournment of Court in which to file a statement of facts in this case.

4926 — Rusk & Dunkin vs H. & T. C. Ry Co. — And now on this day came the parties by their attorneys and thereupon came on to be heard plaintiffs motion for a new trial in this behalf, and said motion having been argued and submitted, duly considered and fully understood was by the Court overruled, to which ruling of the Court plaintiff excepts and in open Court gives notice of appeal to the Supreme Court.

7003. — James Bain & husband vs H. & T. C. R. R. Co. — And now on this day came on to be heard plaintiffs motion for a new trial in this behalf, the parties being represented by Counsel, and said motion having been argued and submitted, and duly considered by the Court, was overruled, to which ruling of the Court plaintiff excepts, and in open Court give notice of appeal to the Supreme Court.

5997. — James. M. Taylor vs H. & T. C. Ry Co. — upon motion of defendants attorney it is ordered by the Court that the parties have leave of 10 days after the adjournment of this term of the court in which to file a statement of facts in this case.

5991. — Mary Frances Boulton vs James Boulton — On the 6th day of October 1883 this cause being called for trial came the plaintiff by her attorney and announced ready for trial, whereupon came the defendant by attorney appointed by the Court C. D. Johns Esq. When came on to be heard defendants plea in abatement, which was by the court overruled and it appearing to the Court that the

Distrith Court Minutes, October Term, 1883.

Saturday the 15th day of December 1883.

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defendant had been duly and legally served with citation by publication in this cause, and the pleadings being read and evidence heard it is the opinion of the Court that the plaintiff ought to have the divorce. it is therefore ordered and decreed that the bonds of matrimony heretofore existing between the plaintiff Francis Boulin and the defendant Jane Boulin be forever dissolved - Further ordered that a fee of ten dollars be taxed as costs for C. W. Johns Esq as atty for defendant - and that the plaintiff pay all costs in this behalf for which let execution issue.

6062. Clarissa Dillard vs David Dillard } This cause being this day called for trial came the parties by their attorneys and announced ready for trial, and the Court after hearing the pleadings evidence and argument of counsel thereon, it is the opinion of the Court that the plaintiff ought to have the divorce. It is therefore considered ordered adjudged and decreed by the Court that the bonds of matrimony heretofore existing between the plaintiff Clarissa Dillard and David Dillard be and the same hereby forever dissolved and held for naught; and that the parties pay the costs incurred by them in this behalf for which let execution issue.

Court adjourned till Monday morning 10 oclock

December 17th 1883.

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

7056. James. M. Harris } The State of Texas.
Ex Parte } County of Travis

To all to Whom these presents Shall Come - Greeting:
Know ye. That James. M. Harris hath this day applied to the Honorable A. S. Walker Judge of the 16th Judicial District of the State of Texas for a license to practice as an Attorney and Counsellor at law, and having produced a Certificate from Hon Z. T. Fulmore County Judge of Travis County that he is twenty one years of age and of good moral character and Honorable deportment and having been examined touching his knowledge of the Law in open Court by a Committee of Attorneys of good standing, and said Committee and the Court being satisfied with the legal qualifications of the applicant

District Court Minutes, October Term, 1883

Monday the 18th day of Dec 1883.

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

There are therefore to license, authorize and empower him the said James. M. Harris of the County and State aforesaid to practice as an attorney and counsellor at law in the several District and inferior courts of this State

5987 T. L. Wren vs T. H. Miller Etal } And now on this 15th day of December Came the plaintiff by his attorneys and the Unknown heirs of Obedience Smith by their attorney John Darrell appointed by the Court and thereupon said unknown heirs by their attorney moved the Court to set aside the order heretofore entered quashing the Citation by publication in this cause and for leave to amend the same in accordance with the facts which motion was by the Court granted and ordered by the Court that said Order quashing Citation be and the same is hereby set aside and further ordered that the proper officer amend said Citations in accordance with the facts and the defendant Polly L Hadley having been duly served with process failed to appear and answer and the defendant Thomas H Miller having duly accepted service having failed to appear and answer but wholly made default. And the plaintiff T. L Wren and the defendants the Unknown heirs of Obedience Smith having announced themselves ready for trial the Court proceeded to hear the pleadings the evidence and the argument of Counsel upon which it is ordered adjudged and decreed by the Court that the plaintiff T. L. Wren do have and recover of and from the defendants Polly L Hadley Thomas H Miller and the unknown heirs of Obedience Smith one Equal undivided one sixth of that certain track or parcel of Land situated in the County of Crockett and State of Texas described as follows to-wit Located by virtue of Duplicate unlocated Balance headright Certificate No 34/202 Class first for 6.983.290 vrs issued to Obedience Smith on the 25th day of July 1877 said land being situated on the waters of Devils River a tributary of the Rio Grande about 36 miles N 29° E from Old Fort Hudson and known as Survey No 4 Block KCC and described by metes and bounds as follows - Begining 1157 6/10 vrs South of the S. E. Corner of Survey No 3. in this Block made by virtue of Certificate No 75 issued to the heirs of Stephen Denison on November 4th 1859 at a rock mound 3 feet high for the N W Corner of this Survey from whence a Live Oak 12 In in Dia bro N 59° E 32 vrs and another

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Live Oak Tree 8 inches in diameter brs N 75° E 44 vrs. Thence East 26 42 4/10 vrs to a stake and mound for the N E Corner of this Survey. Thence South 26 42 4/10 vrs to a stake and mound for the S.E. Corner of this Survey Thence West 26 42 4/10 vrs to a rock monument 3½ feet high the S E Corner of Survey No 12 in this block for the S W Corner of this survey from whence a Live Oak tree 5 inches beard North 45° 15' East 60 vrs and another Live Oak tree 15 inches in diameter brs North 20° W 79 vrs. Thence North at 1900 vrs from a Rock monument 3 feet high the N E. Corner of Survey No 12 and S E Corner of Survey No 5 in this block 26 42 4/10 varas to the place of beginning Containing 6.98 & 290 Sq varas patented to Obedience Smith by Patent No 600 Volume No 23. 1st Class -

It is further ordered adjudged and decreed that the Defendants Thomas H Miller do have and recover of and from the defendants the Unknown heirs of Obedience Smith and the defendant Piety L Hadley one Equal undivided one Sixth of the aforesaid track of Land. It is further ordered adjudged and decreed that Each of the Parties to this suit pay Costs in proportion to the amount of land recovered by them in this suit It is further ordered adjudged and decreed that J H Callett R M Thompson and F M Maddox are hereby appointed Commissioners to divide and Partition the aforesaid track of Land in the following proportion 1st. A Sufficient quantity of said land at its Fair Cash value to be worth the amount of Costs accrued in this Cause to be set apart to the plaintiff T L Wren who is hereby adjudged to pay the Costs of this Cause to the officers of Court who by his Counsel indicates his willingness to do so. 2nd One Sixth of the remainder of said track to the said T. L. Wren. 3d One Sixth of the said tract after deducting the quantity of land set apart to pay the Costs of this suit to the defendant T H Miller and 4th The residue of said Land to the defendants Piety L Hadley and the Unknown heirs of Obedience Smith and the said Commissioners are hereby directed to report to this Court on or before the first day of the next Term thereof their action in this matter -

6068 C W White vs City Water Co } On this December 17th it was ordered by the Court that plaintiff have leave to file first amended petition -

6068 C W White vs City Water Co - On this 18th day of December it is ordered by the Court that this Cause be set for 19th at 9 O'Clock

7007 Fields Raney & Thomas vs Travis C R R B Co - Continued on affidavit of Defendant

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Tuesday the 19th day of December 1883.

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

6068

C W White
vs
City Water Co

On this the 19th day of December 1883 it is ordered by the Court that Deft have leave to file first Amended Original Answer and plaintiff first Supplemental petition - and thereupon this cause coming on for trial came the parties plaintiff and defendant and announce ready for trial, Thereupon came on to be heard the General demurrers and Special exceptions of the defendant as contained in the first Amended Answer of Defendant to plaintiffs Amended Original petition which being by the Defendant submitted to and fully ~~Considered~~ considered by the Court, the Court overruled said General demurrer and also overruled each and all of said Special exceptions, to which ruling of the Court defendant excepted and thereupon came on to be heard the special exceptions of plaintiff to the seconds, third, fourth, fifth and sixth paragraphs of defendants Amended answer and which exceptions being by the Court considered and fully understood the Court overruled said exceptions so far as the same applied to the second and third paragraphs of said answer and sustained said exceptions as to paragraphs 4, 5 & 6, of said answer to which ruling of the Court in sustaining the Exception to said paragraphs, 4, 5 & 6, the defendant excepted and no Jury having been demanded by either party the same was submitted to the Court and the Court after hearing the pleadings, Evidence and Argument of Counsel, it is considered ordered adjudged and decreed by the Court that the plaintiff C W White do have and recover of and from the defendant the City Water Company the sum of ($4337.79) Four thousand three hundred and Thirty seven 79/100 Dollars principal and interest on the note sued on to this date with interest thereon from this date at the rate of 10% per annum until paid and the further sum of four hundred ($400.00) Dollars attorneys fee with interest at the rate of 8% per annum and all costs of this suit for which let Execution issue. To which judgment of the Court Defendant in Open Court excepts and gives notice in Open Court of Appeal to the Supreme Court

Appeal bond approved and filed Dec 19th 1883. Appeal bond approved and filed Dec 19th 1883. Citation issued Dec 19th 1883. Transcript filed Jan 2nd 1884. Citation returned executed Jan 2nd 1884. Payment of Costs, by the Plaintiff C W White Dec 20th 1883. E. P. Coleman Clerk. Alleys for C W White

3723. A J Brown Etal
vs
Lucretia B Renfro Etal
Jno Bremond Etal Intervenors

And now on this 18th day of December 1883 came the parties by their attorneys respectively and announced themselves ready for trial and thereupon came

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Wednesday the 19th day of December 1883

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on to be heard the demurrer & Exceptions of the plaintiff to the petition of intervention of John Bremond and Frank B Jones which being heard by the Court, are overruled to which ruling Plaintiff excepts. And thereupon came on to be heard the Exceptions of defendant to the reply of Plaintiff to her second Supplemental answer and to the plea of intervention - Viz - to Subdivision No. 7. of said reply which being heard by the Court the Exception to Subdivision 6 is sustained to which ruling plaintiff excepts and Exception to Subdivision 7 is overruled to which ruling defendant excepts. and then came on to be heard the Exception of Intervenors to subdivision 4 of the aforementioned reply of Plaintiff which being heard by the Court is sustained to which ruling plaintiff excepts. And thereupon came a jury of twelve good and lawful men viz - D P Kinney and Eleven others who being Elected Empannelled and sworn. having heard the Evidence, the argument of Counsel and Charge of the Court retired to consider of their verdict and after deliberation returned into Court their verdict as follows towit, "1st Under the judgment in Cause No of Campbell vs Orr and Brown we find for the Intervenors against the plaintiff James T Brown, We the jury further find for the Intervenors as against J T Brown and Lucretia Renfro D P Kinney Foreman" Said jury further answering to the following Specific questions propounded by the Court in its Charge towit "1st Was R F Campbell a purchaser in good faith and did he pay the purchase money and receive deed for the land Claimed by the Intervenors without notice of the Claim of the defendant Mrs Renfro. Answer "Yes" 2nd Was John Bremond a purchaser in good faith and did he pay the purchase money and receive deed for the land claimed by the Intervenors without notice of the Claim of the defendant Mrs Renfro. Answer "Yes" 3rd What amount of the Judgment for Costs was paid by the plaintiff James. T. Brown, by the purchase at Sheriffs Sale? and you will find the date of such payment Answer $276.95 on August 7th 1883. You will also find what amount of money did plaintiff James T Brown pay upon the Execution sale for costs and find date of such payment Answer $350.50 on August 7th 1883." It is therefore ordered adjudged and decreed by the Court in the premises as follows. 1 That the Intervenors John Bremond and Frank B Jones do have and recover of the plaintiff J T Brown and Lucretia R Renfro the following described property - Viz - The following parts of lots 6 and 7 beginning at a point on S line of said Block No 73. 128 feet west of the S.E. Corner of Lot 5. Thence West with said line 56 feet to the S E Corner of a lot owned by John Hancock thence with the East line of said Hancocks Lot 128 feet to Bois de Arc Street Thence along the South line of said Bois de Arc Street 92 feet; Thence South on a line parrallel with Guadaloupe Street 64 feet to the North line of

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of the park of said Lots 5 and 6. deded to Fanny C Bibb Thence West with the North line to the N W Corner Thence South with the West line 6x feet to the place of beginning which Embraces the West 2/3 of said Lot six and East 2/3 of said Lot Seven except a small part anoyed to said Edwards out of the South East Corner of the West 2/3 of said Lot Six the portion excepted being 6x feet Long and 36 feet wide

2. That the remainder of said property -viz- Lot (8) Eight and the West 1/3 of Lot 7 and the N 1/2 of Lot (5) five and the N 1/2 of the E 1/3 of Lot (6) Six Block (73) City of Austin be partitioned between plaintiff J S Brown and Lucretia R Renfro defendant under the following terms restrictions and conditions .1. That said Lucretia R Renfro shall be charged with the value unimproved of the S 1/2 of said Lot 5 and the S 1/2 of E 1/3 of Lot 6 in said Block 73 and the said J S Brown shall be charged with the value of Lot 8 and the West 1/3 of Lot 7. and the improvements thereon save any erected since Brown's transfer to Bickway in said Block 73 and the rights of said plaintiff and defendant shall thus be Equalized in said property named observing the fore going adjudication of Charges of property to the parties respectively - 2. The interest of the said Lucretia R Renfro as it shall be determined by the Commissioners of Partition herein to be appointed is hereby Charged with a lien for the sum of $296.95 due to plaintiff J S Brown which if not paid by her within .. months from the rendition of this decree may be foreclosed and the property foreclosed as this Cause of Lien on real property but said lien is hereby Credited with the sum of Twelve 50/100 ($12.50) dollars from each month of the use and occupation of the N 1/2 of Lot 5 and N 1/2 of E 1/3 of Lot 6 said Block 73. Since the 23d day of May 1883 and shall be credited with the further sum of $2.50 dollars for each and every month the said J S Brown shall continue to occupy the same until partition and if said property should be awarded to said L R Renfro then the said lien shall be Credited pro tanto the proportion in value of any amount that may be charged against said property in favor of said Brown monthly with the sum of Twenty five dollars per month so long as said Brown plaintiff shall continue to occupy the same

3. That C R Johns Joseph Spence and A L. Seagarden be and they are hereby appointed Commissioners to partition Lot 8 & West 1/3 Lot 7. N 1/2 Lot 5 and N 1/2 of E 1/3 of Lot 6. under the adjudications herein made between the said Plaintiff J S Brown and Defendant L R Renfro and to make Report

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to this Court (4th) The Costs of the case unpaid including Cash of partition are adjusted as follows, towit the Intervenors recover Costs of Plaintiff and defendant and that the Costs of Partition be taxed one half ~~one half~~ to Plaintiff and one half against defendant for which Execution may issue

Emma Milde
vs
Frederick Milde

6084

And now on this 19th day of Dec^r 1883. Came the Plaintiff by Attorney and asks leave of the Court to dismiss this case - It is therefore considered ordered and decreed by the Court that this case be and the same is hereby dismissed and that the defendant recover all Costs in this behalf incurred for which let Execution issue -

3030 Silas H. Burdett adm. vs W.B. Burdett et al, No Counsel appearing it is ordered by the Court that this case be and the same is continued for the term

5851 A.R. Timms et al vs R. W. Duke et al, No Counsel appearing it is ordered by the Court that this case be and the same is hereby continued for the term,

6002. T. L. Ware vs T. H. Conkling et al., No Counsel appearing it is ordered by the Court that this cause be continued for the term -

6046 James Jackson vs Ann Lucy Cassidy. By Consent of Counsel for defendant, (No Counsel for Plaintiff present) it is ordered by the Court that this cause be and the same is hereby continued for the term,

6075 Wm M. Saunders vs J. C Duvall. Continued by Consent,

Emma Milde
vs
Frederick Milde

6084

Upon motion of plaintiff 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 expended for which let execution issue - further ordered that the officers of Court have execution against the plaintiff and defendant respectively for their costs -

7031 N. & T. L. R. R. Co. vs T. & P. Ry. Continued by Consent,

E. H. Mitchell
vs
F. R. Shipman

7041.

And now on this day come the plaintiff by attorney and moves 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 - and that plaintiff E. H. Mitchell pay all costs in this behalf expended for which let execution issue -

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Thursday the 20th day of December 1883

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

7027 Adams & Linard vs T. & P. R. R. Co. Continued by Court.
Court adjourned till tomorrow morning 9 o'clock

Thursday December 20th 1883

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

6060 W. P. Rogus vs W. W. Archer & wife } And now on this day came the plaintiff by attorney and states to the Court that this case has been settled, and asks the Court to dismiss the same. 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.

Court adjourned till tomorrow morning 9½ o'clock

Friday December 21st 1883.

Court met pursuant to adjournment present same as on first day of the Term whereupon the following proceedings were had to wit

5940 Albert Weir Et al vs Felix S. Smith Et al } And now on this 19th day of December 1883 this cause being regularly called for trial thereupon appears the parties by attorneys and announced themselves ready for hearing upon the questions of law. thereupon the defendants by attorney presented their demurrer to plaintiffs petition and the Court having heard the pleadings and the argument of Counsel on said Demurrer and having duly considered the same on this the 21st day of December it is the opinion of the Court that said Demurrer should be sustained, It is therefore ordered adjudged and decreed by the Court that defendants said Demurrer to plaintiffs petition be and the same is hereby sustained And the plaintiff by attorney declining to amend their pleadings it is further ordered and adjudged by the Court that plaintiffs said suit be and the same is hereby dismissed and that defendants go hence and recover of the plaintiffs all their Costs in this behalf expended for which execution may issue. To which action and ruling and decision of the Court Plaintiffs excepted and gave Notice of appeal to the Supreme Court in Open Court

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Friday the 21 day of Dec^r 1883

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Theresa Hutter
Helen Hutter &
Charles Hutter
vs
Emelia Hutter
Annie Zimmerman &
Florian W Zimmerman

7029

On this 21st day of December AD1883 came on to be heard the final Report of Tom Murrah Commissioner for the partition and distribution of the proceeds of the sale of N½ Lot 2 Block 42 in the City of Austin pursuant to former order of this Court in this Cause said final report being as follows, to-wit "Theresa Hutter Helen Hutter & Charles Hutter vs Emelia Hutter Annie Zimmerman and Florian W Zimmerman No 7029. In the District Court of Travis County Texas October Term AD1883. Comes now Tom Murrah Commissioner appointed by the Court in said Cause and Submits this his final report of the sale of property under the decree in said Cause and of the distribution of the proceeds of said sale as follows-

I have received from Frank Brown on the sale of North half of Lot No 2 Block 42 City of Austin in Cash 2000.00

In Note due Oct 1st 1884 1300.00

Total $3300.00

I have disbursed under order of this Court as follows-

1st To James P Hart Clerk of this Court to Com Costs of this suit 41.00

2 " Jas P Hart Clerk of this Court the 1/8 interest of Helen Hutter 407.37½

and 1/8 interest of Charles Hutter 407.37½

in said fund aggregating $814.75 -

3. To Emelia Hutter her 1/8 interest of said proceeds 407.37½

4 " Annie & Florian W Zimmerman the 1/8 of said proceeds belonging to said Annie 407.37½

5 " said Theresa Hutter in Cash as part of the 1/2 interest therein $329.50

6 " " Theresa Hutter the note of said Brown 1300.00 1629.00

3300.00

I have taken the receipts of all said parties in duplicate to file herewith one of said duplicates for each payment - I have executed and delivered to Frank Brown the purchaser of said property a deed of Conveyance Conformably to the order of this Court. Having finally disposed of said funds I now pray the Court for an order confirming the same and for an order finally discharging me from said trust &c. Tom Murrah Commissioner"

I Tom Murrah being duly sworn on oath say that the facts set forth in the foregoing report are true - Tom Murrah

Sworn to and Subscribed before me this 19th day of December AD1883

Jas P Hart Clk Dist Ct Travis Co Texas

Austin Texas 19 1883. Received from Tom Murrah Commissioner Forty one Dollars Costs in Case Hutter vs Hutter No 7029. Dist Court Travis Co in full

Duplicate

$41.00

Jas P Hart Clk Dist Court Travis Co

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Friday the 21 day of December 1883

No 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers, Printers,

Duplicate $814.75

Austin Dec 17. 1883 - Received from Tom Murrah Commissioner Eight hundred and fourteen 75/100 Dollars being the full shares of $407.37½ each of Helen & Charles Hutter in the partition of N½ Lot 2 Block 42 City of Austin as per decree of Dist Court of Travis County Case No 7029 Hutter et al vs Hutter et al - Geo P Clark Clk Dist Ct Travis County

Duplicate $407.37½

Austin Dec 17. 1883. Received from Tom Murrah Commissioner four hundred and Seven 37½/100 Dollars being my full share in the partition of proceeds of N½ Lot 2. Block 42. City of Austin as per decree in Case No 7029. Hutter vs Hutter Dist Court Travis County - India Hutter

Duplicate

Austin Dec 17. 1883. Received from Tom Murrah Commissioner four hundred and Seven 37½/100 Dollars being the full share of Annie Zimmerman in the partition of N½ Lot 2 Block 42 City of Austin by decree of Dist Court of Travis County in Case No 7029. Hutter et al vs Hutter et al

$407.37½ J Hutter Atty in fact for Annie & W Zimmerman

Austin Dec 17. 1883. Received from Tom Murrah Three hundred and twenty nine 50/100 dollars being the Clerk part of my share in the

Duplicate $329.50

partition of N½ Lot 2 Block 42 City of Austin as per decree of Dist Court of Travis County Case No 7029. Hutter vs Hutter J Hutter -

Austin Dec 17. 1883. Received from Tom Murrah Commissioner Note for Thirteen hundred dollars executed by Frank Brown to said Theresa Hutter in part payment for N½ Lot 2 Block 42 City of Austin as per decree of Dist Court of Travis County Case No 7029. Hutter vs Hutter $1300 -

Duplicate

J Hutter "

And the said Tom Murrah having produced and filed in this Court the receipts of the several parties aforesaid and of the Clerk of this Court showing that he has disposed of said funds as ordered by this Court and as set forth in his said report and it appearing to the Court that said Tom Murrah has fully discharged all his duties as Commissioner aforesaid and that he has accounted for and paid over to the proper parties all of the proceeds of said Lot - It is therefore ordered adjudged and decreed by the Court that said Tom Murrah be and he is hereby from discharged from his said Trust and relieved of any further liability Therefore It is further ordered by the Court that the Share of the minor Helen Hutter of Four hundred and Seven & 37½/100 Dollars ($407.37½) and also the Share of the minor Charles Hutter of Four hundred and Seven 37½/100 Dollars $407.37½ shall remain on deposit in the registry of this Court until a guardian or guardians of the Estate of said Minors shall be appointed and qualified or until they shall severally

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Friday the 21 day of December 188 3

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arrive at the age of twenty one years unless the said Helen shall sooner marry and thereby become of age and this Case shall remain open for the purpose of finally disposing of said funds. It is further ordered adjudged and decreed that the Conveyance of said North half of Lot 2 Block 4 2 by said Commissioner to Frank Brown be approved and confirmed and that all the right Title and interest of both the plaintiffs and defendants to this Cause be divested out of said plaintiffs and Defendants and that the same are forever vested in said Frank Brown subject only to the payment of the purchase money note for $1300.00 in favor of said Theresa Hutto and all the acts of said Commissioner are hereby approved and confirmed —

5987

T L Wren
vs
Thomas H Miller
The Unknown heirs of
Obedience Smith and
Piety L Hadley

And now at this time Came on to be heard the motion of plaintiff to confirm the report of the Commissioners J H Collett and R M Thomson who with F M Maddox were by an order and decree of this Court on the 15th day of December 1883 appointed to divide and partition the tract of land in Controversy in this Cause and which said report is in the words and figures as follows to wit

"T L Wren vs T H Miller et al. No 5987. In Dist Court Travis Co Texas
" Fall Term 1883. To the Hon A.S. Walker Judge of the 16th Judicial
" District of Texas holding sessions at Austin — The undersigned
" J H Collett and R M Thomson two of the Commissioners heretofore ap
" pointed by an order and decree of this Court Entered on the 15th day
" of December 1883 in the above numbered and styled cause to partition
" and divide that certain tract or parcel of land situated in
" the County of Crockett and State of Texas on Waters of Devils River
" a tributary of the Rio Grande about 36 Miles N 29° E. from
" old Fort Hudson and known as Survey No 4 Block 1 C.C. and
" described by Metes and bounds as follows: Begining 1157 6/10
" varas South of the S E Corner of Survey No 3 in this block
" made by virtue of Certificate No 75 issued to the heirs of Stephen
" Denison on November 4 1859. at a Rock mound 3 feet high
" for the N W Corner of this Survey from which a Live Oak 12
" 12 in Dia bears N 59° E. 32 vrs and another Live Oak tree 8 inches
" in Diameter bears N 75° E. 44 Varas Thence East 2642 4/10 vrs to
" a stake and mound for the N E Corner of this survey - Thence S.
" 2642 4/10 vrs to a stake and mound for the S.E. Corner of this
" Survey Thence West 2642 4/10 varas to a Rock monument 3 1/2
" feet high the S E Corner of Survey No 2 in this block for the
" S W Corner of this Survey from whence a Live Oak tree 5 inches

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" bears North 45° 15' East 50 Varas and another Live Oak tree 15
" inches in diameter bears North 20° W 79 vrs. Thence North at 1900 vrs
" from a Rock monument 3 feet high the N.E. Corner of Survey No 5
" in this block 2642 4/10 Varas to the place of begining Containing
" 6983.290 Sq varas patented to Obedience Smith by Patent No
" 600 Volume 23rd 1st Class. beg leave to report that under the terms
" of the order and decree upon which which they were appointed
" they were to divide and partition said track of land into four
" portions - 1st Sufficient of the said track of land to be set apart to
" the plaintiff T. L. Wren to be Equal in value to the amount of Costs
" due in this Cause which they have ascertained to be Sixty five dollars
" 2nd One Sixth of the residue to the said T. L. Wren 3rd One Sixth
" of said track after deducting the track set apart to T L Wren
" for Costs, To Thomas H Millus and 4th The residue to the unknown
" heirs of Obedience Smith and Mrs Patty L Hadley. That in obedience
" to said order and decree they first set apart to said T. L. Wren a tract of
" one hundred acres of said track of land believing from the best in
" formation in this reach that sixty five cents per acre was a fair
" Cash price for land in that County where this land is located said
" tract of one hundred acres being described as follows - Begining
" at the S W Corner of this Survey. the S.E. Corner of Survey No
" 12 in this block at a rock monument from which a live
" oak tree 5 inches bears North 45° 15' East 50 Varas and another
" Live oak tree 15 inches in diameter bears North 20° W 79 Varas
" Thence North with the West line of the Original Survey 213
" Varas to a point in said west line Thence East 2642 4/10 Varas
" to the East line of said Original Survey Thence South 213 Varas
" to the S.E. Corner of the Original Survey a Rock and Mound
" Thence West 2642 4/10 varas with the South line of the original
" Survey to the place of begining, and Containing one hundred
" acres - That they have set apart to said T L Wren in addi
" tion to the tract last aforesaid a tract of land equal to
" one sixth of the residue of said Original tract after deduct
" ing the aforesaid one hundred acres! Said tract of land being
" described as follows Begining at a point in the East line
" of the Original Survey of Obedience Smith 213 Varas
" North from its S.E. Corner and being the North East Cor
" ner of the 100 acre tract heretofore set apart to T. L. Wren
" Thence North 416 varas to a point in the East line of
" said Original Survey Thence West 2642 4/10 Varas to a

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point in the West line of said Original Survey Thence South 405 Varas with
said West line to the North West Corner of a track of 100 acres heretofore set apart
to T L Wren Thence East with the North line of the last named track 2644 2/10
varas to the place of begining and Containing 189½ acres-
That they have set apart to the Defendant Thomas H Miller one Equal one
sixth part of said original track after deducting said 100 acres Said tract
of land so set apart to Thomas H Miller being described by metes and bounds
as follows Begining at a point in the East line of the Original Survey
of Obedience Smith 617 varas North from the South East Corner of the
same at the North East Corner of a track of 189½ acres of land here-
inbefore set apart to T L Wren Thence North 405 Varas with
the said East line to a point in the same Thence West 2644 2/10 Varas
to the West line of said Original Survey Thence South with said West
line 405 Varas to the North west Corner of a track of 189½ acres
hereinbefore set apart to T L Wren Thence East 2644 2/10 varas with
the ~~North line of the~~ track last aforesaid to the place of begining
and Containing 189½ acres —
That they have set apart to the unknown heirs of Obedience Smith
and Pity L Hadley jointly all the residue of said original Survey
the said residue being described by metes and bounds as follows
Beginning at the North East Corner of the original Obedience
Smith Survey- Thence South with the East line of said original
Survey 1619 4/10 varas to the North East Corner of the track of
land set apart to Thomas H Miller Thence with the North line
of the last named survey West 2644 2/10 Varas to the west line
of said Original Survey and the North Corner of said track
set apart for Thomas H Miller Thence with the west line of
said Original Survey North 1619 4/10 varas to the North West
Corner of the Original Survey - Thence with the North line
of the original Survey 2644 2/10 Varas to the place of begining
and Containing 757 acres of land.
Your Commissioners beg leave to report that they have made
this partition and division from their general Knowledge of the value of land
in Crockett County Texas and not from any special Knowledge of
this particular parcel of land - They believe however the partition
as herein set out is fair and Equitable under the terms of the decree
and directions to them Respectfully Submitted D H Collett - R M Thomson
Commissioners
Sworn to and Subscribed before me
this the 21st day of December 1883.

Jas P Hart Clk

Dietrich Court Minutes, October Term, 1883

Friday the 21 day of December 1883

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

And it appearing to the satisfaction of the Court after examining said Report that the same was made by a majority of the said Commissioners and that the partition therein recommended is just fair and Equitable and that the said partition has been made by the said Commissioners in accordance with the law

It is therefore ordered adjudged and decreed that all the right title and interest and Claim of the Defendants Thomas H Miller Piety L Hadley and the unknown heirs of Obedience Smith in and to the two tracts of land next hereinafter described, be and the same is hereby divested out of them and the same is hereby fully vested in T L Wren which said two tracts of land are described as follows: Begining at the S.W. Corner of this Survey the S E Corner of Survey No 12 in this block at a rock monument from whence a live oak tree 5 inches bears North 45° 15' East 50 Varas and another Live oak tree 15 inches in diameter bears N 20° W 79 Vrs Thence North with the West line of the Original Survey 213 Varas to a point in said West line Thence East 2642 4/10 Varas to the East line of said Original Survey Thence South 213 Varas to the South East Corner of the Original Survey a Rock and mound Thence West 2642 4/10 varas with the South line of the Original Survey to the place of begining and Containing one hundred acres - 2nd tract - Begining at a point in the East line of the original Survey of Obedience Smith 213 Varas North from its South East Corner and being the North East Corner of the 100 acre tract hereinbefore set apart to T L Wren Thence North 405 Varas to a point in the East line of said Original Survey Thence West 2642 4/10 Varas to a point in the West line of said original Survey Thence South 405 Varas with said West line to the North West Corner of a tract of 100 acres hereinbefore set apart to T L Wren Thence East with the North line of the last named tract 2642 4/10 Varas to the place of begining and Containing 189½ acres

It is further ordered adjudged and decreed by the Court that all the right title and interest and Claim of the plaintiff T L Wren and the defendants Piety L Hadley and the unknown heirs of Obedience Smith in and to the following described track of land is fully divested out of them and the same is fully vested in the defendant Thomas H Miller said land being described as follows - Beginning at a point in the East line of the Original Survey of Obedience Smith 617 Varas North from the South East Corner of

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the same at the North East Corner of a track of 189½ acres of land hereinbefore set apart to T L Wren Thence North 405 varas with the said East line to a point in the same Thence West 2642 4/10 varas to the West line of said Original Survey Thence South with said West line 405 varas to the North West Corner of a track of 189½ acres herein before set apart to T. L. Wren Thence East 2642 4/10 Varas with the north line of the track last aforesaid to the place of beginning and Containing 189½ acres.

It is further ordered adjudged and decreed by the Court that all the right title interest and claim of the Plaintiff T L Wren and of the Defendant Thomas H Miller in and to the following track of land is hereby divested out of them and the same is hereby fully vested in Piety L Hadley and the unknown heirs of Obedience Smith which said track of land is described as follows:- Beginning at the North East Corner of the original Obedience Smith Survey Thence South with the East line of said original Survey 1619 4/10 Varas to the North East Corner of the tract of land set apart to Thomas H Miller Thence with the North line of the last named Survey west 2642 4/10 Varas to the West line of said Original Survey and the North Corner of said tract set apart for Thomas H Miller - Thence with the West line of said Original Survey North 1619 4/10 Varas to the North West Corner of the Original Survey Thence with the North line of the Original Survey 2642 4/10 Varas to the place of beginning and Containing 757 acres of Land.

It is further ordered that the Plaintiff T L Wren pay all the Costs incurred in this Cause for which execution may issue he having accepted a portion of this tract of land under this decree as Compensation for said payment.

7059. H & T C Ruy Co vs E E Wilson } It is ordered by the Court that Plaintiff have leave to file first Amended Original Petition which may be filed by the 1st day of the March Term 1884 and the Cause Continued

7060 H & T C Ruy Co vs E E Wilson } It is ordered by the Court that Plaintiff have leave to file first amended original ~~petition~~ Petition which may be filed by the first day of the March Term 1884 and the Cause Continued -

7039 R E Montgomery vs Maddux Bros & Anderson & Prentiss & Munson } And now on this day came the Parties to this suit the Plaintiff by Attorney and the Defendants by their answer in the shape of a general ~~demurrer~~ and

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Friday the 21 day of December 1883.

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

the Partis having in writing waived a jury and in writing Consented to the trial of this Cause, this day the matters in issue as well of fact as of law were Submitted to the Court - And the Court having heard the facts of the Case on the issues joined and fully understanding the law on the facts and of the Case doth order adjudge and decree as follows. 1 That the law of the Case on the facts in Evidence is with the plaintiff R.E. Montgomery and against the defendants John W Maddox Frank M Maddox and Charles A Anderson. under their firm name of Maddox Bros & Anderson and Jab Gunter and W B Munson under their firm name of Gunter & Munson - 2- That the field notes returned to the General Land Office Certified by Louis C Wise, as a deputy Surveyor and Examined and approved by Earl McKee Surveyor of the Palo Pinto Land District Texas on or about the 3rd day of December 1882 and made out and Surveys Pretended to have been made in September of year 1882 and between the 15th and 30th days of said Month of September and which have been platted on the Maps in the General Land Office of Texas on the Territory of the unorganized Counties of Martin, Gaines, Dawson and Andrews and Noted on said Maps as Sections- ~~28. 29. 30.~~ 31. 32. 33. ~~34~~ 35. 36. 37. ~~44. 45. 46.~~ 47. 48. 18. 27. 26, 31. ~~—~~ . 21. 20. 19. 18. ~~17. 16.~~ 15 14. 13. 12. 5. 4. 3. 2. ~~1.~~ 37. 36. 44. 45. 5. 4. 36. 37. 38. 39. 40. 41. 42. 33 34. 35. 32. 31. 30. 29. 28. 27. 26. 25. 24. 23. 22. 21. 20. 19. 18. 17. 16. 15. 14 - 13. 12. 11. 10. 9. 8. 7. 6. 5. 4. 3. 2. 1. 36. 37. 38. 39. 40. 41 42. 35. 34. 33. 32. 31. 30. 29. 28. 27. 26. 25. 24. 23. 22. 21. 20. 19. 18 17. 16. 15. 14. 13. 12. 11. 10. 9. 8 — Are invalid fraudulent and void and do not now and never did vest in the defendants or either of them any just or lawful right title Claim or interest legal or Equitable in and to the lands Embraced in said field Notes or any part thereof. And they the said Field notes are hereby declared to be fraudulent null and Void, and are hereby Cancelled Set aside Condemned and held for naught

3. That the designation by Plaintiff - the Survey of the land designated - Return of the Field Notes to the General Land Office and the payment of the purchase money to the State by plaintiff as shown by the Evidence for all of the land embraced in the following Sections of land in the unorganized Counties of Dawson, Gaines, Martin and Andrews and which are platted on the Map of the General Land Office representing said unorganized Counties and most of which if not all are covered

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Friday the 21 day of Dec^r 1883.

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the fraudulent invalid and void field notes returned by defendants herein before condemned and Cancelled and held for naught - Sections 58. 59. 60. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 93, 94, 95. 96. 97. 98. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 131. 132. 133. 134. 135. 136. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259 and 260. in Bleve C.C. vested in said plaintiff R.E. Montgomery a good sufficient and valid and regular Equitable title to all of the land identified by said named Sections and by virtue of said title is legally entitled to said land notwithstanding the invalid insufficient and irregular right claim or title, apparently vested in said defendants in by and because of said fraudulent, void and invalid field notes hereinbefore annulled Cancelled Condemned and held for naught. — And it is hereby further ordered adjudged and decreed by the Court that the said Field notes of the defendant Constitute in law and fact a Cloud on the superior Equitable title of Plaintiff to the lands described in his petition and said Cloud so constituted is hereby forever removed and cleared from plaintiffs said title — It is further ordered that Defendants pay all Costs in this behalf expended for which Execution may issue

Thereupon Court adjourned until tomorrow morning 9. O'Clock

Saturday December 22nd 1883.

Court met pursuant to adjournment present same as on first day of the term Whereupon the following proceedings were had to wit

3723 James T Brown as L R Renfro } And now on this day came on to be heard the plaintiffs motion for a new trial in this Cause. which motion being heard and duly considered by the Court, was by the Court overruled and plaintiff thereupon in open Court Excepted to the ruling of the Court and in open Court gave notice of appeal to the Supreme Court.

3723 James T Brown as Lucretia Renfro } And now came on to be heard the motion of Plaintiff for ~~that~~ allowed Ten days after the adjournment of Court in which to file Statement of facts in this Cause

It was thereupon ordered by the Court that said leave be granted and that plaintiff have ten days from the adjournment of this Court to file his Statement of facts in this Cause

District Court Minutes, October Term, 1883

Saturday the 22nd day of December 1883

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

7961 Ex Parte } Declaration of Intention to become a Citizen
Robert L Brown } The State of Texas County of Travis

Robert L Brown being duly sworn according to law in the District Court of said County doth declare that he was born in the year AD1842 in the Kingdom of Scotland whence he Emigrated in the year of 1883 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 ~~Great Britain~~ England of whom he was a subject.

R L Brown.

Sworn to and Subscribed before me this 22nd day of ~~September~~ December 1883

Jas D Hart Clerk.

If 139 The State of Texas } This cause being called for trial by Consent
as } the Defendant having filed his answer herein
P. C. Taylor } and the same having been submitted upon said answer It is considered ordered and adjudged by the Court that the Judgment Nisi heretofore entered in this cause be and the same is hereby made final for the sum of Ten ($10) Dollars and all Costs - It is therefore ordered and decreed by the Court that the State of Texas do have and recover of and from the Defendant P C Taylor the sum of Ten ($10) Dollars and all Costs for which let Execution issue

6037 Manly Austin } It is ordered by the Court upon agreement
vs } of parties Dec 13th 1883, that this cause
I. & G. N. R R Co } be and the same is hereby Continued - as an application of Defendant -

5863. J R Morgan } This Cause was on the 13th day of
vs } December 1883. Continued by Consent
W. E. Morgan } of both parties —

7962 Ex Parte } The State of Texas County of Travis
R L Brown } At a Session of the District Court of Travis County Texas held on the twenty second day of December AD1883. Robert L Brown Esqr of Travis County Texas presented his application for License to practice Law in the Courts of this State accompanied with recommendations and testimonials from Hon R W Walton. John F.

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Brackenridge and John Wm Wilson Esqrs and Exhibited to the Court his License to practice Law in the Courts of the Kingdom of Scotland and having declared in due form his intention of becoming a citizen of the United States of America It is thereupon this 22nd day of December AD1883 ordered by the District Court of Travis County that Robert L Brown Esqr be admitted to practice Law in the District and all inferior Courts of the State of Texas.

A J Walker Judge 16th Distrct

Attest. James P Hart Clerk District Court Travis County Texas.

I Robert L Brown to make oath on the Holy Evangelist of Almighty God that I will support the Constitution of the United States and of the State of Texas that I will honestly demean myself in the practice of the law and will discharge my duty to my client to the best of my ability

R L Brown

Subscribed and Sworn to before me this 22nd day of December AD1883.

Jas P. Hart Clerk Dist Court Travis County.

88

S M Swenson

vs

5984

John Stringer Etal

In District Court Travis County Texas Dec 30/83

Honorable A. J. Walker District Judge being disqualified to try this Cause by reason of having been Counsel of plaintiff we hereby agree and Consent that Hon J W Robertson atty at law shall try the same- Maxey & Fisher

Attys for Plaintiff

H A Chandler atty for Clara D Stringer H E Shelley atty for Jno Stringer

The State of Texas — Oath of Office-

I John W Roberts on do Solemnly Swear that I will faithfully and impartially discharge and perform all the duties incumbent upon me as Special Judge in the trial of Cause No 5984 of Swenson vs Stringer in District Court of Travis County Texas, 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 nor aided advised or assisted any person thus offending. And I further 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 or to Secure my Appointment

J W Roberts on

Sworn to and Subscribed before me this 20th day of Dec 1883 Jas P Hart Clk District Court Travis County Texas

Dietrich Court Minutes, October Term, 1883

Saturday the 22 day of December 1883

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

5984

S. M. Swinson
vs
John Stringer wife & S. M. Swinson

And now on this 20th day of December 1883 the Hon A.S. Walker Judge of the 16th Judicial District of the State of Texas. being disqualified to sit in this Case by reason of having been of Counsel therein and the Hon. John W Robertson having been selected, by agreement in writing heretofore filed and of record in this Case, as Special Judge to try this Cause, and he the said John W Robertson having duly and legally qualified as such Special Judge by taking the Constitutional Oath required by law which said Oath is also of file and Record in this Cause, thereupon ordering & the Court that plff have leave to file Amended original Petition Thereupon Came the parties plaintiff and defendants John Stringer and Clara D. Stringer by their attorneys and the said defendant S. M. Swinson having been duly served with process failed to appear and answer and wholly made default and no jury having been demanded by either party the matters in Controversy as well of fact as of law were submitted to and tried by the Court and the Pleadings Evidence and argument of Counsel having been heard and fully understood and Considered by the Court It is ordered by the Court that the Exceptions of defendants Clara D Stringer and John Stringer to plaintiffs original Petition be and the same are overruled to which ruling of the Court the said defendants then and there excepted. And Now on this 22nd Dec 1883 It is further ordered adjudged and decreed by the Court that the Plaintiff Swanto M Swenson do have and recover of and from the said defendant John Stringer the sum of Two thousand three hundred and fifty Eight ($2358.00) dollars with ten (10) per cent per annum interest thereon from the date hereof until Paid together with all Costs of suit in this behalf expended. And it further appearing to the Court that said amount of $2358.00 is the balance remaining due on a promissory note executed by said defendant John Stringer to plaintiff on the 5th day of March 1877. and that said note was secured by a deed of Trust executed by said defendants John Stringer and his wife Clara D Stringer bearing date the said 5th day of March 1877. in which said Deed of Trust the following described real Estate together with all improvements thereon was conveyed to secure the payment of said note and by virtue of which a lien exists in favor of plaintiff towit. A Certain Parcel of real Estate situated in the City

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of Austin County of Travis and State of Texas the same being forty six (46) feet in width and one hundred and thirty Eight (138) feet in length off the North side of the North East quarter of said Lot number 35 in Division E. of said City and it further appearing to the Court that the said real Estate above described constituted no part of the homestead of said defendants John Stringer and Clara D Stringer, when said deed of trust was executed. It is therefore ordered adjudged and decreed by the Court that said deed of trust and the lien thereby created in plaintiffs favor on said above described parcel of real Estate be foreclosed and that the Clerk of this Court do issue an order of sale directed to the Sheriff or any Constable of said County of Travis Ammanding him to seize and sell the above described real Estate as under Execution and that he apply the procuds of such sale to the payment and satisfaction of said sum of Two thousand three hundred and fifty Eight ($2358.00) dollars together with all interest that may be due thereon and the costs of this suit! And if the said Real Estate 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 defendants John Stringer and Clara D Stringer! but if the said Real estate shall not sell for enough to pay off and discharge said sum of ($2358.00) interest and costs as aforesaid then said officer shall make the balance remaining unpaid out of any other property of the defendant John Stringer as in case of ordinary Executions. It is further ordered adjudged and decreed by the Court that any interest right claim or title either legal or equitable which may have been invested in said defendant S J Swenson as trustee mentioned in said deed of trust be and the same is divested out of the said S J Swenson. And to this judgment and decree the said defendants John Stringer and Clara D Stringer by their Attorney in open Court except and give notice of appeal to the Supreme Court

The foregoing two Entries having been examined in open Court the same are hereby approved.

D. W. Robertson Special Judge.

7059.

H. & T. C. Ry Co. vs E. E. Wilson

The defendants having filed and presented a good and sufficient petition and sued for removal of this cause to the Circuit Court of the United States in the Western Dishich of Texas at Austin it is ordered that further

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Saturday the 22^d^ day of December 1883

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

action in this court to be suspended

7060 — N. & T. C. Ry Co } The defendant having filed and presented
vs } a good and sufficient petition and bond
E. E. Wilson } for removal of this cause to the Circuit
Court of the United States for the Western District of Texas.
it is ordered that further proceedings in this court be
suspended.

5984 — D. M. Drennon } Upon motion of defendants atty
vs } it is ordered by Hon Jno. W.
John Stringfellow et al } Robertson Special Judge presiding
in this cause that the parties have ten days time from
and after the adjournment of this Court in which to file
a Statement of fact, and Bill of Exceptions in this cause. J. W. Robertson
Special Judge

7063. — Henry G. Baker } The State of Texas. County of Travis
Ex parte } At a Session of the District Court of
Travis County Texas, held on the 22^d^ day of December
1883. Henry G. Baker Esq of Travis County Texas presented
his application for license to practice law in the District
and all inferior courts of this State, being accompanied
with testimonials from D. D Johns. Daniel G. Stiles and
J. J. Fillmore Esqrs. practicing attorneys of this Court and
exhibited to the Court his license to practice law in all
the courts of record in the State of Ohio. It is therefore
ordered by this Court that the said Henry G. Baker 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.

The State of Texas } The foregoing entries having been
Travis County } read in open Court & amended and
found correct are hereby approved and ordered that
they stand as part of the Minutes of the present term
of this Court. And that this court now stand ad-
-journed until the next regular term.

A. S. Walker
Judge 16th Distr.

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District Court Minutes, March Term, 1884

Monday the 3d day of March 1884.

The State of Texas } Be it remembered that at a term
Travis County } of the Honorable District Court of
Travis County begun and holden at the Court House thereof
at the City of Austin on Monday the 3d day of March
A. D. 1884, the same being the day fixed by law for the
holding of said Court, The Hon A. S. Walker Judge of the 16th
Judicial District of the State of Texas presiding and presiding,
James P. Nash Clerk of said Court and M. M. Hornsby
Sheriff of said County being present the following proceedings
were had, viz:

5274. J. R. Ray et al vs Vincent Chambers et al, Passed to end of the docket.

W. B. Ikard } And now on this day comes the Plaintiff
6099 vs } by Attorney, and moves the Court to dis-
W. A. Taylor } miss this cause. It is therefore ordered
by the Court that this cause be and the same is hereby
dismissed at costs of Plaintiff. For which execution
may issue.

5809 H. C. Smith vs I. G. N. R. R. Co. Set for trial for Mch 21, 1884
by agreement.

6037 Manley Hicks vs I. G. N. R. R. Co. Set for trial for Mch
20th by agreement.

5992 The State of Texas } On this 3d day of March A. D.
vs } 1884 came the State of Texas
A. B. Hardin et al } Plaintiff by her Attorneys Moore
& Brown; And also the defendants A. B. Hardin, A. S.
Gardiner, Richard Smith and A. Green by their Attorneys
W. D. Wood and Rieles and Thomson whereupon both parties an-
-nounced themselves ready for the trial of this cause — and
pain a jury and submit the matters of fact as well
of law to the Court — and the Court having heard the plea-
-dings evidence and argument of Counsel, and having fully
considered the same doth order adjudge and decree that
the Plaintiff the State of Texas, do have and recover of and
from the defendants A. B. Hardin, A. S. Gardiner, Richard
Smith and A. Green the sum of ($1500.00) Fifteen hundred
dollars with interest thereon from this date until paid
at the rate of 8% per annum and all costs in this
behalf expended for which let execution issue.
And it further appearing to the Court that said defendants

District Court Minutes, March Term, 1884

Monday the 3d day of March 1884

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

were read as the sureties of W. B. Middleton now deceased former Sheriff and Tax collector of Leon County Texas, on his official bond, it is therefore further ordered adjudged and decreed by the Court that in case one or more of said defendants shall pay off and discharge this judgment the same shall not be discharged thereby, but said judgment shall remain in full force and be prosecutable to execution against said defendants who have failed to pay their proportionate part of the same, for such proportionate part due by them and for the use and benefit of the defendants who have paid the same with interest and costs of suit. It is further ordered that execution issue on behalf of the officers of Court for all costs in this behalf incurred—

7118 J. J. Mabry vs T. & G. N. R. R. Co } And now on this day comes the plaintiff by attorney and moves the court to allow the Sheriff to amend his return of citation in this cause, which leave was by the court granted, and ordered by the court that said Sheriff amend his said return in accordance with the facts.

5695 W. A. Bell Jal vs E. N. Shands Jal Continued for service.

5696. W. A. Bell Jal vs Ed Williams Continued for service.

Court adjourned till tomorrow morning 9 o'clock.

March 4th 1884

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

2955 Abby Thompson Admx. vs A. H. Barnes Jal. No counsel appearing cause ordered continued.

2958 Abby Thompson Admx. vs George Saunders. No counsel appearing cause ordered continued.

3030. Giles N. Burdett Admr. vs W. B. Burdett Jal. Upon motion it is ordered by the Court that this case be passed to end of docket.

4320 A. G. Barragar vs N. T. & G. R R. Co. By agreement it is ordered by the Court that this case be passed to end of criminal docket.

4795 John C. Duval Jal. vs Robert Cruzhaur Jal. Upon motion it is ordered by the Court that this case be passed to end of docket for orders.

5021. J. B. Wygall Jal vs The State of Texas. Upon motion it is ordered by the Court that this case be passed to end of docket

Dist. Court Minutes, March Term, 1884

Tuesday the 4th day of March 1884

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5383. Becky Pickett vs. Lee Pickett. No counsel appearing case ordered continued

5447 Mary A. Smith vs Smith Bergen & Campbell. No counsel appearing case continued,

5452. Mary A. Smith vs Smith & Campbell. No counsel appearing case continued,

5454 Mary. A. Smith vs Smith & Shands. No counsel appearing case continued,

5559 D. L. Crow et al vs Ella Calvert et al, No counsel appearing case continued,

5677. Catherine Wagner vs Joseph Wagner, No counsel appearing case continued,

5679. Richard J. Galvan vs Martha M. Galvan, Upon motion of Plaintiff's attorney case passed to end of the docket,

5692. J. N. Carey vs Augusta Carey, By consent of defendants Atty case passed to end of docket,

5769. Nemitta Brinn vs Henry Brinn. By consent passed to the end of the docket,

5774 The State of Texas vs W. R. Edwards et al. By agreement it is ordered by the Court that this case be and same is hereby set for trial for April 28th 1884,

5790 Virginia Wilson et al vs T. J. White et al. Passed to end of docket for report of Commissioners,

5838 Sarah E. Pittman vs J. R. Pittman. Passed to end of docket,

5848 Joe N. Stewart vs Mc C. Ragan - No counsel appearing Continued,

5857. A. R. Jones et al. vs R. W. Duke et al, Passed until Saturday 8th March 1884,

5862 Alitia Parker et al. vs S. J. Brewer et al. Passed to end of docket,

5867. W. W. Henry et al vs Frank. D. Henry et al. Passed for report to end of docket,

5981. Joseph Brinn vs Mary Brinn. Passed to end of docket,

6000. Robt Mason vs Nancy Mason. Upon motion of Plaintiff's 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,

6004. William Allen vs Amanda Allen, Passed to end of docket,

District Court Minutes, March Term, 1884

Tuesday the 4th day of March 1884.

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

6015. A. H. Willcox vs G. M. Brace 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 cost of plaintiff for which let execution issue.

6019 Danford & Dow vs A. & N. W. R. R. Co. Passed to end of docket.

6023. J. W. Hannig vs Danford & Dow. By agreement set for trial March 19th 1884.

6026 Annie Givins vs Wesley Givins. Continued by consent.

6031 Wm Shapleigh et al vs Jno. O. Johnson. Upon motion of plaintiffs attorney it is ordered by the Court that this case be and the same is hereby dismissed each party to pay the cost incurred by him in this behalf - for which execution may issue against the parties respectively.

6046 James Jackson vs Anna Lucy Cassidy. It is ordered by the Court that the plaintiff have leave to file 1st Supplemental petition, and case by agreement set for trial March 14th 1884.

6075. Wm M. Saunders vs J. C. Stovall. Set for trial March 13th 1884

6076 Jno. B. Jim Pickman vs Wm Tiffany et al. Passed file March 16th 1884

6078 Caroline Kemp vs Alfred Kemp Passed to end of docket.

Mann & W. M. Wilson vs M. M. Hornsby et al. Passed to end of entire docket.

6085. L. Schlinger vs Anna Taylor. The application and bond for removal to United States Court having been filed, this case ordered by operation of laws of the United States -

6095. The State of Texas vs W. M. Brim et al. By agreement set for the 3d day of April 1884

6098. W. B. Isham vs John A. Webb. Passed to end of docket -

6099. W. B. Isham vs M. A. Taylor. Upon motion of plaintiffs attorney case dismissed, costs having been paid -

7001. Estate of E. Billy Loth dec'd — No counsel appearing case continued

7010 Francis Lotis vs Lydia Lotis. No counsel appearing case continued -

7031. N. & T. C. Ry Co. vs T. P. Ry Co. Upon motion it is ordered by the Court that plaintiff have leave to file 1st amended original petition

7053. N. & T. C. Ry Co. vs T. P. Ry Co. Upon motion it is ordered by the Court that plaintiff have leave to file 1st amended original petition

7058- R. E. McAnally vs Geo. W. Littlefield Continued by defendants

Printers, Lithographers and Stationers, St. Louis.

Dist. Court Minutes, March Term, 1884

Tuesday the 4th day of March 1884

7066. F. W. Chandler vs. C. G. Caldwell et al } Upon motion it is ordered by the Court that Plaintiff have leave to file 1st amended original petition by the court upon application of H. E. Shelley that he be and is hereby allowed to intervene in this case.

1602 J. W. Hannig vs. Sandford et ux. Set for 19th inst by agreement.

Court adjourned till tomorrow morning 9 o'clock

March 5th 1884

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

5863. J. R. Morgan vs. M. E. Morgan. Set for March 17th 1884.

George E. Mizerole et al vs. M. M. Hornaby et al } This cause having been regularly called for trial in its order on the docket March 4th 1884, and it appearing to the court that said cause had been continued at the last term of this court under rule for cost and the plaintiffs having failed to comply with the same after due notice by consent of the Clerk the case was passed till this the 5th day of March 1884 in order to give the parties opportunity to comply with the rule, and said cause having been again called and said rule not having been complied with it is ordered by the court that this cause be and the same is hereby dismissed, and that the defendants recover of and from the plaintiff George E. Mizerole and Jordan all costs in this behalf expended for which let execution issue —

Court adjourned till tomorrow morning 9 o'clock

March 6th 1884.

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

7121. George D. Walton } State of Texas. County of Travis:
Ex parte } To all to whom these presents shall come —
Greeting: In the District Court of Travis County.
March term 1884.

At a District Court in and for Travis County held at the Court House in the City of Austin in said County. George D. Walton made application for a personal license to

District Court Minutes, March Term, 1884

Thursday the 6th day of March 1884.

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers, Printe

practice as an Attorney & Counsellor at law in the District and all inferior Courts of the State of Texas, and having produced his Certificate of admission to practice at the Bar of the 9th District Court of the State of Louisiana, Certifying that said George S. Walton was admitted as an Attorney and Counsellor of the 9th District Court of said State, and he having been introduced to this Court by Hon: W. M. Walton James W. Smith, R. J. Hill et al 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 George S. Walton be and he is hereby admitted and authorized to appear, plead and practice as an Attorney & Counsellor at law in the District and all inferior Courts of the State of Texas, for which this shall be his sufficient license.

Thereupon Court adjourned till tomorrow morning 9 O'Clock

Friday March 7th 1884.

Court met pursuant to adjournment present same as on first day of the Term. Whereupon the following proceedings were had to wit

No 7180

Francis Latis
vs
Lida Latis

And now on this day (this being March 7th 1884 and the fifth and appearance day of this term) this Cause coming on to be heard the Pltff by his attys and in his own proper person appeared and announced himself ready for trial, but Defendant came not but wholly made default: And it appearing to the Court that said defendant has been duly and legally cited to appear and answer the plaintiffs petition in this Cause, in time to require her to appear on this day and make defense to this suit and that she has failed to so appear or file answer herein And it also further appearing to the Court from the evidence submitted to the Court by said Plaintiff that the allegations in said petition are true and that there Exists sufficient Cause for granting the relief sought by said Plaintiff. It is therefore ordered adjudged and decreed by the Court that the bonds of matrimony heretofore existing between the plaintiff Francis Latis and the Defendant Lida Latis, be and the same are hereby dissolved and that said parties be and are hereby forever divorced and that said plaintiff pay all the Costs of this suit for which Execution shall issue -

No 3187

~~Juan Vela (Guitierrez)~~
Assignee of Josefa Cuellar
as
The State of Texas

And now on this day Come the parties respectively by their Attorneys, the Hon N. G. Shelley sitting as Special Judge appointed by the Governor of Texas and qualified as such by taking the Constitutional

District Court Minutes, March Term, 1884

Friday the 7 day of March 1884

Printers, Lithographers and Stationers, St. Louis.

Error. See Page 119 for Correct Entry

oath of Office as required by Law. and announced themselves ready to proceed with the Case whereupon the Plaintiffs announced their inability to make out the Case as stated in this Petition for Confirmation of the title and dismissed the suit at their own Cost It is Therefore ordered adjudged and decreed by the Court as follows 1 That this said suit be and the same is hereby dismissed. 2. That the land described in Plaintiffs Original Petition, Confirmation of title wherein they asked under the Act of the Legislature of the State of Texas approved August 15.th 1870 Entitled "An Act to ascertain and adjudicate Certain Claims for land against the State situated between the Nueces and Rio Grande Rivers" Which said Land is thus described "Two Leagues Known as La Cabacera de los Angelos (the head of the Angelos) and is situated at the head of the Los Angelos Creek in Zapata County Texas about Sixty miles North East of the Town of Carrizo - The Survey begins at the S W Corner of said track Known as "La Mayada de los Bacas" Thence N 45 E. 10000 Vrs to the S E Corner Known as "el monte" Thence N 45 W 5000 Vrs to N E Corner Known as "Mesquites grandes" Thence S 45. W 10000 Varas to N W Corner Known as "Puntales" Thence S 45. E 5000 varas to the place of begining," be and the same is hereby under the terms Spirit and meaning of said act of the Legislature hereinbefore referred to by Caption is declared deemed held and Considered as part of the public domain of the State of Texas. 3. That the State of Texas for the use of the officers of Court have judgment for all costs in this Case expended against the plaintiff and John L Haynes as Security for Cash for which Execution may issue

Pedro Guerrero one of the heirs of Ignacio Guerrero as The State of Texas } And now on this day Came the parties respectively by their attorneys The Hon N. G. Shelby sitting as Special Judge appointed by the Governor of Texas and qualified as such by taking the Constitutional oath of Office as required by Law., And announced themselves ready to proceed with the Case, Whereupon the plaintiffs announced his inability to make out the Cases stated in his Petition for Confirmation of title & dismissed his suit at his own Cost It is therefore ordered adjudged and decreed by the Court as follows. 1. That this said suit be & the same is hereby dismissed. 2. That the land described in Plff's original petition of Confirmation of title wherein they ask under the Act of the Legislature of the State of Texas approved August 15th 1870. Entitled "An Act to ascertain & adjudicate Certain Claims for Land against the State Situated between the Nueces and Rio Grande Rivers" which said land is thus described "Two Leagues and known as "Las Mogotes" Situated in Zapata County about twenty five miles N 15 E. from the town of Carrizo The Survey begins at the N.E. Cr of Percion No 7. Guerrero which is the NW Corner of this Survey Known as "Las Bucas" Thence N. 45. E 5000 varas to N.E. Corner known as "Borego" Thence S 45 E. 10000 varas to S E Corner Known as "Camino" Thence S 45 W 5000 Varas to S W Corner Known as "Mesquite" Thence N 45. W 10000 Varas to the place of begining - and Contains two Leagues of Pasture Land and adjoins Peraltes "J

3191

Error. See Page 119 for Correct Entry

Dietrich Court Minutes, March Term, 1884

Friday the 7 day of March 1884

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers. Printers

6. S. 4 &c of Guerrero between said tracts and the left margin of the Rio Grande River" be and the same is hereby under the terms Spirit and meaning of said Act of the Legislature referred to hereinbefore by Caption, is declared deemed and considered as part of the Public Domain of the State of Texas. 3. That the State of Texas for the use of the officers of Court have judgment for all costs in this case expended against the Plaintiff and John L Haynes as security for cost for which Execution may issue.

119

3192

Gabriel Barrus and of the Heirs of Josefa Irving } And now on this day came the parties respectively by their attorneys the Hon N G Shelby

vs

The State of Texas } sitting as Special Judge appointed by the Governor of Texas and Qualified as such by taking the Constitutional Oath of office as required by law and announced themselves ready ~~for trial~~ to proceed with the case whereupon the Plaintiff announced his inability to make out the case as stated in his petition for Confirmation of title and dismissed his suit at his own Cost It is therefore ordered adjudged and decreed by the Court as follows- 1 That this said suit be ~~said~~ the same is hereby dismissed. 2. That the land described in Plaintiffs Original petition Confirmation of title whereto he asked under the act of the Legislature of the State of Texas Approved Aug 15. 1871 Entitled "An Act to ascertain and adjudicate certain Claims for land against the State situated between the Nueces & Rio Grande Rivers" which said land is thus described "Five Leagues known as "La Alverca de Rio Margil y los Charcos" is situated in Zapata County about forty miles N 54¼ E. from the town of Carrizo and adjoins on the South the tract called "La Alverca de abajo" Confirmed by the act of Feby 10th 1852 to Felipe Pena being a Square Survey based upon the said South line of the Confirmed grant of "La Alverca de Abajo" be and the same is hereby under the terms Spirit and meaning of said act of the Legislature hereinbefore referred to by Caption is declared deemed held and considered Public Domain of the State of Texas. 3. That the State of Texas for the use of the Officers of Court have judgment for all costs in this case expended against the Plaintiff and John L Haynes as security for Cost for which Execution may issue

Error Dec Page Entry

Page 120 for Carrick

3197

Rafael Uribe } And now on this day came the parties respectively by

vs their Attorneys, The Hon N G Shelby sitting as Special

The State of Texas } Judge appointed by the Governor of Texas and qualified as such by taking the Constitutional oath of office as required by law and announced themselves ready to proceed with the case whereupon the Plaintiff announced his inability to make out the case as stated in their petition for Confirmation of title and dismissed his suit at his own Cost It is therefore ordered adjudged and

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District Court Minutes, March Term, 1884

Friday the 7 day of Mch 1884

Printers, Lithographers and Stationers, St. Louis.

decreed by the Court as follows / That this said Suit be and the same is hereby dismissed 2. That the land described in Plaintiff's petition Confirmation of title wherein he asked under the act of the Legislature of the State of Texas Approved August 15 1870 entitled "An Act to ascertain and adjudicate certain Claims for land against the State situated between the Nueces and Rio Grande Rivers" which said land is thus described known as the tract of "Las Tahuyes" Contains four leagues of Pasture Land is about 25 miles North East of the Town of Carrizo and is bounded on the North East by the Confirmed grant of Maria Flores granted to Edwardo Davalo: On the South East by the tract of Manuel Ramerez; on the Southwest by the tract "Las Mogotes" granted to Ignacio Gutierrez and on the North West by the grant of San Ignacio to Jose M Vargues Berrego" be and the same is hereby under the terms Spirit and meaning of said Act of the Legislature hereinbefore referred to by Caption is declared deemed held and considered as part of the Public Domain of the State of Texas 3. That the State of Texas for the use of the officers of Court have judgment for all costs in this case expended against the plaintiff and John L Haynes as security for Cost for which Execution may issue-

Error See Page 120 for Correct Entry

3198

John L Haynes Assignee of Antonio Zapata

vs

The State of Texas

And now on this day Came the parties respectively by their attorneys the Hon N G Shelby sitting as Special Judge appointed by the Governor of Texas and qualified as such by taking the Constitutional Oath of Office as required by law and announced themselves ready to proceed with the case, Whereupon the plaintiff announced his inability to make out the case as stated in his Petition for Confirmation of title and dismissed his suit at his own Cost. It is therefore ordered adjudged and decreed by the Court as follows. 1. That this said Suit be and the same is hereby dismissed 2. That the land described in Plffs original Petition Confirmation of title wherein he asked under the act of the Legislature of the State of Texas ~~approved~~ "August 15 1870 entitled "An Act to ascertain and adjudicate certain Claims for land against the State situated between the Nueces and Rio Grande Rivers" which said land is thus described- One and one fifth leagues of land fronting on the Rio Grande just above the ald jurisdiction of the Town of Laredo and adjoining the Confirmed grant of Antonio Gozales also fronting on said River just above the Laredo Porciones". be and the same is hereby under the terms Spirit and meaning of said act of the Legislature hereinbefore referred to by Caption is declared, deemed held & Considered as part of the Public domain of the State of Texas 3. That the State of Texas for the use of the officers of Court have judgment for all Costs in this case Expended against the Plaintiff Jno L Haynes for which Execution may issue

Error See Page 120 for Correct Entry

District Court Minutes, March Term, 188 4

Friday the 7th day of March 188 4

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

3140

For Cause of Entry

See Page 121 Docket

Orrar

Enlalio Gonzales & Petra Zapata his wife. Bartolo Morales & his wife Rafael Zapata & his wife Jose Mª Casados & Maria Ann Zapata his wife & Dolores Zapata as The State of Texas

And now on this day came the parties respectively by their attorneys. the Hon W. G. Shelley sitting as sitting as Special Judge appointed by the Governor of Texas and qualified as such by taking the Constitutional oath of office as required by Law, and announced themselves ready to proceed with the case whereupon the Plaintiffs announced their inability to make out the case as stated in their Petition for Confirmation of title and dismissed their suit at their own cost. It is therefore ordered adjudged and decreed by the Court as follows- 1 That the said suit be and the same is hereby dismissed 2 That the land described in Plaintiffs Original Petition, Confirmation of title wherein they asked under the Act of the Legislature of the State of Texas Approved August 15th 1870 Entitled "an Act to ascertain and adjudicate certain Claims for land against the State situated between the Nueces and Rio Grande Rivers" which said Land is thus described" Situated in Zapata County & called "Villa" composed of five Square Leagues & bounded and described as follows. On the South West by the rear of Persions of the late jurisdiction of the town of Guerrero known also by the name of the "Labores" the distance of one hundred and Sixty Six Cordeles and thirty three 2/3 Varas on the West by lands belonging to the heirs of Pedro Bustamente dec? called "Las Comitas" the distance of three hundred Cordeles and known also by the boundary line of the "Lomas de Mala Calla" on the North East by Vacant Lands the distance of one hundred and Sixty Six Cordeles & thirty three & 2/3 Varas known also by the boundary line of "Las Huesas" on the South East by the heirs of Anas Tacio Garcia dec? & by the boundary line known as "Arroyo" the distance of three hundred Cordeles, a Cordel being composed of fifty Varas, said tract situated about 5 Leagues N.E. of the town of Carrizo" be and the same is hereby under the terms spirit and meaning of said Act of the Legislature herein before referred to by Captions, is declared, deemed held and considered as part of the Public Domain of the State of Texas. 3. That the State of Texas for the use of the Officers of Court have judgment for all Costs in this Case Expended against the plaintiffs and John L Haynes as Security for Costs for which Execution may issue—

Dietrich Court Minutes, March Term, 1884

Friday the 7 day of March 1884

Printers, Lithographers and Stationers, St. Louis.

3190

Manuel Ramerez
vs
The State of Texas

And now on this day came the parties respectively by their attorneys, the Hon N G Shelley sitting as Special Judge appointed by the Governor of Texas and qualified as such by taking the Constitutional oath of office as required by law and announced themselves ready to proceed with the case. Whereupon the plaintiff announced his inability to make out the case as stated in his petition for confirmation of title and dismissed his suit at his own cost. It is therefore ordered adjudged and decreed by the Court as follows / That this said suit be and the same is hereby dismissed. 2 That the land described in plaintiffs original petition, Confirmation of title whereto he asked under the act of the Legislature of the State of Texas approved August 15th 1870 Entitled "An Act to ascertain and adjudicate certain Claims for Land against the State situated between the Nueces and Rio Grande Rivers". which said land is thus described "Known as La Laguna de los Venados" Containing 3 leagues of Pasture Land in Zapata County about 15 Miles N.E. from Carizo Bounded on the N W by the tracts of "Los Mogotes" of Ignacio Gutermas and "Las Palmitas" of Rafael Uribe on the N.E. by "Maria Flores" granted to Edwardo Davilla & S.E. by "Chaicos Saja" granted to Andres Bautista Pereda and S W by the Guerra Pesqueras" — be and the same is hereby under the terms & spirit & meaning of said Act of the Legislature hereinbefore referred to by Captions, is declared & held and considered as part of the Public Domain of the State of Texas. 3. That the State of Texas for the use of the officers of Court have judgment for all costs in this case expended against the plaintiff and John L. Haynes as Security for Cost for which Executions may issue.

Error 2d page 131 for Correct Entry

3196

Julian Zapata Clemente Zapata and Entimio Zapata vs The State of Texas — And now on this day came the parties respectively by their attorneys the Hon N G. Shelley sitting as Special Judge appointed by the Governor of Texas and qualified as such by taking the Constitutional oath of office as required by Law. and announced themselves ready to proceed with the case. Whereupon the Plaintiffs announced their inability to make out the case as stated in their petition for Confirmation of title and dismissed their suit at their own Cost. It is therefore ordered adjudged and decreed by the Court as follows. 1 That this said suit be and the same is hereby dismissed — 2. That the Land described in plaintiffs original petition & confirmation of title whereto they asked under the act of the Legislature of the State of Texas approved August 15th 1870 entitled "An Act to ascertain and adjudicate certain Claims for land against the State situated between the Nueces and Rio Grande Rivers" which said Land is thus described —

Error 2d page 131 for Correct Entry

Dietrich Court Minutes, March Term, 1884

Friday the 7th day of March 1884

No. 114. 2-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

"Four Leagues" 121

"Situated in Zapata County about Sixty Miles North East of the town of Carrisa & inch North of the track of Sand Called "La Abra ade Amiba" granted to Tomasa Pinto and between that track and that of "La Albacera de Los Angelos" ~~Granted~~ the same is hereby under the terms Spirit and meaning of said Act of the Legislature hereinbefore referred to by Captain is declared, deemed held and considered as part of the Public Domain of the State of Texas. 3. That the State of Texas for the use of the officers of Court have judgment for all costs in this Case Expended against the plaintiffs and John L Haynes as Security for cost for which Execution may issue.

3202

Candelaria Ramerez Vela. wife of Santiago Vela & Antonio, Domingo Teodora Isidro, Gertrudes, Maria de Jesus, Julian, Manuel, Felipe, Gordiana & Juana Vela Children of the said Candelaria Ramerez Vela vs The State of Texas

And now on this day came the parties respectively by their Attorneys the Hon W. G. Shelby Sitting as Special Judge appointed by the Governor of Texas and qualified as such by Taking the Constitutional oath of office as required by Law, and announced themselves ready to proceed with the case Whereupon the plaintiffs announced their inability to make out the case as stated in their petition for Confirmation of title and dismissed their Suit at their own Cost. It is therefore ordered adjudged and decreed by the Court as follows 1 That the said Suit be and the same is hereby dismissed. 2. That the Land described in the Plaintiffs Original Petition Confirmation of title whereto they asked under the Act of the Legislature of the State of Texas As approved August 13 1870 Entitled "An Act to ascertain and adjudicate certain Claims for Land against the State Situated between the Nueces and Rio Grande Rivers" which said Land is thus described "Four Square Leagues Known as "El Peyote" and is so named from a Rated Hill traversing the same and which forms the Central part of said Survey, Situated in Zapata County and lies between the tracts of "Alberca de Abajo" granted to Filipe Pena and the tract called "Cerro Blanco" granted by the Spanish Government in 1810 to Manuel Pereda and is about 25 Miles N.E. of Carrisa" be and the same is hereby under the terms Spirit and meaning of the said Act of the Legislature hereinbefore referred to by Captain is declared deemed, held and Considered as part of the Public Domain of the State of Texas. 3. That the State of Texas for the use of the officers of Court have judgment for all costs in this cause Expended against Plaintiffs and

Entry

Error See page 122, for Correct Entry

District Court Minutes, March Term, 188 4

Friday the 7th day of March 188 4

Printers, Lithographers and Stationers, St. Louis.

3361

John L Haynes as security for cost for which Execution may issue Trinidad Villareal Refugia Villareal - Refugio, Jesus Villareal, Ignes Villareal Madalina Villareal Gonzelzo Villareal and Josefa Villareal vs The State of Texas And now on this day came the parties respectively by their attorneys. the Hon N G Shelby sitting as special Judge appointed by the Governor of the State of Texas and qualified as such by taking the Constitutional oath of Office as required by law, and announced themselves ready to proceed with the case Whereupon the plaintiffs announced their inability to make out the case as stated in their petition for Confirmation of title and dismissed their suit at their own cost. It is therefore ordered adjudged and decreed by the Court as follows - 1. That this said Suit be and the same is hereby dismissed - 2. That the Land described in the plaintiffs original Petition Confirmation of title which they asked under the Act of the Legislature of the State of Texas approved August 15. 1870 entitled "An Act to ascertain and adjudicate certain Claims for Land against the State situated between the Nueces and Rio Grande Rivers" which said Land is thus described "Porcion No 29. about 3 Miles East of the Village of Laredo and fronts on the Ejidos or Commons of said Village twelve hundred Mexican Varas and running back due East thirty thousand Mexican Varas for quantity It is bounded on the West by Porcion No 28 originally granted to Eugenio Martinez and on the East by Porcion No 30 originally granted to Jose Francisco Cordova Moreno, on the South by the Ejidos or Commons of the said Village of Laredo and on the North by Vacant Land - And Contains 36 Sabors or 36000000 Superficial Varas of land in Webb County" - be and the same is hereby under the terms Spirit and meaning of said Act of the Legislature hereinbefore referred to be Caption is declared, deemed, held and Considered as part of the Public Domain of the State of Texas, 3. That the State of Texas for the use of the Officers of Court have judgment for all Costs in this Case expended against plaintiffs and John L Haynes as Security for Costs for which Execution may issue -

Error Do Page 122

3362

Victoria Juarez assignee of Lorenzana Salinas and Jose Bartola Chapa

vs

The State of Texas

And now on this day came the parties respectively by their attorneys, The Hon N G Shelby sitting as Special Judge appointed by the Governor of Texas and qualified as such by taking the Constitutional oath of office as required by law, and announced themselves ready to proceed with the Case whereupon

122

Dietrich Court Minutes, March Term, 1884

Friday the 7 day of March 1884

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers,

the Plaintiffs announced their inability to make out the case as stated in this Petition for Confirmation of title and dismissed this Suit at their own Cost. It is therefore ordered, adjudged and decreed by the Court as follows. 1 That this said Suit be and the same is hereby dismissed. 2. That the land described in plaintiffs Original petition, Confirmation of title whereto he asked, under the Act of the Legislature of the State of Texas approved August 15. 1879 Entitled "An Act to Ascertain and adjudicate certain Claims for Land against the State situated between the Nueces and Rio Grande Rivers" which said land is thus described "One persion or track of land granted originally to Laureano Salinas Numbered 36. as appears on the General Visitation made for the Town of Laredo Containing 1000 Varas front on the Rio Grande River and running back 30,000 varas for depth situated in the County of Webb. about 5 Miles below the City of Laredo. The other persion or track of Land originally granted to Jose Bartolo Chapa Numbered 37. Containing one thousand Varas fronting on the Rio Grande and 30000 Varas in depth as appears on the Visita of the Town of Laredo" made in 1867" be and the same is hereby under the terms Spirit and meaning of said Act of the Legislature hereinbefore referred to by Caption is declared, deemed, held and considered as part of the public domain of the State of Texas. 3. That the State of Texas for the use of the officers of Court have judgment for all Costs in this case expended against the plaintiff and John L Haynes as Security for Cost for which Execution may issue

See page 122 for Correct Entry

Manuel Bustamete
vs
The State of Texas

3189

And now on this day came the parties respectively by their Attorneys the Hon W. G. Shelby sitting as Special Judge appointed by the Governor of Texas, and qualified as such by taking the Constitutional Oath as required by law and announced themselves ready to proceed with the case, Whereupon the plaintiff announced his inability to make out the case as stated in his petition for confirmation of title and dismissed his suit at his own cost. It is therefore ordered adjudged and decreed by the Court as follows: 1 That this said Suit be and the same is hereby dismissed 2. That the land described in plaintiffs Original petition

See Page 123 for Correct Entry

Printers, Lithographers and Stationers, St. Louis.

Error See page 123 for Court of Civil Appeals

Confirmation of title whereto he asked under the Act of the Legislature of the State of Texas approved August 15 1870. Entitled "An Act to ascertain and adjudicate certain Claims for Land against the State, situated between the Nueces and Rio Grande Rivers" which said Land is described in said Original Petition, be and the same is here by under the terms spirit and meaning of the said act of the Legislature hereinbefore referred to by Caption is declared dem ed, held and considered as part of the Public Domain of the State of Texas. 3. That the State of Texas for the use of the officers of Court have judgment for all costs in this case expended against the plaintiff and John L Haynes as Security for Cost for which Execution may issue

3187.

Juan Vila (Gutierrez) Assignee of Josefa Cuellar
vs
The State of Texas

And now on this day came the parties by their attorneys, the Hon N. G. Shelby sitting as special Judge appointed by the Governor of Texas, and qualified as such by taking the Constitutional oath of office as required by law, and announced themselves ready to proceed with the case whereupon the plaintiff announced that they will not further prosecute this cause and dismissed their suit at their own cost, It is therefore ordered and adjudged by the Court that this cause be and the same is hereby dismissed and that the State of Texas for the use of the officers of Court have judgment for all costs in this case expended against the plaintiff and John L. Haynes as security for cost for which execution may issue.

3191

Pedro Gutierrez one of the heirs of Ignacio Gutierrez,
vs
The State of Texas.

And now on this day came the parties respectively by their attorneys, the Hon N. G. Shelby sitting as special Judge appointed by the Governor of Texas and qualified as such by taking the Constitutional oath of office as required by law, and announced themselves ready to proceed with the case, whereupon the plaintiff announced that he would not further prosecute this cause and dismissed his suit at his own cost, It is therefore ordered and adjudged by the Court that this cause be and is hereby dismissed, and that the State of Texas for the use of the officers of Court have judgment for all costs in this case expended against the plaintiff and John L. Haynes as security for costs for which execution may issue.

Dishick Court Minutes, March Term, 1884

Friday the 7th day of March 1884.

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

3192 Gabriel Daras vs The State of Texas } And now on this day came the Partis respectively by their attorney, the Hon N. G. Shelley sitting as Special Judge appointed by the Governor of Texas, and qualified as such by taking the constitutional oath of office as required by law, and announced themselves ready to proceed with the case whereupon the Plaintiff announced that they would not further prosecute this cause, and dismissed his suit at his own cost. It is therefore ordered and adjudged by the Court that this cause be and the same is hereby dismissed, and that the State of Texas for the use of the officers of court have judgment for all costs in this case expended against the Plaintiff and John L. Haynes as security for cost for which execution may issue.

3197. Rafael Uribe vs The State of Texas. } And now on this day came the Parties respectively by their attorneys, the Hon N. G. Shelley sitting as Special Judge appointed by the Governor of Texas and qualified as such by taking the constitutional oath of office as required by law, and announced themselves ready to proceed with the case, Whereupon the Plaintiff announced that he would not further prosecute this cause, and dismissed his suit at his own cost. It is therefore ordered and adjudged by the court that this cause be and the same and same is hereby dismissed, and that the State of Texas for the use of the officers of the court have judgment for all costs in this case expended against the Plaintiff and John L. Haynes as security for cost for which execution may issue.

3198 John L Haynes agt of Antonio Zapata vs The State of Texas } And now on this day came the parties respectively by their attorneys the Hon N. G. Shelley sitting as Special Judge appointed by the Governor of Texas and qualified as such by taking the Constitutional oath of Office as required by Law and announced themselves ready to proceed with the case whereupon the plaintiff announced that he would not further prosecute this cause and dismissed his suit at his own cost. It is therefore ordered and adjudged by the Court that this cause be and the same is hereby dismissed and that the State of Texas for the use of the officers of Court have judgment for all costs in this Case Expended against the plaintiff John L Haynes for which Execution may issue.

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3141 Eulalio Gonzales & Petra Zapata his wife Bartola Morales & his wife Rafael Zapata. Jose Ma Parada & Maria Ann Zapata his wife and Dolores Zapata. vs The State of Texas — And now on this day came the parties by their attorneys respectively, the Hon N.G. Shelby sitting as special Judge appointed by the Governor of Texas and qualified as such by taking the Constitutional oath of office as required by Law, and announced themselves ready to proceed with the case. Whereupon the plaintiffs announced that they would not further prosecute this cause and dismissed their suit at their own cost. It is therefore ordered and adjudged by the Court that this said suit be and the same is hereby dismissed and that the State of Texas for the use of the officers of Court have judgment for all the costs in this case expended against the plaintiffs and John L Haynes as security for costs for which execution may issue.

3190 Manuel Ramerz vs The State of Texas — And now on this day came the parties respectively by their attorneys the Hon N G Shelley sitting as special Judge appointed by the Governor of Texas and qualified as such by taking the Constitutional Oath of office as required by law, and announced themselves ready to proceed with the case. Whereupon the plaintiff announced that he would not further prosecute this cause and dismissed his suit at his own cost. It is therefore ordered adjudged and decreed by the Court that this suit be and the same is hereby dismissed and that the State of Texas for the use of the officers of Court have judgment for all costs in this case expended against the plaintiff and John L Haynes as security for Cost for which execution may issue.

3196 Julian Zapata Clemente Zapata & Entimio Zapata vs The State of Texas — And now on this day came the parties respectively by their attorneys the Hon N G Shelley sitting as special Judge appointed by the Governor of Texas and qualified as such by taking the Constitutional oath of office as required by law, and announced themselves ready to proceed with the case whereupon the plaintiffs announced that they would not further prosecute this cause and dismissed their suit suit at their own cost. It is therefore ordered adjudged and decreed by the Court that this said suit be and the same is hereby dismissed and that the State of Texas for the use of the officers of Court have judgment against the plaintiffs and John L Haynes as security for costs. All costs in this cause expended for which execution may issue —

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3202 Candelario Ramerez Vela Surviving Wife of Santiago Vela and their Children Antonio Domingo Teodora Guidro Gertrudes Maria defeus. Julan. Manuel Felipe Guardiana and Juana Vela vs The State of Texas

And now on this day came the parties respectively by their attorneys the Hon N G Shelby Sitting as Special Judge appointed by the Governor of Texas and qualified as such by Taking the Constitutional oath of office as required by law, and announced themselves ready to proceed with the case, whereupon the Plaintiffs announced that they would not further prosecute is cause and dismissed this suit at their own cost. It is therefore ordered and adjudged by the Court that this said suit be and the same is hereby dismissed and that the State of Texas for the use of the Officers of Court have judgment for all costs in this case expended against the Plaintiffs and John L Haynes as Security for costs for which execution may issue.

3361 Trinidad Villereal Refugio Villereal Jesus Villereal Gno Villereal Madalina Villereal Gandelezo Villereal and Josefa Villereal vs The State of Texas

And now on this day came the parties respectively by their attorneys and the Hon N G Shelby Sitting as Special Judge appointed by the Governor of Texas and qualified as such by Taking the Constitutional oath of office as required by Law. And announced themselves ready to proceed with the Case. Whereupon the Plaintiffs announced that they would not further prosecute this cause and dismissed their suit. It is therefor ordered and adjudged by the Court that this said suit be and the same is hereby dismissed and that the State of Texas for the use of the Officers of Court have judgment for all costs in this Case Expended against the Plaintiffs and John L Haynes as security for Cost for which Execution may issue

3362 Victoria Juarez Agigne of Lamriana Salinas & Juan Pantelo Chapa

vs

The State of Texas

And now on this day came the parties respectively by their attorneys and the Hon N.G. Shelby Sitting as Special Judge appointed by the Governor of Texas and qualified as such by Taking the Constitutional oath of office as required by Law. And announced themselves ready to proceed with the Case - Whereupon the plaintiff announced that he would not further prosecute this Cause and dismissed his suit. It is therefore ordered and adjudged by the Court that this said suit be and the same is hereby dismissed and that the State of Texas for the use of the officers of Court have judgment against the Plaintiff and John L Haynes as Security for Cost. for all costs in this Case Expended for which Execution may issue -

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3189

Manuel Bustamente
vs
The State of Texas

And now on this day came the parties respectively by their attorneys, the Hon N G Shelby sitting as special Judge appointed by the Governor, and qualified as such by taking the Constitutional oath of office as required by Law and announced themselves ready to proceed with the case: Whereupon the plaintiff announced that he would not further prosecute this cause and dismissed his said suit. It is therefore ordered and adjudged by the Court that this said suit be and the same is hereby dismissed and that the State of Texas for the use of the Officers of Court have judgment for all costs in this case expended, against the plaintiff and John L Haynes as security for cost for which execution may issue -

3134

Guidia Martinez
vs
The State of Texas

Hon N G Shelby Special Judge presiding -
Upon suggestion of Plaintiffs Attorney and it appearing to the Court that this Cause is improperly on the Docket. It is now ordered by the Court that this Cause be and the same is hereby Stricken from the Docket.

3136

Roberta Garcia Et al
as
The State of Texas

Hon N G Shelby Special Judge presiding
It appearing to the Court that this Case is pending on appeal to the Supreme Court. It is ordered by the Court that this Cause be and the same is hereby Continued to await Mandate -

3137

Francis Cuellar
as
The State of Texas

Hon N G Shelby Special Judge presiding -
It appearing to the Court that this Case is pending on appeal to the Supreme Court. It is ordered by the Court that this Cause be and the same is hereby Continued to await Mandate -

3138

Roberta Garcia Et al
as
The State of Texas

Hon N G Shelby Special Judge presiding
It appearing to the Court that this Case is pending an appeal to the Supreme Court It is ordered by the Court that this Case be and the same is hereby Continued to await mandate -

3139

Gabas Fuentes Et al
as
The State of Texas

Hon N G Shelby Special Judge presiding
It appearing to the Court that this Case is pending an appeal to the Supreme Court It is ordered by the Court that this Same be and is hereby Continued to await Mandate

3199

Maria Abbicas Almado de Leon
as
The State of Texas

Hon N G Shelby Special Judge presiding
It appearing to the Court that this Case is pending on appeal to the Supreme Court. It is ordered

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the Court that this Case be and the same is hereby Continued to await mandate.

3366. Juan Rodriguez Pair vs The State of Texas } Hon W G Shelby Special Judge Presiding Upon Suggestion of plaintiffs Attorney and it appearing to the Court that this Case is improperly on the docket. It is now ordered by the Court that this Case be and is hereby stricken from the Docket

The foregoing Nineteen Entries having been Examined and found Correct are hereby approved and ordered that they stand as part of the Minutes of this Court.

W. G. Shelby Special Judge

7010 Francis Latis vs Lydia Latis } Upon motion of plaintiff it is ordered by the Court that the Continuance heretofore Entered in this Case be and the same is hereby set aside and Case dismissed by plaintiff and at his Cost for which Execution may issue —

7009 O. P. Zink vs Paul Priestly } Upon motion it is ordered by the Court that this Case be and is hereby passed to the end of the docket.

7017 Louisa Kinney vs H B Kinney Jr } By request of plaintiffs attorney it is ordered by the Court that this Case be and is hereby passed to the End of the docket.

7023 W S & Westfall vs G W Elgurnoy } Upon motion it is ordered by the Court that plaintiff have leave to file 2d Supplt Petition

7024 J W Driscoll vs Ellison & Jennings } Upon motion of Plaintiffs attorney it is ordered by the Court that this Cause be and the same is hereby dismissed at plaintiffs Cash. It is therefore ordered by the Court that the defendants have and recover of the plaintiff J W Driscoll and the Sureties on his attachment bond towit

All Costs in this behalf Expended for which Execution may issue.

7068 G W Malone Etal vs G B Zimpleman Etal } Upon motion of Plaintiffs attorney it is ordered by the Court that this Case be and the same is hereby passed to the End of the State docket.

7070 Isaac Price vs Mary Price } Upon motion passed to End of Entire docket

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7071 John Hancock vs Theodore Hackenberg Etal — This day came the plaintiff by his Attorneys and said defendants Theodore Hackenberg and having failed to appear and answer in this behalf but wholly made default wherefore the said John Hancock ought against the said Theodore Hackenberg his damages by occasion of the premises and writ of Inquiry awarded to be executed at some future day of this term.

7073 E Sumner vs E Westin — By Consent it is ordered by the Court that this Cause be and the same is hereby passed to the end of the Docket

7075 G T Robb Etal vs W English Etal — Upon motion of Defendants Attorney it is ordered by the Court that defendant have leave to file 1st Amended Original Answer

7078 G W Dampson vs W M McLaughlin Etal — Continued for Service

7079 Fannie C Lane vs Nat P Lane. Upon motion plaintiff has leave to file 1st Amended Original Petition.

7181 N D Walton vs D & J B Capes — By agreement it is ordered by the Court that this Cause be and the same is hereby dismissed at the Cost of Defendants for which let execution issue.

7182 Emma Myers vs Frederick A Myers — Continued to perfect Service

7083 L G Moulton Etal vs Jno R Ward Etal — Upon motion set for trial Thursday March 13, 1884

7091 The State of Texas vs Jose M Sapiz Lazaro Lopez. M D Moreno M Martinez & D. C. Eivet — And now on this day this Cause being regularly called for trial, comes the State by her District Attorney and announced ready for trial and thereupon said Plaintiff abates her said suit as to the defendant J C Eivet who is dead, and it appearing to the Court that the Citation issued to the defendant M D Moreno has been returned not served. Plaintiff says she will no further prosecute her said suit against said defendant. It is therefore ordered by the Court that this suit abate as to the defendant J C Eivet and be and the same is hereby dismissed as to the defendant M D Moreno not served and the said defendants Jose M Sapiz Lazaro Lopez and M Martinez having failed to appear and answer in

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this behalf although duly served with Citation but wholly made default. Wherefore said plaintiff ought to recover her damages by occasion of the premises and it appearing to the Court from the Evidence submitted by plaintiff that there is due Plaintiff from the defendants Jose M Lopez Sazaro Lopez and A Martinez the sum of ($819.86) Eight hundred and nineteen 86/100 Dollars (principal and interest to this date It is therefore ordered adjudged and decreed by the Court that the plaintiff the State of Texas do have and recover of the defendants Jose M Lopez Sazaro Lopez and A Martinez the said sum of Eight hundred and nineteen 86/100 ($819.86) Dollars with interest thereon at the rate of Eight per cent per annum and all Costs of suit, for all which let Execution issue.

6 7094

The State of Texas vs W.O. Tompkins et al } And now on this day this Cause being regularly called for trial, comes the State by her District Attorney and announced ready for trial, and thereupon plaintiff dismisses this Cause as to the defendant Eli Gilliland who has not been served with process herein. It is therefore ordered by the Court that this Cause be and the same is hereby dismissed as to said defendant Gilliland, And the said defendants W O Tompkins, Wm A Stewart and G W Hill having failed to appear and answer in this behalf although duly served with process but wholly made default, Whereford said Plaintiff ought to recover her damages by occasion of the premises and it appearing to the Court from the evidence submitted by plaintiff that there is due plaintiff from Defendants W.O. Tompkins Wm A Stewart and G W Hill the sum of ($974.20) Nine hundred and seventy four 20/100 Dollars (principal and interest to this date It is therefore ordered adjudged and decreed by the Court that the Plaintiff the State of Texas do have and recover of and from said defendants W O Tompkins Wm A Stewart and G W Hill the sum of Nine hundred and Seventy four 20/100 ($974.20) Dollars with interest thereon from this date at the rate of Eight per cent per annum and all Costs of suit for which let Execution issue

Sued W.O. Tompkins, judgment in favor of Pltff in this Court

6 6001

Josephine B Wren vs T L Wren et al } And now on this day comes the attorney for Pltff in this Cause (the death of the plaintiff having been suggested at the last term of this Court) and gives the Court to understand that T L Wren is now the

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Executor of the Estate of the said Josephine B Wren and that the judgment recovered in this cause in behalf of the said Josephine B Wren was be assets in his hands which the said T L Wren does not deny but admits the same to be true. It is therefore ordered by the Court that this suit be continued in the name of the said T L Wren Executor as aforesaid of the said Josephine B Wren and cause continued to perfect service

✓ 6077 John Orkney Etal as Jennie W Nill admr. Passed to End of Docket

✓ 7097 Ellen D Rotrammel Etal as T O Kidmore Etal } This day came the plaintiffs by Attorney and it appearing to the Court that A T Howell one of the defendants in this cause has failed to appear and answer in this behalf though duly served with process but has wholly made default wherefore the said plaintiffs ought to recover of said defendants their damages by occasion of the premises. It is therefore ordered that plaintiffs cause be taken for confessed as to said defendant and that judgment be finally entered in said cause when the same has been heard as to the other defendants and that this cause be continued for service as to other defendants.

✓ 7106 D H Williams as W H H Singleton Continued for service

✓ 7111 F R Shipman as E H Mitchell } It is ordered by the Court that Plaintiff have leave to file 1st Amended Original Petition

✓ 7114 Jane V Anderson Majors as Sallie Brooks } It is ordered by the Court that plaintiff have leave to file 1st Amended Supplemental petition and Case set for trial for March 13th 1884

✓ 7116 Winnie Ruder as Wm Ruder Continued for service

✓ 7118 J J Mabry as Do G W R R Co Set for trial for April 14th 1884

Thereupon Court adjourned until tomorrow morning at 9 O Clock

Saturday March 8th 1884. Court met pursuant to adjournment present same as first day - where upon the following proceedings were had.

✓ 7085 Eugene Delfraisse as Do G W R R Co } And now on this 8th day of March 1884 comes the plaintiff by Attorney and suggests to the Court a mistake in the Citation issued to and served upon the Defendant in this cause in the date of filing the Petition and moves the Court for leave to the Clerk to amend said Citation in accordance with the facts - It is therefore considered and ordered

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by the Court that the said motion be and the same is hereby granted, and ordered that the Clerk of this Court have leave to and is hereby directed and required to amend said Citation in accordance with the facts so as to change the month of filing of Original Petition from March as it now appears in said Citation to "February" the true month in which said Petition was filed by inserting "February" instead of "March" for date of said filing of the Original petition

✓ 5769 — Hannitta Brown as Hury Brown } It is ordered by the Court that Plaintiff had leave to file 1st Amended Original Petition

✓ 6018 — Charles Wolf as Mathilda Jourdan Etal } And now on this day it appearing to the Court that the defendants herein were served by publication. It is therefore ordered by the Court that D W Doom Esq^r be and he is hereby appointed attorney to represent the defendant Mathilda Jourdan and guardian ad litem for the minor defendants in this cause.

✓ 6083 — Francis Miller as Nick Millinelias Jack Jones } This cause being this day regularly 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 personally served with process and having failed to appear and answer the Court ordered the trial to proceed. and the Court after hearing the pleadings, Evidence and argument of Counsel is of opinion that the material allegations in Plaintiffs Petition contained are true and true. It is therefore considered ordered adjudged and decreed by the Court that the bonds of matrimony heretofore existing between Plaintiff and defendant be and the same are hereby forever dissolved and held for naught, and that plaintiff recover of Defendant her Cost for which let Execution issue.

✓ 7169 — Syrena Lewis as Andrew Lewis } This cause being this day regularly 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 personally served with process and having failed to appear and answer the Court ordered the trial to proceed. And the Court after hearing the pleadings, evidence and argument of Counsel is of opinion that the material allegations in plaintiffs petition contained are true. It is therefore considered ordered adjudged and

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decreed by the Court that the bonds of matrimony heretofore existing between plaintiff and defendant be and the same are hereby forever dissolved and held for naught and that plaintiff recover of Defendant her costs for which let Execution issue.

Louisa Kinney vs A B Kinney Jr } It is ordered by the Court that the Motion for Rule for
✓ 7017 Costs in this Case be granted and the Clerk is ordered to notify the Attorney for Plaintiff accordingly

Henry Devon vs } On motion of the Clerk of this Court a Rule for Cost
✓ 7022 in this Case is hereby ordered to be granted and the Clerk ordered to notify the attorney of the plaintiff accordingly

Delia Devon vs Delia Barbu } It is ordered by the Court that Motion for Rule for
✓ 7032 Costs in this Case be and the same is hereby granted and Clerk ordered to notify the Attorneys for Plaintiff

Charles Barby vs Sarah E Patton } It is ordered by the Court that the Motion for Rule for Costs
✓ 7057 in this Case be and the same is hereby granted and the Clerk ordered to notify Attorney for Plaintiff

Enoch E Patton vs J M Worsham } It is ordered by the Court that the Motion for Rule for Costs
✓ 7067 in this Case be and the same is hereby granted and the Clerk is ordered to notify the Attorney for Plaintiff

Jno Stringer Etal vs Isaac Price } It is ordered by the Court that the Motion for rule for costs
✓ 7070 in this Case be granted and the Clerk ordered to notify the Plaintiffs Attorney accordingly.

Mary Price vs Emma Myers } It is ordered by the Court that the Motion for rule for Costs in
✓ 7082 this Case be and the same is hereby granted and ordered that the Clerk be ordered to notify Plaintiffs Attorney -

Frederick A Myers vs Winchester Pardridge Mfg Co } It is ordered by the Court that the Motion for
✓ 7084 rule for Costs in this Case be and the same is hereby granted and Clerk ordered to notify the Attorney for Plaintiff

McCutcheon Etal

Frances Palmer vs J W Stroud Etal } It is ordered by the Court that the Motion for Rule for
✓ 7088 Cost in this Case be and the same is hereby granted and the Clerk ordered to notify the Attorney for Plaintiff

Daniel Boulden vs Janie Boulden } It is ordered by the Court that the Motion for Rule
✓ 7105 for Cost in this Case be and the same is hereby granted and the Clerk ordered to notify the Attorney for Plaintiff

Jessie G Porter vs R W Porter } It is ordered by the Court that the Motion for Rule for Cost
✓ 7108 in this Case be and the same is hereby granted and the Clerk ordered to notify the Attorney for Plaintiff

✓ 7109 Dixie Johnson vs Green Johnson. It is ordered by the Court that the Motion for Rule for costs in this Case be and the same is hereby granted and Clerk ordered to notify Atty for Pltff

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7/1144

Jane & Anderson Majors vs Sallie Brooks and Thompson — It is ordered by the Court that the Motion for Rule for Costs in this Case be and the same is hereby granted and Clerk ordered to Notify Attorney for Plaintiff Court adjourned until Monday Morning March 10th 1884 at 10 o'Clock a.m.

Monday March 10th 1884. Court met pursuant to adjournment and Hon D W Doom Special Judge in the trial of Cause No. 6046 of Jackson vs Cassidy occupied the bench during the day & there being no other business before the Court adjourned until Tuesday Morning March 11th 1884

Tuesday March 11th 1884. Court met pursuant to adjournment- present same as on first day of the term whereupon the following proceedings were had to wit.

4935 — Carleton & Robertson vs Bingham Trigg — No Counsel appearing It is ordered that this Cause stand Continued

5392 — D Wimmenberger & wife vs H & T C R R Co — And now on this day came the plaintiffs by attorney and announced that they would not further prosecute this Case and dismissed their suit- It is therefore Considered and ordered by the Court that this Cause be and the same is hereby dismissed and that the defendant for the use of the officers of Court recover of plaintiffs and as Surety on their Cost bond all costs in this behalf Expended for which let Execution issue -

5401 — D Wimmenberger Guar.° vs H & T C R R Co — And now on this day came the plaintiff by attorney and announced that he would not further prosecute this Case and dismissed his suit. It is therefore ordered and adjudged by the Court that this Cause be and the same is hereby dismissed and that the defendant for the use of the officers of Court Recover of plaintiff and his surety on his Cost bond all Costs in this behalf Expended. for which let Execution issue -

5521 — John T Allen vs A & Bills & Co — No Counsel appearing It is ordered that this Cause stand Continued

5530 — T T Ivers vs W C Walsh Com² — No Counsel appearing Cause Continued

5564 — Jno & Lewis Hancock vs R Kannemacher & Bal - No Counsel appearing Cause Continued

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Tuesday the 11th day of March 1884

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5584 Jas N Stewart vs A H Belo & Co No Counsel appearing Case Continued -

5690 Jno Bunton Nat'l Guard vs Ed Creary Sheff Etal. Passed to the End of the Docket

5765 W C B Hays. vs Ed Creary Sheff Etal. At request of Plffs atty Passed until the 13th inst 1884

5868 Page McDannell vs Caroline Wahrenberger. Continued by Consent -

6091 R Krauss vs The City of Austin. Set for April 14th 1884

7004 Wm Brin vs H & T C Ry Co Passed to End of Criminal Docket.

7006 Jno H Coleman vs Travis R & B Co. Set for May 5th 1884

7007 Fields Ramey & Thomas vs Travis R & B Co. Set for May 5. 1884

7066 F W Chandler vs C. G. Caldwell & Co Set for 13th inst 1884

7067 J M Morphis vs Jno Stringer Etal - Set for after Docket

7075 G F Robb Etal vs M English Etal Set for 17th March of 2nd Week.

7089. Wm Johnson vs So G N Ry Co Etal Set for 13th inst -

And thereupon Court adjourned until tomorrow morning March 12th 1884.

Wednesday March 12th 1884. Court met pursuant to adjournment. Present same as on first day of the Term - and there being no business Concluded the Court adjourned until tomorrow morning the 13th - March.

Thursday and Friday March 13th and 14th 1884. The Court met pursuant to adjournment The Court being still occupied with Case of Rutherford Jr vs Rutherford Sr. and the Case not yet Concluded - again adjourned until Saturday Morning March 15th. Whereupon the following proceedings were had to-wit

7122 Ex Parte Jacob Klein. Declaration of Intention to become a Citizen The State of Texas County of Travis -

Jacob Klein being duly sworn according to Law, in the District Court of said County doth declare that he was born in the year AD 1848 in the Kingdom of Hungary 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 fidility to every foreign Prince, Potentate, State or Sovereignty whatsoever and particularly to the Emperor of Austria and Hungary of whom he was a subject J Klein

Sworn to and subscribed before me this 15th day of March 1884 Jas P Hart Clerk

By W S Shelley Deputy

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No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

7089

Wm Johnson
vs
I. & G. N. R. R. Co. Et al

And now on this day come the defendants by attorneys and withdraw the application for removal to the United States Court heretofore filed by them in this cause and by consent of the parties it is ordered by the Court that this cause be and is hereby continued until the next term of this Court—

Sf 141.

The State of Texas
vs
M. J. Cohn Et al

This cause being this day regularly called for trial came the State by the attorney E. T. Moore Esq appointed by the Court to represent the State in this case. the District Attorney being disqualified, but the said defendant M. J. Cohn failed to appear and answer in this behalf. but wholly made default, but the defendants B. J. Kopperl and David Friedman sureties of the defendant M. J. Cohn on his recognizance forfeited in this case, appeared in their own proper persons and by answer filed herein, whereupon the State by her attorney and the defendants Kopperl and Friedman announced themselves ready for the trial of this cause, and it appearing to the Court that the said defendant M. J. Cohn as principal with B. J. Kopperl and David Friedman as sureties did enter into a recognizance payable unto the State of Texas in the penal sum of ($500.00) five 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 6th day of July A.D. 1883. 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 then filed wherein he is charged with "Perjury" And at the October term 1883 of said Court on the 5th day of November 1883, the aforesaid cause being called for trial the said defendant M. J. Cohn failing to appear the said recognizance was declared forfeited and judgment nisi entered of record against him and his said sureties.

And it further appearing to the Court that writ of Scire facias had been properly issued against each of said sureties, notifying them to be and appear at the March term 1884 of said Court and show cause why said judgment nisi should not be made final. and that proper service thereof

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was had upon said cause,
And the said M. J. Cohn as aforesaid having failed to appear
it is therefore ordered adjudged and decreed by the Court
that the said judgment Nisi as to the said M. J. Cohn
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 M. J. Cohn as principal the sum of ($500.00) five hundred
dollars and all costs in this behalf expended for which let
execution issue, and by consent of the other parties hereto,
It is further ordered adjudged and decreed by the Court that
said judgment Nisi as to the said sureties to wit: B. J.
Kosperl and David Friedman be and the same is hereby
made final and absolute against said sureties in the sum
of ($300.00) three hundred dollars and that the State of Texas
do have and recover of and from B. J. Kosperl and David
Friedman jointly and severally the sum of ($300.00) three hun-
-dred dollars and all costs in this behalf expended for all
which execution may issue.

J. J. Mabry vs T. & G. N. R. R. Co. Set for trial 14th 1884.

A. S. Robbs vs Lauren Moton. Plaintiff has leave to file
1st amended original petition,

C. N. Richmond Jr. } Hon David Sheets Special
R. A. Richmond Jr. } Judge presiding,

vs } On this 12th day of March A.D.
R. A. Richmond Sr. } 1884, this cause came on in
regular order for trial and the parties plaintiff and defen-
-dant appeared in person and by their respective attorneys,
And thereupon came on to be heard the general demurrer
and special exceptions of the defendant to plaintiffs fourth
Amended original petition, and the Court having heard and
fully considered the same is of the opinion that the law
is with the plaintiff, Wherefore it is ordered adjudged and
decreed by the Court that the defendants said general
demurrer and special exceptions be overruled, to which
ruling defendant excepted. Then came on to be heard
the general and special exceptions of the plaintiffs to
defendants third amended answer, and the same having
been fully heard and considered by the Court, it is or-
-dered adjudged and decreed by the Court that the
plaintiffs said exceptions Number 1-2-4-5 & 6 be sustained

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to which ruling Plaintiff excepts. and that Special exception 3. be sustained, to which defendant excepted,
Then came on to be heard defendants exceptions to Plaintiffs amended supplemental petition, and the Court having fully considered the same it is ordered adjudged and decreed by the Court that said Special exceptions No 1 & 2 be sustained to which Plaintiff excepts, and Special exceptions No 3. be overruled to which defendant excepted. Whereupon both parties announced ready for trial, and thereupon came a jury of good and lawful men towit: S. Warren and seven others, Who having been duly elected tried and sworn according to law, and having heard the evidence arguments of Counsel and Charge of the Court upon their oaths afterward towit: on the 15th day of March 1884, returned into Court the following Verdict towit: "C. A. Rutherford and R. A. Rutherford Jr vs R. A. Rutherford Jr. We the Jury find for the Plaintiff, the value of 333 1/3 acres of the 900 acre track at $16.50 per acre, Signed S. Warren Foreman"

Austin Texas. March 15th A D 1884"

It is therefore considered ordered adjudged and decreed by the Court that the Plaintiff C. A. Rutherford and Robert A. Rutherford Jr. do have and recover of the defendant Robert A Rutherford Jr. the sum of Five thousand five hundred dollars being the value of Three hundred and thirty three 1/3 acres of land at Sixteen 50/100 dollars per acre. 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 their execution. It is further ordered that executions may issue in behalf of the officers of Court against each party respectively for all costs by them incurred.

The foregoing entry in cause No 5767. of Rutherford et als Rutherford having been examined in open court - found correct is hereby approved as part of the minutes of this court.

David Sherrod Special Judge

Court adjourned till Monday morning 10 o'clock.

March 17th 1884

Court met pursuant to adjournment, Present same as on first day. and there being no Civil Minutes to be recorded

Dist Ct. Court Minutes, March Term, 1884

Tuesday the 18th day of March 1884

Printers, Lithographers and Stationers, St. Louis.

of this date Court adjourned till tomorrow morning 9 o'clock.

March 18th 1884

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

6036. Georgia W. Donman vs Andrew S. Donman

In this case appeared the plaintiff by her Attorneys and announced ready for trial: and it appearing to the Court from the citation and brief statement of the plaintiffs cause of action and the sheriffs return thereon that the defendant Andrew S. Donman had been legally cited by publication as the law requires and the defendant having failed to appear and demur plead or answer within the time prescribed by law, the Court appointed Newton D. Walton and W. H. Hewlett Attorneys of this Court to represent the defendant whereupon all the parties announced ready for trial and there being no jury demanded by either party the cause was submitted to the Court. After hearing the evidence introduced in the cause and the same having been fully considered by the Court: it is ordered adjudged and decreed by the Court that the bonds of matrimony heretofore existing between the plaintiff Georgia W. Donman and the defendant Andrew S. Donman be and the same are by virtue of this decree dissolved, And it is further ordered adjudged and decreed by the Court that the plaintiff Mrs. Georgia W. Donman do from this time forward have the entire and absolute custody and control of the person and property of Shirah Donman the child of plaintiff and defendant. It is further ordered that the Counsel for the defendant appointed by the Court be and they are hereby allowed ten dollars as a fee in the defense of this case and that the same be taxed in the bill of Costs in this case, It is further ordered by the Court that the defendant pay all the costs of this case for which execution may issue.

5765 N. C. B. Hays vs Ed Lowary et al

This cause being this day regularly called for trial came the parties plaintiff and defendant, whereupon the plaintiff suggests to the Court the death of Andrew Neill and Wm Bruggerhoff two of the defendants in this cause and says he will no further prosecute his said suit as to them and discontinues his said suit as to the said Andrew Neill and William Bruggerhoff

District Court Minutes, March Term, 1884

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No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

Whereupon both parties announced themselves ready for trial, whereupon came a jury of twelve good and lawful men of Travis County consisting of M. C. Nuckols and eleven others who being duly tried elected empannelled and sworn according to law to try this cause heard the pleadings, evidence and argument of counsel and being duly charged by the Court as to the law in this case retired to consider of their verdict, and thereafter said jury returned into open court the following verdict to wit: "We the jury find for the plaintiff in the sum of thirty ($30.00) dollars M. C. Nuckols foreman" It is therefore considered ordered adjudged and decreed by the Court that the plaintiff H. L. B. Hay & have and recover of and from the defendants Edward Cowan, Paul Brooden A. R. Morris and John Hancock said sum of ($30.00) Thirty dollars with interest thereon from this date until paid at the rate of 8% per annum and all costs in this behalf expended for which let execution issue.

Court adjourned till tomorrow morning 9 o'clock

March 19th 1884.

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

W. E. Smith
vs
I & G. N. R. R. Co

This day this cause came on for trial and both parties plaintiff and defendant appearing by attorney and neither party demanding a jury the Matter in controversy as well of law as of fact was submitted to and tried by the Court, and after hearing the pleadings, evidence and argument and the same being fully understood and considered, It is ordered adjudged and decreed by the Court that the plaintiff W. E. Smith do have and recover of the defendant the International and Great Northern Railroad Company the sum of Twenty Six hundred and Eighty ($2680.00) dollars and all costs of suit for which let execution issue.

✓ 5809

Court adjourned till tomorrow morning 9 o'clock

March 20th 1884.

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

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Thursday the 20th day of March 1884.

Printers, Lithographers and Stationers, St. Louis.

6037. Manley Hester vs T. & G. N. R. R. Co } This day this cause being regularly called for trial came the plaintiff by attorney: and also the defendant by attorney thereupon came on to be heard the motion of the defendant to quash the depositions of W. P. Maney, S. P. Williams, R. W. Harris, F. M. Smith, Mary V. Hester and Manley L. Hester, and the court after hearing the argument thereon overrules the same, to which ruling of the court the defendant excepts.

6037 Manley Hester vs T. & G. N. R. R. Co } This day this cause being regularly called for trial came the plaintiff by attorney and announced ready. also came the defendant by attorney and submitted to the court his application and affidavit for a continuance, which being heard and duly considered was by the court granted - and ordered by the court that this case stand continued until the next term of this court.

5863. J. R. Morgan vs M. E. Morgan } This cause being this day called for trial came the parties by their respective attorneys. Whereupon came on to be heard defendants plea in abatement in this cause - which being duly considered was by the court overruled and cause passed to end of the docket, plaintiff consenting to the cause being withdrawn from the jury docket.

7114 Jane & Anderson Majors vs Sallie Brooks } This cause being this day regularly called for trial came the parties by their respective attorneys. Whereupon on application of plaintiff it is ordered by the court that this cause be and the same is hereby continued to make parties and further ordered that plaintiff have leave to file 1st amended original petition

7055 A. S. Robuls vs Lawson Molin } And now on this day comes the plaintiff by his attorney and moves the court to dismiss this cause at his cost. it is therefore ordered by the court that this cause be and the same is hereby dismissed and that the plaintiff A. S. Robuls pay all the costs in this behalf for which execution may issue.

Court adjourned till tomorrow morning 9 o'clock

District Court Minutes, March Term, 1884

Friday the 21st day of March 1884

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

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

7077. Edna Wills vs Henry Wills } The trial of this cause having been commenced on the 8th day of March 1884, and part of the evidence heard and cause passed until this date whereupon came again the plaintiff by her attorney and the Court after hearing the pleadings and all the evidence and argument of counsel thereon doth find that the material allegations contained in plaintiff's petition are true, and that she 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 Edna Wills and the defendant Henry Wills be and the same are hereby forever dissolved and held for naught and that the custody of the child of plaintiff and defendant to-wit: Mary Wills be adjudged to the plaintiff and that she have execution for costs.

7079. Fannie C. Lane vs Nat. P. Lane } This cause being this day regularly 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 served with citation in this cause as required by law more than five days before the present term of this Court and has failed to appear and answer, and the Court after hearing the pleadings evidence and argument of counsel thereon is of the opinion that the material allegations contained in plaintiff's petition are true and that she ought to have her divorce. It is ord therefore ordered adjudged and decreed that the bonds of matrimony heretofore existing between the plaintiff Fannie C. Lane and the defendant Nat. P. Lane be and the same are hereby forever dissolved and held for naught, and that plaintiff have the entire care custody and control of her children, and it appearing to the Court that there is no community property of plaintiff and defendant It is therefore ordered that she be and is hereby allowed to take charge of and assume the control of the property as described in the petition. It is further ordered by the Court that the the plaintiff be and she is hereby allowed to resume her former name Fannie C. McKinney prior to her marriage with said defendant. It is further ordered by the Court that the plaintiff recover of defendant the cost for which let execution issue.

Distrèk Court Minutes, March Term, 1884

Saturday the 22d day of March 1884

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7085.

Eugene Delfraise vs I. & G. N. R. R. Co. } And now on this day comes the plaintiff by his attorney and moves the Court for an order granting the Sheriff leave to amend his return on the Citation served upon the defendant in this case, which motion was by the Court granted, and ordered by the Court that said Sheriff be allowed and he is hereby required to amend his return upon said Citation in accordance with the fact. Which is accordingly done.

7096

Elizabeth Teague vs Wm Teague and Edward Gordon } On this the 13th day of March A.D. 1884, came the plaintiff by her attorney and the said Edward Gordon by his attorney but the said defendant William Teague failed to appear and answer in this behalf but wholly made default. Whereupon the plaintiff ought to recover against the said defendant Wm Teague her damages by occasion of the premises, and it appearing to the Court that the said cause of action is liquidated and fixed by four certain instruments of writing, it is therefore ordered by the Court that the Clerk do assess the damages sustained by said plaintiff, and said Clerk now here having assessed the damages aforesaid at the sum of ($576.83) Five hundred and Sixty Six 83/100 dollars principal and interest to said 13th day of March 1884, It is therefore considered by the Court that the said plaintiff Elizabeth Teague recover of the defendant Wm Teague the said sum of Five hundred & Sixty six 83/100 dollars with interest thereon at the rate of ten per cent per annum together with all cost in this behalf & expended for which execution may issue. Thereupon the plaintiff and the defendant Edward Gordon announced ready for trial, and submitted to the Court the following instrument and agreement in writing to wit:

Recorded in Vol. H. Records of Travis Co. Texas on the 14th day of March 1884. Witness my official signature and seal of office at Austin this day and date last above written. Elijah Robertson Clerk By Becker Thurmond Deputy

"Elizabeth Teague vs Wm Teague and Edward Gordon } In District Court Travis Co Texas March Term 1884.

In the above entitled and numbered cause it is agreed as between the plaintiff and the defendant Edward Gordon that judgment shall be taken against said Gordon for the sum of One hundred and Eighty nine ($189.00) Dollars — that being the unpaid balance due from said Gordon to Wm Teague for the land described and referred to in the petition in this cause, it

Dishich Court Minutes, March Term, 1884

Saturday the 22. day of March 1884

No 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers,

is further agreed that the judgment for said sum shall bear interest at the rate of ten per cent per annum from the date thereof, and it appearing that said Gordon is an innocent purchaser of said land without notice that Wm Teague owed anything on the land, and thing such innocent purchaser had agreed with said Teague to pay said unpaid balance on the 3d day of November 1884, it is therefore further agreed that the judgment taken in this case shall not be enforced before the said 3d day of November 1884. It is also further agreed that the lien on said land for the purchase money shall be foreclosed against said Edward Gordon for the said sum of One hundred and Eighty nine ($189.00) dollars It is further agreed that before any execution shall issue on the above named judgment and before any action shall be taken looking to the enforcement of the above named judgment the defendant Gordon or Alf. A. Robinson shall receive ten days notice, in writing of the intention of the plaintiff or his assigns to enforce said judgment, March 11th 1884

James D. Sheets atty for Gordon

Ryan Moore & Thomas attys for Plaintiff Elizabeth Teague

It is therefore ordered adjudged and decreed by the Court in accordance with said agreement that the plaintiff Elizabeth Teague do have and recover of the defendant Edward Gordon the sum of One hundred and Eighty nine dollars with interest at the rate of ten per cent per annum until said that time the unpaid balance due by said Gordon to Wm Teague for the land hereinafter described as follows to wit: situated in the waters of Williamsons Creek, being the same land deeded to Elizabeth Teague by John E. Caufield dated January 4th 1870 recorded in Book "S" pag. 528- with the following metes and bounds to wit: Beginning at N. W. cor of 50 acre track owned by Joe Davis, Thence N 60 W. 166 varas. cor in a 5 acre lot owned by James Johnson, Thence S to S.E. cor of same 5 acre lot, Thence West to the cor of S.W. cor of said 5 acre lot, Thence South to a mound, Thence S. 60 E. 332 varas, cor from which a Live oak brs N 76 W. 18 vrs, Thence N 30 E 850 vrs to beginning, containing twenty five acres of land more or less purchased by the defendant Wm Teague from Plaintiff and sold by him to Gordon — It is therefore ordered

Dishich Court Minutes, March Term, 1884

Saturday the 22 day of March 1884.

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and decred by the Court that the Vendors lien on said land to the amount of said one hundred and Eighty nine dollars with interest thereon be and the same is hereby foreclosed, It is further ordred by the Court in accordance with said agreement that the order of sale do not issue to sell said land before the 3d day of November 1884, and after said Gordon or Alf H Robinson have been notified in writing ten days previous thereto of the purpose of Plaintiff or his assigns to enforce said judgment, after which time an order of sale will issue to the Sheriff of Travis County to sell said land, and the proceeds thereof be applied to the payment of said judgment of $189.00 with interest and costs of suit and the remainder if any be held applied as a credit the whole amount realized by said sale to be a credit upon the judgment as well against Teague as Gordon herein ordered, and if there be more than enough to satisfy both judgments herein against said defendants with interest and cost, he will pay the remainder to the defendant Wm Teague.

Delia Barbu } This cause coming this day regularly called
vs } for trial came the Plaintiff by her Attorney and announced ready for trial,
Chas. Barbu. } but the defendant came not, and it appearing to the Court that the defendant had been duly and legally served with citation personally as required by law, the Court heard the pleadings evidence and argument of Counsel thereon, and is of opinion that the material allegations contained in Plaintiffs petition are true and that she ought to have the divorce, It is therefore considered ordered and decreed by the Court that the bonds of matrimony heretofore existing between the Plaintiff Delia Barbu and the defendant Chas. Barbu be and the same are hereby forever dissolved, and by agreement it is further ordred by the Court that the Plaintiff Delia Barbu and the county on the Costs bond to wit: A F. Boyce pay all costs in this behalf & Sheriff fee which execution may issue on behalf of Court officers of

7032

Eugene DeGraize } It appearing to the Court that the
vs } Citation in this cause had been amended
I & G. N. R. R. Co. } upon motion of Plaintiff. this motion
of the defendant to quash the same is hereby overruled

7085

Dis'tzict Court Minutes, March Term, 1884

Saturday the 22nd day of March 1884

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

5767. C. K. Rutherford ad
R. A. Rutherford Jr
vs
R. A. Rutherford Sr.

Hon. David Sheeks Special Judge presiding,

And now on this day came the parties by their respective attorneys, thereupon came on to be heard Plaintiffs motion for a new trial in this behalf. and said motion having been read and submitted, duly considered and fully understood was by the court 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 foregoing entry having been examined and found correct is hereby approved

David Sheeks Special Judge.

6077. John Orkney vs Jennie M. Nill. On March 19th 1884 it was ordered by the Court that defendant have leave to file 1st amended original answer.

Thereupon Court adjourned until Monday Morning March 24th 1884 when there being no civil business Court adjourned until Tuesday Morning March 25. 1884.

Tuesday March 25th 1884 Court met pursuant to adjournment. present Same as on first day of term whereupon the following proceedings were had Towit

7183 Lemuel G Moulton Etal
vs
John R Ward Et al

Now on this day come the plaintiffs by attorneys and suggest to the Court that Hattie Gray Moulton one of the plaintiffs herein is a minor. It is therefore ordered by the Court that D W Doom Esqr an Atty of the Court be and he is hereby appointed Guardian Ad Litem of said plaintiff -

7183 Lemuel G Moulton Etal
vs
Jno R Ward Et al

And now at this time (March 25th 1884) come the plaintiffs Lemuel G Moulton Albury C Moulton, Mary E Ayers & her husband Charles J Ayers, Cora M Odell & her husband Edward V Odell by their Attorneys and Hattie Gray Moulton a minor by her Guardian ad Litem D W Doom. the Defts Jno R Ward by his atty the defts James H Delkirk John Claudon and Levi Miller having failed to appear and answer in this behalf but utterly made default and no jury being demanded, submit the matters in controversy to the Court and the Court having heard the pleadings and Evidence adduced proceeded to determine the interest of the parties in and to the Lands described in the Plaintiffs Petition and adjudged the same to be as alleged in plaintiffs petition & as follows towit

District Court Minutes, March Term, 1884

Tuesday the 25 day of March 1884

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That the David S Bruce League & Labor Survey in Taylor & Jones County hereinafter discribed Is to be owned as follows. The plaintiffs together as the devizees of W C Moulton dec? own a share or interest of five Sixteenths (5/16) That John R Ward owns a share or interest of five Sixteenths (5/16) That the Defts Selkirk and Claudon own together a share or interest of four Sixteenths (4/16) and that the Defft Levi Miller owns the remaining share or interest of Two Sixteenths (2/16) That the other and remaining tracts of Land discribed in said petition (Except the Lucio Enriquez 160 Survey in Taylor County) are owned as follows, by the plaintiffs together as Legatees & devisees of said W C Moulton dec? a share or interest of one half (1/2) in value and by the said John R Ward the remaining share or interest of one half. It appearing to the Court that the said Lucio Enriquez Survey of 160 acres of Land in Taylor County was no longer justly owned by Pffs & Defft Ward the suit as to it was by Consent of said parties abandoned. Wherefore it is Considered ordered adjudged and decreed by the Court that the Lands discribed in Plaintiffs petition be partitioned between the plaintiffs & the Defts in accordance with their respective interests as herein before adjudged, that is to say: That of said Survey No 135 in Sec 16. of one League and one Labor granted to David S Bruce by Patent No 738. Vol. J. and lying about 18 miles S. W. of Fort Phantom Hill in Jones & Taylor Counties & described by meets & bounds as follows Viz - Beginning at a Stake for the N W Corner of Survey No 134 from which a Mesquite bro N 3½ W 21 vrs a Hackberry tree bro N 65 W 40 vrs Thence N 15 W 1100 vrs Cruk 1380 varas to a Cruk 5000 varas a Stake from which a Mesquite bro S 11 W 16 varas Thence N 75 E. Crossing Cruk 5200 varas to a Stake & mound Thence S 15 E. Crossing Cruk 5000 varas to a Stake & mound. Thence S 75 W 5200 varas to place of beginning Bearings marked X - The Plaintiffs Solomon G Moulton Asbury C Moulton - Mary E Ayers Cora M Odell and Hattie Gray Moulton together as the Devisees of the Will of W C Moulton dec? do have an interest or share of five Sixteenths in value - The Defft John R Ward a like interest or share of five Sixteenths (5/16) The Defts James H Selkirk and John Claudon together an interest or share of four Sixteenths (4/16) & the Defft Levi Miller an interest or share of two Sixteenths (2/16) That the remaining tracts of Land described in said Petition (except as herein Specified) and which are described in said Petition & Patents as follows to wit, 1. Two thirds of a league

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Tuesday the 25th day of March 1884

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& 2/3 of a Labor of Land lying & being situated in the Counties of Jones & Taylor granted to Alexander Thompson by Patent No 236 Vol 12 about 8½ miles above Fork Phantom Hill on West Bank of the Clear fork of the Brazos River and more particularly described as follows Begining at a Stake the upper Corner of Survey No 19. from which an Elm bears S 76½ W 30 Varas another, bears S 65° W 20 Varas Thence West 1083 Varas to a Stake and mound. Thence South 952 Varas to a Stake & mound Thence West 1274 Varas To a Stake and mound Thence South 1971 Varas to a Stake and mound Thence East 6297 Varas to a Stake on the river from which an Elm bears N 17½ E. 3 Varas Another bears N 1½° W 3 Varas Thence down the River with its meanders to the place of beginning Bearings marked 7/1. 2. One third of a League & 1/3 of a Labor of land granted to said Alexander Thompson by Letter patent No 235 Vol 12, Situated about 15 miles above Fork Phantom Hill on the West Bank of the Clear Fork of the Brazos River in Taylor County and described as follows- Begining at a Stake the upper Corner of Survey No 36 from which a Mesquite bears S. 16° W 40 Varas another bears S 26½° W 40 Varas. Thence West 4200 Varas to a Stake and mound Thence South 2875 varas to a Stake and mound Thence East 2750 Varas to a Stake on the ~~East~~ Bank of the River from which a Mesquite bears N 71° W. 15 Varas a Pecan tree bears S 30° E 35 Varas Thence down the River with its meanders to the place of beginning. Bearings marked 7/1. 3. 640 acres of Land lying and situated in Taylor County granted to Herman Ward by Patent Nr 701 Vol 4 on the East Bank of the Clear fork of the Brazos River 14 Miles above Fork Phantom Hill and particularly described as follows, towit; Begining at a Stake the upper Corner of Survey No 89 from which a Mesquite bears N 9½° E 40 Varas another bears N 11½° E. 40 Varas. Thence East 3350 Varas to a Stake and mound Thence South 950 Varas to a Stake and mound Thence West 4050 Varas to a Stake from which a Mesquite bears S 38° E 40 Varas Another S 19½° E 70 Varas Thence down the river with its meanders to the place of beginning. Bearings marked 7/1. ~~X~~ Excepting a track of 160 acres off the East End thereof sold by said W C Moulton & Diff Ward to the Texas & Pacific Rail way Company & described as follows. Beginning at a Stake and mound the same being the N.E. Corner of said Survey Thence West along N boundary line of the same to a point distant 950 14/16 Varas for a Corner Thence South 950 Varas to the South boundary line of said Survey Thence East along the S Boundary line of the same 950 11/16 varas to the S.E. Corner of said Survey a post & mound Thence North along the East Boundary line of said Survey 950 varas to beginning

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Excepting 10 acres sold therefrom by said Ward & Moulton to Marshall and described in their deed to him - 4th One hundred and sixty acres of Land in said Taylor County patented to Edward Ramirez by Letters patent No 759. Vol 6 on the West banks of the Clear fork of the Brazos River about 13 3/4 Miles above Fort Phantom Hill and described as follows towit, Beginning at a Stake the upper Corner of Survey No 32. from which an Elm bro. S 30° W 14 Varas A Mesquite bro South 14° W 10 varas. Thence West 1880 Varas to a Stake and mound. Thence South 475 Varas to a Stake and mound Thence East 1920 Varas To a Stake on the Bank of the River from which a Mesquite bro N 76° W 65 Varas Another bro N 50° W 50 Varas. Thence down the River with its meanders to the place of beginning - Bearings marked X. - Be partitioned and divided between the said Plaintiffs together (as the division of said W.C. Moulton) & the Defft Jno R Ward as follows towit; To said Plaintiffs together a Share or interest Equal in value to one half in Each and all of said tracts of Land and to the said John R Ward the other Share or interest Equal in Value to one half in Each and all of said tracts of Land. It is further considered ordered adjudged and decreed That Thomas J Finnie, J H Daniels and A M Henderson be and are hereby appointed Commissioners to make such partition in accordance with this decree and the law. and they make their written report at the present or at the next Term of this Court showing how they have executed the same. It is further ordered & adjudged that the costs of this suit be taxed & adjudged against Each of the Defendants in proportion with interest held by Each including in such Bill of Costs 15 Cents per hundred for Each hundred words in this & the final decree of partition for all of which let execution issue &c

7126. Thos H Nucles. } Austin Texas March 14th 1884. Hon A G Walker
Ex Parte } Judge 16th Judicial District - We the Undersigned Members of the Austin and Williamson County bar, recognizing the advantages derived by the Courts of many States, in which official Stenographers are Employed for the more prompt dispatch of business and the more accurate record of Causes on Appeal, and in view of the fact that the labors of this Judicial District, owing to all State Suits being tried in it are far more onerous than those of any other Judicial District in the State, requiring where possible any aid calculated to facilitate the Expeditious trial of causes, would respectfully recommend that your Honor take advantage of the Statutory provision Conferring authority upon

District Court Minutes, March Term, 188[illegible]

This day the 25th day of March 188[illegible]

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the Court to appoint a Court Stenographer and that you make an order requiring Stenographic Service in all important Causes David Sheets. John Dowell, W M Walton, E B Hancock. A H Graham A M Jackson Jr W D Williams David H Howlett. Sheets & Sneed A M Jackson. Bethel Coapwood. A W Terrell H E Shelley. F W Chandler. Carleton & Morris J W Robertson Jas M Harris D A Posey W Von Rosenberg Jr L D Brooks A J Peden R A Smith E D Johns D W Downs Dudley G Wooten Ed Moore Thos H Wheless Jno B Rector W B Dunham Jas W Smith Maxey & Fisher Wilson Gregg. Daniel Gettins Thad A Thomson Archer Brown A D Walton - Members of Wm Don Co Bar - A J Fisher W K. Makemson H C Fisher M E Belcher Wm M Key J W Posey E A Strickland J W McCamley B E Christsburg James H Robertson - In Response to the foregoing request and so far as under the laws I have the power to appoint a Stenographer for the Court in this Judicial District I do hereby appoint the said T H Wheless Stenographer for this the District Court in this the 16th Judicial Dist

It is understood that this appointment does not authorize the Service of the Stenographer save when one or both parties may under the Statute apply for the appointment & Services of a Stenographer Given under my hand this 25th March A D 1882 A J Walker Judge 16th Dist

Oath of Office. The State of Texas - I Thomas H Wheless do Solemnly Swear that I will faithfully and impartially discharge and perform all the duties incumbent upon me as Official Stenographer of the 16th Judicial District 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 adaption 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 affending And I further 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 to Secure my appointment So help me God - Thos H Wheless

Sworn to and Subscribed before me this 25th Day of March 1882 A J Walker Judge 16 Dist

District Court Minutes, March Term, 1884

Tuesday the 25th day of March 1884

Printers, Lithographers and Stationers, St. Louis.

7057

Sarah E Patton
vs
Enoch E Patton

And now on this day came the Plaintiff by attorney and the defendant by his atty appointed by the Court and both parties announced ready for trial and no jury being demanded the matters and things in controversy were submitted to the Court. Thereupon the Court having heard the pleadings and Evidence adduced and the argument of Counsel thereon is of the opinion that the material allegations in plaintiffs petition contained are true and that the plaintiff should have the relief sought for. It is therefore ordered adjudged and decreed by the Court that the bonds of matrimony heretofore existing between the plaintiff Sarah E Patton and Enoch E Patton be and the same are hereby forever dissolved and it is further considered by the Court that the plaintiff recover of the defendant all her costs in this behalf expended for which let execution issue. Thereupon Court adjourned until tomorrow morning 9 O'Clock

7124

Ex Parte
Joseph L. Giles

March 26th 1884. Court met pursuant to adjournment present same as on first day whereupon the following proceedings were had towit-

The State of Texas County of Travis- To all to whom these presents shall come greeting- In the District Court of Travis County March Term 1884. At a District Court in and for Travis County held at the Court House in the City of Austin in said County Joseph L Giles 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 a Certificate from the Clerk of the Chancery Court of Bolivar County Mississippi certifying that said Joseph L Giles was admitted as an Attorney and Counselor of the Chancery Court of said State and he having been introduced to this Court by H.B. Barnhart and James M Harris 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 Joseph L Giles be and he is hereby admitted and authorized to appear plead and practice as an Attorney and Counselor at Law in the District and all inferior Courts of the State of Texas for which this shall be his sufficient License These are therefore to License Authorize and Empower the said Joseph L Giles to practice as an Attorney and Counselor at Law in the several District and Inferior Courts of this State

District Court Minutes, March Term, 1884

Thursday the 27th day of March 1884

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

✓ 7125

John G Fitzhugh } And now on this the 27th day of March A.D.
Ex Parte } 1884 Came on to be heard the application of
John G Fitzhugh by reason of minorage, thereupon came John
H Fitzhugh with said John G Fitzhugh and having qualified as Natural
Guardian of said Jno G Fitzhugh to act in this behalf, 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 applic-
ation is in due form and that said minor is past nineteen
years of age- and that the allegations in said petition are
true: That it will be for the best interests of said minor
and his Estate and that it is advisable that his petition
be granted and his disabilities by reason of his minorage
be removed and that said John H Fitzhugh the Natural
Guardian and Father of said John G Fitzhugh- Consenting
thereto- It is therefore ordered adjudged and decreed that the
disabilities as a minor of the said John G Fitzhugh be
and the same are hereby and now removed. And that said
John G Fitzhugh shall be held & adjudged 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 proceedings-

✓ 6076

Geo. B. Finnellman } And now comes the Plaintiff by Attorney on
vs } this the 25th day of March A.D. 1884, and moves
Wm Finlay et al } the Court to dismiss this cause the defen-
dants assenting by agreement the payment of all costs. It is
therefore ordered by the Court that this cause be and the
same is hereby dismissed, and that the defendants Wm
Finlay, pay all costs in
this behalf & funded for which let execution issue.

Court adjourned till tomorrow morning 9 o'clock.

March 28th 1884

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

Disfich Court Minutes, March Term, 1884
Saturday the 29th day of March 1884.

Printers, Lithographers and Stationers, St. Louis.

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

7108. Jessie S. Porter, vs R. W. Porter, } This case being this day regularly called for trial came the plaintiff by her attorney and announced ready for trial, and it appearing to the Court that the defendant had been legally and duly served personally with process in accordance with law more than five days before the opening of the present term of this Court, and failed to answer herein, and the Court having heard the evidence, pleadings and arguments of Counsel thereon is of the opinion that the material allegations contained in plaintiffs 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 existing between the plaintiff Jessie S. Porter and the defendant R. W. Porter be and the same are hereby forever dissolved, and held for naught: and that she have and recover of and from said defendant all costs by her expended, for which let execution issue.

5690 John Benton Guard-vc vs Ed Cooney et al } On the 24th day of March 1884 came the parties by their attorneys and submitted to the Court the following agreement in writing to-wit: " John Benton Guardian &c. vs Ed Cooney et al, It is agreed that this case shall be at once dismissed from the docket, the same having been compromised and settled one half of the costs shall be adjudged against the plaintiff and the other half of the costs shall be adjudged against defendants and Intervenors, this March 24th 1884

Witness J L. Nichols. John Benton Plaintiff for himself
Shuler & Sneed Attys for defts and Intervenors

It is therefore ordered by the Court that this cause be and the same is hereby dismissed, and that the plaintiff John Benton and his surety on his cost bond to-wit R. S. Caperton pay one half of the costs in this behalf expended, for which execution may issue, and that the defendants Ed Cooney, A Neill, Wm Brueggerhoff, Paul Poseler and A.R. Morris, and intervenors Jno A Webb & Jos. W. Webb, pay the other one half of the costs of this

Districh Court Minutes, March Term, 1884

Saturday the 29 day of March 1884

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

suit. for which execution may issue.

Court adjourned till Monday Morning 10 oclock

March 31st and April 1st 1884

Court met each of the above days pursuant to adjournment. Present same as on first day. and there being no Civil Minutes of either of said days to be recorded, Court on the evening of April 1st 1884, adjourned till tomorrow Morning 9 O clock

April 2d 1884.

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

J. R. Morgan vs M. E. Morgan } This cause having been set for trial for the 29th day of March 1884, was at said date regularly called for trial whereupon both parties appeared by their attorneys and announced ready and the Court after hearing the pleadings evidence and argument of counsel thereon took the case under advisement. and now on this the 2d day of April 1884. finds that the material allegations contained in plaintiffs petition are true and that the parties should be divorced, It is therefore ordered adjudged and decreed by the Court that the bonds of Matrimony heretofore existing between the plaintiff J. R. Morgan and the defendant M. E. Morgan be and the same are hereby forever dissolved and and held for naught, and it appearing to the Court that the plaintiff J. R. Morgan is absent from the State. It is further ordered that the care and custody of the children of the plaintiff and defendant viz: Nellie and Charles L. Morgan. be and the same are hereby given to the defendant M. E. Morgan, the plaintiff being allowed and hereby granted the right to visit and see them at all reasonable times, It is further ordered by the Court that a fee of twenty dollars be taxed and collected as the other costs, for attorneys fee, for N. G. Shelby and D A Hewlett Esq attorneys appointed by the Court to defend this suit; and that one half of the costs be adjudged against each of the parties to this suit. for which execution may issue against the parties respectively.

√ 5863.

District Court Minutes, March Term, 1884

Saturday the 29th day of March 1884

Printers, Lithographers and Stationers, St. Louis.

6046 James Jackson vs Anna Lucy Cassidy

Now on this the 7th day of March 1884 in this cause came the parties plaintiff and defendant and by consent proceeded to trial of this cause and the Hon A.J. Walker Judge of this Court having heard the pleadings and being advised of the matters in issue declared himself disqualified to sit as Judge in this cause and afterwards upon the same day the parties plaintiff & defendant filed their agreement appointing D W Doom Esq. Special Judge for the trial of this cause said agreement in writing being as follows towit, "Jackson vs Cassidy No 6046 "The Hon A J Walker being disqualified in the above stated and numbered "cause we the undersigned attorneys for the plff & defendant hereby "agree to select & do hereby select D W Doom Esq. as special Judge "to sit in & try said with all powers & authority the same as if the "Hon A S Walker the regular Judge had certified his disqualification "to the Governor of Texas & the said D W Doom Esq had been appointed "Special Judge to try the said cause by the Governor by virtue of the "authority vested in him by the Constitution & Laws of Texas this "7th March 1884. Walton & Hill for defts. Smith & Trigg & J W Robertson attys "for Plaintiff" And afterwards on the same day came the said D W Doom and qualified as Special Judge in this case and taking the Constitutional oath of office as required by law as follows, towit, "The State of Texas Oath of Office. I D W Doom "do Solemnly Swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent upon me "as Special Judge in the trial of Cause No 6046. of James Jackson "vs Anna Lucy Cassidy, 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 (or affirm) 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 Solemnly Swear (or affirm) 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 (or if the office is one of "appointment to secure my appointment) So help me God. D W Doom "Sworn to and Subscribed before me this 7th day of March A.D. 1884 Jas P Hart Clerk Dist Ct, Travis Co "

District Court Minutes, March Term, 1884

the 7th day of March 1884

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

6046 James Jackson vs Anna Lucy Cassidy

D W Doom Special Judge Presiding

And now on this the 7th day of March 1884 this Cause coming on to be heard before the Hon D W Doom Special Judge Came the parties plaintiffs and defendant and by Consent in open Court it is ordered that defendant have leave to file her first amended original answer and first supplemental answer and that plaintiff have leave to file his first supplemental petition And thereupon the parties in open Court announced themselves ready for trial and neither party having demanded a Jury the matters of fact as well as of law were submitted to the Court And the Court having heard the plaintiffs original petition together with defendants demurrer thereto it is ordered that said Demurrer be and the same is overruled to which ruling defendant excepts And the Court having heard defendants Amended Original Answer together with plaintiffs general and Special Demurrers and exceptions thereto is of opinion that the said demurrers and exceptions are not well taken and the same are accordingly overruled to which ruling the plaintiff in open Court excepted. And the Court having heard plaintiffs first supplemental petition and defendants demurrer thereto it is ordered that said demurrer be and the same is overruled to which ruling defendant excepts, and thereupon both parties announced themselves ready for trial upon the merits and the Court having heard the pleadings of both parties proceeded to hear the evidence and the Evidence not being concluded the Court adjourned till Saturday morning at 9 Oclock March 8th 1884. The Court having met pursuant to adjournment the Hon D W Doom Special Judge presiding in this Case, Came the parties and proceeded with the trial & hearing of the Evidence in this Cause and the same not having been concluded it is ordered that Court Stand adjourned till Monday Morning March 10th at 10 Oclock — March 10th 1884. The Court having met pursuant to adjournment the Hon D W. Doom Special Judge presiding Came the parties and proceeded with the trial of this Case And the Court having heard all the Evidence together with the argument of Counsel thereon took the Case under advisement And on this 29th March 1884 in this Case of 6046 of James Jackson vs Anna Lucy Cassidy Came the parties

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to this Cause the Hon D W Doom Special Judge in this case presiding and the Court having had said Case under advisement for decission finds the following Conclusions of fact and of Law. "No 6046 James Jackson " vs Anna Lucy Cassidy - In the District Court of Travis County Texas " March Term AD 1884 - From the Evidence introduced on the trial of " the above entitled Cause the following Conclusions of fact are found by the Court. " 1. The forty acres of land in Controversy is a part of a tract of land contain- " ing one hundred and two acres conveyed to Margaret Cassidy by Adolph " Bahn by deed bearing date april 1st 1874 and of record in the County " of Travis in Book No 26. pages 175. and 176. 2. At the time of " the purchase of the one hundred and two acres of Land from Adolph " Bahn by Margaret Cassidy She was a widow and her children " one Son and three daughters were all over twenty one years old One " daughter Anna Lucy Cassidy the defendant in this Cause was then " and still remains unmarried. The other two daughters were widows " and one of them had two small children. 3. After the purchase of the one " hundred and two acres of land by Margaret Cassidy and before March 1878 She " with her family consisting of the three daughters and the two small children " of one of the daughters Commenced to reside in a dwelling house on the " one hundred and two acres of land and was residing there with " said family on the 19th day of March 1878, and She with said " family Continued to reside there until February 1882 when she died " leaving the remainder of the family still occupying the premises and " the Defendant Anna Lucy Cassidy remains in possession and occu- " pancy of the premises to the present time - 4. The forty acres of " land in Controversy was conveyed by Margaret Cassidy to the def- " endant Anna Lucy Cassidy by deed of Conveyance dated the " 19th day of March 1878, acknowledged the 4th day of May 1878 " filed for Record the 7th day of May 1878 and recorded the 8th day " of May 1878, in which deed of Conveyance it was recited " that the payment of two hundred dollars by Anna Lucy Cassidy " was the Consideration for the Conveyance and that the forty acres " of land was all of the upper portion of the one hundred and two " acres of land Except the Enclosed two and a half acres " lying immediately around the dwelling house of Margaret Cassidy " which was not sold but reserved for a yard and garden " 5 The Austin Home Building and Loan Association was in- " Corporated on the 13th day of September 1875. under the General " laws of the State of Texas and Commenced business on the 4th day " of October 1875. 6. The Charter provided that the object of the

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"Association should be the accumulation of a fund as provided in the
"by laws to assist its Stockholders individually to purchase and improve
"real Estate; that the maximum number of shares should not Exceed ten
"thousand, and the minimum value of each share to be not less than
"one dollar and the ultimate or par value to be one hundred dollars
"that the association should terminate in twenty years or whenever
"the unredeemed shares of stock in the last series of stock issued
"by the Directors should be worth one hundred dollars each
"that the business of the Association should be transacted in the
"City of Austin and that the Directors should be nine in number
"7. The Bylaws of the Association provided that the Capital Stock
"should be issued in Series of not more than two thousand
"nor less than five hundred shares that no series after
"the first should Exceed one thousand and that such series
"should be issued annually as the Diractors might determine
"8. Article 4 of the Bylaws provided that the Capital should
"be paid in installments of one dollar per share per month
"that Every member of the Association should on the first
"Second or third of Each month pay to the Secretary one
"dollar for Each share then held by him whether unpledged
"or not, during the Continuance of the Series to which such
"stock belonged and for any neglect in so doing should
"be fined for Every failure to pay on Each share five cents
"that any Stockholder who should neglect to pay such
"installment of dues for the space of five months should
"forfeit his Stock, and should be entitled to receive the
"amount paid in on such stock after deducting all fines
"without any allowance of interest or profit; that whenever
"it should appear from the books of the Association that the
"Stock of any particular Series was worth one hundred
"dollars per share all arrears of monthly dues fines and
"otherwise on stock of that particular Series should become
"immediately due, and the Directors should cause to be
"paid to the holder of each unpledged share of such Series
"one hundred dollars less all arrears of fines dues or
"otherwise and payment of dues on Stock of that Series
"should cease and the Directors should cause to be deliv
"ered to Each grantor in trust who had complied with
"the conditions of his loan a deed of release and all
"papers connected with such loan; that whenever the

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"last series of stock issued should be worth one hundred dollars the shareholders
"should be provided for as above, the liabilities of the Association paid off
"and it should cease to exist and should not be sooner dissolved: And that
"said Article 11. should not be altered amended or repealed without the un
"animous Consent of all the voting shares belonging to the Association
"9. The by laws of the Association also provided that there should be monthly
"meetings of the Stockholders of the Association and also monthly meet
"ings of the Directors; That the President of the Association at each monthly
"meeting of the Stockholders should offer the money in the Treasury for
"loan in open meeting, such loan to be disposed of to the highest
"bidder for priority of right: that loans should at all times be given
"to the Stock holder offering the highest premium: that each Stockholder
"for each and every share held by him in the Association should be
"entitled to receive a loan of not more than one hundred dollars
"less the premium offered by said Stock holder for priority of
"loan and should pay six per cent per annum (½ of 1 per cent a month
"interest in monthly installments upon the gross amount in
"cluding premium of his loan: that any stockholder who should
"neglect to pay the interest on his loan at or before each
"stated monthly meeting should be fined for each such neglect
"ten Cents on Each one hundred dollars and fractional part
"of same borrowed: that the repayment of such loan to the
"Association should be secured by note, warrant of Attorney
"and a lien upon real Estate which should be clear of all in-
"cumbrance Such security to be approved by the Board of
"Directors: that in all trust deeds taken by the Association
"The President of the Association or some other person desig
"nated by the Board should be Trustee: that every share
"of stock upon which a loan was effected should be transferred to the
"Association as collateral security: and that if the interest on any loan
"or the dues on the shares upon which said loan was based should
"remain unpaid for more than six months, the Board might
"Compel payment of Principal, interest and fines by ordering pro
"ceedings on the Security according to Laws 10. Article 13 of the
"by laws provided that a borrower might return a loan to
"the Association at any time (if not in arrears for dues fines
"or assessments) by the payment of the amount of money re
"ceived by him from the Association on said loan together with
"such a part of the premium thereof, as the apparent value
"of the Stock of the Series upon which the loan was based

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" was at that time to the ultimate value and that his note and all
" other papers in his case should be returned to him. 11. On the
" first day of April 1878 the defendant Anna Susy Cassidy became
" a Stock holder in the Association and received a certificate for
" five shares of one hundred dollars each in Series six of the
" Capital Stock of the Association. 12. On the 4th day of May 1878
" the defendant in the Monthly Stockholders meeting applied in
" writing for a loan of two hundred and fifteen dollars on her five
" shares of stock of one hundred dollars each and offered a prem
" ium of fifty seven per cent as her bid; that is she proposed to
" take a loan of forty three per cent of her stock amounting
" to $215.00 on her five shares of stock amounting to $500.00; and
" offered the forty acres of land now in controversy as security
" in addition to the transfer of the stock as collateral security and
" her bid was accepted. 13. On the 3rd day of June 1878 the
" Attorney of the association reported that the title to the forty
" acres of land was satisfactory and the Security Committee reported
" that the Security offered was sufficient and thereupon the security
" was approved by the Board of Directors. A Record of the loan was
" made in a book called the Real Estate Register Kept by the Asso
" ciation in which the amount of the loan $215.00 and the premium
" $285.00 making up the $500.00 and the forty acres of land as security
" were shown and the Association also Kept the written application
" or proposition of the Defendant for the loan. 14. On the same day
" the 3rd day of June 1878 the defendant received two hundred and
" fifteen dollars as the loan and made executed and delivered
" to the Association her obligation in writing of that date to
" the effect that she was held and firmly bound unto the
" Association in the sum of five hundred dollars to be
" paid at the City of Austin Texas unto said Association its succes
" or assigns; upon condition that if she should well and truly pay to
" said Association during the continuance of its Sixth Series of Stock
" by Article 4 of its by-laws the monthly interest from the date of the
" obligation at the rate of six per cent per annum on the said sum
" of five hundred dollars - it being the amount advanced to her by
" said Association in redemption of five shares of her stock
" therein and the premium bid by her for such redemption
" and also the Monthly dues, fines and all other proper charges
" on said shares or arising out of the redemption thereof as
" provided by and in pursuance of the by laws of said Association

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"And if She should (in case the Board of Directors should enforce the lien given
"by her to secure the obligation as provided in said by-laws- or in case she shall
"return the amount advanced as aforesaid) well and truly pay to said Associa
"tion, such sum as the Board of Directors determine to be right and proper
"for her by Article 13 of said by laws to pay in discharge of the above
"penalty and in lieu of the said sum of five hundred dollars, then
"the obligation to be null and void: Else to remain in full force
"and virtue and that the obligation while in force and at the ma-
"turity of said Series of Stock if then in force should be a full set
"off against her claim to the value of the said five shares of stock
"which by an instrument of writing bearing even date with the obli
"gation She had transferred to said Association. 15. On the same day
"the 3d day of June 1878, the defendant by an instrument of writing
"of that date transferred her five shares of Stock to the Association
"reciting in the transfer that the shares of stock had been that day
"redeemed and that the amount or value of said shares was to
"be appropriated towards the payment of any sum She might be
"due or indebted to the Association by the terms and conditions
"of the obligation executed by her to the Association and bearing
"even date with the transfer. 16. On the same day the 3rd day
"of June 1878 the forty acres of land in Controversy were conveyed
"by the defendant Anna Lucy Cassidy to A G Shelley President of the
"Austin Home Building and Loan Association, by a deed of trust
"dated and acknowledged the 3rd day of June 1878 and recorded
"the 6th day of June 1878. In this deed of trust besides the
"description of the forty acres of land given in the deed of
"conveyance from Margaret Cassidy to the defendant it was
"stated that it was the portion of one hundred and two
"acres to be fenced by the said Anna Lucy Cassidy during the
"coming year with funds procured from the Austin Home Buil
"ding and Loan Association. It was recited in the deed
"of Trust that it was executed in consideration of the debt
"and trust mentioned and created in it and of the sum of one
"dollar paid to the defendant and that the conveyance
"was in trust to secure the performance by the defendant
"of the conditions expressed in her said obligation, executed
"by her to the Association which obligation is set out and
"described in the deed of trust, and that if she should well
"and truly perform all the conditions expressed in said obligation
"then the deed should be void and the property should be releas

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" but if she should fail to perform the conditions of the obligation
" then the said should remain in force and the Trustee or in the
" event of his death or absence from Austin Texas or failure
" or refusal to ack or other disqualification for the performance
" of the duties of the trust, then at the request of the holder of said
" obligation his successor in office or the Sheriff of the County of
" Travis for the time being who should thereupon become the Suc-
" cessor of the said Trustee to the title of said property and the
" same become vested in him in trust for the purposes mentioned
" in the said of Trust with all the powers duties and obligations
" thereof, might proceed to sell the property at public vendue
" to the highest bidder for Cash at the South East Corner of
" Block No 70 Austin Texas first giving twenty days public
" notice of the time terms and place of said sale and of the
" property to be sold by notice posted at three public places
" in Travis County Texas and upon such sale that the said
" Trustee or his successor in trust or the Sheriff of Travis County
" as the case might be should execute and deliver a deed in
" fee simple of the property sold to the purchaser, a recital where
" in of the request of the holder of said obligation that he should
" proceed to sell and of the posting of said notice and in case of
" sale by the Sheriff of Travis County of the happening of any
" or either of the events making him successor in the trust should
" be received in all Courts of law or Equity and to all intents and
" purposes as full and sufficient proof thereof and that he
" should receive the proceeds of the sale and out of it pay
" first the Costs and Expenses of executing the trust including
" Compensation to the Trustee or Sheriff for his services and next
" the amount due on said obligation principal interest first
" &c and the remainder if any to the Grantor or his legal representatives
" 17. Before the Execution of the deed of Conveyance from Margaret Cassidy to
" the defendant dated the 19th day of March 1878, Conveying the forty acres of
" land in Controversy the defendant had applied to R A Blandford
" Secretary of the Association for a loan of two hundred dollars
" and was told by him that it would be necessary for her
" to become a Stockholder in the Association and that it would
" be necessary for a part of the one hundred and two acres
" of land to be Conveyed by her mother the said Margaret
" Cassidy to her to Enable her to give a lien upon it to secure
" the loan as the whole of the land without such Conveyance

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" was her mothers homestead. Her mother then made her a deed of gift con
" veying the forty acres of Land to her, which she presented to R A Beard for
" the Secretary of the Association for Consideration and he after keping it
" a few days returned it to her and stated to her that it would be nec
" essary to have a deed expressing a valuable Consideration paid
" The said Deed of Conveyance dated the 19th day of March 1878 Conveying
" the forty acres of land to the defendant and expressing a Consideration of
" two hundred dollars paid was then executed by Margaret Cassidy but
" not acknowledged by her until the 4th day of May 1878 when the loan
" was formally applied for by the defendant in the Shockholders meet
" ing. The Two hundred dollars Consideration mentioned in said deed of
" Conveyance was never paid or agreed to be paid, nor was any Consid
" eration paid or agreed to be paid for said Conveyance, but it was a vol
" untary Conveyance made for the purpose of Separating the forty acres
" of land from the remainder of the tract in order to encumber it with a
" deed of trust to secure the loan And these facts were known
" to the Board of Directors of the Association at the time they approved the
" Security and awarded the loan to the defendant. 18) With the
" two hundred and fifteen dollars received by the defendant from
" the Association a fence was placed around the forty acres of land
" Enclosing it with the two and one half acres around the dwelling
" house, A part of the old fence around the two and one half acres
" being used in the Construction of the New fence. This new fence
" was built soon after the loan was obtained and since it was
" built the forty acres and the two and one half acres with the
" Dwelling house have been in one Enclosure without any
" separating fence between the forty acres and the two and one
" half acres. 19, The defendant Commenced paying dues on her
" five shares of Stock at one dollar per share per month
" making five dollars per month about the first day of April 1878
" and She Commenced paying interest on her loan two dollars and
" fifty Cents per month on the 3rd day of June 1878 the dues and
" interest being payable monthly in advance. 20, She continued paying
" dues and interest upto the 9th day of July 1881 after which time
" she did not pay any thing. Sometimes her payments were
" made within the time prescribed by the by laws so as to
" avoid the fines but at other times they were not. Up to and
" including the 9th day of July 1881 she had paid in all
" Three hundred and six + 15/100 Dollars. The payments when
" made were entered in what was called a Pass Book which

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" Continued the Charter and by laws of the Association and blank pages
" prepared for the purpose of making Entries of payments. At the times
" the payments were made they were appropriated so much to dues
" on Stock, So much to fines and assessments as the case might be
" and were so Entered in the pass book. The entries showing the amount
" of money paid and the appropriation made were signed by the
" Secretary of the Association in the pass book and the pass book
" was Kept by and remained in the possession of the Defendant
" The Entries were also made in a book called the Record of Loans and
" payments Kept by the Association which besides showing the pay
" ments and appropriations also showed the amounts of arrears and
" fines and interest remaining unpaid at any particular time if
" any. The three hundred and Six & 40/100 Dollars paid by the Defendant
" up to and including the 9th day of July 1881 had been appropriated
" as follows. One hundred and Eighty Eight & 75/100 Dollars to dues on
" her five Shares of Stock Ninety five dollars to interest on her
" loan and twenty two & 65/100 Dollars to fines and assessments.
" 21. After the 9th day of July 1881 the Defendant declined to pay any
" more, insisted that her debt was paid and that the Deed of
" Trust ought to be Cancelled. 22. After she had failed to pay anything
" for Six months the Board of Directors at their monthly meeting held
" on the 7th day of January 1882 passed a resolution giving her
" one more month and directing the Secretary to notify her that
" she must pay up by that time or proceedings would be taken
" against her, and at their next monthly meeting held on the 7th
" day of February 1882 they directed the Attorney of the Associat
" ion to foreclose the deed of trust on the forty acres of land
" 23 The Defendant then went to N. G. Shelley who at the time of the
" Loan was the President of the Association and Trustee in
" the Deed of trust but who had afterward ceased to be even
" a Stock holder in the Association and asked his assistance
" in the matter. He went before the Directors at their meeting
" held on the 7th day of April 1882 and represented to them that
" the forty acres of land was a part of Mrs Margaret Cassidys
" homestead and that the Contract as to the interest was
" usurious and asked them to Consider some mode of compro
" mise settlement before proceeding to sell the land and
" thereupon they passed a resolution suspending the order
" of the Board directing the Sale of the Cassidy property
" and directing the Secretary to communicate to the Defendant

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" an affer of settlement as follows: She to pay the Association the full amount
" of dues in arrears on her five shares of Stock amounting to fifty four 69/100
" Dollars and the Association in turn to remit the fines in arrears four 17/100
" Dollars and the interest in arrears twenty two & 59/100 Dollars release her
" loan and close her liability in the Association. This Proposition was
" communicated to the Defendant by A. G. Shelly who advised her to place the
" property in the hands of an Agent to sell at private Sale to raise
" the money and she placed the property in the hands of DeCordova
" a Land Agent to sell at private Sale- 24. At the meeting of the
" Directors held on the 8th day of May 1882, the Secretary reported that the defen-
" dant had made no reply to the communication addressed to her as ordered
" by the Board at the last meeting and the Attorney was again directed
" to foreclose the Deed of Trust. to satisfy the loan- 25. At the meeting
" of the Directors held on the 8th day of June 1882 it was ordered that
" unless the Miss Cassidy matter was settled before the 20th day of that
" month the Attorney be directed to foreclose the Deed of Trust. 26. On the
" 26th day of July 1882 A G Shelly Endorsed on the Deed of Trust his
" refusal to Execute it without giving any reason therefor. At the at
" time A J Jernigan was President of the Association and A. G.
" Shelly's Connection with it had ceased. 27. On the 27th day of July
" 1882 the Association through its duly authorized Attorney requested
" Ed Creary who was then Sheriff of Travis County to Execute the
" deed of trust as Substitute trustee- 28. A J Jernigan President
" of the Association was not called upon to Execute the deed of Trust
" and his absence refusal to act or other disqualification for the
" performance of the duties of the Trust was not shown except that
" he failed to act and the Attorney of the Association was act
" ing under this advice- 29. Ed Creary the Sheriff of
" Travis County as Substitute Trustee advertised the property
" to be sold on the fifth day of September 1882 by three notices
" in writing posted one at the Court house one at the
" Past office and one at the South East Corner of Block No
" 9 all in the City of Austin in Travis County- 30. The Sale was
" made on the fifth day of September 1882 by George T Haswell
" a Deputy Sheriff of Travis County and the property was bid
" off by A R Morris for the Sum of Ninety Dollars. Ed Creary
" the Sheriff was not present at the Sale- 31. On the next day the
" 6th day of September 1882 A R Morris Sold his bid to James
" Jackson the plaintiff in this suit and the Ninety dollars
" was paid by Jackson to Morris and by Morris to the

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Deputy Sheriff Haswell and a deed of Conveyance dated the 6th day of September 1883 was executed by Ed Creary as Sheriff and Substitute Trustee in person Conveying the forty acres of Land to James Jackson 32. The Deed of Conveyance from Ed Creary as Sheriff and Substitute Trustee to the Plaintiff recited that N G Shelby had refused to act but said nothing about his successor in office the President of the Association having refused or failed to act or any other disqualification on his part, that is he was not mentioned at all in the Deed. It also recited that three Notices were posted one at the Court House and one at the place of Sale and that at the Sale the property was bid off by James Jackson. 33. There was an Indorsement on the Deed of Trust Signed by Ed Creary Sheriff of Travis County Texas by Geo T Haswell Deputy to the effect that the deed of trust had been Executed the property sold for ninety dollars Cash and that the Costs of Executing the deed of Trust Amounted to Nine 00/100 Dollars leaving a balance of Eighty 65/100 Dollars and for this Amount there is Indorsed on the deed of trust a receipt Signed by J W Robertson Attorney of the Association. 34. After the Sale of the property under the deed of trust a Settlement of the defendants loan was entered on the books of the Association by its Secretary. The Entries show that She was charged at the time the Entries were made with the principal of her loan $215.00 the dues in Arrears on her five shares of Stock August 1 1882 $74.60 fines in Arrears at the Same Date $7.10 the interest in Arrears on her loan at the Same date $32.50 Making in all $329.20 and she was Credited with the Cash Value of her five Shares of Stock August 1 1882 Appropriated by the Association amounting to $247.25 and with interest paid on the loan in Excess of twelve per Cent per annum for fifty two months amounting to $18.20 and with $63.75 Cash out of the proceeds of the Sale of the Land Making $329.20 and balancing the account. To this Settlement the Defendant was not a party. What was done with the remainder of the $80.65 received from the Sale of the land was not shown. 35. If the Defendant be allowed Credit for the value of her five Shares of Stock on August 1 1882. Appropriated by the association amounting to $247.25 and the interest which She had paid $95.00 in all $342.25 and Charged with the Principal of her loan $215.00 without interest and with the arrears of dues on her five Shares of Stock

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August 1. 1882. $71.60 and fines in arrears at the same date $7.10 in all $296.70 then her debt was overpaid before the land was sold under the deed of trust 36. In January 1882 six months after the defendant ceased paying dues on her five shares of stock, the Stock became forfeited and she was entitled to receive the amount paid in on such Stock after deducting all fines without any allowance of interest or profit under Article of the By-laws of the Association. At that time she had paid in on the Stock $188.75 the arrears of dues on the Stock amounted to $39.60 and the fines to $2.00 If she were allowed Credit for the amount she had paid in as dues on her five shares of Stock $188.75 and the interest paid by her on the Loan $90.00 in all $283.75 and charged with the principal of her Loan $215.00 without interest and with the arrears of dues on her five shares of Stock in January 1882 $39.60 and fines in arrears at the same date $2.00 in all $256.60 then her debt was overpaid before the land was sold under the deed of trust 37. The value of the forty acres of land at the time of the sale under the Deed of Trust was Seven Hundred and fifty dollars.
38. After the defendant placed the land in the hands of DeCordova for sale at private Sale, She Knew nothing further about it and did not know that N G Shelley had declined to act as Trustee or that the Sale was going to be made or that the land was advertised for Sale under the Deed of Trust until after the sale and after the Conveyance by Geary as Sheriff and Substitute trustee to the plaintiff had been made.
39. The plaintiff James Jackson and A R Morris both lived in the neighborhood of the land in Controversy but neither of them was on good terms with the Cassidys and held no Communication with them —
40. The plaintiff and A R Morris saw the notice of Sale and together examined the County Records as to the title to the land and from their examination thought the title was good. The plaintiff at first thought the whole one hundred and two acres was for Sale and when he found that only forty acres were to be sold he gave the matter no further attention until after the Sale. 41. The plaintiff was not present at the time of the Sale of the Land under the deed of trust and had no notice that the Sale was made by Haswell instead of Creary and neither he nor A R Morris had any notice of the homestead claim other than that furnished by the occupancy of the Premises by Mrs Margaret Cassidy and the family and neither of them had any notice of the Character of the Contract between the Defendant and the Association other than what appeared in the Deed of Trust until after the Sale was

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made the purchase money paid and the deed of conveyance from the Sheriff as Substitute trustee to the plaintiff was executed and delivered. Neither one of them investigated the books and records of the Association nor made any Enquiry of the defendant or of any one representing her interest about the matter - A R Morris inquired of A J Jernigan President of the Association about the amount due on the obligation and Jernigan told him it was all right as far as he understood it. Jernigan knew of the dissatisfaction of Miss Cassidy but said nothing to Morris about it.

42. Before the trial of this cause the business of the Austin Home Building and Loan Association had been closed and the Association dissolved D W Doom Special Judge

On the foregoing Conclusions of fact the following conclusions of law are held by the Court. 1. On the 19th day of March 1878 Mrs Margaret Cassidy was the head of a family and the one hundred and two acres track of land upon which she resided

2. The one hundred and two acre track of land was the separate property of Mrs Margaret Cassidy and she being a widow could Encumber it or a part of it by deed of trust or other lien and therefore her deed of Conveyance to the defendant dated the 19th day of March 1878 Conveying the forty acres of land in Controversy and the Deed of Trust executed by the defendant on the forty acres of land to secure the repayment of the loan to the Association were valid.

3. The deed of trust and the deed of Conveyance from the Sheriff as Substitute trustee to the Plaintiff in the absence of other facts would be sufficient to pass the title to the forty acres of land in Controversy from the defendant to the plaintiff

4. The provision in the deed of trust for a substitute Trustee was in the alternative and upon the refusal of N.G. Shelley the original trustee to act, either A J Jernigan his successor in the office of President of the Association or the Sheriff of Travis County could act as trustee at the request of the holder of the obligation -

5. The failure of A J Jernigan as President of the association to act as Trustee and his advice to the attorney in requesting the Sheriff to act were sufficient to authorize the Sheriff to act even if he were a Record Substitute trustee and the failure to recite in the deed of Conveyance from the Sheriff as

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Substitute trustee to the plaintiff that A J Jernigan the President of the Associa tion had failed to act as Substitute is not material.

6. The posting of Notices of sale at three Public places in the City of Austin in the County of Travis was a Sufficient Compliance with the requirement of the Deed of Trust that there should be Notice posted at three public places in Travis County Texas.

7. The fact that the sale was made by George T Hasrell a Deputy Sheriff instead of the Sheriff himself and in his absence does not render the sale and the deed of Conveyance subsequently executed by the Sheriff in person void and the sale could only be avoided on that ground by proving that the manner of the sale and the absence of the Sheriff from the sale resulted in injury to the defendant and by paying or tendering to the plaintiff the purchase money paid by him.

8. The Contract between the Defendant and the Association Stipulating for the payment of interest at Six per Cent per annum on a Penalty of five hundred dollars as interest on the Loan of two hundred and fifteen dollars was a Contract stipulating for a greater rate of interest than twelve Per Cent per annum on the loan was void and of no Effect for the whole rate of interest.

9. The transfer of the five shares of stock by the defendant to the Associa= tion was as Collateral Security for the repayment of the Loan and by the terms of the transfer the Amount or value of the five shares of stock was to be appropriated towards the payment of any sum she might be due or indebted to the Association by the terms and conditions of the obligation executed by her to the Association

10. In January 1882 if the defendants five shares of stock were forfitied by her failure to pay dues on said shares for six months under Art 4 of the Bylaws of the Association, she could be charged by the Association with the principal of her loan $215.00 and the dues in arrears on her five shares of Stock at that time $39 60/100 and the fines in arrears at that time $2.00 in all $256 60/100 and she was entitled to Credit for the Amount of dues she had paid on the five shares of stock $188 75 and the amount she had paid in interest $95.00 in all $283.75 So if the Association under the obligation of the Defendant could disregard the provision of Art 4 of the By laws for the forfeiture of the Stock and make settlement on the basis of the value of the stock on the first day of August 1882 then they could charge the

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defendant with the principal of his loan $215.00 and the dues in arrears on the five shares of stock at that time $74.60 and the fines in arrears at that time $7.10 in all $296.70 and she would be entitled to Credit for the Cash value of her five Shares of Stock at that time $247.25 As appropriated by the Association and the amount she had paid as interest $95.00 in all $342.25 and in either view the principal of her loan and all her dues and fines were overpaid before the sale of the land under the deed of trust and the power to sell the land under the deed of trust was extinguished

11. The plaintiff occupies no more favorable position as a Purchaser at the Sale under the deed of trust than the Association would occupy if it had become the purchaser and he was bound to know every fact arising out of the transaction between the defendant and the Association which would defeat the power to sell under the deed of trust

12. If it were necessary to show that the plaintiff had notice of the Character of the Contract between the Defendant and the Association, the uncertainty of the obligation which was substantially set out and described in the deed of trust as to the amount of the Loan and the amount of the premium Constituting the penalty of five hundred dollars - and as to the amount to be paid by the defendant was sufficient to put the plaintiff upon inquiry as to the character of the transaction which if properly pursued would have resulted in a knowledge of all the facts and it must therefore be held that he had notice of them - From the foregoing Conclusions it follows that the judgment should be for the defendant

D W Doom Special Judge

And thereupon the plaintiff in open Court excepts to said Conclusions of fact Numbers 1st. 35 & 36 and Excepts to said Conclusions of law Numbers. 1. 8. 9. 10. 11 and 12 respectively —

Wherefore it is ordered adjudged and decreed that the plaintiff James Jackson take nothing by his suit and that the title of the defendant Anna Lucy Cassidy to the following described property towit forty acres of Land being all of the upper portion (except two and one half acres enclosed & lying around the dwelling house of Margaret Cassidy) of a tract of Land of Survey No 26 in name of Thos Eldridge situated on the west bank of little Walnut Creek

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in the County of Travis and State of Texas containing 102 acres conveyed to Margaret Cassidy by Adolph Bahn on the 1st day of April 1874, be and the same is quieted as against all claim of title on the part of the plaintiff James Jackson under or by virtue of a deed executed to said Jackson by E Creary Sheriff of Travis County Texas and substitute Trustee dated September 6th 1882 or by virtue of the sale of said Land on the 5th day of September 1882 under a deed of trust from defendant to A G Shelley Trustee dated June 3. 1878 for the benifit of the Austin Home Building & Loan Association and that said Deed from said Creary to Plaintiff be and the same is cancelled And it is further ordered that the Defendant Anna Lucy Cassidy do have and recover of and from the plaintiff James Jackson all her costs in this behalf expended for which let execution issue and that the officers of Court may have execution for their cost orgn for respectively and thereupon the plaintiff in open Court excepts & gives notice of appeal to the Supreme Court.

The foregoing Entry of Judgt & decree in Case of James Jackson vs Anna Lucy Cassidy on 16½ pages Examined and approved

D. W. Doom Special Judge

Court adjourned till Monday Morning 10 o'clock.

April 7th 1884

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

4795 Pro. C. Duval et al vs Robt Cruikshank et al. Continued

Court adjourned till tomorrow Morning 9 o'clock.

April 14th 1884

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

7118. J. J. Mabry vs T. & G. N. R. R. Co. It appearing to the Court that this case has been settled and cost paid it is ordered that the case be dismissed from the docket.

7132 Henry C. Hanna } State of Texas. County of Travis
& Suit. } To all to whom these presents shall come
Greeting: Know ye that Henry C. Hanna, hath this day applied to the Honorable A. S. Walker Judge of the 16th Judicial District of the State of Texas for a license to practice as an Attorney and Counsellor at law, and having produced a

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Monday the 14 day of April 1884

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Certificate from Hon J. T. Fulmine County Judge of Travis County that he is twenty one years of age and of good Moral character and honorable deportment, and having been examined touching his knowledge of the law in open Court by a Committee of Attorneys of good standing, and said Committee and the Court being satisfied with the legal qualifications of the applicant.

Therefore to license. Authorize and empower him the said Henry C. Hanna of the County and State aforesaid to practice as an Attorney and Counsellor at law in the several Districts and Inferior Courts of this State. and it is ordered by the Court that the Clerk of this Court issue to him a license therefor in conformity with law.

7135 Eliza B. Fragier Ex parte

And now on this day came on to be heard the application of Eliza B. Fragier to remove her disabilities as a Minor whereupon came C. D. Fragier with said Eliza B. Fragier he being the natural guardian, and having waived copy of this petition and accepted service thereof, when both parties announced themselves ready for the trial and hearing of said application, and the Court having heard said application and the evidence in support thereof, and it appearing to the Court that said application is in due form and the allegations therein are true, and that it will be for the best interests of said minor and her estate, and that it is advisable that the petition be granted and that her disabilities by reason of her minorage be removed, and that said C. D. Fragier, the natural guardian and father consenting thereto. It is ordered adjudged and decreed by the Court that the disabilities as a Minor of the said Eliza B. Fragier be and the same are hereby removed, and that the said Eliza B. Fragier shall be held and received for all legal purposes of full and legal age and shall be held responsible, and have all the privileges and advantages of a person of full age, and that this decree be duly recorded in the Minutes of this Court — Further ordered that the applicant pay all costs incurred in this behalf —

Court adjourned till tomorrow Morning 9 o'clock

Tuesday April 15th 1884

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District Court Minutes, March Term, 1884

Tuesday the 15th day of April 1884

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

✓5790. Virginia Nelson et al vs. E. J. Wheeler et al } Be it remembered that on this the 14th day of April A D 1884, came into open Court the parties by their attorneys and informed the court that the Commissioners heretofore appointed to partition certain property adjudged to be partitioned in said cause fail and refuse to act. It is now considered adjudged and ordered by the Court that John Whitt. J. P. Colley and Thomas Anderson be and they are appointed Commissioners to partition the said property in accordance with the judgment in said cause any two of whom can act and make report thereof at this term of this Court.

✓7138 Walter F. Moore Ex parte } And now on this 12th day of April 1884, upon the application of petitioner being filed. It is ordered by the Court that T. S. Maxey, D W. Downs. S. A Posey and W B. Dunham Esq. members of this bar. be and they are hereby appointed to examine the applicant as to his legal qualifications, said applicant to be examined Apl. 14th 1884, 9 Am. and on the 14th inst. said examination having taken place and on this the 15th inst. said Committee having made a favorable report recommending that a license be granted, the same is by the Court ordered issued as follows:

✓1238. The State of Texas } To all to whom these presents shall come
County of Trains } greeting:
Know ye, That Walter F. Moore hath this day applied to the Honorable District Judge of the Sixteenth Judicial District of the State of Texas for a license to practice as an Attorney and Counsellor at law, and having produced a certificate from the Hon J. T. Fulmore County Judge of Trains County that he is twenty one years of age and of good Moral Character and honorable deportment and having been examined touching his knowledge of the law in open Court by a Committee of Attorneys of good standing, and said Committee and the Court being satisfied with the legal qualifications of the applicant. Now are therefore to license, authorize and empower him the said Walter F. Moore of the County and State aforesaid to practice as an Attorney and Counsellor at law in the several Districts and inferior Courts of this State.

✓7009. O. F. Fink vs Paul Proctor, And now come the parties by their attorneys and move the Court to dismiss this cause

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each Party to pay the Cost incurred by him in this behalf. It is therefore ordered by the Court that this Case be and the same is hereby dismissed and that each Party pay the Cost incurred by him respectively for which execution may issue.

7085

Eugene Dolfraise
vs
T. & P. R. R. Co

And now on this day comes the Plaintiff by his Attorney and move the Court to dismiss this cause, It is therefore ordered by the Court that this Cause be and the same is hereby dismissed.

1609 1

R. Krause
vs
City of Austin.

And now on this 14th day of April 1884 this cause coming on for trial, came R Krause plaintiff by his attorneys and the Defendant the City of Austin, and announced themselves ready for trial and the plaintiff having read his original Petition, thereupon came on to be heard the defendants general demurrer and special Exceptions to plaintiffs said Petition as set forth in Defendants 1st Amended original answer, and the Court having heard considered the same together with argument thereon by Counsel it is considered that the same are not well taken, save as to the parts thereof directed against and excepting to so much of plaintiffs said original Petition as sets up acts of alleged omission on the part of defendant, and as to all other parts of said Petition excepted to and in all other parts and respects said demurrer and Special Exceptions are overruled, to which ruling of the Court the defendant in open Court excepted & thereupon came on to be heard defendants Exceptions in its 1st Supplemental, Petition & the same considered by the Court are overruled & denied to which ruling defendant in open Court excepted & thereupon came a Jury of twelve good and lawful men of Travis County consisting of Jeff Houston and Eleven others who being duly selected Empannelled and Sworn according to law to try this case 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 on this the 16th day of April said Jury came into open Court and stated to the Court that they were unable to agree upon a verdict in this case and the Court with Consent of parties discharged said Jury from further Consideration of this case.

(Answer containing by way of Exceptions to Plffs 1st Supplemental)

Whereupon Court adjourned until the 16th Apl. 1884.

Apl 16. 17 & 18th Court met pursuant to adjournment present same as 1st day

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Friday the 18th day of March 1884

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7149 Mrs Mary Bruggerhoff. Ex Parte - United States of America
The State of Texas County of Travis

District Court March Term A D 1884.

At a Term of the District Court held in and for the County of Travis in the City of Austin on the 18th day of April in the year of Our Lord one thousand Eight hundred and Eighty four Present the Honorable A J Walker. Be it remembered That on the said day personally appeared in open Court Mrs Mary Bruggerhoff an Alein 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 her said application she produced to the Court the declarations on oath of Frank Brown and H M Metz both citizens of the United States of America that said Mrs Mary Bruggerhoff 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 She has behaved as a woman 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 Mrs Mary Bruggerhoff, having shown to the satisfaction of this Court that she 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 She also having made oath of record in this Court that she will support the Constitution of the United States of America and that she doth absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign, Prince Potentate, State or Sovereignty whatever and particularly to the Emperor of Germany of whom she was a Subject - It was therefore ordered by the Court that the said Mrs Mary Bruggerhoff be admitted and She was admitted to be a Citizen of the United States of America

Whereupon Court adjourned until tomorrow morning Apl 19. 1884.

Saturday April 19th 1884, Court Met pursuant to adjournment present Hon F G Morris Special Judge & all other officers of the Court same as on first day of the Term - whereupon the following proceedings were had to wit -

1800 J R Rabbins vs J J Dimmitt - And now on this the 15th day of April 1884 this case being regularly called on the docket

District Court Minutes, March Term, 1884

Saturday the 19th day of April 1884

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and the Hon A.J. Walker having heretofore certified his disqualification to try the same to the Governor, and F.G. Morris Esq^r having been by the Governor duly appointed and Commissioned as Special Judge to try the same, and he having duly qualified as such Judge by taking the Constitutional oath of office as required by law- which said Commission and oath are now on file with the papers in this Cause Thereupon the Hon F.G. Morris Special Judge presiding, whereupon defendant was granted leave to file 1st Amended Original Answer and said Cause was regularly called for trial, When came on to be heard the Motion of the defendant to strike the Cause from the docket because the venue of the same was improperly changed and said motion having been argued and submitted was by the Court overruled to which ruling of the Court the defendant excepts whereupon, both parties announced ready for trial. Thereupon came a Jury of twelve good and lawful men of Travis County, who were duly selected tried empannelled and sworn, heard the pleadings and evidence from day to day until this the 19th day of April 1884 when said Jury was duly Charged by the Court as to the law in this Case- when they retired to consider of their Verdict and thereafter on the evening of the same day said Jury came into open Court and stated to the Court that they were unable to agree upon a verdict - Whereupon by Consent of Counsel the Court discharged said Jury from further Consideration of the Same

F.G. Morris Special Judge

No 6046

James Jackson
vs
Anna Lucy Cassidy

Hon D W Doom Special Judge presiding
And now on this 19th day of April 1884 Came the parties by their attorneys whereupon came on to be heard the Motion of the plaintiff for a new trial in this behalf and said Motion having been argued on behalf of the plaintiff and submitted to the Court, and the same having been duly Considered and fully understood was by the Court overruled - to which ruling of the Court plaintiff excepts and in open Court gives notice of appeal to the Supreme Court.

Foregoing entry examined and approved. D W Doom Special Judge

Whereupon Court adjourned until Monday morning 10 o'Clock April 21st 1884.

April 21. 22. 23. & 24 Court met pursuant to adjournment Present same as on first day of the Term whereupon on this 24th day of April the following Proceedings were had towit:

District Court Minutes, March Term, 1884

Thursday the 24 day of April 1884

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7160 Manx Jones. Ex Parte.

United States of America. The State of Texas County of Travis District Court March Term AD1884. At a Term of the District Court held in and for the County of Travis in the City of Austin on the 24th day of April in the year of our Lord One thousand Eight hundred and Eighty four Present the Honorable A J Walker. Be it remembered that on the said day personally appeared in open Court Manx Jones, an alien and Subject of the King of Prussia, 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 declaration on oath of A Hirshfield and Jno A Robinson Jr both Citizens of the United States of America that said Manx Jones 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 and well disposed to the good order and happiness of the same and the said Manx Jones 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 Congress 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 Prussia of whom he was a Subject It was therefore ordered by the Court that the said Manx Jones be admitted and he was admitted to be a Citizen of the United States of America –

Whereupon Court adjourned until Friday morning the 25th April 1884 when there being no Civil business before the Court – adjourned again until Saturday Morning the 26th April 1884

Saturday April 26th 1884

Court met pursuant to adjournment present same as on first day of the Term when the following proceedings were had to-wit

District Court Minutes, March Term, 1884

Saturday the 26th day of April 1884

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✓ 4464

Alfred Smith
as
J K Warren

Hon T S Maxey Special Judge presiding
And now on this day this cause coming on to be heard, there appeared R M Castleman by Shurtz & Snead his attorneys and also the defendant by Walton & Hill his attorneys and thereupon it was suggested to the Court by said Shurtz & Snead that in January 1884 Alfred Smith the plaintiff herein departed this life and asked leave of the Court that said R M Castleman as the Executor of the will of said Smith be made party plaintiff herein in lieu of said Smith and that he be allowed to prosecute this suit as plaintiff And said application being considered, it is ordered by the Court that said Castleman as such Executor be made plaintiff herein and that he be allowed to prosecute this suit as such and on application of said plaintiff Castleman it is further ordered that leave be granted him to amend the petition in this suit without repleading in this case the parties then announced themselves ready for trial and a jury being waived this cause was submitted entirely to the Court, And the Court having heard the pleadings and the evidence including the agreement of parties for the settlement of the matters in Controversy herein which agreement is in the following words and figures towit, "Alfred Smith Estate R M Castleman Exr vs J K Warren No 4464. Dist Ct Travis Co In this Case by Consent it is agreed as follows. 1. The plaintiff shall have a decree for the land in Controversy —
2 The Timber growing on said land shall be sold by R M Castleman, to the best advantage, but he may not sell said timber without the Consent of said Warren —
3. The proceeds of the sale of the timber aforesaid shall be disposed of as follows. 1 He shall (the said Castleman) refund to the Estate of Alfred Smith dec'd all money he paid out or which has been paid out by his Executor as Court Cost in said Case — 2 He shall refund to the said J K Warren all money he has paid out in Court Costs in said Case — 3. He shall pay whatever Cost there may now be due or that may accrue in said Case.
4 When the above sums have been paid then the remainder arising from the sale of said timber shall be equally divided between the Estate of Alfred Smith & the said J K Warren
Witness our hands hereto this 25th April 1884 J K Warren

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by Walton & Hill. R M Castleman Exrtor Est Alfred Smith dec'd."

It is therefore ordered adjudged and decreed by the Court that said agreement be and the same is hereby approved, ratified and confirmed by the Court as the basis of this final decree herein and that said Plaintiff R M Castleman as Executor of the last will and testament of Alfred Smith deceased do have and recover of and from defendant J K Warren the lower half of Survey No 2 of 640 acres of Land granted to Henry Runick as assignee of William Brown as claimed by plaintiff in his petition, situated in Travis County Texas said lower half of said 640 acre tract of land being the East half of said tract of land the line dividing said lower or East half of said 640 acres tract of land from the upper or west half thereof being located at a point Eqni distant from the East and West lines of said Brown 640 acre Survey and which line runs from the West bank of the Colorado River South 30° West to the North boundary line of the A & D Bonham Survey No 503. of 366 acres of land for a Corner Thence S 60 E 550 varas more or less with said Banham line to the upper or west line of the David Thomas Survey Thence N 30. E with said Thomas West or upper line to the Colorado River Thence up said River with its meanders to the North End of said dividing line that being the place of begining, containing 320 acres be the same more or less." And it is further ordered that the temporary injunction issued herein be perpetuated and that said Plaintiff have his writ of possession to place him in possession of the Entire track of land included in the boundaries aforesaid, and that he be forever quieted in his title and possession thereof. And it further appearing to the Court that in point of fact, of the tract of 320 acres of land herein adjudged to said plaintiff there was in dispute and Controversy in this case about twenty seven and one half (27½) acres of land situated at the South or South West End of said 320 acres of land, said twenty seven and one half acres of land being described as follows- beginning at a point in the North line of said A & D Bonham Survey where said division line of said Brown Survey intersects said Bonham line Thence S 60. E with said Bonham North line 550 varas more or less to the west or upper line of said David Thomas Survey Thence N 30. E with said David Thomas line 290 varas

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Thence N 60 W 5'50 varas more or less to said division line of said Brown Survey Thence S 30 W 290 varas to the place of beginning. And it further appearing to the Court, that in said agreement between said parties it is stipulated that said Plaintiff Castleman shall sell the timber on said twenty seven and one half acres of land and shall make a certain disposition of the proceeds of such sale. It is therefore further ordered adjudged and decreed by the Court, that said Castleman, the said Warren Consenting, shall sell all the timber on said 27½ acres of land to the best advantage and as soon as practicable for cash and shall make the following disposition of the money arising from said Sale towit,

1st He shall (the said Castleman) refund to the Estate of Alford Smith dec'd all money he paid out or which has been paid out by his Executor as Court Costs in said Case

2 He shall refund to the said J K Warren all money he has paid out in Court Costs in said Case.

3 He shall pay whatever Costs there may now be due or that may accrue in said Case-

4. When the above sums have been paid then the remainder arising from the Sale of said timber shall be Equally divided between the Estate of Alford Smith and the said J K Warren"- And it is therefore further ordered adjudged by the Court that if the Costs now owing the officers of Court in this Case and remaining unpaid be not paid within ten days after the adjournment of this term of this Court Execution shall issue therefor against both of said parties- It is further ordered that Each of the parties have leave to withdraw title papers without leaving Copies ——

T. L. Maxey
Special Judge

Whereupon Court adjourned until Monday April 28th 1884

Monday April 28th 1884, Court met pursuant to adjournment. Present same as on first day of the term whereupon the following proceedings were had towit,

5774

The State of Texas vs W R Edwards Etal } On this the 28th day of April A.D. 1884, came on for trial the above entitled cause whereupon both plaintiffs and the defendants appeared by their attorneys

District Court Minutes, March Term, 1884

Monday the 28th day of April 1884

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and announced ready for trial, The exceptions of plaintiffs to defendants amended original answer filed in this cause on this day coming on to be heard, the Court after hearing argument of Counsel thereon sustained plaintiffs Exceptions to the fourth and fifth Subdivisions thereof and upon defendants Counsel stating that this plea of payment as contained in Subdivision three of Defendants said Amended Original Answer was intended to cover the same facts as set up by them in said Subdivisions 4 & 5. and none other the Court sustained the Exceptions to said Subdivision three also and overruled plaintiffs exceptions to the balance of the answer to which ruling of the Court then and there excepted. the defendants then withdrew their demand for a jury and the case was submitted to the Court and the Court after hearing the Evidence submitted by the plaintiff now having been submitted by the defendants is of opinion that the defendants are indebted to the State of Texas in the sum of $1685.00 with interest thereon from Sept 1st 1874 at the rate of 8 per cent per annum making the whole amount due at this date amount to $1134.11 And it appearing to the Court that John L Riddle, W P McLean, J W Jackson Alexander Table, J W Hays, J D Dillard J H Mahaffy and E Riddle are Sureties on the bond of W R Edwards in this cause It is therefore ordered and adjudged by the Court that the State of Texas do have and recover of and from the said Defendants W R Edwards- John L Riddle W P McLean J W Jackson Alexander Table J W Hays J D Dillard J H Mahaffy and E Riddle the sum of Eleven hundred and thirty four 11/100 Dollars ($1134.11) 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- It appearing to the Court that all the above Defendants are Sureties Except the Defendant W R Edwards who is the principal It is ordered by the Court that the above named Sureties do have and recover of and from the said W R. Edwards a judgment over against him for whatever amount they may be compelled to pay of this judgment and that Execution issue in their favor against W R Edwards therefor Thereupon the defendants excepted to the judgment of the Court in open Court and gave notice of Appeal to the Supreme Court-

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Monday the 28th day of April 1884

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

7175

Rabb & wife
vs
English Etal

On this the 21 day of April AD 1884 this Cause coming on for trial Came the parties plaintiff in person and by attorneys and the defendants in person and by thier attorneys and announced ready for trial a jury being waived by both Parties, and the matters of fact as well as of law submitted to the Court, Cause on to be heard the pleadings and Evidence and argument of Counsel which being heard and considered by the Court and the findings of fact as well as law reduced to writing by the Court the Court doth order adjudge and decree. 1st That the Complainant G T Rabb is entitled to have Specific performance of the Contract between Complainant and defendant set forth at large in the pleading and Exhibits and that defendants be injoined from violating Sec 8 of said Contract which so far as the Stipulation that defendants "operate thier Mill "as in no way to interfere with the Mill Known as the Paggi "Mill, Nor will they interfere with the lease thereof and "that they will grind no Corn for meal for the public" is held to forbid grinding Corn for the public as a public Grist Mill. as well as grinding Corn into meal for retail for Money or by Exchange for Corn in lots to persons bringing the same for Exchange is such lots as are brought to Grist Mills. But said defendants W English and Robert English are not restrained from purchasing or obtaining by barter Corn at thier Mill or at any athur place, nor are they prohibited from grinding said Corn into meal grits &c and selling such meal grits &c at any athur place than on said leased premises, and defendants have the right to buy and trade for Corn and the same grind into meal and to dispose of such meal except as above prohibited. Viz. Such as any meal cannot be retailed upon the leased premises for money or in Exchange to persons bringing Corn in lots as if brought to a public Grist Mill 2nd It is further adjudged that the plaintiff G T Rabb do have and recover of and from the defendants W English and Robert English the sum of Thirty Seven dollars and fifty Cents ($37.50) damages for the injury to the Value of the Paggi Mill, by defendants retailing meal by Exchanging ~~meal~~ for Corn in Small lots and in retail — It is further adjudged and decreed that defendants shall have the right to Construct thier tail race

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by and along the right bank in the bed of Bartons Creek- provided that in so running said race it shall be dug so deep as not to interfere with the flow from the Paggi Mill at its present level 4th It is further adjudged that defendants have the two acres of land described in the Contract, but that they do not have the right to go beyond the hill mentioned in the Contract, to-wit "The parties of the first part hereby covenant and agree that give to the parties of the second part two acres of ground more or less for residence and gardening purposes which said two acres is now unenclosed land and is situated on the premises above mentioned West of the Burnett road and between the foot of the hill and the Creek the parties of the second part to occupy said premises free from rent during the existence of this lease" 5th It is further adjudged that the defendants W English and Robert English do have and recover of and from the plaintiff G T Rabb the sum of Forty Dollars for damages for the loss of the house taken from said two acres by plaintiff to which add interest to trial five years 2½ months fifty six dollars and 67/100 ($56.67) Dollars 6th It is further adjudged and decreed that defendants do have the right of way to pass between the Mill and the residence if erected upon the two acres of land said right of way to be in no wise public nor for wheeled or other vehicles and to be only for the family and employes of defendants in passing and repassing between the residence and the Mill. Gates to be erected by the defendants and to be kept closed by them so as to prevent damages to the inclosure- 8th It is further adjudged that the defendants W English and Robert English do have and recover of and from the plaintiff G T Rabb the sum of Nineteen dollars and 17/100 ($19.17) damages for house Taken off the said two acres of land) in excess of the plaintiffs recovery against defendants for damages to the Paggi Mills for which sum with Eight per Cent interest from date of this judgment let execution issue - 9th It is further adjudged that the plaintiff G T Rabb and the defendants W English and Robert English do pay respectively, the plaintiff one half and the defendants one half of all the Costs in this cause for which execution may issue. 10th It is the further judgment of the Court that the pleadings on the part of plaintiff do not involve any questions of mistake in and of reformation of the Contracts to which judgment of the Court plaintiffs Except and in open Court give notice of appeal to the Supreme Court

Whereupon Court adjourned til tomorrow Morning Apl 29th 1884

District Court Minutes, March Term, 1884

Tuesday the 29 day of April 1884

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

✓ 7025

Augusto Canto
vs
Ellen G Canto deft

On this the 29th day of April AD1884 this cause came on to be heard in its regular order for trial and the Plaintiff appearing in person and by his Attorney John Darnell and the defendant failing to appear although duly served in the manner and way required by law and wholly making default and the Plaintiff announced ready for trial and demanded a trial a trial was ordered by the Court and the case being submitted to the Court without a jury and the Court after hearing the pleading and evidence in the case and argument of Counsel was of the opinion the facts stated in Plaintiffs Petition was true and the decree of Divorce prayed for should be granted.

Whereupon it is ordered adjudged and decreed by the Court that the bonds of Matrimony now and heretofore existing between the Plaintiff Augusto Canto and Ellen G Canto the defendant as husband and wife be and are hereby separated and this decree of divorce be and is hereby granted and it is further ordered and decreed they no longer sustain this relation to each other; that the Plaintiff pay all Costs in this behalf Expended for collection of which Execution issue

Whereupon Court adjourned til tomorrow morning Apl 30th, 1884

Wednesday April 30th 1884. Court met pursuant to adjournment. Present Same as on first day of Term whereupon the following proceedings were had to wit.

✓ 7164

Ex Parte
Edward Wm Wellmer

Be it remembered that on the said day personally appeared in open Court Edward William Wellmer an Alien and subject of the King of Denmark 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 declaration on oath of Frank Brown and H W Metz both Citizens of the United States of America that said Edward William Wellmer 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 Edward

District Court Minutes, March Term, 1884

Wednesday the 30th day of April 1884

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William Willmer having shown to the satisfaction of this Court that he has faithfully complied with all the requirements with all the Naturalizatiow 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 whatever, and Particularly to the King of Denmark of whom he was subject. It was therefore ordered by the Court that the said Edward William Willmer be admitted and he was admitted to be a Citizen of the United States of America

Whereupon Court adjourned until Thursday Morning May 1st 1884.

May 1st 2nd 3rd and 5th Court met pursuant to adjournment present same as on first day of Term. Whereupon on this 5th day of May the following proceedings were had. to wit

The First National Bank of Austin
vs
J S Davis Et al

7157

The First National Bank of Austin
vs
J S Davis
Bates Reed & Cooley

7152

The First National Bank of Austin
vs
J S Davis
A Friedman

7153

The First National Bank of Austin
vs
J S Davis
D & L Hunter

7154

The First National Bank of Austin
vs
J S Davis
Maas Lack & Co

7155

The First National Bank of Austin
vs
J S Davis
A Levy & Bro

7156

The First National Bank of Austin
vs
J S Davis

7158

Attachment Writs pending in the District Court of Travis County Texas On this the 5th day of May 1884 coming on to be heard the application of the Plaintiffs in the above entitled Causes for sale of the Stock of goods wares and merchandise levied on by the Sheriff of said County in obedience to writs of attachment, which duly issued out of this Court, a complete list of said goods wares and merchandise being embraced in the returns of said Sheriff to said writs of attachment and described as follows to wit 1297 Shirts, 186 Under Shirts, 179 Under Shirts and drawers, 99 prs of Drawers 457 Prs ½ Hose 1 Sak Hose 4 Doz Cuffs 139 prs Gloves 1 Doz Silk Hdkfs 63 Doz Cah Hdkfs 779 prs Suspenders, 331 Wool Under Shirts. 236 prs Wool Drawers, 158 Wool over Shirts 620 Wool Hats, 1678 Straw Hats, 1 Sak Straw Hats. 57 Umberellas 1 Sak Scarfs & Ties 12 Prs Over Alls 79 Rubber Coats

District Court Minutes, March Term, 1884

Monday the 5 day of May 1884

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

15 Coats and Pants 243 Suits Clothes. 293 prs Pants 26 prs Duck Overalls 21 prs Mule Skin Overalls 181 Coats 22 Over Coats 20 Boys Over Coats 1 Lot Summer Clothing 1 Lot Vests. 17 Coats & Vests 3 Suits Clothing 4 Black Coats 19 prs Blk Pants 31 White Vests. 1 Nest Trunks, 83 Trunks 4 Nests Valises 1 Lot Valises - 43 Valises 3018 yds Summer Dress Goods 75 yds Shambray 935 yds Alpacca Cashmere & Buntings 670 yds Silks & Satins - 3153 yds White Goods 2208 yds Lawn. 150 yds Percales 70 yds Grass Grass Cloth 2395 yds Prints 96 yds Oil Prints 100 yds Shuting 1740 yds Domestic 1030 yds Cut Checks 260 yds Bro Drill 200 yds Blea Drill 56 yds Osnaburgs 151 yds Cassimere 128¼ yds Water proof 45 yds Denims 148 yds Ducking 202 yds Hickory 605½ yds Ticking 110 yds Cottonades 16½ yds Blk Cloth 382 yds Cot Flannel 29¾ yds Gray Flannel 1090 yds Jeans 2825 yds Winter Dress goods 884 yds Flannel 96 yds Linsey 165¾ yds Linen 318 yds Cretonne 11 yds Tapestry 100 Parasols 658¼ yds Table Cloth 31¼ yds Crash 352 yds Curtain Lace 897½ yds Lining 3 prs Drapery 47 Prs Blankets 16 Quilts 63 Bed Spreads 104 Skirts 18 Shawls 47 Cloaks 1 Dolman 33 Knit Jackets 7 Nubias 22 Cardigans 4 Doz Over Shirts 247 Ladies Hats 45 Doz Rushing 84 yds Rushing 573¼ Mosquito Bars 12 prs La Drawers 3 Box Flowers 1 Box Ornaments 12 La Under Shirts 20 Doz Tassels 32½ Doz Napkins 3 Table Cloths 8 Lap Robes 10 Table Covers 52 Ties 1 Pillow Sham Lott 46 Hoop Skirts 2 Bustles 125 yds Wiggins 336 yds Crinoline 275 yds Drilling 400 yds Cambric 19 prs Vel Ribbon 46 prs Silk Ribbon 68 prs Sash Ribbon 1 Doz Wreaths 1 Lot Flowers 121 Corsetts 35 La Collars 118 La Cuffs 3 Doz Fichu Collars 1863 yds Lace 72 prs Lace 1 Lot Lace 49 Doz Bed Lace 54 prs Boots 9 prs Slippers 62 prs La Shoes 27 prs Mens Shoes 17 " Boys Shoes 10 " Misses do 1528 yds Embroidery 35⅔ Doz Spool Cotton 26 Doz Spool Twist 17 Doz Spool Silk 1 Lot La Hose. 1 Lot La Gloves 5 Figures, Sundries, 1 Show Case and Contents, 1 Mirror 3 Stools 10 La Hand Satchels 1 Lot Mitts 1 Lot Veiling 1 Lot Buttons 1 Lot Pocket Books. 1 Lot La Ties Crapes &c 1 Lot Combs 1 Lot Dress Braid 41 La Dusters

And it appearing to the Court that said property so levied upon has been neither claimed nor replevied and it further appearing to the Court by Satisfactory proof ~~for~~ wished that the Keeping of such ~~stock~~ property until the trial of said causes will necessarily be attended with such Expense and deterioriation in value as greatly to

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lessen the amount likely to be realized therefrom And it further appearing that the defendant J D Davis has had due notice of said application

It is therefore ordered adjudged and decreed that said Stock of goods wares and merchandise described as aforesaid be sold in bulk for Cash on the 17th day of May 1884 between the hours of 10 O Clock Am and 4 O Clock P.M. at the Store house in which said Stock of goods &c are now stored the same being situated on Congress Avenue in the City of Austin County and State aforesaid And said Sheriff shall make due advertisement of the time and place of sale by publishing a Notice thereof in the Austin Daily Statesman for Ten days prior to the day of Sale. And it is further ordered that the proceeds of said sale shall within five days thereafter be paid over by the Sheriff to the Clerk of this Court and said Sheriff shall also as directed by the Statute file his Statement of Expenses &c as by the Statute provided - It is further ordered that said Clerk retain such proceeds of sale subject to the further order of this Court And it is further ordered that this order be Entered in said Cause No 7151 and that the same shall apply as well to Causes No 7152. 7153. 7154. 7155 7156 and 7158.

Court adjourned till tomorrow Morning 9 O'clock

May 6th 1884

Court met pursuant to adjournment, Present same as on first day but there being no civil entries to make of this date Court adjourned till tomorrow Morning 9 O'clock

May 7th 1884

Court met pursuant to adjournment, Present same as on first day When upon the following proceedings was had viz

✓ 5852 Alitia Parker et al vs D. J. Inman et al. Set for June 13th 1884.
✓ 6018 Charles Wolf vs Mathilde Jordan et al. on March 5th 1884. by consent of the parties it was ordered by the Court that this cause be and the same was continued for the term,

Court adjourned till tomorrow morning 9 O'clock

May 8- 9th 10th & 12th 1884

Court met each day pursuant to adjournment. Present each day same as on first day, and there being no Civil Minutes to be needed of the above dates Court on the evening of the 12th met

District Court Minutes, March Term, 1884

Tuesday the 13th day of May 1884

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

County Met pursuant to adjournment. Present same as on firish day Whereupon the following proceedings were had.

✓7004 William Brin vs H & T.C. R R Co. No Counsel appearing Case Continued

✓7066 F. H. Chandler vs C. G. Caldwell et al. Continued on the affidavit of defendant

Court adjourned till tomorrow Morning 9 O'clock

May 14th 1884

County Met pursuant to adjournment; Present same as on firish day Whereupon the following proceedings were had viz:

✓6028 J W Hannig as Sandford & Son } "On this 14th day of May 1884 came the par tis plaintiff and defendants by their respective attorneys and announced ready for trial and the defendants with the Consent of plaintiff having with drawn their demand for a Jury Submit the matters in Controversy as well of fach as of law to the Court, And the Court after having heard the pleadings Evidence and argument of Counsel doth Consider ordered & adjudge that the said plaintiff J. W. Hannig do have and recover of the defendants Sandford & Son as a firm and of Sylvanus Sandford and D W Sandford individually the Sum of four hundred and ninety Seven and 33/100 Dollars ($497.33) with interest from this date until paid at the rate of 12 per Cent per annum also the fuith Sum of Forty nine & 73/100 Dollars ($49.73) as attorneys fees Stipulated in the note Sued on to bear interest at 8 per Cent per annum from this date, Also the further Sum of Two hundred and Ninety two & 94/100 Dollars ($292.94) the Amount of the orders Sued on with interest from this date at the rate of 8 per Cent per annum. It is further ordered that Plff recover his Costs & that he have this Execution for said Several Sums of money and Costs of this Suit."

✓7067. J. M. Morphis vs John Shingen & Wife } This Case being this day regularly called for trial Came the parties plaintiff and defendant and announced ready for trial, When a jury of twelve good and lawful men of Travis County Were duly selected and empannelled according to law, When the pleadings were read, When Came on to be heard the Exceptions of plaintiff to defendants answer - Which Exceptions being argued and submitted

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were by the Court overruled. Thereupon came on to be heard the exceptions of defendants to plaintiff's petition which being submitted were by the Court sustained, to which ruling of the Court plaintiff excepts, and thereupon plaintiff asks leave to take a non suit. It is therefore ordered by the Court that the plaintiff take nothing by his said suit and that the defendants go hence without day and recover of and from the plaintiff all his costs in this behalf expended for which execution may issue.

Court adjourned till tomorrow morning 9 o'clock

May 15th 1884.

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

✓ 4320. A. G. Barrager vs A. T. & S. F. R. R. Co. No counsel appearing case continued.

✓ 5274. J. R. Ray et al vs Vincent Chambers et al. No counsel appearing case continued.

✓ 5679. Richard J. Galway vs Marches M. Galway } And now on this day this case coming regularly called for trial, came the plaintiff by his attorneys and says he will no further prosecute his said suit; and asks that the same be dismissed at his cost. It is therefore ordered by the Court that this case be and the same is hereby dismissed and that the plaintiff Richard J. Galway pay all costs in this behalf expended for which let execution issue.

✓ 5692 J. N. Carey vs Augusta Carey. Continued by consent.

✓ 5761 Austin Home Building & Loan Association vs E. W. Shands et al } Upon motion of plaintiffs attorney 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 stricken from the docket.

✓ 5769 Hemilla Brown vs Henry Brown. No counsel appearing case continued.

✓ 5838 Sarah E. Pittman v. J. R. Pittman. No counsel appearing case continued.

✓ 5851 A. R. Jones et al vs R. W. Duke et al. Set for May 17th 1884.

✓ 5867 M. W. Henry et al vs Frank D. Henry et al. Continued.

✓ 5981 Joseph Brown vs Mary Brown. No counsel appearing — case continued —

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Thursday the 15th day of May 1884

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

✓6004 William Allen vs Amanda Allen. Counsel for plaintiff not appearing, case continued by consent of defendant.

✓6077 John Ockney et al. vs Jennie H. Rice. Set for June 10th 1884

✓7068 Geo W. Malone et al vs Geo. B. Jim'sleman et al Set for trial for June 12th 1884.

✓7086 The Chincahua M & R. Co. vs Jno Pilie Smith- Set for trial for May 16th 1884

✓7112. Jno H Robinson Jr. vs Francis Burlage et al. It is ordered by the Court that plaintiff have leave to file 1st Supplemental petition, and defendants to file 1st amended original Answer and cause set for trial for May 22nd 1884.

Court adjourned till tomorrow morning 9 Oclock

May 16th 1884

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

F R Shipman vs E H Mitchell

On this 16th day of May A.D 1884 came the Plaintiff F R Shipman by his attorneys Hewlett & Stiles and the Defendant E H Mitchell by his Attorneys Robertson & Williams and announced 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 thereupon came on to be heard the general and Special demurrer of defendant to plaintiffs original petition and the same being heard it is ordered and adjudged by the Court that said general demurrer and Special Exceptions be and the same are overruled to which ruling defendant Excepts. And also came on to be heard the Plaintiffs demurrer and Exceptions to defendants answer and the same being heard and considered it is ordered and adjudged by the Court that said demurrer and Exceptions be overruled to which ruling Plff Excepts. And also came on to be heard Defendants general demurrer & Special Exceptions to the pleffs first Supplemental petition and the same being heard and considered, it is ordered and adjudged by the Court that the said General demurrer and Special Exceptions be overruled to which ruling defendant Excepts. And after hearing the pleadings, Evidence and argument of Counsel it is considered ordered adjudged and decreed by the Court that the said plaintiff take nothing by his said suit and that the defendant go hence without day. It is further

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ordered adjudged and decreed by the Court that the Defendant E A Mitchell do have and recover of and from the plaintiff F. R. Shipman and L. H. Kinsle and Geo. L. Robertson the Sureties on his Cost bond all costs in this behalf Expended for which Execution may issue

The Chiricahua Mining and Reduction Company And now on this day this
7186 vs Cause coming on for trial, thereupon came the
J P Smith plaintiff by Attorney and announced ready for trial and the Defendant having by himself filed his demurrer and answer but failing to appear further 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 and duly considered the same, It is considered ordered and adjudged by the Court that the Chiricahua Mining and Reduction Company plaintiff do have and recover of the defendant J P Smith the sum of Eleven hundred and Seventy 43/100 Dollars ($1170.43) together with all costs in this behalf Expended for which Execution shall issue —

6002
T L Wren
vs
T H Miller, T N Conkling
Marian Archer, R. P. Archer
Martha C Dabyns Mary T DeHauk
Flora R McDavitt J C McDavitt
Eliza O Pegues S W E Pegues
Emma C Angell Joseph P Angell
Eloise L Colburn, E L Colburn
Jennie Dabyns Deslonde B Dabyns
Alexander Glenn Fritz Engelking Jr
Sigismond Engelking Chas Engelking
Fritz Engelking Jr C C Rivers & E R Rivers.

And now on this the 16th day of May 1884 Came the Plaintiff T L Wren by his Attorneys and the Defendants E R. Rivers and C A Rivers by their attorneys and the Defendant Alexander Glenn by answer in his own proper person and the Defendants Martha C Dabyns, Mary T DeHauk Flora R McDavitt J C McDavitt Eliza S Pegues S W E Pegues, Emma C Angell Joseph P Angell Eloise L Colburn, E L Colburn Jennie Dabyns and Deslonde B Dabyns now residents of the State of Texas by their Attorney John Dowell appointed by the Court and the Defendants T. N. Conkling Marian Archer R. P. Archer Fritz Engelking Jr Fritz Engelking Jr Sigismund Engelking and Charles Engelking having been duly Served with process failed to appear and answer and the Defendant Thomas H Miller having duly accepted Service but wholly made default. And the plaintiff T L Wren and the Defendants Martha C Dabyns Mary T DeHauk, Flora R McDavitt, J C. McDavitt, Eliza S Pegues S W E Pegues, Emma C Angell, Joseph P Angell Eloise L Colburn, E L Colburn, Jennie Dabyns and Deslonde B Dabyns, Alexander Glenn E R. Rivers and C A Rivers having announced themselves ready for trial the Court proceeded to hear the pleadings the Evidence and the argument of Counsel upon which it is ordered adjudged and decreed

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by the Court that the Plaintiff T L Wren do have and recover of and from the Defendants Thomas A Miller, Thomas A Conkling Marian Archer Martha C Dabyns, Mary T McHaute Flora R McDavitt Eliza J Pegues Emma C Angell Eloise L Colburn Jennie Dabyns Desdonde B Dabyns County Ann Rivers Alexander Glenn Fritz Engelking Sr Fritz Engelking Jr Sigismund Engelking and Charles Engelking and Equal undivided one Eighth (1/8) of those two Certain tracts or parcels of Land Situated in the State of Texas they being described as follows to-wit 587 07/100 acres of Land situated in the County of Austin and State of Texas and patented to T J Dabyns assignee of John Bonta on the 18th day of October AD 1880 by Patent No 281 Vol 9. 2nd Class and described by mets and bounds as follows Begining at a Stake for the South Corner of L Abbotts 640 Acre Survey. Thence N 21½° E with Abbotts E line 1901 Varas to Abbotts E Corner a Double Gray Jack Marked X bro S 72° E. 213 Varas Thence N 86¾ E with a 320 Acre Survey for B Roach 1296 Varas to a Stake and rock in W line of F Engelking's Survey the most Eastern Corner of B Roach Thence S 15½° E with F Engelking and Charles Engelkings 1549 Varas to a Stake in N line of R O Teals Survey. Thence N 74½° W with Teals 130 Varas to an L Corner of Teals Thence S 15½° W 645 Varas to another Corner of Teals - Thence N 74½° W at 500 Varas to another Corner of Teals. Thence South 45° West with Teals 288 Varas to the Corner of a Survey for the B. B. B. & C R R Co Thence N 45° W with Same 1202 Varas to its N Corner. Thence S 45° W with the N W line of Same 1202 Varas to its W Corner in the H & T C RR Survey No 167 Thence N 45° W with Same 286 Varas to the Corner of No 168 Thence N 45° E with Same 292 Varas to its E Corner of L Abbotts South line Thence S 68½° E with said line 293 Varas to the begining. The other tract of land being situated in the County of Crockett and State of Texas being a tract of 692 93/100 acres Patented to T J Dabyns assignee of John Bonta by patent No 349. Vol 9. 2nd Class dated March 15th 1883 and described by mets and bounds as follows - Begining at a rock mound made for the S E. Corner of Sur No 55 this block for the S W Cor of this Survey - Thence N 1900 Varas to a rock Mound at the N E Corner of said Survey No 55. for the N W Cor of this Survey Thence E 2059 Varas to a Stake and mound for the N E Cor of this Sur Thence South 1900 Varas to a Stake & Mound for the S E Corner of this Survey - Thence West at 652 Varas passing the N W Corner of Sur No 53. and N E Corner of Sur No 54 in this block 2059 Varas to the place of begining It is further ordered adjudged and decreed that the

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Defendant Thomas H Miller do have and recover of and from the defendants Thomas H Conkling Marian Archer, Martha C Dabyns Mary T DeHauk Flora R McDavitt Eliz'a S Pegues Emma C Angell Eloise L Colburn Jennie Dabyns Deslonde B Dabyns Courtney Ann Rivers Alexander Glenn Fritz Engelking Sr Fritz Engelking Jr Sigismund Engelking and Charles Engelking the equal undivided one Eigth of the two tracts of land hereinbefore discribed. It is further ordered adjudged and decreed that the defendant T H Conkling do have and recover of and from the defendants- T H Miller Marian Archer Martha C Dabyns Mary T DeHauk Flora R McDavitt, Eliz'a S Pegues, Emma C Angell Eloise L Colburn Jennie Dabyns, Deslonde B Dabyns Courtney Ann Rivers Alexander Glenn, Fritz Engelking Sr. Fritz Engelking Jr Sigismund Engelking and Charles Engelking- one equal undivided one fourth of each of the two tracts of land hereinbefore described-

It is further ordered adjudged and decreed that the defendant Martha C Dabyns do have and recover of and from the defendants, T H Miller, T H Conkling Marian Archer Mary T DeHauk Flora R McDavitt Eliz'a S Pegues, Emma C Angell Eloise L Colburn Jennie Dabyns Deslonde B Dabyns Courtney Ann Rivers Alexander Glenn Fritz Engelking Sr Fritz Engelking Jr. Sigismund Engelking and Charles Engelking twenty one equal undivided Eighteenths of the aforedescribed two tracts of Land- And it is further ordered by the Court. (the Plaintiff having suggested the death of the Defendant T.J. Dabyns) that this suit be dismissed as to the said T.J Dabyns And ~~that~~ it further appearing to the Court that the remaining Nineteen undivided Eightyeths (19/80) of said two tracts of land is the property, share and share alike of the defendants Marian Archer Mary T DeHauk Flora R McDavitt Eliz'a S Pegues, Emma C Angell Eloise L Colburn Jennie Dabyns Deslonde B Dabyns and Courtney Ann Rivers - It is therefore ordered that the said last named Nine defendants do have and recover from the other defendants in this Cause Nineteen equal undivided Eighteenths (19/80) of said two tracts of land-

It further appearing to the satisfaction of the Court that the defendant Alexander Glenn is justly entitled to the sum of thirty Dollars 50/100 Dollars for Services rendered in locating and Surveying the track of land hereinbefore discribed as being situated in the County of Austin and State of Texas and that the same should be paid by the Plaintiff Wren and the defendants Miller & Conkling in

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proportion to the land recovered. It is therefore ordered adjudged and decreed by the Court that the said defendant Alexander Glenn do have and recover of and from the plaintiff T L Wren the sum of Nine & 37/100 Dollars and from the defendant T H Miller the sum of Nine 39/100 Dollars and from the defendant T H Conkling the sum of Eighteen 75/100 Dollars - It is further ordered adjudged and decreed that each of the parties to this action pay Costs in proportion to the amount of land recovered by them in this Suit It is further ordered adjudged and decreed that R C. Shelby J. H. Callett and F W Maddox be and are hereby appointed Commissioners to divide the aforesaid two tracts of Land in the following manner- 1st A sufficient quantity of land at its fair Cash Value to be worth the amount of Costs accrued in this Cause (a Memorandum of which will be handed them by the Clerk) to be set apart to the plaintiff T L Wren who is hereby adjudged to pay all the Costs in this Cause to the officers of Court, in Consideration of such amount of Land being set apart to him and who by his Consent indicates his willingness so to do- 2nd To set apart one Equal undivided one Eighth in value of the remainder of said two tracts of Land to the Plaintiff T L Wren

3rd To set apart one Equal undivided one Eighth in Value of said two tracts of land after the quantity set apart to pay Costs shall be deducted therefrom to the defendant T H. Miller 4th To set apart one Equal undivided one fourth in value of said two tracts of land after the quantity set apart to pay Costs shall be deducted therefrom to the defendant T H Conkling - 5th To set apart twenty-one Equal undivided Eightieths in value of said two tracts of land after deducting the quantity of land set apart to pay Costs- Shall be deducted therefrom to the defendant Martha E. Dobyns - 6- And the residue of said land to be set apart to the defendants Marian Archer Mary T Dehank Flora R McDavitt- Emma E Angell Eloise L Calhoun Jennie Dobyns Orlando B Dobyns Eliza D Pegues and Courtney A Rivers as tenants in Common for them to share and share alike, there appearing to be no necessity for any partition among them

The said Commissioners are further ordered to report their action to this Court at as early a day

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as possible, not later than the first day of the next term of this Court

It is further ordered that John Darnell Esq^r attorney for the now residents be allowed the sum of twenty Dollars for his services rendered them to be collected as other Costs-

John Hancock
vs
Theodore Hackenberg
Carl Massler &
W W Lamme

✓ 7071
& Book 5
Pag. 134.

In this Case on a former day of the present term of this Court the defendants having been duly cited according to law to answer plaintiffs petition, and having made default and failed to appear and plead answer or demur to plaintiffs petition; an interlocutary judgment by default was Entered with the right to plaintiff to Execute a writ of inquiry at the present Term of this Court, And now on the 16th day of May 1884 this Cause being Called for the purposes of said inquiry as to plaintiffs damages, thereupon Came the plaintiff by Attorney and the defendants still Came not and the Court having heard the pleadings and Evidence and it appearing to the Court that the plaintiff is the legal and Equitable owner of the property described in plaintiffs petition, to-wit Lot(8) Eight and the West third of Lot Seven(7) in Block Number Seventy Three in the City of Austin Travis County Texas and that the defendants Carl Massler and W W Lamme Entered as renters and tenants under the plaintiff into possession of said Lots and that the said Theodore Hackenberg was a sub tenant under the defendant (W W Lamme); and that the said defendants wrongfully withheld possession of said premises from said plaintiff and denied his title thereto and that plaintiff has been placed in possession of said Lots under a writ of Sequestration duly and properly issued the defendants having failed to replevy the same- And the Court having Considered the pleadings and Evidence. It is Considered ordered and adjudged by the Court that plaintiff do have and recover of the defendants the Lots described in plaintiffs petition to-wit Lot 8 and the west one third of Lot 7. in Block No 73 in the City of Austin Travis County Texas together with the improvements thereon and that plaintiffs be quieted in his title and possession thereof - It is further Considered ordered and adjudged by the Court that plaintiff do have and recover of the Defendant Carl Massler the sum of Sixty and and 60/100(26 60/100) dollars for rent of that portion of said premises occupied and held by him - and that plaintiff do have and recover of the defendant

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W W Lamme the sum of Forty Eight & 75/100 ($48.75) Dollars for rent of that portion of said premises occupied and held by him: And it is further ordered and adjudged by the Court that plaintiff do have and recover of all the defendants the sum of fifty dollars for waste and damages done to said premises by said defendants while in possession thereof: It is further ordered that plaintiff have Execution against the said Carl Massen for the rent adjudged against him and Execution against said W.W. Lamme for amount of rent adjudged against him, and against all of the Defendants for the damages adjudged against them and for all costs in and about this suit expended

J W Hannig
as
Edward Schutze et als

Now on this 16th day of May 1884 this cause came regularly on to be heard and the plaintiff and the defendants each and all appeared and announced ready for trial and the Court after hearing the Evidence and argument of Counsel is of the opinion that all the materials allegations in Plaintiffs Original Petition are true and that the defendants are indebted to the plaintiffs in manner and form as therein alleged and that the plaintiff has a lien on the hereinafter described property to secure the payment of said debt It is therefore ordered adjudged and decreed by the Court that the plaintiff J W Hannig do have and recover of and from Edward Schutze & L Nitschke Jr Bastian W Maas and D Friedman Trustees of the Creditors and Stock holders of the late Corporation known as Trustees of the German Free School association the sum of two hundred and Sixty dollars with interest thereon from date of this Judgment at 12 per cent per annum and all Costs of Suit and that plaintiffs said lien on Lot Number Six (6) in in Block Number One hundred and fourteen (114) of the City of Austin in Travis County Texas with all improvements thereon and that an order of Sale shall issue to the Sheriff or any Constable of Travis County directing him to seize and sell the same as under Execution in satisfaction of this Judgment- And it is further ordered adjudged and decreed by the Court that if said property when sold under said order of sale shall not sell for a sufficient Amount to satisfy this Judgment then Execution shall

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sioned against said defendants for the balance and costs of suit but said Execution shall only be levied upon the property of said late Corporation Vowith Trustees of the German free School association, that may be in the hands or possession of defendants as Trustees of the Creditors and Stock holders thereof, And this judgment order and decree nor any Execution Sale or forfeiture thereunder shall be or become a charge or ground of action against said defendants or either of them in their individual and personal capacity or the individual property of said defendants or either of them—

Thursday Court adjourned until tomorrow 9 O'Clock

Saturday May 17th 1884 Court met pursuant to adjournment present same as on first day of the Term — when the following proceedings were had towit

5765 H C B Hays vs Ed Creany Etal } And now on this day the Plaintiffs Motion for a new trial in this Cause coming on to be heard in its regular order and the Court having heard the same and the argument of Counsel thereon, the same was by the Court overruled and the plaintiff in open Court gave notice of appeal to the Supreme Court.

7067 J W Morphis vs Clara Stringer & John Stringer } And now on this day came on to be heard the Plaintiffs Motion to have this suit reinstated on the docket of this Court and the same having been heard and duly considered by the Court it was by the Court granted on the plaintiffs paying one half the costs of this suit incurred in this behalf to date.

It is therefore considered by the Court that this said suit be and the same is hereby reinstated on the docket of this Court and that the officers of Court have Execution against said plaintiff for one half the Costs incurred to this date.

6082 Mary & D. M. Wilson vs M. M. Hornby Sheff. Tac — It is ordered by the court by consent of the parties that this case be passed till June 9th 1884.

6098. W. B. Isham vs Jno A. Webb. By consent case ordered passed till June 9th 1884

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Saturday the 17th day of May 1884.

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

7161. Peyton N. Rowlin. vs Isaac Alfred et al } And now on this the 16th day of May 1884 came the plaintiff and moves the Court to allow the Notary Public J. H. Wheeler to amend the affidavit of the plaintiff taken by him for Sequestration, filed in this cause. and there being no objections it is ordered by the court that said Notary be and he is hereby allowed to amend his certificate to said affidavit in accordance with the facts -

6004. William Allen vs Amanda Allen - } And now comes the plaintiff by his Attorney and moves the Court to dismiss this cause at his cost - It is therefore ordered by the court that this cause be and the same is hereby dismissed, and that the plaintiff pay all costs in this behalf expended for which let execution issue.

6078 Caroline Kemp - vs Alfred Kemp. Continued by Consent

7092 T. L. Worn vs Jno. R. Peel et al. Continued by Consent.

7095 Christian Jordan vs The State of Texas. And now on this day came the Honorable A. S. Walker Judge of the 16th Judicial District and suggests to the parties his disqualification in this cause having been of counsel in the matter in which this litigation is -

7112. Jno A. Robinson Sr. - vs Francis Burlage et al Continued by Consent -

5791 Virginia Nelson & Thomas Nelson vs T J Wheeler Et als } And now on this the 17th day of May 1884 came the parties by their attorneys and thereupon came on to be heard the report of Thomas Anderson, John W White and J P Talley Commissioners of partition heretofore appointed by the Court to partition between the parties the property hereinafter described, Said report having been filed in this Court April 28th 1884 and which is in words and figures as follows to wit " Virginia Nelson and Thomas Nelson vs Thomas J Wheeler Et al No 5790. In District Court Travis County Texas - To the Honorable A. S. Walker Judge of the District Court of Travis County Texas. The undersigned appointed Commissioners by your Hon Court to partition the Horses branded ~~N/R~~ on left Shoulder and their increase referred to in the decree of partition and Commission to us directed respectfully report that they in accordance with an agreement between Thomas & Virginia Nelson and Edward Wheeler hereto attached

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have partitioned said Horses between said Edward Whuler and said Virginia Nelson, and that we have selected set aside and branded ten average unbroke horses and branded said ten horses TN and of said horses branded AV on left shoulder & this increase and turned over said ten horses to J P Smith as agent of said Thomas and Virginia Nelson as one Twelfth (1/12) part according to value of said horses branded AV on left shoulder & this increase to which said Virginia Nelson is entitled under said decree and have turned over to said Edward Whuler the balance of said horses branded AV on left shoulder & this increase as Eleventh twelfths (11/12) of same to which said Edward Whuler is entitled under said decree and said agreement and that we believe the above is a fair partition of said horses in accordance with said decree and said agreement We further report that we have been engaged 4 days in making said division & partition & ask that a reasonable compensation be allowed us as Commissioners therefor & that P T Stroud is entitled to 75 Cents for swearing us. Thos Anderson- John W Whitt J P Colley. Subscribed and sworn to before me on this the 24th day of April AD 1884. In witness whereof I hereto set my hand and seal of office- P T Stroud J P. and Notary Public of Travis County Texas SS"

And there being no objection to the same and it appearing to the Court that said partition is just and equitable and in accordance with the written agreement of the parties filed herein

It is therefore ordered by the Court that said Report be in all things approved and confirmed and that the title to the property herein partitioned be divested out of and vested in the parties respectively as in said report set out and that said Commissioners be allowed each the sum of two dollars per day for their Services and that the plaintiff pay one Sixth (1/6) and Edward Whuler 5/6 of the same he being the owner of all the interest of his defendants in said property to be taxed as other Costs in this Case for which Execution may issue against the parties respectively -

P T Whuler
vs
Mariam Whuler

7107

And now on this 17th day of May 1884. this Cause Came on for trial and thereupon Came the parties by their Attorneys and a Jury having been waived the plaintiff and defendant announced ready for trial, thereupon said Cause came on to be heard upon the pleadings and the evidence, And the Court being of

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of opinion that the Plaintiff ought to have a decree for Divorce dissolving the bonds of matrimony and for the property mentioned in said Petition. It is ordered adjudged and decreed that the bonds of matrimony heretofore existing between Thomas H Ohuless and Marian Ohuless be and the same are in all things dissolved 2 That the title to Austin City Out Lot No 50 Div "B" and the improvements thereon (The Homestead of Plff & Defft) be forever vested in the Plff Thomas H Ohuless and said Plaintiff is charged with all liens of whatsoever kind that are due and owing upon said land and the improvements thereon whether they be the be the Vendors, Mechanics or other liens -
That Plff pay all costs of this suit for which Execution may issue -

Whereupon Court adjourned until Monday morning May 19th May 19th 20th and 21st Court met pursuant to adjournment present same as on first day of the Term whereupon the following proceedings were had towit

First National Bank of Austin
vs
J S Davis et al
First National Bank of Austin
vs
J. D. Davis

7151 Bates Rud & Cooley vs J D Davis
7154 D Friedman vs J D Davis
7155 A N L Hunter vs J D Davis
7156 Moses Lock & Co vs J D Davis
7158 A Levy & Bro vs J D Davis

On this 21st day of May Came on to be heard the motion to Confirm the sale made under and in pursuance of the order of sale issued by this Court in the said Causes on the 5th day of May 1884 and it appearing to the Court that said Sale was made after due and legal notice given to D Friedman, for the sum of $7550 00 the same being the highest amount bid for the articles directed in said order to be sold and that said Sale was made in all respects in conformity to law and that the amount of said bid has been paid in cash by said D Friedman to W McHornsby Sheriff of Travis County the Officer by whom said Sale was made, Said Sale is hereby in all things ratified and confirmed and title in and to the articles in said order of sale enumerated is hereby divested out of said J D Davis and vested in said D Friedman and the Sheriff of Travis County is hereby directed and required to turn over said property to the said D Friedman and to put the said D Friedman fully and completely in possession of the same as the true and lawful owner thereof And the Clerk is or

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thorized to receive the net proceeds of said sale allowing the Sheriff to retain in his hands the amount of his Costs in the levy Cost Sale &c of the goods —

The State of Texas
vs
Hon. Wm Brown et al
District Attorney

And now on this the 19th day of May AD 1884 the above cause being regularly called for Trial came the State by her attorneys. The Attorney General and And the Defendant Hon. Wm Brown in person and by Attorneys and the Defendants W G Johnson, A B Hogan A B Kuse A M Stephens John Williams, T J Pruett, A Peyton N M Black T G. Fountain D McKenzie B A Pierson Alex McDonald, J C Williams J J Aldredge Leonard Magee Ed McCullough E G Hunnick Geo A Gassaway, G W Bowman E H Davison L D Forbes W B Blalock Sam Bell J W Waters J M J Seay B W Rines J A Powers W A J Nicholson Geo W Story W M Neil J R Dickinson McEvoy W. S. Hunnicutt L W Goodrich and H M Rosenthal by their attorneys and announced themselves ready for trial whereupon Counsel for defts presented Defts, Demurrer to Plffs petition, to the Court and the Court having heard the pleadings and argument of Counsel overruled said Demurrer to which ruling all the Defendants excepted, and the intervention of a Jury having been waived the trial proceeded before the Court: And the Court having heard the pleadings, the evidence and the argument of Counsel, thereon on this the 21st day of May 1884 finds as follows Towit

1 That Defendant Brown with the other defendants executed the official bond as described in the petition — 2. That upon executing such bond the defdt Brown qualified as Comptroller of Public Accounts of the State of Texas on Jan 18th 1881 and that his term of Office ended Jan 16th 1883 upon accession of his Successor 3. That in the settlement of the account of Defdt Brown with the State there was due the State the sum of five thousand Six hundred and Sixty three & 25/100 dollars upon account of monies and Credits Chargeable and charged to him during his term of office which sum is unpaid —

As Conclusions of law from the foregoing facts the Court finds and decides 1 That the Plff the State of Texas is entitled to a judgment for said sum with interest at 8% from Jan 1st 1884 (Total 5839.44) against the defendant Brown as principal and against the other defendants as his Sureties — 2 That plaintiff have judgment against defendants for all costs of Suit." A S Walker Judge 16th Dist

It is therefore ordered adjudged and decreed by the Court that the State of Texas Plaintiff do have and recover of and from

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the said Defendant Wm M Brown as principal and the said W S Johnson, W B Hagan, N B Kusch C M Stephens, John Williams, T J Prewitt A Peyton N M Clucks, T G Fountain, D M Currie B A Pierson Alp McDonald J L Williams J J Aldridge, Lenard Mager Ed McCullough C L Hunnicutt Geo N Gascoway, G W Bowman E F Davison L D Forbes W B Blalock Sam Bell J W Waters J M J Seay, B W Rimes J A Powers W A J Nicholson Geo W Storey C M Neil J R Dickinson M Levy W S Hunnicutt L M Goodrich and M N Rosenthal his sureties the sum of Five thousand Eight hundred and thirty Nine & 44/100 ($5839 44) Dollars and all costs of this suit for which let Execution issue. To which Judgment of the Court the Defendants in open Court except and in open Court give notice of Appeal to the Supreme Court-

Whereupon Court adjourned until tomorrow morning 9 o'clk

Thursday May 22nd 1884 Court met pursuant to adjournment present same as on first day of Term when the following proceedings were had towit,

1168 Ex Parte } Declaration of Intention to become
John Jacob Tschaggeny } a Citizen

The State of Texas County of Travis-

John Jacob Tschaggeny being duly sworn according to law in the District Court of said County, doth declare that he was born in the year AD 1836 in the Republic of Switzerland whence he Emigrated in the year 1884 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 pot entate State or Sovereignty whatsoever and particularly to the President of Switzerland of whom he was a subject

Sworn to and Subscribed before me this 22nd J J Tschaggeny
day of May 1884. in open Court. Jas P Hart Clerk

1169 Ex Parte. Stephen Bourke. Declaration of Intention to become a Citizen- The State of Texas County of Travis

Stephen Bourke being duly sworn according to law in the District Court of said County doth declare that he was born in the year AD 1850 in the Kingdom of Ireland whence he Emigrated in the year 1883 to the United States of America, and has selected the State of Texas as the

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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 Stephen Bourke -

Sworn to and Subscribed before me this 22nd day May 1884 in Open Court

Jas. P. Hart Clerk

7170 Ex Parte. Frederick Burgenhefer - Declaration of Intention to become a Citizen

The State of Texas. County of Travis - Frederick Burgenhefer being duly sworn according to law in the District Court of said County doth declare that he was born in the year AD1856 in the Empire 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 F Bougenhafer

Sworn to and Subscribed before me, this 22nd day of May 1884 in Open Court

Jas P Hart Clerk

Whereupon Court adjourned until tomorrow morning 9 o'Clock

May 23rd and 24th 1884 Court met Pursuant to adjournment present same as on first day Whereupon the following proceedings were had, to wit,

7171 The State of Texas } To all to whom these presents shall come

County of Travis } Greeting =

At a District Court in and for Travis County held at the Court House in the City of Austin in said County James B Goff made application for a permanent License to practice as an Attorney and Counselor at Law in the District and all inferior Courts of the State of Texas and having produced a License from the Hon Circuit Court of the 8th Judicial Circuit of the State of Missouri certifying that said James B Goff was admitted as an Attorney and Counselor of the Circuit Court of said State, and he having been introduced to this Court by Hons B. T. Fulmore and Taylor Moore 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

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Saturday the 24 day of May 1884

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by the Court that the said James B Gaff be and he is hereby admitted and authorized to appear and plead and practice as an Attorney and Counselor at law in the District and all inferior Courts of the State of Texas for which this shall be his sufficient License. These are therefore to License, Authorize and Empower the said James B Gaff to practice as an Attorney and Counselor at Law in the several District and Inferior Courts of this State. The said Gaff having heretofore to wit in 1879. applied for License in this Court, but the same having been mislaid or overlooked this is issued in lieu thereof.

J. H. Williams
vs
7172

Ex parte } And now on this the 24th day of May 1884 came petitioner into Court in this cause by his attorneys Walker & Hill, and asked the Court to appoint a special Guardian for petitioner in this cause, when duly it shall be in connection with the Hon Z. T. Fulmore County Judge of Travis County to represent the interest of the minor herein as provided by law, and thereupon the Court appointed Ed Rogers Esq as such special Guardian, and thereupon said cause came on to be heard in regular order for trial, and the said applicant in person and by his attorney and said Z. T. Fulmore County Judge and Ed Rogers Special Guardian announced ready for trial, and the Court after hearing the pleadings and evidence is of the opinion that the facts stated in the petition are true and that the disabilities of said minor ought to be removed as therein prayed for, Wherefore it is considered, ordered adjudged and decreed by the Court that the disabilities of the said J. H. Williams as a minor be and the same are hereby removed, and that the said J. Williams be and he is hereby decreed and held for all legal purposes of full age, and shall be held responsible, and shall have all the privileges and advantages as if he were of full age, saving only he shall not vote until he arrives at the full age of twenty one years, and that the said J. H. Williams shall have charge of and manage and control the property and effects that he may now own or hereafter acquire in his own right, and on his own responsibility as legally and fully as if he was of full age, and further ordered that said J. Williams pay the costs in this behalf incurred, for which execution may issue,

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7111

F. R. Shipman vs E. H. Mitchell

And now on this day came the parties by their attorneys, when came on to be heard defendants motion for a new trial in this behalf, which said motion being heard and submitted was by the Court overruled, to which ruling of the Court the defendant excepts and in open Court gives notice of appeal to the Supreme Court of Texas,

6035

Hannah Williams vs Prince Williams

This cause being this day called for trial came the plaintiff by his attorney and announced ready for trial, but the defendant although duly served with process by publication failed to appear, and the Court having heard the pleadings and evidence, and it appearing therefrom that the plaintiff has not resided in the County of Travis for six months next preceding the filing of this suit; It is therefore ordered by the Court that this cause be and the same is hereby dismissed for want of jurisdiction, further ordered that the plaintiff pay all costs in this behalf incurred, and that a fee of ten (10) dollars be taxed as and collected as costs for W. H. Hewlett Esq attorney appointed by the Court to represent defendant, for all of which let execution issue,

7166

Hannah Stewart vs Wesley Stewart

This Cause being regularly called for trial came the plaintiff by Attorney and announced ready, and it appearing to the Court from written waiver on the petition herein that the defendant had waived service of process herein and agreed that the same might be tried at the present term of this Court, and said defendant not appearing the Court heard the pleadings the evidence and argument of counsel thereon, and is of the opinion therefrom that the material allegations contained in plaintiffs petition are true, and that she 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 Hannah Stewart and the defendant Wesley Stewart be and the same are hereby forever dissolved and held for naught, and that plaintiff recover of and from said defendant all costs by her incurred for which let execution issue,

7110

John Shelfer vs Hannie S. Ford et al

This cause coming on to be heard on this the 23rd day of May A.D. 1884 the parties appearing by their Attorneys and the Infant defendants Fenny Ford and Lizzie Ford being also further represented by

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their Guardian ad Litum A P Wooldridge Esqr who was duly appointed by the Court for that purpose and neither party demanding a Jury, was submitted to the Court to determine all questions involved both of law and of fact upon the pleadings in said Cause, and the following evidence offered by plaintiff, towit the Original deed from Sherod W Ford and Nannie S Ford executed June 7th AD 1883 to John Stilfox and the oral testimony of Flavius Everett Esqr and of John Stilfox the plaintiff. And it appearing to the Court from such evidence that said deed so executed on the 7th day of June AD 1883 conveying to Plaintiff Lots Number five (5) and six (6) and also forty six feet off of the East portion of Lot number Seven (7) in Block number one Hundred & fifty two (152) of the City of Austin in Travis County Texas, is defective as alleged in the petition of Plaintiff, in that it fails to state the consideration for such conveyance and that the same was paid by Plaintiff to the grantors therein; It also appearing to the Court from such evidence that the plaintiff did before the delivery of said deed to him pay to the said grantors ~~therein the sum of~~ four thousand dollars which was the price agreed upon by and between said grantors of the one part and plaintiff of the other part, for said property and that said sum of money was received by said grantors Sherod W. Ford and his wife Nannie S Ford as full payment of the purchase money for said real Estate described in said deed It also further appearing to the Court from such evidence introduced by Plaintiff that it was intended by said grantors Sherod W Ford and Nannie S Ford and by plaintiff that said deed should express that the consideration therefor was four thousand dollars and that the same had been paid by plaintiff to said Grantors and that the words "four thousand" should be inserted in said deed as expressing such consideration and that said deed was executed and delivered by said grantors and received by Plaintiff in the belief that such consideration was so expressed and its payment recited; and it further appearing from the evidence that the failure to so state and recite such consideration and its payment was the result of mistake or oversight on the part of the Scrivener who prepared said deed- It is therefore considered by the Court that the plaintiff is entitled to the relief prayed for

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in his petition filed in this cause. And it is ordered adjudged and decreed that said deed, in order that it may conform to the actual intentions of the parties thereto, ab and before the time of the execution and delivery thereof be reformed and rectified by inserting therein the words "Four thousand" in the blank space left for that purpose following the words "Sum of" and preceding the word "dollars" So that said words may be connected in such manner as to read "sum of four thousand dollars" So that said deed shall hereafter read as follows, to-wit: "The State of Texas County of Travis. Know all men "by these presents: that we S W Ford and Nannie S Ford his wife both "of the City of Austin of the County of Travis and State of Texas in "consideration of the sum of four thousand dollars to us in hand "paid by John Stilfox of the County of Travis and State of Texas "the receipt of which is hereby acknowledged have granted bar "gained Sold Conveyed and released, and by these presents do grant Bargain Sell and Convey and release unto the said John Stilfox "his heirs and assigns, the following described property, to-wit, Lots "Number five (5) and Six (6) and also forty Six (46) feet off the "East portion of Lot Number Seven (7) in Block Number one hundred "and fifty two (152) of the City of Austin Travis County Texas said "premises having a front to the North on Peach Street in said "City of Austin of one hundred and Eighty four (184) feet and "running back South a distance of one hundred and Sixty (160) "feet to an alley" and the same being now the Homestead property "of said S W Ford and his said wife Nannie S Ford, together with "all and singular the rights, members improvements, hereditaments "and appurtenances to the same belonging or in any wise in "ident or appertaining. To have and to hold all and sing- "ular the premises above mentioned unto the said John Stilfox "his heirs and assigns forever And we do hereby bind "ourselves our heirs executors and administrators to warrant "and forever defend, all and singular the premises unto the said "John Stilfox his heirs and assigns, against every person whom "soever lawfully claiming or to claim the same or any part "thereof Witness our hands at Austin Texas this 7th day of June A.D. 1883

"Signed Sealed & delivered in presence of

"Gardner Ruggles R R Robertson

S W Ford (Seal)

Nannie S Ford (Seal) "

It is further ordered adjudged and decreed that defendant to-wit Mrs Nannie S Ford, John J Ford Thomas Ford and Lizzie & Jenny Ford minors and Mrs Nannie S Ford Guardian of said Lizzie

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Penny Ford and each of them this, and each of their agents, attorneys and representatives, be and are hereby perpetually Enjoined from setting up, alleging or prosecuting any claim of right title or interest in or to the property herein above described & by said deed, conveyed by virtue or on account of the omission ~~therefrom~~ therein of the recital of the Consideration and its payment as alleged in petition of plaintiff. It is further ordered that plaintiff pay the Costs of this suit and that a fee of ($20.00) twenty dollars be taxed as Costs for A P Wooldridge Guardian ad litem appointed by the Court to represent the minors herein for all which let execution issue

5718 R M Thomson vs E W Baths } In this cause on the 16th day of May 1884 the mandate from the Supreme Court affirming the judgment in this cause, was filed and said cause ordered to be dropped from the docket which is accordingly done

Court adjourned till Monday morning 9 o'clock

Monday May 26th 1884

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

3137 Francisco Cuellar vs The State of Texas. This case having been affirmed in the Supreme Court and mandate filed, cause is now dropped from the docket.

3139 Sabas Fuentes et al vs The State of Texas. This case having been affirmed in the Supreme Court and mandate filed, cause now dropped from the docket.

Court adjourned till tomorrow morning 9 o'clock

May 27th 28th 29th 30th & 31st 1884

Court met each of the above dates pursuant to adjournment. Present same as on first day, and there being no civil matters to accrue court on the 31st inst. adjourned till Monday Morning 10 o'clock.

June 2d 1884.

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had viz: Court adjourned till tomorrow morning 9 o'clk.

Wichita Court Minutes, March Term, 1884

Tuesday the 3rd day of June 1884

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

5857 A. R. Jones et al vs R. W. Duke et al, No Counsel appearing ordered by the Court that this Case be Continued —

7031 H & T. C. Ry Co. vs T & P. Ry Co. No Counsel appearing it is ordered by the Court that Case be Continued,

7053. H & T. C. Ry Co. vs T. & P. Ry Co. No Counsel appearing it is ordered by the Court that this Case be Continued

7064 The State of Texas vs J. A. Rhomberg et al, No Counsel appearing it is ordered by the Court that this case be Continued for service

7065 Mary Sims vs J. J. Sims. Continued for service,

7074 Bell Augusta vs P. M. Augusta. Continued to perfect service,

7084 Winchester & Partridge Mfg Co. vs J. L. McCutchen et al no Counsel appearing it is ordered by the Court that this Case be Continued,

7087 Jas. W. Daughtry vs J. W. Hill & Wife. No Counsel appearing it is ordered by the Court that the Case be Continued,

7092 The State of Texas vs Val Musick et al. Continued for service,

7093 The State of Texas vs W. H. Sharp et al. Continued for service,

7098 H & T C. R R. Co vs A. A. Bass. No Counsel appearing it is ordered by the Court that this Case be Continued,

7099 H & T C. R R. Co vs W. J. Linlaw, No Counsel appearing it is ordered by the Court that this Case be Continued,

7100 H & T C R R Co vs J. W. Burman No Counsel appearing it is ordered by the Court that this Case be Continued,

7101. H & T C Ry Co. vs B. K. Durfee, No Counsel appearing it is Continued for the term,

7102 H. & T C Ry Co vs S. A. Buckingham No Counsel appearing it is ordered by the Court that this Case be Continued,

7103 H. & T C Ry Co vs L. F. Emery, No Counsel appearing it is ordered by the the Court that this Case be Continued

7104 H. & T C. Ry Co. vs W. M. Boyd. No Counsel appearing it is ordered by the Court that this Case be Continued.

7117 First National Bank of Austin, vs Mary Bonnegerhoff et al. 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 in behalf of the officers of Court —

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7006 John H. Coleman vs T. C. R. & B. Co. On May 5th 1884 upon motion of Plaintiffs attorney it was ordered by the Court that Plaintiff have leave to file first supplemental petition, and on May 6th 1884, by consent case passed until 9 o'clock May 7th 1884, And now on this the 7th day of May 1884 Came the parties by their attorneys and waive a Jury and submit the matters in Controversy as well of fact as of law to the Court: and the Evidence and Argument of Counsel having been heard and fully understood, the Court took the case under advisement and on this the 2nd day of June 1884 the Court is of the opinion that the law and the facts are with the Plaintiff - It is therefore ordered Considered and adjudged that the Plaintiff John H. Coleman do have and recover of and from the defendant Travis County Road and Bridge Company the sum of ($1429.00) fourteen hundred and twenty nine dollars with interest at the rate of 8% per annum from this date and all Costs of this Suit for which let Execution issue -

7007 Fields Rainey & Thomas as Travis County Road and Bridge Company } And now on this 7th day of May 1884 Came the parties by their attorneys and waive a Jury and submit the matters in Controversy as well of fact as of law to the Court: And the Evidence and argument of Counsel having been heard and fully understood, the Court, ~~the Court~~ took the case under advisement and on this the 2nd day of June 1884 the Court is of the opinion that the law and the facts are with the Plaintiffs - It is therefore considered ordered and adjudged that the Plaintiffs John D Fields John R Raney and Sarah J Thomas under their firm name of Fields Rainey and Thomas do have and recover of and from the Defendant Travis County Road and Bridge Company the sum of ($3823.00) three thousand three hundred and twenty three Dollars with 8% Interest from this date together with all Costs of this suit for which let Execution issue -

7073 E Simmer as E Weston } And now on this the 30th day of May 1884 it is ordered by the Court that this case be set for trial for June 2nd and that Plaintiff have leave to file first Supplemental petition

7174 Christof Nierozeno De parte } Declaration of Intention to become a Citizen

The State of Texas - County of Travis -

Christof Nierozen being duly sworn according to law, in

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Thursday the 3d day of June 1884

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District Court of said County doth declare that he was born in the year AD 1839. 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. Christofer his X mark Kurzens

Sworn to and subscribed before me this 3rd day of June 1884 in open Court. James P Hart Clerk

7175 Friedrich Kakno } Declaration of intention to become a Citizen
Ex parte } The State of Texas County of Travis

Friedrich Kakno being duly sworn according to law, in the District Court of said County, doth declare that he was born in the year AD 1843 - 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. Friedrich his X mark Kako.

Sworn to and subscribed before me this 3rd day of June 1884 in open Court. Jas P Hart Clerk

Whereupon Court adjourned until tomorrow morning June 4 1884. Wednesday June 4th 1884. Court met pursuant to adjournment. Present same as on first day of Term. Whereupon the following proceedings were had, to wit,

7173 E Grimm } And now on this the 2nd day of June 1884
vs } Came the parties by their attorneys and waive
E Westen. } a Jury and submit the matter in controversy as well of fact as of law to the Court, and the Evidence and Argument of Counsel having been heard, and fully understood. it is on this the 4th day of June 1884 considered by the Court that the law under the facts is with the defendant. It is therefore considered and ordered by

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the Court that the Plaintiff take nothing by his suit, and that the Defendant go hence and recover of and from the Plaintiff S Grum and F Lammers and H Drier sureties on his Cost bond all Costs in this behalf Expended for which let Execution issue- To which Judgement of the Court plaintiff excepts and in open Court gives notice of Appeal to the Supreme Court.

Eva Burks
vs
James Burks

6090

And now on this 4th day of June this Cause coming on for trial Came the parties by their Attorneys and a jury being waived, the matters in Controversy in this Case as well of Law as of fact was submitted to the Court- And the Court having heard the Evidence and the argument of Counsel thereon is of the opinion that the material allegations in plaintiffs petition Contained are true and that the plaintiff is Entitled to the relief prayed for- It is therefore ordered adjudged and decreed by the Court that the bonds of Matrimony heretofore Existing between the plaintiff and Defendant be and they are hereby dissolved, and that the plaintiff do have and recover of and from the defendant all Costs in this behalf Expended for which let Execution issue-

Whereupon Court adjourned until tomorrow June 5th 1884

Thursday June 5th 1884 Court met pursuant to adjournment. Present. Dand as on finish day- whereupon the following proceedings were had to wit

7178

George Heischmann Ex Parte

Declaration of intention to become a Citizen

The State of Texas County of Travis

George Heischmann being duly sworn according to law in the District Court of said County, doth declare that he was born in the year AD1852 in the Kingdom of Bavaria Germany 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 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. George Heischmann

Sworn to and subscribed before me this 5th day of June 1884 in open Court. Jas P Hart Clk By W H Shelby Deputy -

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Saturday the 6th day of June 1884

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7105 Daniel Bauldin vs Janie Bauldin } Now on this day came on to be heard in its regular order this cause and the parties plaintiff and defendant both appearing by Counsel announced ready for trial and a jury being waived, the matters and things in Controversy were submitted to the Court. And the Court having heard the pleadings Evidence and the argument of Counsel thereon and having duly considered the same, is of the opinion that the materical allegations in plaintiffs petition contained are true and that he 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 Daniel Bauldin and the defendant Janie Bauldin be and they are hereby forever dissolved and that the defendant Janie Bauldin do have and recover of and from the plaintiff all her Cost in this behalf expended for which let Execution issue —

7087 James W Daugherty vs J W Hill & wife } And now on this day came on to be heard the motion of the plaintiff to set aside the Continuance in this cause, and it appearing to the Court that the allegations contained in said motion are true and not denied — It is therefore ordered by the Court that said motion be and the same is hereby granted and that this cause stand for trial as if said Continuance had not been granted.

7088 Frances Palmer Etal vs Jno S Stroud Etal } And now on this the 31st day of May this cause coming on for trial came the parties by their attorneys and submit the matters in Controversy as well of fact as of law to the Court, and the Evidence and the argument of Counsel having been heard and fully understood by the Court It is Considered by the Court that the plaintiffs Frances Palmer and her husband Baylor Palmer take nothing by this suit and that the Defendants John S Stroud and Rebecca Stroud retain and hold of the plaintiffs Frances Palmer and her husband Baylor Palmer the premises described in plaintiffs petition as follows, Torrib, Lots Nos five (5) Six (6) Seven (7) and Eight (8) in Block No (4) Nine in Out Lot No (34) thirty Seven Division "B" of the City of Austin together with all the improvements thereon — And that the title in and to said premises be and the same is

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now here divested out of the Plaintiffs Francis Palmer and her husband Baylor Palmer and the title thereto be and the same is now here vested in the Defendants John S Stroud and his wife Rebecca Stroud with a general warranty of title therein - And the plaintiffs Frances Palmer and her husband Baylor Palmer are permitted to withdraw from the papers of this Cause the Deed on file therein made by Defendants John S Stroud and his wife Rebecca Stroud and hold the same as a title deed to the premises therein described - And that the defendants have and recover of plaintiffs their Costs in this behalf Expended. for which let Execution issue

Order of docket for October term 1884

June 9th 1884.

Court met pursuant to adjournment. Present same as on Friday when upon the following proceedings were had viz:

Ordered

1. The Civil non jury docket will be called Tuesday October 7th
2. The Civil Jury docket will be taken up October 20th
3. The Criminal docket will be taken up October 27th
4. The Civil Jury docket will be again taken up Nov 24th
5. Motions will be heard on Saturdays.

7088 Frances Palmer vs J. W. Stroud et al } And now on this day came on to be heard the motion of Plaintiff for a new trial in this behalf, and said motion having been submitted by both parties, duly considered and fully understood by the Court was by the Court granted, and ordered by the Court that a new trial in this cause be and the same is hereby granted.

5997 James M. Taylor vs H. & T. C. Ry Co } The mandate of the Supreme Court having this day been filed affirming the judgment of this court in this case. It is ordered by the Court that the case be now dropped from the docket.

7033. John Richards vs J. P. Kirk Continued by consent.

Whereupon Court adjourned until tomorrow morning June 10th and 11th 1884 Court met pursuant to adjournment present same as yesterday - Whereupon the following proceedings were had, to-wit: —

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7179 Paul Haenelt } Declaration of Intention to become a Citizen
Ex Parte } The State of Texas County of Travis - Paul Haenelt being duly sworn according to Law in the District Court of said County doth declare that he was born in the year AD1861 in the Kingdom of Germany, 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 renounce forever all allegiance and fidelity to every foreign Prince, Power, Potentate State or Sovereignty whatsoever and particularly to the Emperor of Germany of whom he was a Subject - Paul Haenelt
Sworn to and subscribed before me this 11th day of June 1884 in Open Court
Jas P Hart Clerk

7180 Henry Henos } Declaration of Intention to become a Citizen
Ex parte } The State of Texas County of Travis
Henry Henos being duly sworn according to law in the District Court of said County doth declare that he was born in the year of 1857. 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 -
Sworn to and Subscribed before Heinrich Henos -
me this 11th day of June 1884 in Open Court - Jas P. Hart Clerk

7183 Seaman G. Moulton Etal } And now on this the 11th day of June
vs } 1884 came the Plaintiffs and the Defendants
John R Ward Etal } Ward by their respective attorneys and present to the Court the report of the Commissioners appointed to make partition of the Lands discribed in the decree appointing them made on the 25th March 1884 which report duly subscribed and sworn to by the Commissioners is substantially as follows, to wit, "No 7083 Seaman G Moulton Etal vs John R Ward -
" To the Honorable A. J. Walker Judge of the Sixteenth Judicial District
" We the undersigned Commissioners appointed by your Hon
" to partition the Lands belonging to Dr John R Ward and the
" Estate of W. C. Moulton Dec'd and Delkirk Claudes and Millen -

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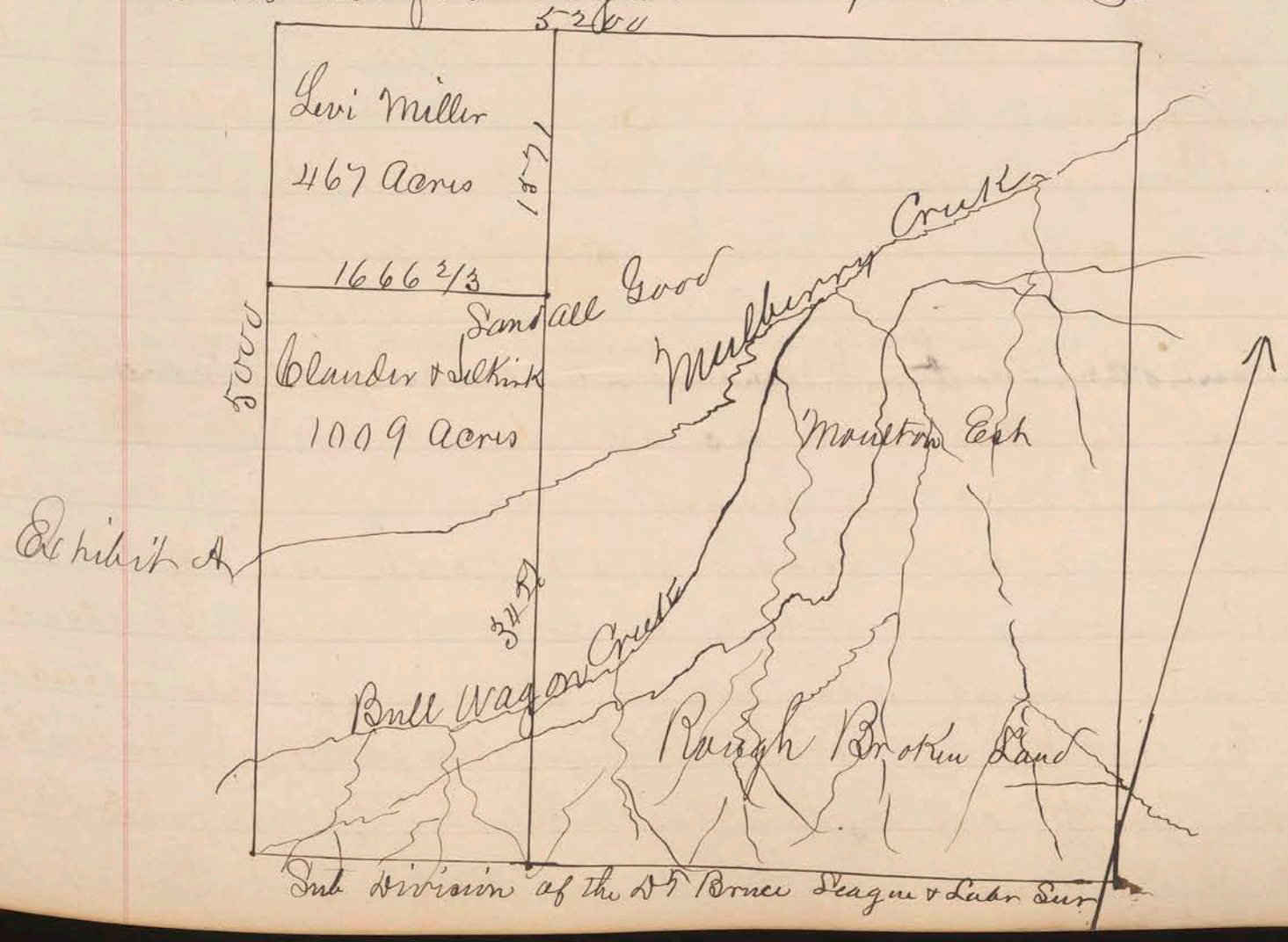
" Would respectfully report as follows-towit. In the partition
" of the David T Bruce Survey No 135 of 1 League and 1 Labor dividing
" the Same according to value. We have set apart to Levi Miller
" as his 2/16 interest in said Survey 467 acres all good land
" bounded as follows, towit Begining at the N W Corner of said
" Bruce Survey Thence N 75° E 1666 2/3 varas Thence S 15° E.
" 1571 Varas Thence S 75° W 1666 2/3 vara. Thence N 15° W 1571 Varas
" to the begining- To James H Dickirk and John Claudn
" we have awarded 1009 acres partly good land and partly bro-
" ken rough Land- Begining at the original S W Corner of said
" David T Bruce Survey a large Stone marked N E 128 at
" in Stone Mound from which a dead mesquite 5 inchs in di
" ameter bears N 3½° W 21 vrs and a Chackberry brs N 65° W
" 40 vrs. These trees being the ald marked original bearing trees to
" this Corner- Thence N 15° W at 400 vrs across Bull Wag on Crk
" at 1485 vrs across Mulberry Crk 3429 vrs N W Corner of this
" Sub division- Thence N 75° E 1666 2/3 vrs- Thence S. 15° E. 3429 vrs
" Thence S 75° W 1666 2/3 vrs to the beginning- The above tract being
" of the value of 4/16th of said Bruce Survey- To the Plaintiffs
" mentioned in your Hons decree Viz- Lemmas G Moultrow, Asbury G
" Moultrow, Mary J Ayers and her husband Charles J Ayers, Cora M
" Odell and ~~Hatt~~ husband Edward V Odell and Hattie Gray Moultrow
" We have set aside 3129 acres of the David T Bruce Survey
" being of the value of 10/16th of said survey- Bounded as
" follows Beginning 1666 2/3 Vrs N 75° E from the S W Corner
" of said David T Bruce Survey Thence N 75° E. 3533 1/3 vrs S. E.
" Corner of the said Bruce Survey Thence N 15° W 5000 vrs to N
" E Corner of same Thence S 75° W 3533 1/3 vrs to N W Corner of
" this Subdivision. Thence S 15° E. 5000 vrs to the beginning
" for a more particular description reference is hereby made to
" accompanying Sketch marked Exhibit A.
" Also (1361) one thousand two hundred and Sixty one acres of
" Land off the North End of the Alexander Thompson Survey
" No 37 for one third of a League and one third of a Labor of land
" and being all of said Survey Except 3.74 acres off the South
" End of the same awarded to Dr John R Ward- We also furth-
" er apart to the above parties the following tracts or subdivi-
" sions of the Herman Ward Survey No 90 towit Lots Nos 6
" 7 acres M 9 acres K 10½ acres E 7¾ acres C 10 9/10
" acres- D 7 3/10 acres O 10½ acres and out Lot P. 1.74 acres

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"Beginning 820 vrs East of N W Corner of said Herman Ward Survey
"Thence South 1038 vrs to South line of same Thence East 950 varas to Street
"Thence North 1038 vrs to N line of said Herman Ward Survey Thence
"West 950 vrs to the place of beginning. For a more particular
"description reference is hereby made to accompanying Sketch marked
"Exhibit B. To Dr John R Ward, We award and set apart the
"following land towit, The Alexander Thompson Survey No 20 Patent
"No 236 Vol 12. Containing 3070 acres and for a more full and complete
"description refference is hereby made to said Patent also 274 acres off
"the South side or end of the Alexander Thompson Survey No 37. for one
"third of a League and one third of one Labor Patent No 235 Vol 12
"Also the E Ramirez Survey No 34 of 160 acres Patent No 759. Vol 6. and for
"a more particular description reference is hereby made to said Patent
"Also 174 acres being out Lot Q(g) of the Herman Ward Survey No
"90 Beginning at the N W Corner of said Survey a Stake on the
"East Bank of the Clear Fork of the Brazos River Thence East 820 Vrs
"Thence South 1038 Vrs Thence West 1004 to N W Corner of said Survey. Thence
"down the Clear fork with its meanderings to the place of the beginning
"Also Lots Nos F 7 acres L 9 acres N 10½ acres H 7 3/10 acres B 10 9/10
"acres D 7 3/10 acres J 10½ acres Said Smaller Subdivisions of
"the Herman Ward Survey are embraced within the Corporate limits of the town of
"Abilene Taylor County Texas- For a more particular and perfect description reference is
"hereby made to the accompanying Sketch marked Exhibit B. All of which is respect
"fully Submitted- J A Daniel T J Finnie - A McAnderson
"Sworn and Subscribed to before me this the 7th day of June 1884 J N Bailey Notary Pub
lic in and for Taylor County Texas



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No. 114. 3-83-2.

Geo. D. Barnard & Co., Blank Book Manufacturers.

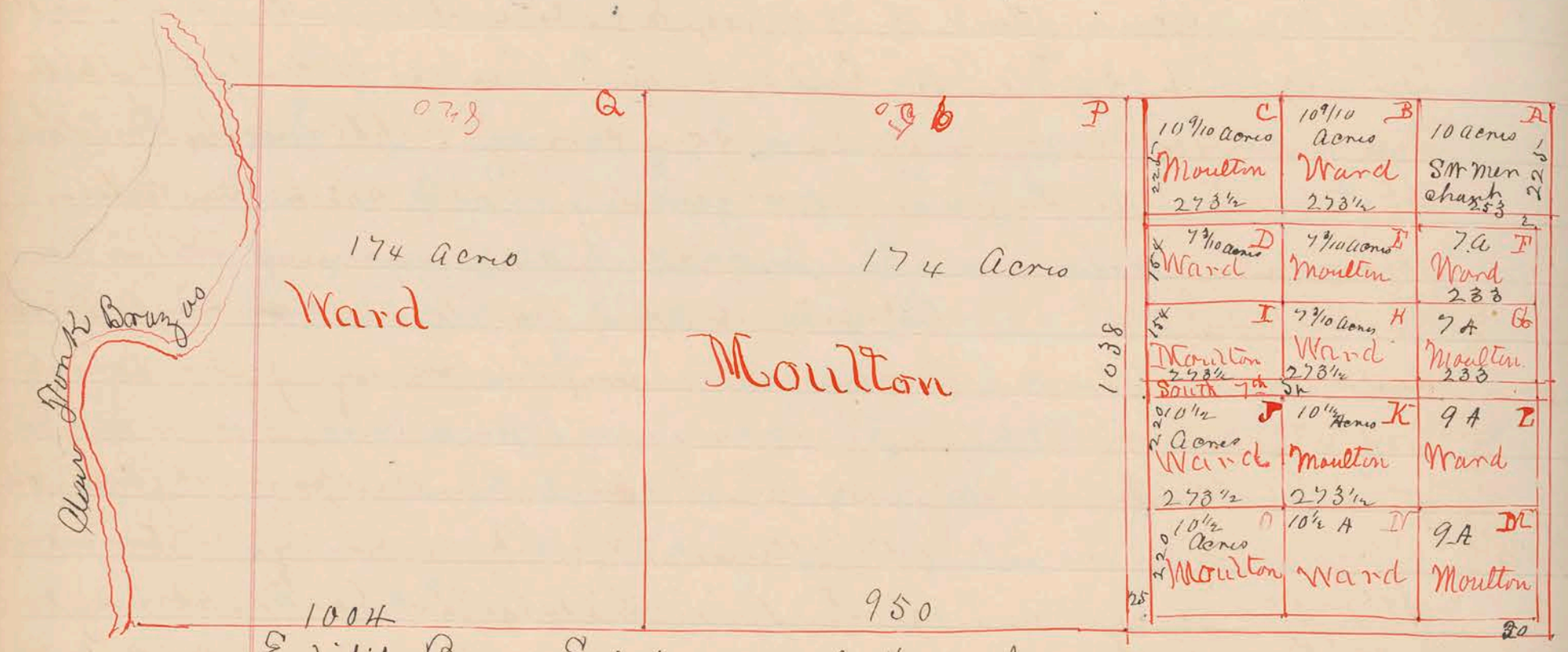


Exhibit B. Subdivision of the Herman Survey No 90

Jno R Ward gets Lots Q P L N H B D & J.

M C Moulton Est " " P & M K E & D O

And the Plaintiffs Leoman G Moulton Asbury C Moulton Mary J Ayers and her husband Charles J Ayers, Cora M Odell and her husband Edward V Odell by their atty and Hattie Gray Moulton by her guardian ad litem D W Doom and John R Ward by his attorney assenting thereto and no objection or exception being filed or made to said report it is ordered that the same be in all things Confirmed. It is therefore ordered adjudged and decreed that the tract or tracts of land allotted to each of said parties in said report shall be held by such party or parties in severalty that is to say that the tracts of land assigned and allotted to the Plaintiffs shall be owned and held by them together. The tracts of land assigned and allotted to Defendant John R Ward shall be held and owned by him in severalty - That the tract assigned to defendant Levi Miller shall be owned and held by him severally and the tract allotted to the defendants Jas H Selkirk and John Claudon shall be held and owned by them together That the title to such tract or tracts of land so assigned and allotted to each party or class of parties shall be vested to him or them in each tract or tracts so assigned to him or them respectively by said report as against the other parties to such partition their heirs or assigns as fully and as perfectly as the deed of such party or parties could vest the same and this decree shall have the same force and effect as a full warranty deed of Conveyance from such other parties to said report from whom the title is directed by this decree It is further ordered and adjudged that the Costs be taxed by the

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Clerk as follows to wit: Against defendant Levi Miller one thirtieth (1/30) against defendants DeKink and Claudon (2/30) two thirtieths and one half the remainder against the plaintiffs and the other one half to defendant John R Ward for all which execution may issue --

On June 12th 1884 Court met pursuant to adjournment present same as on first day of Term Whereupon the following proceedings were had. to wit

Geo W Malone et al
as
Geo B Zimpleman of Travis County Texas

On this the 12th day of June AD 1884 in this cause, it is ordered by the Court that John E Campbell County Surveyor be and he is hereby appointed to make Survey of the Land in Controversy and of all things land and this tending to Elucidate the points in Controversy and make his report to the next term of this Court -

7068

Sandford and Don
as
A & N W R R Co

6019

Come now on this 16th day of May 1884 the parties and this Cause being regularly called for trial announced themselves ready for trial, And the Court after hearing the petition of Plffs read and the demurrers of defendant and after being fully advised that the law is in favor of defendant on its said demurrer so far as it relates to Claim of Plffs to a lien on the defts road bed rolling Stock franchises and that plffs are not entitled to such lien does sustain defts demurrer to that part of said petition to which ruling of the Court the plffs at the time excepts. And the Court further finds that the law is with the plffs on all of the balance of defts demurrers and overrules the same to which ruling of the Court the defts excepts - And the demurrers of the plffs to defts 1st Amended Original Answer are submitted and the Court after being fully advised - finds that the law is with the plaintiffs so far as said demurrer relates to the 5th Paragraph of said Answer and so far as said Answer relates to and sets up expenses incurred by defendant in defending other suits at law and does sustain said demurrer to said parts of said answer to which ruling of the Court the defts excepts - And the Court finds that the law is with the defendant on all of balance of plffs demurrer - and overrules the same to which ruling of the Court the plaintiffs except -

And this Cause is now submitted to the Court for

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for trial on the merits without the intervention of a Jury and the Court after hearing the pleadings and Evidence in this Cause and after being fully advised finds for the plff in the Sum of $5718.22 with interest from the 1st day of January 1883 at the rate of 8 pc per annum, the further Sum of $65.105 making in all found for the plff the Sum of $6569.27 Wherefore it ordered adjudged and decreed that the plffs Sylvanus Sandford and Daniel W Sandford of the firm of Sandford & Son do have and recover from the defendant the Austin and North Western Rail Road Company the Sum of Six thousand and five hundred and Sixty nine 77/100 ($6569.77) dollars with interest at the rate of 8 per cent per annum from this the 16th day of May 1884 together with all their Costs in this behalf laid out and expended for which Execution may issue as hereinafter stated And it further appearing to the Court that the following judgments have been rendered against the Austin and North Western Rail Road Company growing out of the said Contract of said Sandford & Son with said Company to wit Judgment of the District Court of ~~Travis~~ Williamson County October 10th 1883 in favor of N B Mayo for $598.96 with interest from said last date at rate of Eight per cent per annum - Judgment of the District Court of Travis County October 10th 1883 in favor of G.E. Cornwell for $126.18 with interest at the rate of Eight per cent per annum from said last date - Judgment of the District Court of Williamson County January 23rd 1884 in favor of W M Daniels for the Sum of $2167.78 with interest from said last date at Eight per cent per annum - It also appears that the said Austin and North Western Rail Road Company has appealed to the Supreme Court from the said Several Judgments, that the same with the Costs are still unsatisfied and that said appeals are still pending - It also appears further to the Court that there is now pending in the District Court of Williamson County Texas a suit against G G Anderson - Sandford & Son and the Austin and North Western Rail Road Company No 2008 in favor of Rucker & Montgomery in which they are asking and seeking judgment and lien on said defendants Rail road Equipment &c for the Sum of $2850.15 with interest

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from Jany 1 1883 Eight per ank per annum and which claim also grows ank of said Antrack - It is therefro considered ordered and adjudged by the Cannk that no execution shall issue on this judgment against the defendank to the extenk of the several judgments aforesaid with interesk thereon as aforesaid and to the extenk of the said claim of the Rucker & Montgomery not yet adjudicated until the plaintiffs Sandford and Don shall produce releases and acquittances from the holders of said several judgments and said Claim of Rucker & Montgomery releasing and discharging said Rail Road Company from all furthe liability thereon It is furthe ordered that if the defendank shall be compelled to pay any of said several judgments or said Claim that such payment shall operate as a Credik upon this judgment to the extenk of such payments - It is furthe ordered that if said judgments and Claim are hereafte and finally adjudicated in favor of said Rail Road Company then execution may issue to such extenk on this judgment the plaintiffs being entitled to Execution as to all of this judgment not covered by said several judgments and said Claim And it is furthe ordered that Executions shall hereinafte issue on this judgment from time to time as said defendant shall hereinafte be legally released from liability on any of said judgments and said Claim of Rucker & Montgomery -

7024 — S J Adams as The Texas Central Rail way Company

And now on this the 29th day of May 1884 Came the parties plaintiff and defendant and thereupon it is ordered by the Court that plaintiff have leave to file 1st Amended Original Petition and defendant leave to file 1st Amended Original Answer when both parties announced ready for trial and no jury being demanded by either party the parties submit the matter in controversy as well of fact as of law to the Court and the evidence and argument of Counsel having been heard and fully understood Now on this the 12th day of June 1884 it is the opinion of the Court that the law and the facts are with the defendant - It is therefore considered ordered adjudged and decreed by the Court that the plaintiff S J Adams representative of the firm of Adams & Leonard take nothing by his said suit and that the defendant The Texas Central Rail way Company go hence and recover of and from the said S J Adams and Sureties on Cost bond to wit Wm J Keller & Paul Park

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all costs in this behalf incurred for which Execution may issue
To which judgment the plaintiff in open Court Excepts and in
open Court gives notice of Appeal to the Supreme Court

7023
E. D. No 5.135

W A Westfall
vs
Geo W Flournoy

And now on this the 12th day of June 1884 came the parties plaintiff and defendant and the Hon A J Walker Judge of the 16th Judicial District being disqualified in this case the parties agreed upon W D Williams Esq. as Special Judge to try the same and the Hon W D Williams Special Judge having taken the Constitutional oath of Office as required by Law, and now presiding both parties announced themselves ready for trial and no Jury having been demanded the parties submit the matters in Controversy as well of fact as of law to the Court; and the Evidence and argument of Counsel having been heard and fully understood it is the opinion of the Court that the law is with the plaintiff - It is therefore considered ordered and adjudged by the Court that the plaintiff W A Westfall do have and recover of the defendant Geo W Flournoy the sum of five hundred and forty seven 61/100 ($547 61) Dollars with interest at the rate of ten per cent per annum until paid and the further sum of forty three 30/100 ($43 30) Costs of former Suit without interest and all costs of this Suit for which Execution may issue — Examined and Approved W. D. Williams Special Judge

7183

Ex Parte
Albert Leisering

Declaration of Intention to become a Citizen
The State of Texas County of Travis.

Albert Leisering being duly sworn according to law, in the District Court of said County doth declare that he was born in the year AD 1849, 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.

Albert Leisering

Sworn to and Subscribed before me this 12th day of June 1884 in open Court

Jas P Hart Clerk.

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7184 Ex Parte } Declaration of Intention to become a Citizen
Robert Krauss } The State of Texas County of Travis

Robert Krauss being duly sworn according to law in the District Court of said County, doth declare that he was born in the year AD1860 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. Robert Krauss

Sworn to and Subscribed before me this 12 Day of June 1884 in Open Court
Jas P. Hart Clerk

(June 13th 1884)

Ex Parto } Declaration of Intention to become a Citizen
7185 Ernest H Stein } The State of Texas County of Travis. Ernest H Stein

being duly sworn, according to law, in the District Court of said County, doth declare that he was born in the year AD1847 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. Ernest H Stein

Sworn to and Subscribed before me this 13th day of June 1884 in Open Court
Jas P Hart Clerk

Ex Parto } Declaration of Intention to become a Citizen
7186 Damaso Forbino } The State of Texas County of Travis

Damaso Forbino being duly sworn according to law in the District Court of said County, doth declare that he was born in the year AD1859, in the Republic of Mexico 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 President of Mexico of whom he was a Subject. Damaso Forbino

Sworn to & Subscribed in Open Court before me this 13th Day of June 1884 Jas. P. Hart Clerk

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✓ 7187 Ex Parte. Thomas Bradley- Declaration of Intention to become Citizen
The State of Texas County of Travis. Thomas Bradley being duly sworn according to law, in the District Court of said County, doth declare that he was born in the year AD1842 in the province of Canada whence he Emigrated in the year of 1858 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- Patentate, State or Sovereignty whatsoever and particularly to the Queen of England of whom he was a subject
Sworn to, & Subscribed before me this 13th day of June 1884 Thomas Bradley
in Open Court. Jas P Hart Clerk

✓ 7188 Ex Parte Frizzera Nicola- Declaration of Intention to become a Citizen
The State of Texas County of Travis. Frizzera Nicola being duly sworn according to law in the District Court of said County doth declare that he was born in the year AD1861. in the Kingdom of Italy- 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 Patentate State or Sovereignty whatsoever and particularly to the King of Italy of whom he was a subject. Frizzera Nicola - Sworn to and subscribed before me this 13th day of June 1884 in Open Court. Jas P Hart Clerk

✓ 7189 Ex Parte Declaration of Intention to become a Citizen
Carlo Emanuele The State of Texas County of Travis. Carlo Emanuele being duly sworn according to Law, in the District Court of said County, doth declare that he was born in the year AD1853 in the King dom of Italy 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 Patentate State or Sovereignty whatsoever and particularly to the King of Italy of whom he was a subject. Carlo Emanuele
Sworn to and subscribed before me this 13th day of June 1884 in Open Court
Jas P Hart Clerk

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7190 Carlo Guiseppe } Declaration of intention to become a Citizen
Ex Parte } The State of Texas County of Travis: Carlo Guiseppe being duly sworn according to law in the District Court of said County, doth declare that he was born in the year AD1868 in the Kingdom of Italy 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 Italy of whom he was a Subjick Carlo Guiseppe
Sworn to & Subscribed before me in open Court this 13th day of June 1884. Jas P Hart Clerk

7191 Ex Parte } Declaration of Intention to become a Citizen
Jambasto Antonio } The State of Texas County of Travis. Jambasto Antonio being duly sworn according to law in the District Court of said County, doth declare that he was born in the year AD1852 in the Kingdom of Italy whence he emigrated in the year of 1881 to 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 particulary to the King of Italy of whom he was a Subjick- Giovanbasta his x Antonio's mass- Sworn to and Subscribed before me in open Court this 13th day of June 1884- Jas P Hart Clerk

7192 Ex Parte } Declaration of Intention to become a Citizen.
Enrico Frizzero } The State of Texas County of Travis. Enrico Frizzero being duly sworn according to law in the District Court of said County doth declare that he was born in the year AD1854 in the Kingdom of Italy 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 ~~that~~ every foreign Prince Potentate State or Sovereignty whatsoever and particularly to the King of Italy of whom he was a Subjick Enrico Frizzero.
Sworn to & Subscribed before me this 13th day of June 1884 in open Court. Jas P Hart Clk

7193 Ex Parte } Declaration of Intention to become a Citizen
Mardin Ramires } The State of Texas County of Travis. Mardin Ramires being duly sworn according to Law in the District Court of said County doth declare that he was born in the year AD1844 in the Republic of Mexico 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

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of Texas and renounces forever all allegiance and fidelity to every foreign Prince Potentate State or Sovereignty whatsoever and particularly to the President of Mexico of whom he was a subject Murdino his mark Ramires Sworn to and Subscribed before me this the 13th day of June 1884 in Open Court. Jas P Hart Clerk

✓ 7194 Juan Ybarra } Declaration of Intention to become a Citizen
Ex Parte } The State of Texas County of Travis. Juan Ybarra being duly sworn according to law, in the District Court of Travis County doth declare that he was born in the year AD 1858 in the Kingdom of Mexico 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 President of Mexico of whom he was a Subject. Juan his mark Ybarra-
Sworn to and Subscribed in Open Court before me this 13th day of June 1884 Jas P Hart Clk

✓ 7195 Peter Vizetti } Declaration of intention to become a Citizen
Ex Parte } The State of Texas County of Travis - Peter Vizetti being duly sworn according to law, in the District Court of said County doth declare that he was born in the year AD 1851 in the Kingdom of Italy 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 Italy of whom he was a Subject Peter Vizetti
Sworn to & Subscribed before me in Open Court the 13th day of June 1884. Jas P Hart Clerk

✓ 7196. Ex Parte } Declaration of Intention to become a Citizen - The State of Texas County of Travis
Boni Gustino Boni Gustino being duly sworn according to law, in the District Court of said County, doth declare that he was born in the year AD 1854 in the Kingdom of Italy 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 Italy of whom he was a Subject Boni Gustino
Sworn to and Subscribed before me in Open Court this 13th day of June 1884

Jas P Hart Clerk

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7197 Ex Parte } Declaration of Intention to become a Citizen The State of Texas
Caretto Buffo Giacomo } County of Travis - Caretto Buffo Giacomo being duly sworn according to
law in the District Court of said County doth declare that he was born in the year
AD1853. in the Kingdom of Italy 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 particu-
larly to the King of Italy of whom he was a subject Caretto Buffo Giacomo
Sworn to & Subscribed before me in open Court this the 13th day of June 1884 Jas P Hart Clerk

7198 Ex Parte } Declaration of Intention to become a Citizen
Ettore Scarpey } The State of Texas County of Travis: Ettore Scarpey being duly
sworn according to law, in the District Court of said County, doth declare that
he was born in the year AD1850 in the King dom of Italy whence he Em-
igrated 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 Italy of whom he was a subject. Ettore Scarpey
Sworn to & Subscribed before me in open Court this the 13th Day of June 1884 Jas P Hart Clerk

7199 Ex Parte } Declaration of Intention to become a Citizen
James Harding } The State of Texas County of Travis. James Harding being duly sworn
according to law in the District Court of said County, doth declare that he was
born in the year AD1848 in the Kingdom of England whence he emigrated
in the year of 1869. to the United States of America, and has selected the
State of Texas as the place of his intended Settlement; and he further de-
clares 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
Sworn to & Subscribed before me in open Court this the 13th day of June 1884 James his mark X Harding
Jas P. Hart Clerk

7200 Ex Parte }
Pat Reail } Declaration of Intention to become a Citizen.
The State of Texas. County of Travis. Pat Reails being duly sworn according
to law, in the District Court of said County. doth declare that he was born
in the year AD1851 in the Kingdom of Ireland 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

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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

Sworn to & Subscribed before me in open Court this the 13th day of June 1884. Pat his Rea ils mark

Jas P Hart Clerk

7201 Ex Parte } Declaration of Intention to become a Citizen - State of
Chas Lawrence } Texas County of Travis - Chas Lawrence being duly sworn according to law
in the District Court of said County, doth declare that he was born in
the year AD1854 in the Kingdom of Ireland 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 what-
soever and particularly to the Queen of England of whom he was a subject

Sworn to & Subscribed before me this 13th day of June 1884 in open Court. Chas Lawrence

Jas P Hart Clerk

7202 Ex Parte } Declaration of intention to become a Citizen =
Michael Healy } The State of Texas County of Travis: Michael Healy being duly sworn
in the District Court of said County, doth declare that he was born in the year
AD1860 in the Kingdom of Ireland 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 in-
tention to become a Citizen of the United States and of the State of Texas
and renounces forever all allegiance to every foreign Prince Potentate State
or Sovereignty whatsoever and particularly to the Queen of England
of whom he was a Subject Michael Healy.

Sworn to & Subscribed before me in open Court this 13th day of June 1884 Jas P Hart Clerk

7203 Ex Parte } Declaration of Intention to become a Citizen. The State of
Amado Amador } Texas County of Travis. Amado Amador being duly sworn
according to law in the District Court of said County, doth declare that he
was AD1857 in the Republic of Mexico 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 President of Mexico of whom he was a subject

Amado Amador

Sworn to & Subscribed before me in open Court this 13th day of June 1884 Jas P Hart Clerk

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7204 Cesbina Givanni } Declaration of Intention to become a Citizen - The State of Texas County of Travis
Ex Parte } Cesbina Givanni being duly sworn according to law in the District Court
of said County doth declare that he was born in the year AD1857. in the Kingdom of Italy
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 Italy of
whom he was a subject Cesbina Givanni
Sworn & Subscribed before me in open Court this 13th day of June 1884 Jas P Hart Clk -

7205 Pedro Davila } Declaration of Intention to become a Citizen - The State of Texas County of
Ex Parte } Travis - Pedro Davila being duly sworn according to law in the District
Court of said County, doth declare that he was born in the year AD1834 in the Republic
of Mexico - whence he Emigrated in the year of 1863 to the United States of America
and has selected the State of Texas as the place of his intended Settlement: and he
further declares that it is bona fide his intention to become a Citizen of the United
States and of the State of Texas, and renounces forever all allegiance and fidelity to Every foreign
Prince Potentate State or Sovereignty whatsoever and particularly to the President of Mexico of whom he was a subject Pedro his Davila mark
Sworn to & Subscribed before me in open Court this 13th Day of June 1884 Jas P Hart Clk

7206 Jahanna Porralla } The State of Texas } Jahanna Porralla being duly sworn according
Ex Parte } County of Travis } to law in the District Court of said County doth
declare that he was born in the year AD1834 in the Kingdom of Italy whence he
emigrated in the year of 1874 to the United States of America and has selected
the State of Texas as the place of his intended Settlement: and he further declares
that it is bona fide his intention to become a Citizen of the United States and of
the State of Texas and renounces forever all allegiance and fidelity to Every foreign
Prince Potentate State or Sovereignty whatsoever and particularly to the King of Italy
of whom he was a subject - Jahanna his X mark Porralla
Sworn to and Subscribed before me in open Court this 13th day of June 1884 Jas P Hart Clk

7207 Justino Deporapa } The State of Texas } Justino Deporapa being duly sworn
Ex parte } County of Travis } according to law in the District Court
of said County, doth declare that he was born in the year AD1842 in the Kingdom
of Italy 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 Italy of whom
he was a subject - Justino his X mark Deporapa - Sworn to & Subscribed before me
in open Court this 13th day of June 1884. Jas. P. Hart Clk

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7208 Manuel Ramon } The State of Texas County of Travis. Manuel Ramon being duly sworn
Ex Parte } in the District Court of said County, doth declare that he was
born in the year AD1856 in the Republic of Mexico 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
President of Mexico of whom he was a Subject. Manuel Ramon
Sworn to & Subscribed before me in open Court this 13th day of June 1884 Jas P Hart Clk

7209 Antonio Cella } The State of Texas County of Travis: Antonio Cella being duly sworn
Ex Parte } according to law in the District Court of said County, doth declare
that he was born in the year AD1863 in the Kingdom of Italy 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 King of Italy of
whom he was a Subject. Mr Anthonio Cella.
Sworn to & Subscribed before me in open Court this 13th day of June 1884 Jas P Hart Clk

7210 Ex Parte } The State of Texas } John Waltu being duly sworn according to
John Waltu } County of Travis } law in the District Court of said County doth
declare that he was born in the year AD1851 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 alle-
giance to ~~and~~ fidelity to every foreign Prince Potentate State or Sover-
eignty whatsoever and particularly to the Emperor of Germany of
whom he was a Subject. John Waltu. Sworn to & Subscribed before
me in open Court this 13th day of June 1884 J P Hart Clk W H Shilley Dpty

7211 Louis Opelletnu } The State of Texas } Louis Opelletnu being duly sworn according
Ex Parte } County of Travis } to law in the District Court of said County doth
declare that he was born in the year AD1852 in the Kingdom of Ger-
many 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 to every foreign Prince Potentate State or
Sovereignty whatsoever and particularly to the Emperor of

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7212 whom he was a subject. Louis Apelt Witness-
Sworn to & Subscribed before me in open Court this 13. day of June 1884 Jas P Hart Clk Wm H Kelly Dpty

7212 Ex Parte } The State of Texas } Vivianol Martinez being
Vivianol Martinez } County of Travis } duly sworn according to
law, in the District Court of said County, doth declare that he was born
in the year AD 1855 in the Kingdom of Mexico whence he emigrated in
the year of 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 State of Texas and of the United States and renounces forever
all allegiance and fidelity to every foreign Prince Potentate State
or Sovereignty whatsoever and particularly to the President
of Mexico of whom he was a Subject Vivianol Martinez
Sworn to & Subscribed before me in open Court this 13 day of June 1884 Jas P Hart Clk
Whereupon Court adjourned until tomorrow the 14th June 1884- Met pur to adjnt
Present same as on first day of Term whereupon the following
proceedings were had - to wit -

7213 Ex Parte } The State of Texas } Carl Wasserman being duly sworn according to
Carl Wasserman } County of Travis } law in the District Court of said County doth
declare that he was born in the year AD 1852 in the Kingdom of Germany
whence he Emigrated in the year of 1883 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
Sworn to & Subscribed before me in open Court this 14 day of June 1884 Carl Wasserman
Jas P. Hart Clk

7214 Ex Parte } The State of Texas } County of Travis
Carl Radke } Carl Radke being duly sworn according to law in the
District Court of said County, doth declare that he was born in
the year AD 1861 in the Kingdom of Germany whence he emi
grated in the year of 1883 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 to every
foreign Prince Potentate State or Sovereignty whatsoever and
particularly to the Emperor of Germany of whom he was a subject
Sworn to & Subscribed before me this 14th day of June Carl Radke
1884 in open Court Jas P Hart Clk

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No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

5852 — Alvira Barker Etal vs Swanto J. Swenson Etal — mand to mandfiatis.

And now on this the 12th day of June Came the Plff by Atty and suggests the death of Swanto J. Swenson one of the Defts in this Cause &c.

5863 — John R Morgan vs W. E. Morgan

And now on this day the motion of plaintiff John R Morgan heretofore submitted to the Court asking an order of the Court granting Plaintiff the care and custody of one of the two children of plaintiff and defendant and said motion having been duly considered and fully understood it is ordered by the Court that the plaintiff John R Morgan be and he is hereby granted the care and custody of Morgan one of the Children of said parties and further ordered by the Court that neither of the Children are to be removed from this County without the Consent of both Parents and that both Parents be and they are hereby allowed to visit the Children at reasonable times and that the Plaintiff pay the Costs of this motion for which execution may issue.

7064 — J W Monsphis vs John Stringer & wife

And now on this the 12th day of June 1884 It is ordered by the Court that plaintiff have leave to file first Amended Original Petition and thereupon plaintiff submits his motion for the appointment of a receiver in this cause, to the Court.

7067 — J W Monsphis vs John Stringer & wife

And now on this 14th day of June 1884 came the parties by their attorneys and upon motion of plaintiff it is ordered by the Court that W W W Hornsby be and he is hereby appointed Reciever to take Charge of the Property, Collect Rents pay Taxes &c and there being a one fourth interest in said property undisputed, proceed to Mrs Clara D Stringer the reciever may pay over to defendant one fourth of the net receipts -

7215 — Ex Parte Louis Buozzio

Declaration of Intention to become a Citizen

The State of Texas County of Travis. Louis Buozzio being duly Sworn according to law in the District Court of said County doth declare that he was born in the year A.D. 1840 in the kingdom of Austria 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

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to Every foreign Prince Potentate State or Sovereignty whatsoever and particularly to the Emperor of Austria of whom he was a subject

Sworn to and Subscribed before me Louis Bazizio

this 14th day of June 1884 in open Court. Jas P Hart Clerk

6002

T L Wren
vs
T H Miller Etal

And now at this time came on to be heard the motion of the plaintiff to Confirm the report of the Commissioners J H Collett and R C Shelley who with T M Maddox were by an order and decree of this Court on the 16th day of May 1884 appointed to divide and partition the tracts of land in Controversy in this cause and which said report is in the words and figures as follows to wit, "No 6002 T L. Wren vs T H Miller Etals. In 16th Court Travis County Texas March Term 1884 "To the Hon A.S. Walker Judge of the 16th Judicial District of Texas holding "sessions at Austin The undersigned J H Collett and R C Shelley two of "the Commissioners heretofore appointed by an order and decree of this "Court Entered on the 16th day of May 1884 in the above numbered and "Styled Cause to Partition and divide those two certain tracts or parcels "of land one situated in the County of Austin and State of Texas and "patented to T J Dabyns assignee of John Bunton on the 18th day of "October A D 1880 by Patent No 281 Vol 9. 2nd Class and described by "metes and bounds as follows. Beginning at Stake for the South "Corner of L Abbatts E line 1901 Varas to Abbatts S Corner a double "Gray Jack mkd X bears S 72° E 213 Varas Thence N 86½° E. "with a 320 acre Survey for B Roach 1296 Varas to a stake and "rock in W line of F Engel Kings Survey the most Eastern Corner "of B Roach Thence S 18½° E with F Engel King and Charles Engel- "king 1549 Varas to a Stake in N line in R S Teals Survey Thence N "74½° W with Teals 130 Varas to an I Corner of Teals Thence S 15½° W. "645 Varas to another Corner of Teals Thence N 74½° W at 500 Varas to "another Corner of Teals Thence S 45° W with Teals 288 Varas to "the Corner of a Survey for the B B B & C R R Co Thence N 45° W "with Same 1202 Varas to its N Corner Thence S 45° W with the "W W line of Same 1202 Varas to its W Corner in the H & T C R R Co Sur- "vey No 167 Thence N 45° W with Same 286 Varas to the Corner of "No 168 Thence N 45° E with Same 292 Varas to its East Corner of "L Abbatt S line Thence S 68½° E with said line to the beginning "and Containing 587 7/100 acres. The other tract of land situa- "ted in the County of Crockett and State of Texas being a tract "of 692 93/100 acres Patented to T J. Dabyns assignee of John "Bunton by Patent No 349 Vol 9 2nd Class dated March 15th 1883 "and described by metes and bounds as follows. Beginning at a

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"rock mound made for the S.E. Corner of Survey No 55 in this
"block for the S W Corner of this Survey. Thence N 1900 Varas to a
"rock mound at the N E Corner of said Survey No 55 for the N.W.
"Corner of this Survey Thence E 2059 Varas to a stake and mound
"for the N E Corner of this Survey Thence South 1900 Varas to a Stake
"and Mound for the S.E. Corner of this Survey Thence West at 652
"varas passing the N W Corner of Survey No 53 and N E Corner of
"Survey No 54 in this block 2059 varas to the place of beginning
"beg leave to report that under the terms of the order and decree
"by which they were appointed, they were to divide and partition
"said two tracts of land into Six parts as follows- 1st Sufficient
"of the said tracts of land to be set apart to the plaintiff
"T L Wren to be Equal in Value to the Amount of Costs due in
"this Cause which amount they have ascertained to be the sum of one
"hundred Eighty Eight 65/100 dollars- 2nd One Eighth in value of
"the residue to the plaintiff T L Wren 3rd One Eighth in value
"of the residue after deducting the quantity set apart to T. L. Wren
"for the Costs to the Defendant Thomas H Miller 4th One fourth in Val
"ue of the residue after deducting the quantity set apart to T L Wren
"for Costs to the defendant Thos H Conkling. 5th Twenty one equal
"undivided Eightieths (21/80) in value of the residue after deducting
"the quantity set apart to T L Wren for Costs to the Defendant Martha
"C Dabyns 6th Nineteen Equal undivided Eightieths (19/80) in value
"of the residue after deducting the quantity set apart to T L Wren
"for Costs being the remainder of said tracts to the defendants Marian
"Archer Mary F DeHaven Flora R McDavid Eliza S Pegues Eloise
"L Colburn Jennie Dabyns Desdonde B Dabyns and Courtney Ann
"Rivers Ramona & Angell That in obedience to said order and decree they set
"Set apart to said T L Wren a tract of 107.8/100 acres of Land out
"of the tract of land situated in Austin County believing from the
"best information in their reach that one 75/100 dollars per acre
"is a fair Cash price for said tract of land said tract of land
"being described as follows: Beginning at a Corner of said John
"Bonta Survey it being also the East Corner of L Abbatts 640 acre
"Survey a Double Gray Jack Mk's & bears S 72° E. 2 1/2. Thence N
"86 3/4° E with the N line of said Bonta Survey 502 Varas to a point
"for Corner Thence S 935 Varas to a point for Corner Thence West
"835 Varas to a point in the line of the Original Survey Thence
"N 21 1/2° E 960 varas to the place of beginning-
"That they have set apart to the said T L Wren in addition to

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" the tract last named a tract of land Equal in value to one Eighth of
" the said two tracts of land after deducting the aforesaid 107 89/100 acres
" said tract of Land so set apart being described as follows — Part
" of the John Bonta tract of Land situated in Austin County and described
" by metes and bounds as follows — Beginning at a stake for the South
" Corner of L Abbatts 640 acre Survey Thence N 21½° E 941 Varas to a point
" a Corner of the 107 89/100 acre tract set apart to T L Wren Thence East
" 585 varas To a stake Thence South 580 varas to a point in the line
" of the Original John Bonta Survey Thence N 45° W 420 varas to the
" N W Corner of a Survey for the B B & C R R Co. Thence S 45° W with
" the W W Line of same 1202 varas to its W Corner in the H & T C R R
" Survey No 167 Thence N 45° W with same 286 varas to the Corner
" of No 168. Thence N 45° E with same 293 varas to its East Corner
" of L Abbatts S. line Thence S 68½° E with said line to the beginning
" Containing 89 65/100 Acres valued at 156 80/100 Dollars —
" That they have set apart to the Defendant Thomas H Mills a tract
" of land Equal in value to one Eighth of said two original
" tracts of land after deducting therefrom the tract of 107 89/100
" acres set apart to T L Wren for Costs: Said tract of land so
" set apart to said Thomas H Mills being described as follows —
" Part of the John Bonta tract of land situated in Austin
" County and described by metes and bounds as follows — Beg-
" inning at a point in one of the Original South West lines
" of said John Bonta Survey 420 Varas South 45° E from
" the N Corner of a Survey for B. B. B & C R. R. said point
" being also a Corner of the 89 65/100 acre tract set apart to T
" L Wren Thence N 580 Varas to a point in the line of a tract
" of 107 80/100 acres set apart to T L Wren Thence East 300 Varas
" with the South line of the last named tract to a point in the
" W line of a tract of 179 30/100 acres set apart to T H Conk
" ling Thence South with said last named line 120 varas to the
" S W Corner of last named tract Thence East with the South line
" of last named tract 320 varas to the point the N W Corner
" of a tract of 120 85/100 acres set apart to Mrs M C Dabyns
" Thence South with the West line of last named tract 935 Varas
" to a point in an original line of said John Bonta Survey
" Thence S 45° W 115 varas to the Corner of a Survey made for the B
" B B R R Thence N 45° W 782 varas to the place of beginning
" Containing 89 65/100 acres valued at 156 80/100 Dollars —
" That they have set apart to the Defendant Thomas H Conk

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"ing a tract of land Equal in value to one fourth of said
"two Original tracts of land after deducting therefrom the
"tract of 107 80/100 acres set apart to T L Wren for Costs said
"tract of land so set apart to T H Conkling being described
"as follows - Part of the John Bonta tract situated in Austin
"County and described by metes and bounds as follows -
"Beginning at the N E Corner of the said John Bonta tract
"it being the most Eastern Corner of B Roach Thence S 15½°
"E 1164 Varas to a point for Corner being also a Corner of a
"tract of 120 83/100 acres set apart to M.C. Dabyns Thence
"West 1120 Varas to a point a Corner of a tract set apart
"to T H Miller Thence North 1055 Varas to a point in the
"N line of the Original John Bonta Survey it being also the
"the N E Corner of a tract of 107 80/100 acres set apart to T
"L Wren Thence N 86¾° E 794 Varas to the place of
"beginning Containing 179 39/100 acres Valued at three
"Hundred & thirteen 60/100 Dollars. That they have set
"apart to the Defendant Martha C Dabyns two tracts of
"Land Equal in Value to Twenty one Eightieths (21/80) of said
"two Original tracts of land after deducting therefrom the
"tract of 107 80/100 acres set apart to T L Wren for Costs
"The first one of said tracts being a part of the John Bonta
"tract situated in Austin County and described by metes
"and bounds as follows. Beginning at a Corner of said John
"Bonta tract it being also an L Corner of Teals Thence S
"15½°. W. 643 Varas to another Corner of Teals Thence N 74½° W
"at 300 Varas to another Corner of Teals - Thence S 45° W 173
"Varas to a point for Corner it being also a Corner of a tract
"of 89 65/100 acres set apart to T H Miller Thence N 935 Varas
"with East line of last named tract to a point in the S line
"of a tract of 179 39/100 acres set apart to T H Conkling
"Thence East with South boundary line of last named
"tract 800 Varas to a point in a line of the John Bonta
"Survey Thence S 15½° E 380 Varas to a Stake in N line
"of R S Teals Survey Thence N 74½ W with Teals - 130
"Varas to the place of beginning Containing 120 83/100
"acres Valued at two Hundred and Eleven 50/100 Dollars
"The Second one of said tracts being described as follows
"Part of a tract of Land situated in Crockett County
"Patented to T J Dabyns Assignee of John Bonta and

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" described by metes and bounds as follows- Beginning at a Rock
" mound made for the S.E. Corner of Survey No 55. in this block
" for the S W Corner of this Survey- Thence N 1900 Varas to a rock
" mound at the N E Corner of said Survey No 55. for the N W Cor
" ner of this Survey- Thence East 583 varas to a point for Corner
" Thence S 1900 Varas to the South line of the Original Survey Thence W
" 583 Varas to the place of beginning and Containing 196 3/100
" Acres Valued at one hundred Seventy two 79/100 Dollars-
" That they have Set apart to Mariaw Archer Mary T DeHaven
" Flora R McDavitt, Eliza B Pegnes, Emma C Angell Eloise L Colbu
" rn Jennie Dabyns Dislande B Dabyns and Courtney Ann Rivers
" share and share alike a track of land Equal in Value to nineteen
" Eighthiths (19/80) of the said two original tracts of land after
" deducting the 107 80/100 acres set apart to T L Wrenn for Each said
" track of land being described as follows- Part of a track of
" land situated in Crockett County Patented to T J Dabyns assigne
" of John Bunton the said part being described by metes and bounds
" as follows- Beginning at a Stake and mound the N E Corner
" of the Original Survey of the John Bunton tract- Thence S 1900
" Varas to a Stake and mound for the S.E. Corner of this Survey
" Thence West at 652 Varas passing the NW Corner of Survey No
" 53 and N E Corner of Survey No 54 in this block 1476 Varas
" To a Point for Corner being also the S.E. Corner of the tract set
" apart to M C Dabyns- Thence with the East line of said last
" named tract North 1900 Varas to the North line of the Original
" Survey Thence East 1476 Varas to the place of beginning Con
" taining four hundred and Ninety Six 62/100 acres Valued
" at two hundred Ninety Seven 97/100 Dollars-
" Your Commissioners beg leave to report that they have made
" partition and division from their General Knowledge of the
" lands in Crockett County and in Austin County and from
" the Estimate of the Value of these particular tracts of lands
" as set out in Plaintiffs Petition- They believe the partition
" as herein set out to be fair and Equitable under the terms of the
" decree and the directions to them Respectfully Submitted J H Callett
" Sworn to and Subscribed before me by J H Callett R C Shelley Commissioners
and R C Shelley this the 14th day of June 1884 Jas P Hart Clk D.C.T.C "
And it appearing to the satisfaction of the Court after examining
the said report, that the same was made by a majority of the
said Commissioners, and that the partition therein recommended

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is just fair and equitable and that the said partition has been made by the said Commissioners in accordance with the law It is therefore ordered adjudged and decreed that all the right title interest and claim of the defendants, T. H. Miller, T. H. Conkling Mariah Archer, R. P. Archer M. C. Dobyns, Mary. T. De Haven Flora R. McDaniel, Eliza S. Pegues, Emma C. Angell, Elsie L. Coltrin, Jennie Dobyns, Delinda B. Dobyns, Alexander Glenn Fritz Engelking Jr. Fritz Engelking Sr., Sigismund Engelking and C. A. Rives in and to the two tracts of land hereinafter described be and the same are hereby divested out of them and the same is hereby fully vested in the plaintiff T. L. Wann which said two tracts of land are described as follows: Beginning at a corner of the said John Bonla survey. it being also the East corner of L. Abbotts 640 acre survey, a dimbe gray Jack mkd X brs S. 72° E 21 V. Thence N 86¾° E with the N line of said Bonla survey 502 varas to a pinkt for corner. Thence South 935 varas to a pinkt for corner, Thence West 835 varas to a pinkt in the line of the original survey, Thence N 21½° E 960 varas to the place of beginning.

2d tract. Part of the John Bonla tract of land situated in Austin County and described by miles and bounds as follows; Beginning at stake for the South corner of L. Abbotts 640 acre survey, Thence N 21½° E. 941 varas to a pinkt a corner of the 107 8/100 acre tract just above described set apath to T. L. Wann, Thence East 385 varas to a stake, Thence South 580 varas to a pinkt in a line of the original John Bonla survey, Thence N 45° W 420 varas to the N. W. corner of a survey for the B. B. B & C R R Co, Thence S. 45° W with the N W. line of same 1202 varas to its W. corner in the A & T C. R. R. survey, No 167. Thence N 45° W with same 286 vrs to the corner of No 168, Thence N 45° E with same 293. varas to its East corner of L. Abbotts S. line, Thence S 68½° E with said line to the beginning containing 89 65/100 acres,

It is further ordered adjudged and decreed that all the right title interest and claim of T. L. Wann, T. H Conkling Mariah Archer Martha C. Dobyns, Mary. T. De Haven, Flora R. McDaniel, Eliza. S. Pegues, Emma C. Angell, Elsie L. Coltrin. Jennie Dobyns, Delinda B. Dobyns, Alexander Glenn, Fritz Engelking Jr Fritz Engelking Sr., Sigismund Engelking, Charles Engelking and C. A. Rives, in and to the tract of land hereafter described be and the same is hereby divested out of them, and fully

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vested in Thomas H. Miller, Which said track of land is described as follows: Part of the John Bonta track of land situated in Austin County and described by Metes and Bounds as follows: Beginning at a point in one of the original South West lines of said John Bonta survey 420 varas S 45° E from the N corner of a survey for B. B. B & C R R said point being also a corner of the 89 65/100 acre track set apart to T. L. Wm, Thence N 580 varas to a point in the line of a track of 107 80/100 acres set apart to T. L. Wm, Thence East 300 varas with the South line of the last named track to a point in the West line of a track of 179 30/100 acres set apart to T. H. Conkling; Thence South with said last named track line 120 Vs to the S W. corner of said last named track; Thence East with the South line of last named track 320 varas to the point the N W. corner of a track of 120 85/100 acres set apart to Mrs M. C. Dobyns; Thence South with the West line of last named track 935 varas to a point in an original line of said John Bonta Survey; Thence South 45° W 115 varas to the corner of a survey made for the B. B. B. & C. R. R.; Thence N 45° W. 782 varas to the place of beginning containing 89 65/100 acres valued at $156 80/100 dollars,

It is further ordered adjudged and decreed that all the right title interest and claim of T. L. Wm. T. A. Miller, Marian Archer, Martha C. Dobyns, Mary T. De Hann, Flora R. McDaniel Eliza D. Pegues, Emma C. Angell, Eloise L. Colburn, Jennie Dobyns, Dolinda B. Dobyns, Alexander Sloan, Fritz Ingelking Jr Fritz Ingelking Sr. Sigismund Ingelking, Charles Ingelking and C A. Rives, in and to the track of land hereinafter described be and the same is hereby divested out of them and fully vested in Thomas H. Conkling Which said track of land is described as follows: Part of the John Bonta track situated in Austin County and described by Metes and Bounds as follows: Beginning at the North East corner of the said John Bonta track being the most Eastern corner of B. Roach; Thence S 15½° E 1169 varas to a point for corner, being also a corner of a track of 120 85/100 acres set apart to M. C. Dobyns, Thence West 1120 varas to a point a corner of a track set apart to T. H. Miller, Thence North 1050 varas to a point in the N line of the original John Bonta survey, it being also the N. E. corner of a track of 107 80/100 acres set apart to T. L. Wm; Thence N 86 3/4° E 794 varas to the place of beginning. Containing 179 30/100 acres valued at Three hundred Thirteen & 60/100 dollars,

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It is further ordered adjudged and decreed that all the right title, interest and claim of T. L. Wm. Thomas H. Miller, Thomas H. Conkling, Marian Archer, Mary T. De Hann, Flora R. McDaniel Eliza D. Pigue, Emma C. Angell, Elvise C. Colburn Jennie Dobyns, Dislonda B. Dobyns, Alexander Glenn, Fritz Engelking Jr. Fritz Engelking Sr. Sigismund Engelking, Charles Engelking and C. A. Ring in and to the following described two tracts of land be and the same is hereby divested out of them and fully vested in the defendant Martha C. Dobyns the said tracts of land being described as follows: The first one of said tracts being a part of the John Bonta track situated in Austin County and described by metes and bounds as follows: Beginning at a corner of said John Bonta track it being also an I corner of Seals, Thence S 15½° W 645 vrs to another corner of Seals, Thence N 74½° W. at 500 W. to another corner of Seale, Thence S 45° W 173 varas to a joint for corner, it being also a corner of a track of 89 65/100 acres set apart to T. H. Miller, Thence N 935 varas with E line of last named track to a joint in the S line of a track of 179 30/100 acres set apart to T. H. Conkling, Thence E. with S boundary line of last named track 810 varas to a joint in a line of the John Bonta survey, Thence S 15½° E 380 varas to a stake in N line of R. S Seals survey, Thence N 74½° W. with Seale 130 varas to the place of beginning, containing 120 85/100 acres valued at two hundred Eleven 50/100 dollars.

The second one of said tracts being described as follows: Part of a track of land situated in Crockett County Texas, patented to T. J. Dobyns, assignee of John Bonta and described by metes and bounds as follows: Beginning at a rock mound made for the S. E. Corner of survey No 55 in this block for the S. W. corner of this survey Thence N. 1900 varas to a rock mound at the S. E. Corner of said survey No 56. for the S. W. corner of this survey, Thence E 583 varas to a joint for corner, Thence S. 1900 varas to the S. line of the original Survey, Thence West 583 varas to the place of beginning and containing 196 31/100 acres, value at one hundred and Seventeen 79/100 dollars.

It is further ordered adjudged and decreed that all the right title interest and claim of the plaintiff T. L. Wm, and of the defendants Thomas H. Miller, Thomas H. Conkling, Martha C. Dobyns, Fritz Engelking Jr. Fritz Engelking Sr., Sigismund Engelking, Charles Engelking and Alexander Glenn in and to

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the following discribed track of land be and the same is hereby divided out of them and fully vested in the defendants, Marian Archer, Mary T. De Haven, Flora R. McDaniel, Eliza S. Pegues Emma C. Angell, Eloise C. Colburn, Jennie Dobyns, Deslonda B. Dobyns and C. A. Rives, which said track of land is discribed as follows: Part of a track of land situated in Brockett County patented to T. J. Dobyns assignee of John Bonta, the said part being discribed by Metes and bounds as follows: Beginning at a stake and mound the N. E. Corner of the original survey of the John Bonta track, Thence South 1900 varas to a stake and mound for the S. E Corner of this survey, Thence West at 652 varas passing the N W. Corner of survey No. 53. and N E. Corner of survey No 54. in this block 1476 varas to a point for corner, being also the S. E. corner of the track this part to M. C. Dobyns, Thence with the East line of said last named track, North 1900 varas to the north line of the original survey, Thence East 1476 varas to the place of beginning containing Four hundred and ninety six 6/100 acres valued at Two hundred ninety seven 9/100 dollars.

It is further ordered that the plaintiff T. L. Wann pay all the costs of this suit. he having accepted a portion of the land in controversy in this suit as compensation for said costs,

W. M. Saunders. } And now on this the 7th day of June A.D.
6075 vs } 1884, this cause being called for trial the
J. C. Sivall } parties, Wm Saunders plaintiff and J. C. Sivall defendant by their attorneys announced themselves ready for trial and neither party demanded a jury this cause was submitted to the court upon the facts as well as the law. And the Court having heard the pleadings, the evidence and argument of counsel took the same under advisement, and after having duly considered the same, afterwards to wit: on the 13th June A D 1884 rendered its findings of fact and law as follows: "Wm Saunders vs J. C. Sivall. No 6075. In District "Court, Travis Co Texas. The Court from the testimony finds the "following facts,

"1. In 1855 a vacancy of 2626 vs which was ascertained "East of the Del Valle grant and about 10.000 vs in length- "The surveys began at the North at natural calls and run South- "ward South - made by the same survey and about the same time,

"2 Taking the N. W. Corner of the Rock Chimney N W corner of survey 501)

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"And measuring the course and distance called for in the orig-
"inal survey^s of the several tracts 501. 502. 503. 504. 505. & 506. the
"distances given with ah 8/16 varas and by each survey the land
"owned by plaintiff does not encroach upon the improvements
"of the defendants,
"3 Taking the N. E. corner of survey N^o 500 (the N. E. corner of the
"block) same in such as to absence of conflict is reached upon
"giving to each survey its quantity of land as called for,
"4. Then is land enough North of the land claimed by defendant
"to satisfy in acreage all the surveys in the block made upon
"the Hopkins survey owned by defendant,
"5. On East line of said block the S. E corner of N^o 502 and
"N E corner of 503. common to both, is discribed as in a branch
"or creek, This creek is identified, - No corners on the E line of
"the surveys are found, or at least none are found so as to control
"to any & link course and distance, From this corner running
"S 30° W the distances called for and enclosing no 503. 504,
"505 & 506 by courses and distances the South line of N^o 506
"at its West end falls 32 vrs S of defendants fence and at East
"End falls 76 vrs S of defendants fence - making a conflict
"of about 25 acres,
"6. On the West line of said surveys, being the E line of the
"Del Valle grant, a common call is made in surveys 503 & 504
"and which fixes the S. W corner of 503, The corner is discribed
"in original field notes as follows. = a Stone mound from which
"a clump of bushes near the top of Pilot Knob bears N 4° W.,
"and a cluster of Mesquits about the same course and about
"300 vrs. distant" —

"It is in evidence that about ten years ago the County surveyor
"of this County aided by an old settler in the Neighborhood, guided
"by the W. line of the Del Valle grant and three calls found an
"old stone mound about as discribed in original field notes,
"which mound still remains, and that surveys have been made
"upon mound corner as a land mark —

"The preponderance of testimony establishes this mound corner calling
"for the bearings still to be seen as an actual corner made in
"the original survey - This gives an excess to the survey N^o 503 —

"Taking this stone mound corner as established by evidence and run-
"ning course and distance (there being no corners on the W line
"that can be identified save by course and distances) for N^o 504

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" 505 and 506 the S.W. corner of 506 mound by the Plaintiff
" finds 257 varas South of the lines claimed by the defendant -
" and occupied by him,
" 8. The S. line of 506 and N. line of the Hopkins survey (owned by
" Defft) is in the prairie - with no land marks to identify its lo-
" -cation, Nor are there on the W line of the Block any marked corner
" or land mark after passing the mound corner fixed by Pilot Knob
" and W. line of Del Valle survey)
" 9 On the Map and in the field notes the East and West lines
" of the surveys 503, 504. 505 and 506 are at right angles to the
" North and South lines)
" 10 Capt. Hill the County surveyor notified defendant of the mound
" corner and of its effect as placing the S.W. corner of 506 further
" South than if said corner was fixed by Measurement of course
" and distance from the older surveys.
" 11. Plaintiff owns the Rodriguez survey founded as called for in
" petition and which is survey 506 in the said Block of surveys -
" Map of said surveys reported with surveyors affidt referred
" to as part of their findings -
" Upon these facts the Court holds and decides -
" 1. That the plaintiff recover of the defendant and that the title
" of recovery be fixed by measuring from the mound corner common
" to surveys 503 & 504 (intersection of the W. line of Del Valle line
" with line fixed by Pilot Knob and Mesquite-bearings) running
" as called for on W. lines of surveys 504. 505. and 506 - for course,
" Thence S 60° E as called for and for other lines set out in
" field notes set out in petition A. S. Walker Judge &c."
and on last date in open Court ordered and ordered to be
entered the following judgment; It is ordered adjudged and
decreed by the Court that the South West corner of the J. Rodriguez
survey No 506 lying the land owned and described in plaintiffs
petition be and is hereby established, by commencing at a stone
mound from which a clump of bushes near the top of the Pilot Knob
bears N 4 W and a cluster of Mesquites about the same course
and about 300 varas distant; said Stone mound lying the common
West corner of surveys Nos. 503. & 504, and said Stone mound lying
found by running at a variation of 9° 30 E S 30° W 5240 vrs
from the original corner of the Del Valle 10 League Grant on Cotton
Wood Creek, Thence South 30° West 688 varas the distance on
West line of J. A. Paschal survey No 504, thence 1376 vrs the distance

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of the West line of James Priestly survey. No 505 and thence 1631 varas the distance of the West line of S. Rodriguez survey No 506, total 3695 Vrs. from said mound corner for the South West corner of said Rodriguez survey,

The said plaintiff is entitled to recover and does recover of defendant in this case is more particularly described and bounded as follows. Commencing at said S. West corner of the Rodriguez No 506 as above fixed, Thence S 60° E 2626 Vrs to a stone mound on the N W. line of Wm Lewis survey No 24 - Thence N 30° E with said Lewis line to South corner of survey No 505. A Thence with West Thence N 60° W. with survey No 505 2626 varas to South West corner of survey No 506; Thence S 30° W. with Del Valle line 1631 Vrs to the place of beginning and containing four and $\frac{282.566}{1000}$ Labors and patented to Joseph O'Neal assignee of Geronides Rodriguez on the 26th day of February 1862, said land being situated in Travis County Texas and being the same land described in plaintiffs petition,

It is further ordered adjudged and decreed that plaintiff have his writ of possession to be issued by the Clerk of this Court, commanding the Sheriff of Travis County Texas to place him Wm M. Saunders the plaintiff in possession of said described tract of land and all improvements thereon, and that plaintiff be and is hereby quieted in his title to said premises against the claim of said defendant and his grantors and all persons claiming under him,

It is further ordered and adjudged that the plaintiff Wm M. Saunders do have and recover of J. C. Stovall defendant all costs in this behalf expended for which execution may issue,

Whereupon Court adjourned until Monday Morning June 17 and 18th Court met pursuant to adjournment and there being no orders to enter on 17th and on this Tuesday the 18th day of June Court having met pursuant to adjournment the following proceedings were had to wit.

7106. D H Williams vs W O & H Singleton - Plff has leave to file 1st Amended original Petition

7115 Frederick Milde vs Emma Milde } And now on this the 13th day of June AD1884 this cause came on to be heard in its regular order for trial and both parties appearing in person and by their attorneys

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announced ready for trial and a Jury not having been demanded the Cause was submitted to the Court and thereupon the Cause proceeded to trial and the Court after hearing the pleadings and evidence in the Cause and the argument of Counsel thereon was of the opinion a decree of divorce should be granted in the cause - Whereupon it is ordered adjudged and decreed by the Court that the defendant Emma Milde in this cause do have and recover of and from the Plaintiff in this cause Frederick Milde a decree of divorce from the bonds of matrimony by Reparation and that the relation of Husband and wife now and heretofore existing between the Plaintiff and defendant be and the same is hereby dissolved and they no longer sustain such relation to each other: And it is further ordered adjudged and decreed by the Court that the care and custody of the two Children Herman Milde and Charlotte Milde the result of said Marriage be and is hereby given to the defendant Emma Milde their mother - It is further ordered however that the plaintiff Frederick Milde be and is hereby authorized and entitled to visit said Children at all reasonable times and hours and that said defendant Emma Milde shall not remove said Children out of the limits of Travis County Texas without the written consent of said Plaintiff Frederick Milde - That said Emma Milde shall be and is hereby required to send said Children to School and to teach them obedience and respect and love for their said Father the said plaintiff and shall instill into them moral and upright conduct - It is further ordered adjudged and decreed by the Court that the said Plaintiff Frederick Milde be and he is hereby required to pay to the defendant Emma Milde for the support and Education of said Children, given her in charge the sum of Four dollars a piece for each of said Children per month between the 1st and 15th day of Each month until said Children arrive at the age of fifteen years or until they become of sufficient age and can Earn a support maintance and Education for themselves then the payment of said money per month to cease - It is further ordered adjudged and decreed by the Court that Lots Numbers (5) Five and Six (6) in Block number

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(50) Fifty of the City of Austin County of Travis and State of Texas and is hereby declared to be the separate and individual property of the said Plaintiff Frederick Milde and that the defendant Emma Milde has no rights or interest whatever in and to the title thereof and the title is confirmed in said Plaintiff Frederick Milde as his separate property but that the said Emma Milde shall have a life estate in and to a portion of said property as shall hereinafter be set apart to her with the right only to use and occupy the same as a place of residence until she marries again, dies or abandons the said property and in the event of the happening of either of these contingencies then her right of occupancy and of use ceases and the same reverts to said Frederick Milde his heirs or assigns as the case may be. It is further ordered by the Court that H L Spain, W M Johnson and M McHornsby be and are hereby appointed Commissioners to partition said property to-wit Lots Numbers five and six in Block number fifty of the City of Austin as aforesaid with improvements thereon so as to give a portion of the buildings thereon and a portion of the lot or lots to the said Emma Milde defendant for her use and occupation as aforesaid and the remainder to defendant Frederick Milde - That said partition be made with the view to give to each of said parties a part or portion of the buildings for place of residence with adjacent ground so as the comfort and convenience of both parties can be best be had - That said Commissioners to make their report in writing to this Court as early as possible

That defendant Emma Milde pay the sum of Ten dollars on the costs incurred in this case and the Plaintiff Frederick Milde pay the balance for collection of which Execution issued -

Whereupon Court adjourned until the 19th - Thursday June 19. 1884 There being no order to Enter Court adjourned until Friday the 20th June 1884.

Friday June 20. 1884 Court met pursuant to adjournment present Same as on 18th day of June Whereupon the following proceedings were had to-wit

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5774

The State of Texas
vs
Wm R Edwards Etal

And now on this the 20th day of June 1884 came the defendant in this cause by attorney and submit their motion for a new trial in this cause the same by atty being presented and the same being considered and fully understood by the Court and the attys for Plaintiff Consenting thereto. It is therefore ordered adjudged and decreed by the Court that the judgment rendered in this cause on the 28th day of April 1884 be set aside vacated and held for naught and that a new trial be and is hereby granted and awarded the defendants

5774

4 Dock No 5 page 134

The State of Texas
vs
Wm R Edwards Etal

On this the 20th day of June 1884 the above Entitled Cause came on for trial whereupon the Plaintiff appeared by their respective attorneys and announced ready a jury being waived the matters in issue were submitted to Court and the Court after hearing the evidence is of the opinion that the defendants are indebted to the State of Texas in the sum of $698.50 It is therefore Considered and ordered by the Court that the State of Texas do have and recover of and from the defendants W R Edwards John L Riddle, W P McLean J W Jackson Alexander Dable J W Hays. J A Dillard J N Matthews and E Riddle the sum of Six hundred and ninety Eight 50/100 dollars besides all Costs of suit for which Execution may issue the defendants in open Court by their Attorneys admitted the justness of the above judgment and waived in open Court all Errors, Exceptions and their right to appeal.

6059 Nannie H Marsh vs Alonzo H Marsh No Counsel appearing Continued

6074 J A J Norlent vs P D Norlent Continued

6082 Mary A D M Wilson vs W W Hornsby Etal Continued by Consent

6098 W B Botham vs Jno A Webb Cont by Consent

7022 H Devore vs Delia Devore - No Counsel appearing Continued

7017 Lanier Kinney vs H B Kinney Jr - No Counsel appearing Continued

7070 Isaac Price vs Mary Price — And now on this day this cause being called for trial and no Counsel appearing for either party 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 let Execution issue

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7096. H H Wood vs Nancy Wood. No Counsel appearing Continued

7087 J W Daugherty vs J H Hilsworth Cont by Consent -

7119 T L Wren vs Ed Creary. No Counsel appearing Continued

7161 Peyton W Nowlin vs Isaac Alford Etal } And now on this day Came the plaintiff by Attorney and upon his motion it is ordered by the Court that this cause be and the same is hereby dismissed at plaintiffs Costs for which Execution may issue -

5765 H C B Hays vs Ed Creary Etal } And now on this day Comes the plaintiff by attorney and moves the Court for 10 days leave from and after the adjournment of this term of the Court in which to file a statement of facts in this Case, which motion was by the Court granted and ordered that the parties have ten days from and after the adjournment of this Court in which to prepare and file a statement of facts in this Case

7027 E J Adams vs T & P Ry Co } And now on this the 14th day of June upon motion of Plaintiffs attorneys joined by the Atty for Defendant, It is ordered by the Court that the parties be and they are hereby allowed ten days from and after the adjournment of this Term of the Court in which to prepare and file a statement of facts in this Case. -

7023 W A Westfall vs Geo Flournoy } June 20. 1884. Hon W D Williams Special Judge Presiding -
And now on this day Came the parties by their attorneys and thereupon Came on to be heard Defendants motion for a new trial in this behalf and the Same having been argued and submitted duly Considered and fully understood by the Court was overruled - to which ruling of the Court the Defendant in open court excepts and gives notice of appeal to the Supreme Court -

7020 Westfall vs Flournoy } And now in this Case Comes the parties by atty & moves the Court for leave of ten days after the adjournment of this Court in which to prepare and file a Statement of facts in this Case. which leave was by the Court granted - W D Williams Special Judge

The above 2 Entries Examined and approved.

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7024 S J Adams vs T & P Ry Co } And now on this day came the parties by their attorneys and thereupon came on to be heard plaintiffs motion for a new trial in this behalf and said motion having been argued and submitted duly considered and fully understood, was by the Court overruled to which ruling of the Court the plaintiff excepts and in open Court gives notice of appeal to the Supreme Court.

7001 Estate of C Riley Lott } This motion being this day called, on for final call of the motion Docket and no Counsel appearing It is ordered by the Court that said motion be and the same is hereby dismissed

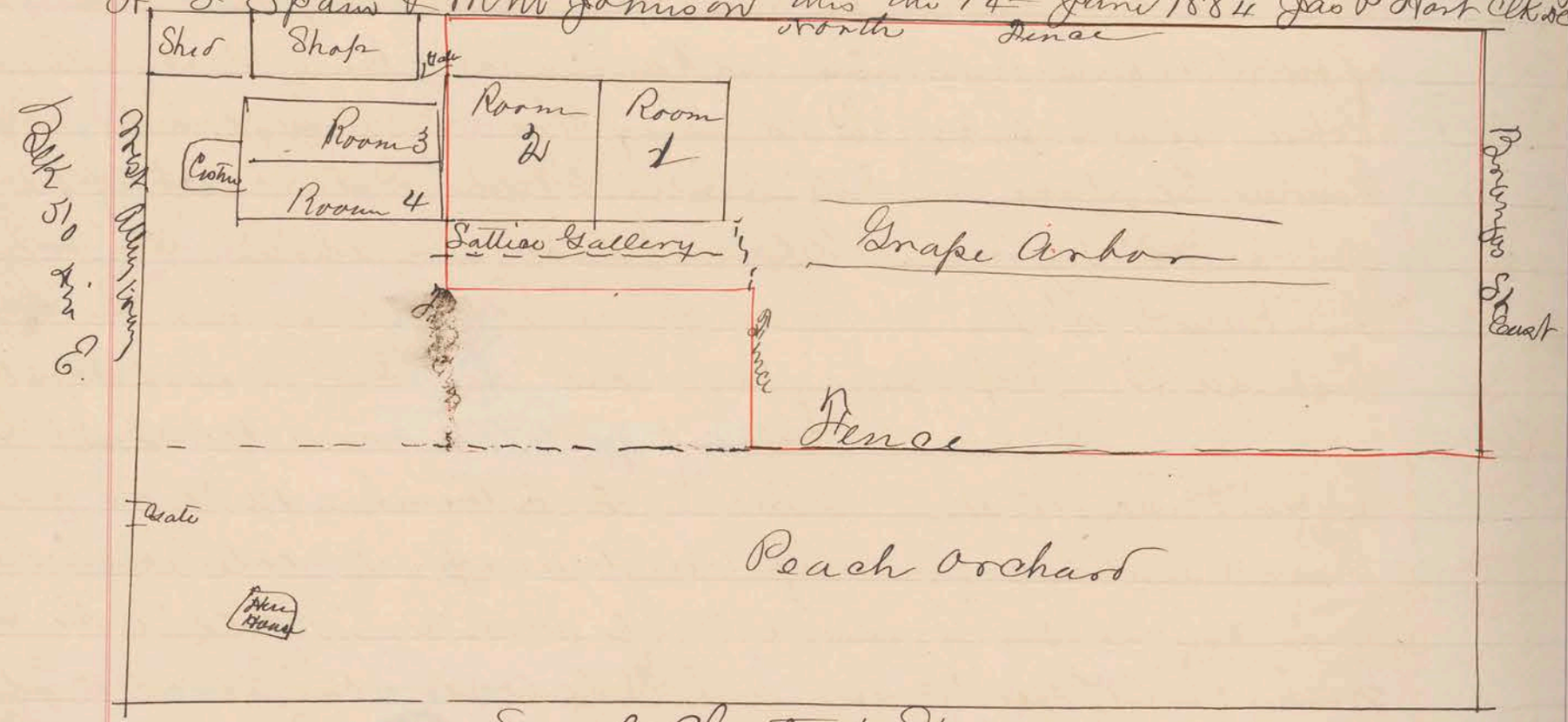
7115 Frederick Wildo Rff vs Emma Wildo Dfft } And now on this the 19th day of June AD 1884 coming on to be heard for adoption the report of the Commissioners on file in this cause and which report is in words and figures as follows viz - "No 7115 Frederick Wildo vs Emma Wildo - The State of "Texas County of Travis To the Hon A S Walker Judge 16th Judicial "District - Now come we the Commissioners appointed by the Court "in the above styled and numbered cause to divide for the convenience "of both parties without reference to value the South East quarter "of Block 50 Division E of the City of Austin and the improve"ments thereon beg leave to make the following report - After "making a careful Examination of the premises and improve"ments keeping in view the convenience of both parties we "would divide as fas follows, to wit, give Mrs Wildo rooms "Nos 1 & 2 as shown on the accompanying plat and the "Gallery and all of the ground included in the inclosure "on the North East Corner of the lots as shown by the plat "of the same which is made a part of this report and "including a small plat of ground in front of the gallery "on the South Side of rooms 1 & 2 the said plat to extend "from said gallery to a row of trees about 20 feet distant "The part of the lots to be retained by her is indicated by "red lines on the plat and begins at a point on the North bound"ary line of said quarter block directly north of the N.W. "Corner of Room #2 and thence to the row of trees about "twenty feet South of the gallery Thence East with line of trees "to fence Thence South with line of fence to the fence running "East and west Thence East to Brazos Street Thence North to "to North boundary line - Thence North to place of beginning

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" and giving to Frederick Milde all the balance of said
" one fourth block and the improvements thereon And
" reserving to Mrs Milde the right to have access to and use
" water from the Cistern for all ordinary purposes H L Spain
" W M Johnson Com[r]. Sworn to and subscribed before me by
" H L Spain & W M Johnson this the 14th June 1884 Jas P Hart Clk D.C."



And the said report being inspected by the Court and examined and fully understanding the same and the Court being of the opinion that said was fair just and in accordance with the decree of this Court heretofore Entered in this cause was in all respects lawful and that said report ought to be adopted and confirmed by the Court- it was so ordered- thereupon it is ordered adjudged and decreed by the Court that said report be and is hereby in all things adopted and confirmed by the Court- is the partition of said property in this cause between the plaintiff and defendant- It is further ordered adjudged and decreed by the Court that the use for life or until she marries again or permanently abandons the same of the following described property be and is hereby given to the defendant Emma Milde Viz- Rooms Numbers one and two and the gallery on the South Side of them being the two East rooms of the house as shown on said plat accompanying the report and all of the ground included in the inclosure on the North East Corner of the lots as shown by the said plat which is made a part of this decree and including a small piece of ground in front of the gallery on the South Side of said rooms numbers one and two Said piece of ground to extend from South

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Side of gallery to a row of trees about twenty feet distant the part of the lots retained by her is indicated by the red lines on the plat and begins at a point on the North boundary line of said quarter block directly North of the North west Corner of room number two and thence to the row of trees about twenty feet South of the gallery Thence East with line of trees to the fence- Thence South with line of fence to fence running East and west Thence East to Braz as th Thence North to North boundary line of said quarter block thence West to the place of beginning and that she shall retain the use of the same as a place at which she may live and reside until she dies, marries or abandons the same and that on the happening of Either of these Events or all the use thereof shall revert and again become the property of said Frederick Mildo- It is further ordered and decreed that the remainder of said property lots and houses be and is hereby given to said Frederick Mildo to do as he pleases with and free from any claim or claims of said Emma Mildo in and to and upon the same- It is further ordered adjudged and decreed by the Court that the title of said Frederick Mildo in and to the portion of said lots his separate property, the use of which is given the said Emma Mildo, is not effected by this decree and that on the death marriage or abandonment of the same the said Emma Mildo forfits said rights and the same reverts to the said Frederick Mildo if living and if dead to his heirs or if disposed of by him during life to his assigns- It is further ordered adjudged and decreed by the Court that the rights given the parties herein are independent and distinct from those of the other, and that neither party shall interfere with the other in the rights and use given to him or her therein. (See Margin)

7113

Sarah A Banton
vs
Thomas Jones

And now on this 21st day of June 1884 this Cause coming on to be tried Came the parties plaintiff and defendant by their attorneys and announced themselves ready for trial And the Court having heard the pleadings read and the Evidence and argument of Counsel is of opinion that the law of the Case is with the plaintiff It is therefore ordered adjudged and decreed by the

Further ordered that upon the Plaintiff at his own expense placing by grant with Connection with the City Water works & providing the premises Ellicott to the defendant thru the Cistern on the right of Defendant to use from the premises of Plaintiff shall cease

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No. 114. 2-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

Court that the Plaintiff Sarah A Bunton do have and recover of and from the defendant Thomas Jones the land and premises sued for to wit the South one half of Sat No (15) fifteen containing three acres of land and one acre of land off the North side of Sat No (10) ten of the Live Oak grove Subdivision of the Bunton Home stead tract being part of the Isaac Decker league of land on the West side of the Colorado River in Travis County Texas Said three acres out of said Sat No 15 and said one acre out of said Sat No 10 being contiguous tracts and being the same land conveyed by Decker Bunton and wife to John H Wells by deed dated February 1st 1878 and that said plaintiff be quieted in her right and title to said land and that a writ of possession issue pursuant to law to put plaintiff in possession of said land and it is further ordered and adjudged that plaintiff recover from defendant the sum of $22.50 as rent for said premises from 2nd February 1884 to the date here of and all costs of suit for all of which Execution shall issue - To which judgment of the Court defendant excepts and in open Court gives notice of appeal to the Supreme Court

7006 John H Coleman as Travis Co R & B Co — Now on this 21st day of June 1884 Comes the Deft by atty in open Court and gives notice of appeal in this Cause to the Supreme Court.

7107 Fields Rainey & Thomas as Travis County R & B Co — Now on this 21st day of June 1884 Comes the defendant by Attorney in open Court and gives notice of appeal to the Supreme Court -

7113 Sarah A Bunton as Thomas Jones — Upon motion of Defendants attorney it is ordered by the Court that the parties be and they are hereby allowed ten days time from and after the adjournment of this term of the Court in which to file a Statement of facts in this Case

7167 Olivia T Kinney vs D. P. Kinney — And now on this 14th day of June 1884 Came the parties in this Cause, Olivia T Kinney Plaintiff and her attorneys and Daniel P Kinney defendant with his attorneys, and said Cause having been called for trial both parties announced

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themselves ready for trial and neither party having demanded a jury, the questions of fact as well as of law were submitted to the Court and the Court having heard the pleadings of the parties plaintiff and defendant and the Evidence adduced with the argument of Counsel thereon doth find that sufficient of the averments in plaintiffs petition are true to entitle plaintiff to a decree of divorce and that the Defendant Daniel P Kinney and the plaintiff Olivia T Kinney formerly Olivia T Cleveland were married according to law on the 16th day of January 1859, and that said Plaintiff is entitled to be divorced from said defendant - It is therefore ordered adjudged and decreed that the bonds of matrimony heretofore existing between Olivia T Kinney Plaintiff and Daniel P Kinney Defendant be and the same are hereby forever dissolved: And the Court having found from the Evidence that there are minor Children of Plaintiff and defendant to wit, Olivia P Kinney, Opelia L Kinney and Francis J Kinney, is of opinion that it is for the best interest of said Children, said Children being desirous of their mother having their Custody, Education and maintenance and the Court being satisfied that it should be so ordered - It is therefore ordered and adjudged that Custody Education and maintenance of said Children be awarded the said Plaintiff Olivia T Kinney free from all interference or control on the part of the defendant, but it is ordered that said defendant shall have and he is awarded the right at reasonable times and under reasonable circumstances to visit each or any of said minor Children during their minority, but he the said defendant is enjoined from in any manner or otherwise Controlling, attempting to control or in any manner interfering with the Custody and Education of said minors: And it appearing to the Court that the said Parties Plaintiff and defendant have since their marriage acquired the property herein after described the same being the Community property of plaintiff and defendant and that the Parties Plaintiff and defendant have agreed upon the division of said property by the following written instrument Signed by them respectively to wit- "No 7167, Olivia T Kinney vs D P Kinney

"The Parties to this suit in case a decree of divorce is

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" granted, agree to the following division of the Community
" property owned by them towit The plaintiff shall have
" decreed to her the following property; 150 acres of Land in
" Anding the home where the said parties now reside and rents
" for the year 1884 and all household and Kitchen Furniture
" and Musical Instruments valued at $3000.00 2nd Ranch
" land of 320 acres of land in Blanco County and the Stock of
" Cattle on said Ranch Valued at $3200.00
" 3rd The Horse Horses (less Dally & Colts) being two mules
" and two horses Valued at $350.00 of the aggregate value
" of $8550.00
" The Defendant shall have decreed to him the following
" discribed property—
" 1st Lots 5.6 & 7 in Block 34 in Austin Texas and
rents valued at $2500.00
" 2nd " Part of Out Lot 11 in Division B in Austin Texas
" and fraction of West Avenue in said City and rents
" due on same - Valued at $3000.00
" 3rd 47 Acres of Land being parts of Decker league
" on West side of Colorado River in Travis County and
" being the balance of Homestead lands of the parties
" to this suit after taking off the Homestead the 50 acres
" thereof to be decreed to Plaintiff as above stated and
" rents of same Valued at $2250.00
" 4th One note on John D Kinney for $1009.00 and valued
" at that Amount—
" 5th 14 Horses and ponies at Ranch in Blanco County
" valued at $490.00
" 6th Mare Dally and her yearling & young Colts valued at
" $100.00/100
" 6th Wagons and Vehicles and farming implements on home
" place valued at $250.00
" 7th Defendant to pay plaintiff $35.50/100
" It is further agreed that defendant shall pay the Community
" debts amounting to $978.50/100 In witness of which we
" hereto Sign our names on this June 14th 1884
" Olivia D Kinney Pltff. D D Kinney Deft "

And the Court having heard the evidence with reference thereto - It is further ordered adjudged and decreed that of the said Community property heretofore

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owned by Plaintiff and defendant. The plaintiff Olivia T Kinney shall have and there is decreed to her as her share of the Community Estate of herself and defendant the following Property towit-

1- The following described tracts of land situated in the County of Travis State of Texas and part of the Decker and Hill leagues and being part of what was heretofore the Homestead of plaintiff and defendant- First Tract: Part of the Decker League: Beginning near the top of bluff on the W Decker league line at a Spanish oak blazed an four sides Thence S 30° W 375 vrs Corner an W League line Thence S 60° E 242 vrs Corner Thence N 30° E 378 vrs Corner from which a live oak 14 inches in diameter bears N 30° E 11 vrs Thence N 60° W 242 vrs to beginning containing Sixteen acres and being same deeded by Butler A Goodrich to B G Goodrich Nov 14th 1870 and by B G. Goodrich to D.P. Kinney by deed dated Oct 23rd 1871 which deed is of record on pp 61 & 2- 3 in Book V of record of Deeds of Travis Co-

Second Tract. Part of the Hill League and described as follows beginning at the NE Corner of a survey made for J D Parish on the line of Survey for G.T. Rabb at a Stone mound an Elm 9 in in dia bears S 13½ E 24 vrs and an Elm 8 in dia S 28° E 35 vrs Thence S 37 W 245 vrs to a Stone mound an Elm 12 in dia bears N 63 E 47 vrs and a live oak 17 in dia bears N 88 E 41 vrs Thence S 60 E 268 vrs to a Stone mound on the West line of the Decker league Thence N 30 E with W line of the Decker league 478 vrs to the Corner of the Barlow Labor in Hill League. Thence S 85 W with the line of the Hill league & Barlow Labor 60 vrs to Stone mound a Hackberry 14 in in dia W 15 vrs and an Elm 12 in in dia bears S 36½ E 20 Thence S 62 W 92 vrs a Cor an Elm 12 in dia bears S 59½ E 26 vrs to a Stone mound Thence N 11 W 7 vrs to a Cor on line of Survey made for G.T. Rabb Thence S 77 W 179 vrs to the place of beginning Containing 15 acres and being the same land conveyed to D P Kinney by deed from H P Hill (by W A Stewart his atty) of date April 24th 1874

3rd Tract. Part of the Hill League described as follows- Beginning at D P Kinneys Cor on W line of the Decker league Thence S 30° W with the Decker line 285 vrs a Stone mound

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Thence N 60° W at right angles with said Sy line 258 Vrs to a Stone mound for Corner Thence N 30° E 285 Vrs to Cor D P Kinneys 1st Survey Thence O 60° E with line 258 Varas of said Survey to beginning Containing 13 acres and being the same conveyed by deed to D P Kinney by deed of N G Shelley dated November 20 1874

Fourth Track. Part of the Dreiss league described as follows Beginning at the N.W. Cor of No 5 of the subdivisions of the Goodrich track as made by Commissioners of partition of Estate of S W Goodrich Thence N 60° W 242 Vrs N Cor on W Sy line Thence O 30° W 150 Vrs more or less to D P Kinneys Cor in W Sy line. Thence O 60° E. 242 Vrs to D P Kinneys N E. Cor Thence N 30° E 150 Vrs more or less to beginning and Dr Boardmans line Containing 6 acres more or less and the same conveyed by L W Bradley & wife to D P Kinney by deed dated Nov 9th 1872. Said above tracts including and lying adjacent to the late residence of plaintiff and defendant.

And also the following track of Land lying in the County of Blanco State of Texas described as follows: 320 acres known as Survey No 18. about 19 miles N 16 E. from Blanco City and patented to John C Casparis as assignee of Brackett & Burleson by Patent No 376 Vol 32 dated June 10 1880 and being same conveyed by said Casparis & wife to Jadin Myrick by deed dated June 15, 1880 and by Jno O & Jadin Myrick to D P Kinney by deed dated Oct 24th 1882 together with all and singular the rights members hereditaments and improvements thereon or thereto in any wise belonging or appertaining, and all the rents due or to become due thereon or on any part thereof and all and singular the right title and interest of the defendant D P Kinney in to and concerning the aforedescribed property, is hereby divested out of the said D P Kinney and Vested in the said Olivia T Kinney her heirs Executors and legal assigns forever—

It is further decreed that of the Community Estate of plaintiff and defendant there is set apart and decreed to the plaintiff Olivia T Kinney all and singular the Household and Kitchen Furniture

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owned by Plaintiff and Defendant together with all musical instruments owned by them Also the Entire Stock of Cattle now owned by Plffs and Defendant in Travis Blanco and adjoining Counties and the two horses and two mules used at the home place of plaintiff and defendant are hereby apportioned and decreed to the plaintiff Olivia T Kinney, and all the right title and interest of Defendant D P Kinney in, to and Concerning the above described property is divested out of said D P Kinney and vested in said Olivia T Kinney.

It is further ordered adjudged and decreed that the following Property owned by said Parties be and the same is hereby decreed to and vested in the Defendant D P Kinney.

1 Three Certain Parcels of land Situated in the County of Travis and State of Texas Known as Lots Numbers 5. 6. and 7 in Block No 34 of the City of Austin Tex as and all rents due thereon -

2. A Certain other Parcel of land Known as part of out Lot No 11 in Division Z of the out Lots adjoining said City of Austin in Travis County Texas Being all of said Lot now owned by plaintiff and Defendant and a Fraction of West Avenue in said City Conveyed by Austin City to D P Kinney and all rents due thereon

3. Forty Seven acres of land being all the remainder of the late homestead of D P Kinney and Olivia T Kinney except the 30 acres thereof decreed to said Olivia T Kinney said 47 acres being in three tracts to wit, First 27 60/100 acres part of the Decker League in Travis County Texas being Lot 2 of the Subdivision of the D W Gardnick Estate as made by Commissioners of Partition Beginning at the N W Corner of No 1 Thence S 60° E 150 Varas to N E Corner of same Thence S 30° W 712 Vs to Stake in field Thence S 60° E 150 Vs Stake in field Thence N 30° E 862 Varas Stone Mound Thence N 60° W 300 Vars Corner Thence S 30° W. 150 Varas to beginning and being same land conveyed to D P Kinney by deed of T E Adams & wife by their attorney L A Dasey by

Deed dated Feby 10th 1876.

Second Tract. Nineteen and one half acres of land part of said Decker League situated in Travis County Texas and discribed as follows. Beginning at S W Corner of Tract No 4 (of Subdivision of D A Gaudrich tract as appears by Com's Report) Thence S 30° W 459 varas Corner Thence S 60° E 242 varas Stone mound Thence N 30° E 459 varas to S E Corner of Tract No 4 Thence N 60° W 242 varas to beginning being the last discribed of two tracts conveyed by Deed of B D Gaudrich to D P Kinney of date Oct 23rd 1871

Third Tract. About two acres of Land situated in said County of Travis and part of said Decker League being part of Land set apart to Belle A Gaudrich and the same which was conveyed to D P Kinney by deed of J S Fulmore dated Dec 15th 1881 and of record on pp 175 of BK No 51 of the Records of Deeds in office of County Clk of Travis County.

All of which lots and parcels and tracts of land above discribed so having been set apart and deeded to said D P Kinney together with all rents profits improvements & appurtenances thereunto belonging, the said D P Kinney shall own hold, separate & apart as his own Estate free from all claim of said Olivia J Kinney, and all and singular the Estate of the said Olivia J Kinney in and to the said lots parcels and tracts of land is hereby divested out of her and vested in said D P Kinney forever

And it is further decreed that the said D P Kinney shall have and there is hereby decreed and set apart to him to be his separate property the following additional property - Viz. One Note on Jake D Kinney for One thousand and nine dollars ($1009) also fourteen head of horses and mares at the Ranch in Blanco County Texas known as D P Kinney's ranch also one mare called Dolly and her yearling and roan colt now at the home place of Pfff and Defendant - Also all wagons, Vehicles and farming implements on said home Place And all claim and rights of the plaintiff Olivia J Kinney in there is divested out of her

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and vested in defendant D P Kinney -
And it appearing to the Court that there are in existance unpaid Community debts to the Amount of Nine hundred and Seventy Eight and 50/100 Dollars ($978.50) which constitute a charge against the said Community Estate and that the value of the property set aside in this decree to the Defendant D P Kinney exceeds the value of that decreed to plaintiff Olivia F Kinney in the sum of one thousand and fourteen Dollars ($1014.00) It is ordered adjudged and decreed that said D P Kinney defendant, shall pay said Community indebtedness out of his own Estate and without any Contribution from the Plaintiff And further it is adjudged that plaintiff do have and recover of and from the defendant the sum of thirty five 50/100 ($35.50) Dollars which sum is adjudged to her to make her share equal and the plaintiff recover of Defendant all her Costs in this behalf for which Costs and said sum of $35.50 Execution shall issue

2 Book 5:

✓ 7113 Sarah A. Benton vs Thomas Jones } Now comes 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 having been submitted and duly considered and fully understood was by the Court overruled. to which ruling of the Court the defendant excepts and in open Court gives notice of Appeal to the Supreme Court.

✓ 7006 John A. Coleman vs Travis County Road & Bridge Company } Upon motion of defendants Attorney it is ordered by the Court that the parties have to day from and after the adjournment of this Court in which to perfect and file a statement of facts in this case

✓ 7007 Fields Ramy & Thomas vs Travis County Road & Bridge Company } Upon motion of defendants Attorney, it is ordered by the Court that the parties be and they are hereby allowed ten days from and after the adjournment of this Court in which to file a statement of facts in this case.

The State of Texas } The Jurisdiction in this entitled at
Travis County. } the present term of this Court

Court Minutes, Term, 188

the day of 188

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers,

having been read in open Court, Same Counsel as heretofore 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 till the next regular term thereof

June 21st 1884.

A. S. Walker,
Judge 16th Dist-Ct

State of Texas.

In District Court: In Chambers at Vacation:

7227	Simon Goldstein vs J Malevinsky	}	Attachment
7229	Morrison Herriman & Co as J Malevinsky	}	Attachment
7231	Bates Rud & Cooley as J Malevinsky	}	Attachment
7232	Leon & H Blum vs J Malevinsky	}	Attachment

Upon the application of the Plffs in the above in the above entitled Causes supported by the Certificate of the attaching officer and the Court being satisfied that the facts authorizing the making of this order exist: it is now in vacation on this the 12th day of September 1884 at Austin Texas ordered that the Sheriff of Travis County M M Hornsby be directed to sell the attached goods mentioned and referred to in said application and Scheduled in the returns of the said Sheriff, to the writs of attachments issued in said Causes and fully set out as follows, towit,

Inventory

23½ yds Wiggins	7¼	3.	15	91¾ yds Silks	71	18	69	18¼	"	"	77	91.44
278½ yds Wiggin	6½	18.	10	97½	"	"	27	26	32	23¾	"	"	60	14.25
314¼ " "	7¾	28.	23	125½	"	"	55	68.	97	246½	"	"	58	142.97
142 " "	6¾	8.	89	116¾	"	"	47	54	88	8	"	"	60	4.80
16 " "	8	1.	28	84	"	"	50	57.	00	15½	"	"	40	6.30
54 " "	1,	3	24	33½	"	"	120	40.	20	47	"	"	43	20.21

11½ yds Silks 75 8.62

District Court Minutes, Vacation Term, 188

the 12th day of September 1884

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101¾ yds Silks	40	42	70	116 yds Lace Bunting		15¼	17	69	99½ yds Mull		20	19	90	27 yds Lawn		10	2	70
88¼ " "	41	36	18	129 " " "		17	21	93	20½ " "		15	3	07	64¼ " Nainsook		20	12	85
22 " "	33	7	92	130 " " "		19	24	70	454 " "		25	113	25	17 " "		11	1	87
46¾ " "	45	30	03	108 " " "		18	19	44	58 " "		12½	7	25	70 " "		9	6	30
49¾ " "	80	39	80	111 " " "		19	21	09	35 " "		25	8	75	281² " "		10	28	15
10¼ " "	100	10	25	98 " " "		9	8	82	24 " "		10	2	40	32 " "		16	5	12
19¼ " "	44	8	47	96½ " " "		15	14	47	288¾ " "		5	19	44	48 " "		14	6	72
30½ " "	90	27	45	114½ " " "		16	18	32	68 " "		5	3	40	16 " "		12½	2	00
20¾ " "	65	13	49	169½ " " "		14	93	73	98 " "		4	3	92	175½ "		18	31	59
58¾ " "	31	18	21	524 " " "		12½	60	26	98¼ " Dress Goods		12	11	79	50¼ " Spanish Lace		60	30	15
45¼ " "	48	21	72	32½ " Cashmere		31	10	07	114¼ " " "		17	19	42	61 " " "		45	27	45
102 " "	39	39	78	52 " "		41	22	14	206¼ " " "		18	37	12	18 " " "		100	18	00
134½ " "	38½	51	78	92 " "		33	30	36	30 " " "		100	30	00	17½ " "		55	9	12
30 " "	27	8	70	130¼ " Linen Lawn		20	26	05	10 " " "		30	3	00	65 " "		15	9	75
173 " "	34	58	82	71¼ " " "		18	12	82	173½ " " "		12½	21	68	308¾ " "		12½	38	59
74½ " "	64	47	68	95½ " " "		25	23	87	60 " " "		8	4	80	93 " "		13	12	09
53½ " "	100	53	20	391 " " "		15	58	65	223 " " "		11¼	24	51	43 " "		40	17	20
27 " "	96	25	92	908½ " " "		12½	113	56	329½ " " "		16⅔	64	91	117 " "		40	46	80
21¾ " "	95	20	63	51½ " Dotted Swiss		10	5	15	136½ " Lawn		20	27	30	11 " "		50	5	50
8¾ " "	112	9	80	40 " " "		20	8	00	158¼ " "		16	25	32	3½ " "		30	1	05
3½ " "	82	2	87	140 " " "		10	14	80	188½ " "		22	41	47	164 " "		25	41	00
12¾ " "	122	15	55	162½ " " "		15	9	37	78 " "		14	10	92	76 " "		35	26	60
19½ " "	140	27	30	20 " " "		18	3	60	87 " Silk Grenadine		25	21	75	205 " "		10	20	50
35¾ " Cashmere	64	22	88	13 " " "		25	3	25	169½ " " "		33	22	93	218½ " "		12½	27	31
87 " "	54	27	54	31½ " " "		12½	3	93	152 " Nainsook		10	15	20	73½ " "		22	16	17
21½ " "	57	12	04	6 " " "		35	2	10	20½ " "		19	3	89	65 " "		18	11	70
20 " "	57	11	20	18½ " " "		41	7	58	20 " "		15	3	00	28¾ " "		50	14	37
13½ " "	48	6	48	24 " " "		50	12	00	24 " "		12½	3	00	21½ " "		20	42	30
32 " "	46	14	40	58 " " "		31	16	43	168 " "		18	30	24	50 " Blk Cashmere		30	15	00
5 " "	63	3	15	52 " Ticking		21	11	92	19 " "		8½	1	61	22 " " "		50	11	00
8 " "	38	3	04	156 " Lawn		10	15	10	13 " "		13	1	69	31 " " "		29	8	99
38 " "	33	12	54	103½ " "		15	15	52	20 " "		18	3	60	40 " " "		45	18	00
14 " "	50	7	00	79 " "		11	8	69	12 " "		20	2	40	72½ " " "		65	47	12
22 " "	27	5	94	83½ " "		12½	19	18	37½ " "		25	9	37	274 " Cretan		35	86	45
28 pcs Cambric	70	19	60	16 " "		14	2	24	48½ " Soaking		60	29	10	17 " Patriot		35	23	45
361 yds "	5	18	05	17½ " Dotted Swiss		25	4	37	3 " "		40	1	20	16½ " "		11½	2	72
126 " Lace Bunting	15	26	40	4½ " Ticking		25	1	12	117½ " Gros Grain		25	29	27	82½ " "		35	20	62
1889 " " "	54	21	80	136½ " Nainsook		18	24	57	60 " Lawn		18	10	80	837 " Nuns Veiling		35	292	95
117½ " "	16	18	80	89 " "		18	16	02	11 " "		25	2	75	372 " "		40	148	80
137½ " "	15½	20	97	315 " Mull		15	47	25	20 " "		33	4	60	110 " "		50	86	00

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Friday the 12th day of September 188 4

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

53½	yds	Mus Veiling	55	29	15	½	yds	Lace	50	3.00	247½	yds	Dress Goods	16	43.92	40.	Corsetts	1.20	48.00	7½ yds
113	"	"	57	38.62	5½	"	"		80	4.40	282½	"	"	18	50.85	37.	"	1.65	61.05	44 "
41	"	"	29	11.89	30	"	"		1.00	30.00	160	"	"	11	17.60	46	"	1.10	50.60	77 "
426½	"	"	19	81.03	5	"	"		10	50.86	"	"	"	12	10.32	22	"	1.24	14.08	131 "
29½	"	"	25	7.37	5	"	"		20	1.00	111	"	"	12	13.68	119	"	38	44.22	70 "
19½	"	"	12½	2.43	6	"	"		60	3.60	67	"	"	14	9.48	200	"	50	100.00	99 "
44½	"	"	22	9.79	17¾	"	"		75	13.32	71	"	Flannel	11	7.81	13	"	68	8.84	33½ "
32½	"	"	32	11.40	11	"	"		40	4.00	151	"	Plaids	11	16.61	20	"	31	1.24	32¾ "
38	"	"	40	15.20	8	"	"		50	4.00	3		Dress Patterns	12.00	36.00	11	"	81	8.80	25½ "
21½	"	"	18	3.87	3	"	"		35	1.05	353	yds	Dress Goods	12½	44.15	19	"	50	9.50	23 "
161	"	"	45	17.95	21	"	"		72	2.88	50	"	"	10	5.00	20	"	1.00	21.00	135 "
297½		Lace Bunting	19	56.52	6	"	"		60	3.60	100	"	"	25	25.00	55	"	60	21.00	165 "
31	"	"	35	10.85	1	"	"				15	16	" Plush	25	4.00	19	"	50	9.50	53 "
18½	"	"	40	7.40	3	"	"		50	1.50	14¾	"	"	1.25	18.43	42	"	31	13.02	43 " Cu
7	"	"	50	3.50	376	"	"		7	24.32	11¾	"	"	300	33	35.25	13	"	50	4.50	40 " Sa
265½	"	Datien	6	15.91	44	"	"		11	4.40	19	"	"	50	9.50	12	"	1.50	18.00	57¼ C
1755½	"	Calico	5	87.76	44	"	"		12½	5.50	15¼	"	Velvet	1.25	76.36	15	"	1.00	22.50	251 "
24		Dress Patterns	75	18.00	42	"	"		3½	1.47	16	"	"	1.50	24.00	30	"	68	22.40	52 "
194	yds	Calico	4	7.76	19	Bag	yds		10	1.90	38½	"	Splush	50	19.25	99	"	50	49.50	95 "
718	"	"	574	37.19	3	"	"	"	13	39	72	"	Velveteen	50	36.00	15	Ladies Vests	32	4.80	107½
692	"	"	4½	31.14	3	"	"	"	70	2.10	3		Emb Dress Patterns	5.00	15.00	32	pcs Misses Fay Vests	14	4.48	328 "
119	"	Cattonade	15	17.85	3	"	"	"	16	48	5	"	"	7.00	35.00	24	" " " "	11½	2.76	64 "
77	"	"	10	7.70	14	"	"	"	25	3.50	9	"	"	4.50	40.50	36	" " " "	11½	4.14	22 "
167	"	"	12½	18.77	6	"	"	"	11	66	1	"	"		9.00	48	" " " "	14	6.72	117¾ "
57	"	"	14	7.14	54	"	"	"	20	10.80	2	"	"	10.00	20.00	10	" " " "	10	1.00	17¾ "
9	"	"	25	2.25	9	"	"	"	50	4.50	53	"	Bed Ticking	12½	6.62	1	La Hat		3.65	42 "
14	"	"	30	19.20	9	"	"	"	30	2.70	48	"	"	6	2.88	2	" "		4.40	118 "
57	"	Ginghams	6	3.46	57¼	"	Linen	Goods	1.00	57.25	605	"	Cretons	16	80.80	1	" "			40 " Cu
396	"	"	6	23.76	8	"	"	"	40	3.20	346½	"	"	11	38.11	6	" "	193	11.58	131 "
156	"	Pique	4½	7.02	1	"	"	"		50	61½	"	"	17	10.45	6	" "	136	8.16	49¾ "
61	"	Spanish Lace	11	6.71	102	"	Blk Cashmere		40	40.80	7	"	"	12½	87	½	" "	1.65	14.95	246 " B
82	"	"	"	30	24.10	53	"	"	"	42½	22.52	37	"	"	30	7.40	2	" "	2.00	9.80	45 "
104	"	"	"	25	24.10	314	"	Per Cals		10	31.40	71	"	"	30	21.30	1	" "		3.75	17 "
15	"	"	"	30	4.50	1062	"	Blue Domestic		9	95.58	42½	"	"	25	10.62	1	" "		1.23	49 "
17	"	Lace	30	5.10	291	"	"			8½	24.73	23	Yds	Drawers	25	5.75	1	" "		.82	10 "
2	"	"	1.20	2.40	320	"	"			7½	24.00	50		Corsetts	1.50	75.00	1	" "		1.22	67½ "
67	"	"	25	16.75	52½	"	"		10	5.45	35	"		1.25	37.75	1	" "		2.45	201½ "
3	"	"	45	1.35	58	"	"		7	4.06	30	"		1.10	33.00	2	" "	2.00	4.92	80 "
12	"	"	1.50	18.00	104½	"	Bro	"	7¾	8.09	24	"		1.20	28.80	2	Bag Miss Nurs	1.65	3.30	152 "
18	"	"	17	3.06	148	"	Dress	Goods	20	29.60	15	"		19	10.35	9	3½ yds Red Flannl	20	18.40	94 "

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48.00	7	3/4	yds	Red Flannell	12	56	472	1/2	yds	Blk Cashmere	20	94	50	15	yds	Table Cloth Linen	30	4.	50	1/4	yrs pro	Mittens	2	47	4.	32
61.05	6	1/2	"	"	23	14	83	59	"	"	"	25	14.75	224	"	"	"	"	40	89.	60	3/4	"	"	"	1	53	3.	71
50.60	7	7	"	"	27	17	67	15	"	Mms Veiling		20	3.	00	11	"	"	"	"	44	7.	26	1/4	"	Wool Cuffs			1.	37
14.08	131	"	"	"	15	19.	65	73	3/4	Blk Cashmere		100	73.	75	15	"	"	"	"	25	3.	75	9	pr	Wool Boaters	21		1.	89
44.22	70	"	"	"	16	1/2	11.	55	7	1/2	"	"	38	2.	85	134	1/4	"	"	"	50	17.	12	6	La Hats	96		5.	76
100.00	99	"	"	"	38	37.	62	111	1/2	"	Dress Goods		12	1/2	145.	25	7	"	"	"	"	100	7.	00	1	"	"			1.	92
8.84	33	1/2	"	"	"	30	11.	05	182	"	"	"	18	37.	76	188	1/2	"	"	"	"	35	15.	97	9	"	"	55		11.	95
1.20	32	3/4	"	"	"	23	7.	34	120	"	"	"	20	24.	00	17	"	"	"	"	45	7.	65	1	"	"				69
8.80	25	1/2	"	"	"	30	6.	75	255	"	"	"	30	71.	50	24	"	"	"	"	27	6.	48	29	"	"	1	10	31.	90
9.50	23	"	"	"	"	19	4.	37	17	1/2	"	Cotton Lace	30	5.	25	1893	"	Dress Goods			7	32.	57	1	"	"			1.	15
21.00	185	"	White	"	25	34.	12	523	"	Cotton Lace		10	52.	30	248	1/2	"	"	"		10	24.	35	1	"	"				50
21.00	125	2	"	"	"	21	26.	25	129	"	"	"	15	19.	35	379	1/2	"	"	"		16	60.	72	16	2 yds	Bunting	21		13.	97
9.50	53	"	Velvet	"	55	29.	15	77	"	"	"		12	9.	12	52	"	Mosquito Bar			24	16.	74	74	"	"	20		14.	80
18.00	43	"	Canton	"	10	4.	30	75	"	"	"		17	12.	75	91	"	"	"		30	27.	30	70	"	Drilling	10		7.	00
1.50	40	"	Sea Chucks		28	11.	20	48	"	"	"		3	1.	44	12	"	"	"		40	4.	80	11	3/4	" Domestic	6		6.	70
18.00	57	3/4	Cant Flan	el	30	17.	32	40	"	"	"		22	8.	80	32	"	Linen Skirting			75	24.	00	78	"	Linsey	4		3.	12
22.50	257	"	Cot Check		8	20.	08	243	"	"	"		20	48.	60	30	"	"	"		47	14.	10	13	"	Drilling	12	1/2	1.	62
22.40	52	"	Linsey		13	1/2	16	50	514	1/2	"	"	"	7	31.	01	40	"	"	"		25	10.	00	21	"	White Flannel	21		4.	41
49.50	95	"	"	"	17	14.	15	757	"	"	"		6	45.	42	37	La	Skirts			16	11.	70	20	"	"	"	31		6.	20
4.80	107	2	"	"	10	10.	75	244	"	"	"		10	24.	00	25	Ch	"			17	25.	00	48	"	"	"	15		7.	20
4.40	328	"	"	"	15	49.	20	452	"	"	"		4	18.	08	5	Dress	Patterns			500	25.	00	33	2	"	"	"	17		6.	58
2.76	4	"	Red	Flannel	20	12.	80	147	"	"	"		8	11.	76	50	yds	Lace			10	5.	00	25	"	"	"	"	50		12.	50
4.14	22	"	"	"	"	44	9.	68	12	"	"	"		8	1.	02	128	Ass	La	Hose		175	215.	25	14	"	"	"	80		11.	20
6.72	47	3/4	Piece	Cas	10	10.	77	48	Doz	"	"	"	12	6.	00	12	La	Corsets			165	19.	80	103	2	"	Red	"	12		12.	93
1.00	1	3/4	"	Skating	27	3.	23	7	"	"	"	"	12			84	17	"	"		111	18.	70	52	1/4	"	"	"	30		15.	17
3.15	42	"	"	"	21	8.	40	1	3/4	"	"	"	"	41			70	49	pro	La	Hose	41	20.	09	39	"	"	"	31		12.	09
4.40	118	"	"	"	25	27.	00	642	"	"	"		21	128.	40	12	"	"	"		55	6.	60	18	"	"	"	20		13.	60
	40	"	Cant	Flannel	11	4.	40	356	"	Dress	Goods		18	64.	08	9	"	"	"		78	7.	02	35	"	"	"	11		5.	10
11.55	131	"	"	"	"	9	11.	79	98	3/4	"	"	"	25	24.	68	4	"	"	"		18		72	233	"	"	"	50		116.	50
8.16	49	3/4	"	"	12	1/2	6.	21	154	1/4	"	"	"	12	1/2	19.	28	8	"	"	"	25	2.	00	244	"	"	"	30		73.	20
4.95	206	"	Blk	Cashmere	30	61.	80	135	"	"	"		30	27.	00	4	"	"	"		28	1.	12	79	"	"	"	18		14.	22
9.80	45	"	"	"	66	29.	70	118	"	"	"	"	10	11.	80	18	"	"	"	4	35	6.	30	402	"	"	"	32		128.	64
3.75	17	"	"	"	35	5.	95	72	"	"	"		15	10.	80	2	Doz	"	"	"	415	8.	30	369	"	"	"	50		184.	50
1.23	49	"	"	"	15	31.	36	375	1/2	"	Linen		10	37.	53	1	"	"	"	"		3.	85	219	"	"	"	35		76.	65
.82	10	"	"	"	55	5.	50	254	"	"			10	38.	10	2	1/2	"	"	"	500	7.	50	30	"	"	"	30		9.	00
1.22	67	1/2	"	"	50	33.	75	48	"	"			25	12.	00	2	1/2	"	"	"	225	6.	87	15	3/4	"	"	21		3.	15
2.48	201	1/2	"	"	40	80.	60	26	"	"			28	7.	28	2	pr	Ch Wool	Boots		10		50	387	"	"	"	40		15.	40
4.92	80	"	"	"	60	48.	00	340	"	Nainsook			10	34.	10	1/2	Doz	pro	Mittens		520	7.	80	1	Sat	Irons			5.	00
3.30	152	"	"	"	70	106.	40	42	"	Table	Cloth	Linen	28	11.	76	1	1/2	"	"	"	385	5.	77	46	Dat	Chills	75		34.	50
18.40	94	"	"	"	12	1/2	11.	75	10	"	"	"	"	90	9.	00	3	"	"	"		137	4.	11	122	pro	Shoes	100		122.	00

District Court Minutes, In Vacation Term, 1884

Friday the 12 day of September 1884

No 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

5	50 Yds	Oil Cloth	40	20	00	71	Linen	Remnants		18	92	186	yds	Embroidery	5	9.30	3/6 yds	Ribbon	14	4.20
1	188 "	Cot Flannel	12½	23	50	24	Yds	Dress	22	5.39	455	"	"		5	21.65	11	"	"	19	1.90
1	25 "	Wool "	30	7	50	36	"	"	27	9.72	2	"	"		22	44	70	"	"	9	6.30
4	8½ "	" "	21	1	70	34½	"	"	25	8.62	½	"	"		2	12	28	"	"	15	4.20
2	67 "	Water Proof	100	67	00	30½	"	"	14	4.27	13	"	"		50	1.50	40	"	"	7	2.80
1	67 "	" "	50	38	50	5	"	"	20	1.00	11	"	"		23	2.53	272	"	"	5	13.60
4	28 "	" "	80	22	40	85	"	"	10	8.50	46	"	"		36	11.12	3	"	"	40	1.20
3	37 "	" "	37	13	69	53	"	Embroidery	55	29.15	135½	"	"		13	11.61	39	La Cellars		9	3.51
3	62 "	" "	40	37	20	9	"	"	18	1.62	1½	"	"		18	1.17	71	"	"	5	3.55
2	20 "	" "	20	4	00	80	"	"	27½	20.00	32	"	"		25	8.00	12	"	"	13	1.56
1	118 "	" "	40	47	20	14	"	"	31	4.34	9	Skirts			75	6.75	16	"	"	111	1.60
2	36 "	" "	35	12	60	36	"	"	38	13.68	5	"			75	3.75	62	"	"	11	6.82
3	110 3/4 "	" "	50	80	37	71	"	"	50	35.50	2	La Selle			385	7.70	18	"	"	12½	2.25
1	3½ "	" "	65	2	27	6	"	"	21	1.20	1	"	"			8.11	26½	"	Embroidery	20	5.30
1	3½ "	" "	21		72	21½	"	"	33	8.52	2	"	"		40	8.80	135½	"	"	11	15.23
2	53 "	" "	55	29	15	71	"	"	22	15.12	2	"	"		14	10.20	44¾	"	"	6	2.65
1	3½ "	" "	60	2	10	41	"	"	11	4.57	11	"	"		40	17.10	154	"	"	5	7.70
2	3 "	" "	100	3	00	13	"	"	25	3.25	2	"	"		25	10.50	216	"	"	15	32.40
1	40 "	" "	75	30	00	29	"	"	11	2.90	1	"	"			7.70	11	"	"	58	5.80
1	17 pr	Shoes	25	11	75	31	"	"	8	2.88	1	"	"			4.40	8	"	"	45	5.22
4	20 "	"	80	16	00	35½	"	"	38	13.49	3	"	"		40	12.00	17½	"	"	7	1.22
1	32 "	"	40	12	50	64	"	"	4	2.56	5	Baby Robes			340	18.00	74½	"	"	8	5.96
1	60 "	"	100	60	00	57	"	"	55	28.05	5	"	"		425	24.75	1½	"	"	27	4.45
1	71 "	"	75	52	25	17	"	"	31	6.12	1	Sat Wadding				10.00	72½	"	"	14	10.15
3	12 "	"	125	15	00	204	"	"	22	4.88	7	Doz Braid			50	3.50	144	"	"	2	2.88
1	44 "	"	50	22	00	9	"	"	71	1.39	30	yds Ribbon			88	26.40	221	"	"	10	22.10
1	2 "	"	150	3	00	9	"	"	111	9.90	11	"	"		63	6.30	7	Chemise		55	3.85
3	22 "	"	75	16	50	8	"	"	111	11.40	11	"	"		22	2.20	12	"		250	30.00
3	116	Under Shirts	50	58	00	7	"	"	88	6.16	1	"	"		83	4.98	20	"		50	10.00
1	1	Sat Remnants		5	00	13½	"	"	83	11.20	8	"	"		19	1.52	50	"		100	50.00
1	134	Silk "		81	30	41	"	"	100	4.00	10	"	"		16	1.60	14	"		65	9.10
8	7 3/4	Bunting "		1	20	48	"	"	12	5.76	16	"	"		16	2.56	8	"		100	8.00
1	211	Silk "		12	50	41	"	"	16	6.56	60	"	"		49	29.40	9	"		80	7.20
1	103	Cashmere "		57	00	82½	"	"	6	4.95	8	"	"		100	8.00	19	"		150	28.50
1	127	Bunting "		34	65	112	"	"	13	14.56	10	"	"		12	1.20	13	"		175	9.75
2	22	Table Cloth "		13	60	24	"	"	20	4.80	10	"	"		66	6.60	9	"		150	13.50
12	16	Lawn "		83	90	85½	"	"	11	9.40	250	"	"		10	25.00	8	"		75	6.00
1	13	Gingham "		1	30	18	"	"	16	10.88	100	"	"		9¾	14.62	4	"		200	8.00
1	18	Mull "		5	00	36	"	"	4	1.44	6	"	"		50	3.00	3	"		125	5.25
1	37	Dress "		8	70	118	"	"	10	11.80	10	"	"		12½	1.25	5	Skirts		400	20.00

District Court Minutes, In Vacation Term, 188

Friday the 12th day of September 188 4

Printers, Lithographers and Stationers, St. Louis.

	" Skirts	3	00	12	00	1/3 Doz	Buttons	4		2.52	3/4 Doz	Hdkfs	60	2	00	6	Neck Ties	2	40	14.40
	7 "	2	00	14	00	23 "	"	7		1.61	2 3/4 "	"	1	10	3.02	1	" "			3.00
	2 "	3	00	6	00	7 "	"	8		5 1/2	3 "	"	1	40	4.20	1	" "			1.15
	9 "	1	35	12	15	64 "	"	8	2 1/2	1.75	3 1/2 "	"	12	1/2	4.33	1	" "			4.40
	7 "		50	3	50	176 "	"	13		22 88	1/4 "	"	4	45	1.16	3	" "	3	30	9.90
	7 "		60	4	20	8 1/2 "	"	3		1.13	8 "	"	4	00	32.00	12	" "	2	00	24.00
	7 "	3	25	22	75	87 "	"	8		6 96	1/4 "	"	2	00	50	2	" "		75	1.50
	6 "	1	25	7	50	19 "	"	13		2 47	2 "	"	2	40	4 80	1	" "			50
	6 "	1	00	6	00	1 "	"			50	8 "	"		60	4.80	4	Collars		25	1.00
	6 "		50	3	00	24 "	"	15		3.60	3 "	"	1	50	4.50	3	"		55	1.05
	9 "		60	5	40	145 "	"	11		15.95	2 1/2 "	"	1	10	2.75	3	"		71	2.13
	12 "	2	00	24	00	216 "	"	5		11.80	1/2 "	"	4	00	2.00	7	"	1	00	7.00
	10 "	1	60	16	00	338 "	"	12	1/2	42.25	8 3/4 "	"	1	80	15.75	12	"		20	2.40
	8 "	1	00	8	00	40 "	"	13		5.30	5 "	"		26	1.30	126	Mull Hdkfs		22	27.22
	11 "		65	7	15	72 "	"	10		7.20	180 "	"		22	39.60	28	" "		30	8.40
	26 & Collars	6		1	56	32 "	"	40		12.80	1 "	"			3.80	9	" "		30	2.70
	18 " "	5		3	00	81 1/2 "	"	30		24.45	14 "	"	3	00	42.00	66	" "		25	16.50
	24 " "	16		3	82	35 "	"	8		2.80	1 "	"	2	10	12.00	127	yds Trimg		15	19.05
	3 " "	40		1	80	81 1/2 "	"	20		16.30	3 1/2 "	"	1	00	3.55	79	" "		30	23.70
	11 " "	25		1	00	168 1/2 "	"	15		25.27	2 "	"		50	1.00	22	" Mull		30	22.20
	36 " "	22		7	92	113 "	"	19		21.42	7 Hdkfs			40	2.80	24 1/2	Doz Buttons		21	5.15
	5 " Belts	25		1	25	4 "	Ties	10		2.40	17 "			20	13.40	39	" "		25	9.75
	190 Op Knit Dick	25		47	50	1	Lace Back			8.10	50 "			19	9.50	7	Sashes	3	00	21.00
	1000 " Buthole "	3 1/2		35	00	70	yds Embroidy	25		17.50	29 "			22	1.38	131	yds Trimings		25	37.25
	105 Doz Dick Thr.	85		89	25	31 "	"	33		10.23	35 "			23	8.05	19	" "		70	13.30
	1/2 yds Emb Flannel	40		2	40	1/2 "	Nett	5		3.60	14 "			16	2.24	20 1/2	" "		66	13.53
	2 " "	20		40		51 "	Embroidery	55		28.05	53 "			5	2.15	72	" "		36	25.92
	14 3/4 " "	88		12	98	7	Lace Hdkfs	1	00	7.00	1/2 "			10	6.30	25 Doz	" "		15	3.25
	22 " "	1	00	22	00	4	Collars	50		2.00	2 "	"		34		68	28 Collars		50	14.00
	25 3/4 " "	1	30	29	57	5	"	75		2.25	10 "			40	4.00	4	"		75	3.00
	16 " "	32		5	12	8	Cuffs & Collar	13		1	14	11 Neck Ties		60	6.60	5	"		21	1.15
	98 " "	55		14	44	3	Collars	2	75	8.25	2 "	"		60	12.00	4	Lace Ties	2	00	8.00
	39 Pairs	18		21	52	7	"	1	40	9.80	10 "	"		50	5.00	1	" "			1.00
	21 "	1	25	26	25	2	yds Blk Crape	1	10	2.20	3 "	"	1	00	3.00	4	" "		50	2.00
	93 1/2 Doz Buttons	10		9	35	4	" "		60	2.40	5 "	"	2	00	10.00	5	" "	3	00	15.00
	80 " "	20		16	00	10	" "	1	75	17.50	4 "	"		75	3.00	7	" "		75	5.25
	171 " "	5		8	55	8	" "		66	5.28	8 "	"		75	6.00	4	" "	1	00	4.00
	82 1/2 " "	1	2	5	36	18	" "	1	00	18.00	9 "	"		75	1.75	23	" "		12 1/2	2.87
	19 " "	7		1	33	10 Doz	Hdkfs	80		32.00	2 "	"		40	80	14	" "		20	2.80
	210 1/2 " "	10		21	05	3	" "	1	60	4.80	12 "	"	1	15	13.80	20	" "		5	1.00

District Court Minutes, In Vacation Term, 188

Friday the 12th day of September 1884

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

28	Laces Ties	15	3.20	10½ yds	Vel Ribbon	2	2.10	5	Under Shirts	82	26.00	24 yds	Linen	33	13.20				
210	" "	25	52.50	75 "	" "	15	10.25	14	" "	30	1.20	36 "	"	12	15.12				
54	Pro La Nasa	86	46.44	11½ "	Embroidery	12½	2.06	4	" "	23	3.50	14 "	"	33	4.62				
80	" " "	70	56.00	1 "	"	80	80	6	" "	100	4.00	21 "	"	20	4.20				
193	" " "	35	17.55	2 "	"	75	1.50	12	" "	75	4.50	8	Bed Quilts	2.20	17.60				
78	" " "	50	39.00	58½ "	"	30	17.55	2	Prs Drawers	1.00	2.00	2 "	"	1.15	3.30				
276	" " "	30	82.80	131 "	"	20	26.20	2	" "	1.00	2.00	5 "	"	1.95	9.65				
44	" " "	37	16.28	26	Hdkfs	12½	3.25	6	" Gloves	82	11.40	5 "	"	5.20	24.60				
145	" " "	10	14.50	14	Collars	5	1.45	3	" "	82	11.40	14 "	"	2.65	11.55				
57	" " "	40	22.40	1 doz	Sleeves	385	385	24	" "	25	6.00	14 "	"	2.05	28.70				
31	" " "	75	23.25	9 yds	Embroidery	25	22.75	7	" "	1.00	7.00	21 "	"	1.85	12.95				
21	" Silk "	1.60	6.40	88½ "	"	33	29.20	19	Doz Hose	40	11.40	2	Bot Cologne	25	5.25				
8	" " "	2.00	16.00	11 "	"	88	8.40	200	yds Crash	8	11.00	10 "	Hair Oil	10	1.00				
18	" " "	2.75	13.50	10½ "	"	16	16.08	289	" "	9	21.55	1	Set Buttons		25				
211	" " "	1.50	30.00	11 "	"	23	4.21	231	" "	11	25.41	1	Belt						
8	" " "	1.30	10.40	32 "	"	40	12.80	114	" "	10	11.40	6	"		90				
295	" Sa "	15	41.25	115½ "	"	22	25.41	7	Doz Shirt Collars	85	5.95	1	"						
147	" " "	25	36.75	49 "	"	50	29.50	4	Parasols	1.25	5.00	2	"		85				
39	" " "	25	9.75	5 "	"	8	40	9	"	3.30	29.70	1	"						
42	" " "	27	11.34	31 "	"	11	3.41	2	"	4.40	8.80	7	"		1.15				
92	" " "	110	36.80	24 "	"	2	68	15	"	2.20	33.00	45	Doz Napkins		50	22.50			
25	" " "	60	15.10	81 "	"	6	1.86	1	"	1.85	1.85	5	"		93	4.65			
26	" " "	30	7.80	29½ "	"	19	5.60	1	"		2.50	2½	"			4.00			
8	" " "	40	3.20	257 "	"	12½	57.82	2	"	2.35	4.70	1	"			1.37			
60	" " "	36	21.60	143¾ "	"	8	11.48	2	"	1.81	2.10	1	"			1.15			
72	" " "	35	23.76	28½ "	"	18	4.27	1	"		1.50	3	"		2.00	6.00			
72	" " "	31	22.32	37½ "	"	10	37.05	2	"		.70	1.40	4	"		3.32			
109	" " "	22	23.98	245 "		22	53.90	5	"	1.10	5.50	2	"		1.68	3.26			
134	" " "	20	26.80	1 Set	Rem Ribbon		22.55	7	"		.85	5.95	5	"		1.93	9.65		
135	" " "	12½	16.83	1 "	" Ends		16.85	8	"	1.10	8.00	5	"		2.30	11.50			
8	" " "	40	3.20	1 "	" "		5.00	1	"		.10	6½	"		2.11	7.15			
84	" " "	22	18.48	42	Ch Caps	25	10.50	2	"	4.10	8.20	4	"		2.00	8.00			
33	" " "	15	4.95	220	Cards Silk Thrd	5	11.00	28	"	1.93	54.04	2	"			1.52			
141	" " "	11	17.71	247	Op Knit Silk	25	61.75	1	"		.75	7	"		40	4.20			
82	" " "	70	57.40	1	Braid Sack		1.05	9	"		55	4.95	9	Quilts		4.95			
157	" " "	25	39.25	1 Set	Sa Collars		2.00	1	"		30	30	4	"		6.00			
45	" " "	50	22.50	111	Yards	83	11.62	2	"		30	40	8	"		5.52			
241	" " "	35	91.35	10	"	50	5.00	1	"			1.65	1	"		69			
139	" " "	10	13.90	13	"	48	1.20	1	"			2.10	1	"					
133	" Gloves	50	216.25	4	"	92	3.68	1	"			2.35	1	"					
227	" "	25	57.75	10	"	18	1.80	4	"		83	3.32	8	"		41			
203	" "	80	162.40	3	"	1.10	3.30	1	"			49	14	"		1.85			
319	" "	35	111.65	1	"		41	25	"		50	12.50	3	"		1.32			
33	" "	1.25	41.25	1	"		1.50	3	Gloves	1.37	4.11	3½	"			88			
156	" "	1.00	156.00	2	"	15	1.30	48	"		96	46.08	11½	"		2.40			
10	" "	1.50	15.00	2	"	1.10	2.30	2	"		31	62	7½ yds	Cambric	8¼	5.91			
78	" Mitts	45	35.88	2	"	1.00	2.00	10	"		68	6.80	2	Linen Duits	2.00	4.10			
61	" "	31	18.91	1 Set	Collars		2.50	11	"		83	9.13	27	Misses Dusters	1.14	30.78			
12	" "	22	2.64	175	Cuff Buttons		1.75	45	"		55	24.75	10	Ladies "		2.50			
70	" "	25	17.50	4	Datatulls	3.30	13.20	18	"		32	5.76	11	" "		83			
15	" "	20	3.00	2	"	2.00	4.00	3	"		68	2.04	3	" "	1.00				
73	" "	40	29.20	1	"		1.00	24	"		18	4.32	1	" "					
7	" "	70	4.90	7	"	15	4.55	88	"		10	3.80	1	" "					
26	" "	60	15.60	1	"		2.00	10	"		66	6.60	3	" "	1.80				
1141	Pkt Twist	3½	40.11	9	"	1.10	9.90	14	"		19	2.66	4	" "	2.75				
101	Doz " Thread	85	85.85	4	"	75	3.00	15	"		46	6.90	11	" "	3.00				
116½	yds Vel Ribbon	10	11.65	1	"		.65	9	"	1.10	9.90	9	" "	1.13					
44	Doz Silk Thread	85	37.40	2	"	1.10	2.20	25	"		28	5.75	8	" "	2.00				
144	Spools Twist	3½	5.04	1	"		.75	11	"		13	1.48	6	" "	1.56				
6	yds Vel Ribbon	11	.60	5	"	1.00	5.00	11	"		35	3.85	2	" "	1.15				
16	" " "	44	7.04	82	Money Purses	6	3.12	15			17	7.65	3	" "	1.03				
49	" " "	5	2.45	1398	yds Gingham	10	139.80	57½	yds Elastic		5	2.57	5	" "	1.37½				
29	" " "	25	7.25	222½	" "		9.60	4	Under Shirts		25	1.00	12	Shav Brushes	42				
14½	" " "	22	3.19	48	" "	27	12.96	108	yds Sack Goods		33	33.99	4½	Doz Tape	15				
17½	" " "	8	1.40	187	" "	15	21.50	11	" White Linen		88	8.30	12	Bibbed Capes	1.10	13.20			
4	" " "	31	1.24	1½	" "	27	18.12	30	" " "		47	14.11	4	" "	82	3.28			
27	" " "	12½	3.37	553	" Calico	6	33.18	20	" " "		23	4.60	4	" "	2.00	8.00			
22	" " "	15	03.30	1151	" "	10	115.60	63	" " "		25	15.75	18	Ch Rubber Bibs	11	1.98			
70	" " "			120	" Crash	4	4.80	159	" " "		50	79.50	1	Linen Suit		3.85			
70	" " "	20	14.00	547	" "	5	27.35	6	" " "		49	2.94	3	Gingham "	2.06	6.18			

Court Minutes, Term, 188

the day of 188

Printers, Lithographers and Stationers, St. Louis.

				7	Lambrequins		81	2	17	1116	Yds	Ginghams	10	116	70	3	Trunks	3	55	11	55
				5			30	1	50	121	"	"	22	32	67	11	"	1	15	16	60
6	Pr Curtains	1	50	9	00	9	Bed Spreads	2	20	198	0	135	"	Ruching	8	6	77	7	"	2	76	19	32
3	" "	2	20	6	60	3	" "	5	65	169	5	54½	"	"	10	5	75	9	"	2	15	19	35
4	" "	4	85	19	40	8	" "	3	03	15	18	10	"	"	33	3	50	6	"	1	11	5	50
8	" "	1	65	13	20	11	" "	2	45	13	80	12	"	"	73	8	76	11	"	1	65	9	90
2	" "	1	65	6	60	2	" "	1	25	3	50	11	"	"	41	6	56	2	"		65	2	20
5	" "	1	85	9	25	3	" "	1	93	5	79	11	"	"	11	1	21	2	"		60	12	00
7	" "	1	75	8	75	1	" "			1	50	11½	"	"	45	5	17	2	"	1	30	9	10
100	yds Curtain Tape		10	10	00	1	" "			5	22	13	"	"	31	3	90	1	"	5	10	15	20
23	" " "		11	2	53	10	" "		90	9	00	14½	"	"	22	14	19	131	Hats	1	95	3	71
18	" " "	2	11	4	32	6	" "	1	05	6	30	22	"	"	30	4	51	94	Vests		25	23	50
36	" " "	2	22	7	92	2	" "		77	1	44	4	"	"	9		36	53	pr Pants		50	26	50
20	" " "	15½		3	10	20	" "	1	10	22	"	31½	"	Trimming	15	11	72	19	" "		45	12	30
40	" " "	36		14	40	2	" "		33	6	60	112	"	"	11	12	32	24	Coats		35	25	90
135	" " "	22		29	70	1	" "			1	37	190½	"	"	7	13	33	17	"	1	25	21	25
17	" " "	19		3	23	3	" "	2	20	6	60	13	"	"	4		52	35	"	1	60	56	00
24	" " "	18		4	32	21	" "	1	12	4	48	2	Table Cloths		2	00	4	00	12	"	2	00	24	00
24	" " "	44		10	56	4	" "	1	93	7	72	8	Trunks		1	25	10	00	8	"	3	25	9	75
24	" " "	17		4	08	3	" "		23		69	5	"			75	3	75	15	pr Blankets	2	40	36	00
14	" " "	23		3	68	12	" "	1	95	23	40	1359	Patterns			5	67	95	12	" "	1	90	22	80
85	" " "	18	8	11	47	8	" "	2	30	18	40	40½	yds Ribbon			9	4	09	11	" "		43	12	72
12	" " "	12		7	44	17	" "		83	14	11	26	"	"		42	1	17	8	" "	2	20	17	60
28½	" " "	22		5	17	16	" "		77	12	32	21	"	"		12	2	40	7	" "	1	75	19	25
86½	" " "	11	4	4	06	5	Lap Robes		76	3	80	21	"	"		20	4	20	1	" "			12	15
101	" " "	14		14	14	5	pc Tin Diaper	1	47	7	35	288½	"	"		5	11	23	2	" "	8	80	17	60
18	Bed Ticks	1	75	31	50	9	" Cot		77	6	93	349	"	"		7	17	46	2	" "	1	50	3	00
3	" "	2	00	6	00	4	" " "		83	3	21	78½	"	"		13	9	55	2	" "	1	10	2	20
5	Table Cloths	3	00	9	00	10	" " "		66	6	60	7½	"	"		50	3	75	7	" "	4	30	30	10
	" " "		80	3	20	4	Quilts	2	40	9	80	84½	"	"		6	5	09	9	Lap Robes	1	50	13	50
14	" " "	1	00	14	00	3	Tics		30		90	10	"	"		3		30	3	" "	2	30	9	20
36	" "		71	21	30	4	"		50	5	00	52½	"	"		15	7	92	2	" "	2	85	5	55
19	" "		33	1	27	7	N d Kfs		50	3	50	75½	"	"		14	10	57	32	Sa Vests		25	8	00
4	" "	1	35	5	40	20	yds Trimming		8	1	60	74½	"	"		10	7	45	24	" "		40	9	60
11	" "	1	50	11	50	50	" "		5	2	50	47½	"	"		3½	1	45	8	" "		45	3	45
4	" "		92	3	68	10	" "		25	2	50	138	"	"		11	5	52	6	" "		60	3	60
2	" "		88	1	76	34	" "		10	3	40	111	"	"		11	12	10	11	Coat & Hoods	2	20	8	80
9	" "		40	3	60	12	" "		15	1	80	10½	"	"		17	1	74	11	" "	1	65	6	60
1	" "			1	55	7	Collars	1	00	1	00	68	"	"		5	3	40	3	" "	1	50	11	50
4	" "	2	90	11	00	1	Sat & d Kfs				50	202	"	"		4	8	08	1	Jacket			1	10
11	" "		75	8	25	19	Pr Gloves		15	2	85	12½	"	"		19	2	37	20	Yds Braid		45	9	10
15	" "	1	20	18	00	11	Collars		10	1	10	11	"	"		6	2	60	2	Comforts	1	35	33	75
7	" "	5	00	35	00	1	"				70	121	"	"		14	2	24	046	100 Yds Domestic		7	14	35
3	" "	6	00	18	00	6	"		35	1	50	22	"	"		6	1	32	209½	" "		8	16	74
5	Doz Towells	1	75	8	75	25	"		5	1	25	10	"	"		11	1	10	1091¾	" "		6	65	50
9	" "		44	3	96	33			55	18	15	10	"	"		3		30	173	" Duck		11	19	03
111½	" "		80	11	60	1	Dr dy				70	24	"	"		18	4	32	115	" Ticking		6	6	90
6	" "	1	37	6	85	2	"		30	1	00	5	"	"		26	1	30	55	" Cant Flannel		15	8	25
4	" "	2	75	11	00	1	Table Cloth				50	17	"	"		6	1	02	83½	" " "		6	20	26
9½	" "	3	00	28	50	24	Collars		30	7	20	274½	"	Drilling		8	1	02	274½	" Drilling		8	21	98
6	" "	1	90	11	40	1					95	115	"	Shirting		8	3	40	39½	" Shirting		23	9	18
1	" "			2	00	1	Sat Hair Mat				95	55	"	"		55	30	25	134	" "		25	33	50
2	" "	2	60	5	20	68	Collars		5		50	62	"	"		9	2	00	58	48 " "		30	14	40
11	" "	6	00	24	00	3	Satchells		75	3	40	11	"	"		50	2	00	358	" "		30	71	60
4	" "	2	30	9	20	5	Bustles		85	2	25	75	"	"		40	30	00	49	" Calico		4	1	96
3	" "	3	60	10	80				25	1	16	74¾	"	"		60	14	85	138	" "		6	14	28
19	" "	2	75	52	25	20	"Hats		25		80	38½	"	"		5	1	92	85¾	" "		4	34	19
4	" "	4	40	17	60	9	"		25	8	50	25¾	"	"		14	2	22	182	" "		10	18	20
1	" "			3	30	20	"		35	3	15	17¾	"	"		49	8	81	496	" Cambric		7½	37	20
8	" "					23	"		55	11	00	4½	"	"		13		58	15	Comforts		70	10	50
67	" La Collars	1	10	73	70	18	"		50	11	50	30½	"	"		16½	4	95	9	"		40	3	60
110½	" "		55	22	27	5	"		30	3	30	22½	"	"		38	8	55	5	"	1	25	6	50
31½	yds Sk Elastic		20	6	30	6	"		33	1	65	9	"	"		41	3	60	5	"	2	00	11	00
1045	Cat		4	41	80	14	4 pro Nose		42	2	10	30½	"	"		19	5	79	3	Sa Sacks	1	50	4	50
12	Dicies		40	4	80	1	Job Cot		10	1	40	7½	"	"		20	1	50	13	" "	1	00	7	00
8	"		85	2	80	44	Ornaments			1	00	12¼	"	"		66	8	08	21	" "	1	50	32	50
5	"		12		60	21	"		8	3	52	7	"	"		38	2	66	2	" "	1	90	3	10
3	"		39	1	95	21	Doz Buttons		10	2	10	11¼	"	"		20	4	90	17	" Shawls	1	38	8	50
4	"		33		99	90	" Pearl "		10	2	10	6	"	"		15	1	69	15	"	2	00	2	00
9	"		60	2	40	10	Sk Silk		5	4	50	3	"	"		15		90	7	"	1	10	7	70
12	"		18	1	62	3	Doz Safety Pins		2	2	20	19¼	"	Fringe		30	1	05	5	"	4	00	20	00
9	Lambrequins		35	4	20	7	" Hair Nets		15		45	10	"	"		57	9	82	1	"	1	00	4	00
27	"		35	3	15	48	" " Pins		60	4	20	11¼	"	"		41	4	10	1	"		60	7	80
7	"		41	11	07	10	Dress Shields		10	4	80	10	"	"		41	2	66	1	"	3	00	4	00
2	"		32	2	24	7	Ties		10	1	05	6½	"	"		41	2	66	3	"	3	60	33	00
24	"		31		60	2	Feather Braids		50	3	50	14	"	"		44	6	16	2	"	6	00	10	80
12	"		22	5	28	29	" "		35		70	18	"	"		62	10	16	15	"	5	00	12	00
4	"		20	2	40	9	pc Pins		10	2	90	14	"	"		41	5	74	19	"	1	00	15	00
5	"		65	2	60	102½	Doz Cards pins		5		45	11	"	"		41	4	51	17	O Skirts	1	50	15	00
11	"		36	1	80	46	B d Hair Pins		5	2	30	7¼	"	Cant Flannel		8	5	92	15	"		75	6	75
			39	4	29	1	" Thread			2	50	57	"	" "		7	3	99	10	"		33	5	50
																				1	50	10	00

Court Minutes, Special Vacation Term, 188

the 12 day of September 188 4

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers,

						2	Cloaks	6 00	12 00	1 Shawl		11 00	1 Safe		50 00
						3	"	4 00	12 00	120 3/4 Bricks	6	25 36	1 Stove pipe		4 00
3	Dick	Cloaks		11 12	30 11	10	"	3 85	38 50	52 Yds	7	3 64	2 Small Trucks		1 00
1	"	"			17 00	20	"	3 30	66 60	1 Pr Blankets		1 50	2 " "		1 50
1	"	"			24 50	2	"	5 10	10 20	1 " "		2 90	1 Mirror Coat		25 00
1	"	"			11 50	4	"	4 00	16 00	5 Hoop Skirts	71	3 55			
1	"	"			17 00	1	"		19 35	12 " "	50	6 00	18 Stools	75	13 50
3				15 00	45 00	1	"		10 00	6 " "	92	5 52			
1	"	"			11 50	4	"	4 95	19 80	10 Satchells	95	7 50	2 Counters	7 50	15 00
3	Atkins	"		20 00	60 00	1	"	3 00	21 00	2 Pr Curtains	200	4 00			
13	"	"		3 00	9 00	13	"	4 90	63 70	7 Table Covers	50	3 50	10 Stools	50	5 00
3	"	Jerseys		2 50	17 50	20	"	11 40	88 00	9 Sandoguins	35	2 25			
57	yds	Calico		2 00	62 00	18	"	3 30	59 40	1249 Yds Dom	6 3/4	8 37	6 Ornament Stands		2 50
11		Jerseys		1 50	3 12	11	"	3 30	36 30	39 " Jeans	12 3	3 62			
11	yds	Calico		11	16 50	2	"	5 50	11 00	311 1/2 " Calico	10	31 15	1 Soothing Syrup		1 00
214	"	"		15	1 21	1	"	6 00	6 00	367 " "	5	14 35			
113	"	Jeans		30	32 10	1	"		8 25	1 Box pen knives		3 50	1 Show Case		15 00
28	"	"		12	33 90	1	"	11 50	57 50	1 Set silk Fringe		2 50			
27	1/2	"	"	27	9 66	1	"			1 Table Press		1 50	1 Step Ladder		1 00
46	pr	Shoes		55	7 96	5	Shawls	3 50	18 00	2 Waste Baskets		75			
71	"	"		40	11 50	4	"	2 10	8 40	1 Office desk		10 00	1 Small Desk		1 00
					28 40	3	"	3 30	9 90						

It is further ordered that said Sheriff give ten days previous notice by announcement in some Daily News paper published in the City of Austin of the time and place of sale and that said Sheriff may if he thinks the interest of all parties will be subserved thereby sell said goods in bulk as a stock instead of by the piece

A. S. Walker
Judge &c

Abe Alexander
vs
J Malvins Ky
Rosa Bibirstein
vs
J Malvins Ky

Referring to order made in above cause against the Defendant for testimony to necessity of sale Ordered that the said goods wares Merchandize &c be sold on Notice as in former order

In Chambers Sept 12 1884

A. S. Walker
Judge &c

District Court Minutes, October Term, 1884.

Monday the 6th day of October 1884.

Printers, Lithographers and Stationers, St. Louis.

The State of Texas } Be it remembered that at a term
Travis County } of the Honorable District Court of
Travis County begun and holden at the Court House thereof
at the City of Austin on Monday the 6th day of Oct-
ober A D 1884, the same being fixed by law for the holding
of said Court. Present and presiding the Honorable A. S. Walker
Judge of the 26th Judicial District of the State of Texas,
James D. Sheeks District Attorney of said District. Jas-
P. Hall Clerk of said Court and M. M. Haynesby Sheriff
of said County being present the following proceedings were
had viz:

7260 — Wesley Russell vs Ann Russell } And now on this the 6th day of October 1884 this
cause coming on for trial, came the parties by
their attorneys, and announced themselves ready
for trial and a Jury having been waived, the matters
in Controversy in this Case as well of law as of fact was
submitted to the Court. And the Court having heard the
evidence and argument of Counsel thereon is of the opinion
that the material allegations in plaintiffs petition
contained are true and that the plaintiff is entitled
to the relief prayed for. It is therefore adjudged and
decreed by the Court that the bonds of matrimony hereto-
fore existing between the plaintiff Wesley Russell and
the Defendant Ann Russell be and they are hereby
dissolved and that the plaintiff do have and recover
of the Defendant all his costs in this behalf expended
for which execution may issue.

7296 — Ex Parte John Lindstrum } Naturalization
United States of America
The State of Texas County of Travis

District Court October Term AD 1884

At a term of the District Court held in and for the
County of Travis in the City of Austin on the 6th day of
October in the year of our Lord one thousand Eight
hundred and Eighty four Present the Honorable A. S.
Walker. Be it remembered that on the said day
personally appeared in open Court John Lindstrum
an alien, and subject of the King 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 declaration on oath of

District Court Minutes, October Term, 1884

Monday the 6th day of October 1884

No 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

A.R. Morris and H M Metz both citizens of the United States of America that said John Lindstrum 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 of the same and the said John Lindstrum 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 Congress and is entitled to the benifits 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 what ever and particularly to the King of Sweeden of whom he was a subject. It was therefore ordered by the Court that the said John Lindstrum be admitted and he is hereby admitted to be a Citizen of the United States of America —

Court adjourned till tomorrow Morning 10 oclock.

Tuesday October 7th 1884.

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

2955. Atty Thompson vs A. A. Barnes et al — No Counsel appearing Continued —

2958 — Atty Thompson vs Geo. Saunders — No Counsel appearing Continued —

3030. Giles A. Burdett Admr. vs W. B. Burdett et al. Continued by Consent —

4320 — A. G. Paragon Vs H. & T. C. R. R. Co — Set for trial by Consent for December 2nd 1884

4473 — Morgan C. Hamilton vs Geo. W. Glascock et al, Passed by Consent —

4795 John C. Duval et al Vs Robt Creighton et al, Passed by Consent for return of Commissioner —

Dishich Court Minutes, October Term, 1884

Tuesday the 7th day of October 1884

Printers, Lithographers and Stationers, St. Louis.

5021 ✓ J. B. Wygull et al vs The State of Texas. Passed to end of docket—

5274 ✓ J. R. Ray et al vs Vincent Chambers et al—Continued by consent—

5383 ✓ Becky Pickett vs Lee Pickett, To consel appearing, Continued.

5431 ✓ W. S. Carrithers vs R. W. Crawford, Set for October 25th 1884.

5447 ✓ Mary A. Smithee vs Smithee Bugue and Campbell Continued by consent

5449 ✓ Thmas T. Kemp vs Leo Krug—Continued.

5452 ✓ Mary A. Smithee vs Smithee & Campbell, Continued by consent—

5454. ✓ Mary A. Smithee vs James M. Smithee and E. W. Shands Upon motion of plaintiffs attorney it is ordered by the Court that this cause be and the same is hereby dismissed at plaintiffs cost for which let execution issue—

5521. ✓ John T. Allen vs A. H. Belo et al Continued by consent—

5530 ✓ D. The Ayres vs. N. C. Walsh Com. &c Continued by consent—

5559. ✓ D. L. Cross et al. vs Ella Carter et al. Upon motion of the attorney for defendants—and the plaintiff being called at the Court house door by the Sheriff and 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 recover of and from the plaintiffs and sureties on their cost bond limit: all costs in this behalf expended for which let execution issue—

5584 ✓ Joe A. Stewart vs A. H. Belo & Co—Continued by consent—

5592 ✓ B. H. Jaynes Sons vs Leander Brown et al. It appearing to the Court that the appeal in this case had been dismissed in the Supreme Court it is ordered by the Court that this case be now dropped from the docket.

5625 ✓ Jurge Thomas vs Easter Thomas. Continued for service.

5677. ✓ Catherine Wagena vs Joseph Wagena—As counsel appearing Case Continued—

5692 ✓ J. N. Casey vs Augusta Casey, Passed by consent.

5695 ✓ W. A. Bell et al. vs E. W. Shands et al Continued by consent.

5696 ✓ W. A. Bell et al vs Ed Williams. Upon motion of plaintiffs attorney it is ordered by the Court that this cause be

Dis'trict Court Minutes, October Term, 1884

Tuesday the 7th day of October 1884

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

And the same is hereby dismissed at Plaintiffs Cost for which let execution issue.

5769. Amanda Brinn vs Henry Brinn. Set for trial for Saturday October 11th 1884.

5838 Sarah E. Pittman vs J. R. Pittman Upon motion of Plaintiffs Attorney it is ordered by the Court that this cause be and the same is hereby dismissed at Plaintiffs Cost for which let execution issue.

5848 Joe. A. Stewart vs Mc. C. Reagan, No Counsel appearing Case Continued —

5851 A. R. Prince et al vs R. W. Duke et al - By consent set for hearing for October 18th 1884.

5867 W. W. Henry et al vs Francis D. Henry et al Continued by Consent —

5940. Abit Weir et al — vs Felix E. Smith et al.- By consent of the parties case set for trial for October 17th and ordered by the Court that defendants have leave to file 1st Amended original answer and Plaintiff 1st Amended original petition,

5981. Joseph Brinn vs Mary Brinn — By consent case passed —

6010 S. B. Mayo vs A. & N. W. R. R. Co. & Sandford & Son. It is ordered by the Court that Plaintiff have leave to file 1st amended original petition,

6011 G. E. Cromwell vs Austin & North Western Rail Road Company & Sandford & Son — } And now on this day this cause being called for trial came the parties Plaintiff and defendant The Austin & North Western Rail Road Company by attorneys and thereupon the attorney for the said defendant The Austin and North Western Rail Road Company moved the Court to dismiss this cause as to said defendants in accordance with the judgment and mandate of the Supreme Court filed herein It is thereupon ordered by the Court that this cause be and the same is hereby dismissed against the said Austin & North Western Rail Road Company and that said defendant Company do have and recover of the Plaintiff G. E. Cromwell and surities on his Cost bond herein all costs in this behalf incurred for which execution may issue, and it further appearing to the Court that the judgment secured by plaintiff against the defendants Sandford & Son in this cause had been

Printers, Lithographers and Stationers, St. Louis.

Dis'tr'ict Court Minutes, October Term, 1884

Tuesday the 7th day of October 1884

affirmed by the Supreme Court it is therefore ordered that the same be enforced as ordered at a former term of this Court and this cause be now dropped from the docket.

6018 Charles Wolf vs Matilda Jordan et al — By consent cause set for hearing for October 13th 1884.

6024 Rosa Cashman vs Jas. W. Cashman — No counsel appearing Cause Continued

6026 Annie Sims vs Wesley Sims. Upon motion of plaintiffs attorney it is ordered by the Court that this cause be and the same is hereby dismissed at plaintiffs cost for which let execution issue —

6037 Mandy L. Nutter — vs I. & G. N. R. R. Co. By agreement set for Novembr 24th 1884 for hearing —

6044 R. N. Savard vs Virginia C. Savard — No Counsel appearing Cause Continued

6074 John A. J. Stollert vs Francis T. D. Stollert. } The death of the defendant in this cause being suggested upon motion of plaintiffs attorney it is ordered that this cause be and the same is hereby dismissed — and further ordered that plaintiff pay all costs in this behalf expended for which let execution issue.

6077 John Ortney vs Jennie M. Nute admrx. Passed —

6078 Caroline Kemp vs Alfred Kemp. Set for hearing for October 11th 1884.

6082 Mary E. M. Wilson vs M. M. Hornsby Sheffield et al — Passed —

6098 W. B. Shaw vs John A Webb — Set for hearing for October 10th 1884.

7001 Estate of C. Billy Lobb — No Counsel appearing Cause continued.

7004 William Bird vs A & T. C. R. R. Co. Set for hearing for December 1st 1884.

7011 Martha Junkin vs John Junkin — Upon motion of plaintiffs Attorney it is ordered by the Court that this cause be and the same is hereby dismissed at plaintiffs cost for which execution may issue —

7017 Louisa Kinney vs N. B. Kinney Jr. Continued by consent —

7022 Henry Dixon vs Julia Dixon — No counsel appearing Continued —

7033 John Richards vs Jno. P. Kirk Passed —

7058 R. E. McAnnely vs Geo. W. Littlefield — Passed for arbitration And it is ordered by the Court that plaintiff have leave

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Tuesday the 7th day of October 1884.

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

to file 1st amended original petition and the defendant has leave to file 1st amended original answer –

7068 ✓ Geo. W. Malone et al. vs Geo. B. Zimpelman et al. Set for December 4th 1884

7072. ✓ T. L. Wm et al vs Jno. R. Peel The marriage of Bettie Browne one of the plaintiffs in this cause being suggested to the Court by the attorney for plaintiff, upon motion it is ordered that Thos Nolan be and he is hereby granted leave to make himself a party plaintiff herein as husband of Bettie Browne –

7076 ✓ Henry F. Wood vs Nancy Wood – No counsel appearing continued –

7078 ✓ G. W. Sampson vs W. W. McLaughlin et al Continued for service.

7084 ✓ Winchester Partridge Mfg Co. vs Thompson & McCutcheon Passed by consent –

7087 ✓ James W. Daughtry vs J. W. Hill & Wife – Passed by consent –

7089 ✓ Wm Johnson vs I & G. N. R. R. Co – Set for hearing November 27th 1884.

7090 ✓ Charles Mueller vs Augusta Mueller – Continued for service –

7097. ✓ Ellen D. Rottammel et al. vs F. O. Skidmore et al – Set for October 16th 1884

7098 ✓ H & T. C. R R. Co vs S A Barr – Passed by consent –

7099 ✓ H. & T C R R Co vs W. J Linsay Passed by consent –

7100 ✓ H & T C. R R Co vs J W. Bateman Passed by consent –

7101 ✓ H & T. C. Ry Co. vs . B. K. Dunn Passed by consent –

7102 ✓ H. & T. C. Ry Co. vs S. A. Buckingham Passed by consent –

7103 ✓ H & T C Ry Co vs C. F. Emery Passed by consent –

7104 ✓ H & T C. Ry Co. vs W. M. Boyd Passed by consent –

7106 ✓ D H. Williams vs W H H. Singleton. Upon motion of plaintiffs attorney and it appearing to the Court that the costs have been paid in this case – It is ordered by the Court that this case be and the same is hereby dismissed –

7112 – ✓ John H Robinson Sr. vs Francis Burlage 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 costs for which execution may issue –

7116 ✓ Minnie Reeder vs Wm Ruder – Continued –

7119. ✓ T. L. Wm vs Ed Cravy – Passed –

7131. ✓ Charles Pace vs Anna Taylor – It appearing to the Court that the defendant has filed his answer in this cause

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Tuesday the 7 day of October 1884

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and his petition and bond for removal of the same to the United States Court and said petition appearing regular and bond sufficient and in accordance with the requirements of the Statute- It is ordered by this Court that- the proceedings in this cause in this Court be and the same are hereby suspended

7134 Fred Cailloin vs J. H. Collett et al. Upon motion of plaintiff it is ordered by the Court that this case be and the same is hereby dismissed at plaintiffs cost for which let execution issue

7235 Francis T. Burlage vs Joseph R. Burlage- Upon motion of plaintiff it is ordered by the Court that this cause be and the same is hereby dismissed at plaintiffs costs. for which execution may issue

5800 J. R. Robbins vs J. J. Dimmitt- Hon F. L. Morris Special Judge presiding- By consent of parties it is ordered by the Court that this cause be and the same is hereby set for trial for the 17th November 1884.

F. L. Morris Special Judge.

5826 Travis County-

vs } Upon motion of plaintiff attorney

H & T. C. Ry Co } it is ordered by the Court that this case be and the same is hereby dismissed- and further ordered that the defendant the Houston & Texas Central Railway Company do have and recover of and from the plaintiff the County of Travis all costs in this behalf expended for which execution may issue

7067 J. M. Morphis vs Jno Stringer & wife - Upon motion of defendants attorney it is ordered by the Court that defendants have leave to file 1st amended original and 1st amended supplemental answer-

Court adjourned till tomorrow morning 10 o'clock

Wednesday October 8th 1884.

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

7301. Jorge Brun } State of Texas- County of Travis:
Ex parte- } To all to Whom these presents shall come
Greeting:

In the District Court of Travis County October term

8th District Court Minutes, October Term, 1884

Wednesday the 8th day of October 1884.

No. 114. 3-82-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

At a District Court in and for Travis County held at the Court House in the City of Austin in said County, Geo. Brown made application for a Personal 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 as a practicing Attorney from the Supreme Court of the State of Ohio satisfying that said Geo. Brown was admitted as an Attorney and Counsellor of the Supreme Court of said State and he having been introduced to this Court by Hon A. J. Shelley and Louis Hancock Esq 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 Geo. Brown be and he is hereby admitted 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

7261 ✓ Wm A. Smith vs W. C. Morgan et al } And now on this day by consent of the parties to this cause came on to be heard the plea to the jurisdiction of this Court to try this cause filed by the defendant W. C. Morgan herein. And said plea having been argued and submitted and fully considered was by the Court overruled, to which ruling of the Court the defendant Morgan excepts,

7279-✓ Adolph Uhlmann } Ex parte. } And now on this the 8th day of October 1884, came on to be heard the petition and application of A. Uhlmann for an order of this Court removing his disabilities as a minor. And it appearing to the Court that the Hon J. T. Fulmore County Judge of Travis County had accepted service herein. the Court thereupon appointed Alfred R. Ritz as Guardian of said minor. and the said Ritz having duly qualified as such Guardian to act in this behalf the parties announced themselves ready for trial. And the Court having heard said petition and the evidence in support thereof, and it appearing to the Court that said application is in due form and that the allegations in said petition are true and 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 that his disabilities of minority be removed, It is therefore ordered adjudged and decreed

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Wednesday the 8th day of October 1884

that the disabilities as a minor of the said Adolph Wehrmann be and the same are hereby removed, and that the said A Wehrmann shall be held and deemed for all legal purposes of the full age of twenty one years. and shall be held responsible and have all privileges and advantages of a person of full age, except the right of Voting. Further ordered that the applicant pay all costs of this proceeding.

Court adjourned till tomorrow Morning 10 oclock

Thursday October 9th 1884

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

5848 Joe A. Stewart vs M. C. Regan. Upon motion of plaintiff it appearing to the Court that this case had been settled and costs paid. it is ordered by the court the case be and the same is hereby dismissed.

Court adjourned till tomorrow morning 10 oclock

Friday October 10th 1884

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

T139 The State of Texas vs J. M. Lindsay et al. } On this day coming on to be heard the above entitled cause, and it appearing that all the parties defendant are duly before the court, and it being made to appear to the court that the parties to the said suit have entered into the following agreement, for the judgment to be rendered and entered up by the Court:

The State of Texas vs No 4139. J. M. Lindsay et al } In the District Court of Travis County October Term A D 1884

This agreement made and entered into by and between the State of Texas plaintiff in the above entitled cause, acting by and through its Attorney General, John D. Templeton and J. M. Lindsay, Henry Lindsay, Louis Lindsay, Jennie Lindsay, W. T. Roberts, J. G. Richardson, Frank R. Melinger, C. C. Hemming, George T. Gates, E. T. Morris, James S. Scott, George Cramomer, J. H. Garnett F. L. Evans, William Hudson, E. C. Perry, A Edelman Harry Davis, W. O. Davis, E. F. Hard, M. Harwood, Elvin

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

Harrold, M. Dkard, M. F. Dkard, S. E. Dkard and the persons described in the petition on file in said cause as the unknown heirs of M. Dkard, Senior, deceased, all of whom are defendants in the above entitled cause acting by and through their Attorneys of record, Mess Walton, Hill and Walton, as parties of the second part, Witnesseth, That the said parties of the second part in consideration of the stipulations hereinafter made by the said party of the first part do hereby agree that judgment be rendered against them and each of them as defendants in favor of the State of Texas party of the first part, as plaintiff, annulling and declaring void all acts of defendants and their agents in and concerning their applications to purchase the lands described in the exhibit attached to said petition, That all of said pretended purchases and sales be declared null and void - That defendants and each of them be restrained from asserting claims to said lands under said pretended purchases and sales, That plaintiff be quieted in the possession of said lands, that all clouds be removed from plaintiffs title thereto; and for all costs of Court incurred by reason of the institution of this suit - including the fees due the proprietors of the "Capitol" for publishing the citations against certain of said defendants,

And the party of the first part in consideration of the foregoing covenants and stipulations made and entered into by the said parties of the second part will refund to them, the said parties of the second part all money & interest paid by them to its Treasury in part consideration for the purchase money due and to become due on their said pretended purchases,

It is further agreed that judgment and decree in accordance with the foregoing agreement shall be entered at the October Term A D 1884 of the District Court of the County of Travis, State aforesaid.

In testimony whereof we have hereunto set our hands at Austin this the 19th day of September A D 1884,

John D. Templeton Atty
Genl for the State of Texas
Walton, Hill & Walton
Attys for all the
Defendants.

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the day of 188

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It is thereupon considered ordered adjudged and decreed by the Court that all of the right, title, interest and claim of J M Lindsay, Henry Lindsay, Annie Lindsay, Louis Lindsay, W T Roberts J. G. Witherspoon, Frank R. Mclure, C. C. Hennessey, Geo. T. Yeates E. T. Morris. Jas. S. Scott. Geo Cramomer. J. H. Garneth, F. L. Chaves, William Hudson, E C Perry, A. Eddleman, Harry Davis W. O. Davis, E. F. Ikard, M. Harrold, Elvin Harrold, E. B. Harrold, M. Ikard, M. F. Ikard, S. E. Ikard and the unknown Heirs of M. Ikard Senior, deceased and of the firm of Ikard and Harrold, composed of the said E. F. Ikard, M. Harrold, Elvin Harrold and E. B. Harrold, and of each and all of the said defendants, in and to each and every of the following described tracts, lots or parcels of land be divested out of them and of each and all of them and of the said firm of Ikard and Harrold, and that the same be cancelled, set aside, annulled and held for naught; And that the State of Texas be quieted in the possession of said tracts. Lots or parcels of land, And that all clouds upon the said title to each and all of them on account of any claim of either any or all of said defendants be removed therefrom, and that each any and all of the said defendants be enjoined from hereafter setting up any claim right or title in or to the said tracts of land or any part thereof - to-wit:

Number of Survey.	Number of Scrip.	Name of Grantee.	Applicant.
32 Blk A 3	4/669	H & G. N R R Co.	W T Roberts.
36 " " "	4/671	"	W. T. Roberts
38 " " "	4/672	"	"
40 " " "	4/678	"	"
34 " " "	4/670	"	"
9/436 " " 4	14/2881	"	"
38 " " "	14/2884	"	"
22 " A 7.	14/2992	"	M. Harrold
42 " " "	14/3002	"	M. Harrold
38 " " "	14/3000	"	"
18 " " "	14/2990	"	"
24 " " "	14/2995	"	"
4 " " "	14/2983	"	"
2 " " "	14/2982	"	"
30 " " 7	14/2996	"	M. Ikard
30 " " "	14/3006	"	M. Ikard

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No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers

Number of Survey.	Number of cert.	Name of Grantee.	Applicant
52 Blk A 7.	14/3002	H.&G.N.R.R.Co.	M. Oland
54 " " "	14/3008	"	"
56 " " "	14/3009	"	"
58 " " "	14/3010	"	"
60 " " "	14/3011	"	"
3/46 " "	1/47	J. Pickrell	J. G. Richmond
2	456	B.B.B.&C.R.R.Co.	"
4	1/128	J. Pickrell	"
2	1/121	"	"
4	30/509	T.&N.O.R.R.Co.	"
2	37/77	"	"
6	16/225	S.R.R.Co	"
54 Blk A. 8	14/3043	H.&G.N.R.R.	Frank. R. Mellen
56 " " "	14/3044	"	"
58 " " "	14/3045	"	"
18 " " 3	4/662	"	"
20	4/663	"	"
22	4/664	"	"
2	4/6547	"	"
68 Blk 17	6/1177	"	L.C. Hemming
44 " "	6/1170	"	"
64 " "	6/1180	"	"
98 " "	6/1197	"	"
78 " "	6/1187	"	"
82 " "	6/1189	"	"
84 " "	6/1190	"	"
60 " 12	2/290	"	J.M. Lindsay
80 " "	2/300	"	"
82 " "	2/301	"	"
62 " "	2/291	"	"
42 " "	2/281	"	"
58 " "	2/289	"	"
100 " "	2/310	"	"
2 " "	269	Brooks & Burleson,	Geo. T. Gale
10	301	"	"
8	272	"	"
6	275	"	"
4	270	"	"

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Number of Entry,	Number of Deed.	Name of Grantor	Applicant
60 Blk A 4,	14/2893	M & G.M.R.R.	Leo F Gallis
48 " "	14/2887	"	"
96 Blk 13	2/308	"	Henry Lindsay
86 " "	2/303	"	"
66 " "	2/293	"	"
46 " "	2/283	"	"
54 " "	2/287	"	"
74 " "	2/297	"	"
94 " "	2/307	"	"
42 Blk A 3,	4/674	M & G.M.R.R.	E. F. Morris
44 " " "	4/675	"	"
48 " " "	4/677	"	"
50 " " "	4/678	"	"
44 " " 4	14/2880	"	"
46 " " "	14/2886	"	"
46 " " 3	4/676	"	"
42 " " 8	14/3037	M & G.M.R.R	James D. Scott.
44 " " "	14/3038	"	"
46 " " "	14/3039	"	"
26 " " 9	14/3059	"	"
34 " " "	14/3063	"	"
4 " " 5	14/2896	"	"
4 " " 9	14/3048	"	"
40 " " 8	14/3036	"	George Crammon
50 " " "	14/3041	"	George Crammon
32 " " "	14/3042	"	"
10 " 27	1/1374	"	"
10 " A 4	4/683	"	"
2 " " 5	14/2895	"	"
6 " 27	7/1372	S.F.R.R Co.	"
2	16/223	S F R R Co	J. H. Garrett.
4	16/224	"	"
2	13/2763	M & G.M.R.R.	"
2	5/720	"	"
6	816	A. B. & M.	"
4	815	"	"
2	812	"	"
78 Blk 13	2/299	M & G.M.R.R	Louis Lindsay
98 " "	2/309	"	"
84 " "	2/305	"	"

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No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers, Printers,

Number of survey,	Number of Scrip.	Name of Grantee	Applicant
64 Blk 13	7/292	N & G. N RR	Louis Lindsay
44 " "	7/282	"	"
56 " "	7/288	"	"
76 " "	7/298	"	"
74 " 17	6/1185	"	Fannie Lindsay
54 " "	6/1175	"	"
48 " "	6/1172	"	"
68 " "	6/1182	"	"
88 " "	6/1192	"	"
92 " "	6/1196	"	"
72 " "	6/1184	"	"
24 a 3	4/665	"	M. J Kard Junior
16 " 4	14/2871	"	"
18 " "	14/2872	"	"
20 " "	14/2873	"	"
28 " "	14/2877	"	"
26 " "	14/2876	"	"
24 " "	14/2875	"	"
62 " 7	14/3012	"	M. F. Kard
64 " "	14/3013	"	"
66 " "	14/3014	"	"
2 " 8	14/3017	"	"
4 " 8	14/3018	"	"
6 " "	14/3019	"	"
8 " "	14/3020	"	"
54 Blk 23	11/2310	"	F. L. Chaves
80 " "	11/2323	"	"
106 " "	13/2454	"	"
128 " "	13/2468	"	"
102 " "	13/2453	"	"
76 " "	11/2321	"	"
56 " "	11/2311	"	"
82 Blk 23	11/2324	"	E B Harrold
108 " "	13/2458	"	"
126 " "	13/2467	"	"
100 " "	13/2454	"	"
74 " "	11/2320	"	"
20 " A 4	14/2981	"	"
40 " "	14/3001	"	"

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Number of survey.	Number of Scrip.	Name of Grantee.	Applicant.
96 Blk 17	6/1196	H & G. N R R.	William Hudson
76 " "	6/1186	"	"
56 " "	6/1176	"	"
46 " "	6/1171	"	"
66 " "	6/1181	"	"
86 " "	6/1191	"	"
94 " "	6/1195	"	"
52 " "	6/1174	"	E. C Peery
50 " "	6/1173	"	"
70 " "	6/1183	"	"
90 " "	6/1193	"	"
130 " 23.	12/2469	"	"
104 " "	12/2456	"	"
78 " "	11/2322	"	"
60 " A 8	14/3146	"	S. E. Hurd
2 " " 4	4/679	"	"
4 " " "	4/680	"	"
6 " " "	4/681	"	"
8 " " "	4/682	"	"
12 " " "	4/684	"	"
14 " " "	14/2870	"	"
10 " 8	14/3021	"	A. Edelman
28 " "	14/3030	"	"
2 " 27.	7/1370.	"	"
4 " 27	7/1371	"	"
2 " 24	13/2470	"	"
4 " "	13/2471	"	"
12 " A 8	14/3022	"	"
14 " " 7	14/2988	"	E F. Hurd
28 " " "	14/2995	"	"
48 " " "	14/3005	"	"
32 " " "	14/2997	"	"
12 " " "	14/2987	"	"
8 " " "	14/2985	"	"
10 " " "	14/2986	"	"
88 " 13	2/304	"	Haroy Davis
68 " "	2/294	"	"
48 " "	2/284	"	"
52 " "	2/286	"	"

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No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

Number of Survey,	Number of Serfs —	Name of Grantee.	Applicant.
72 Bek 13	2/296	H. & G. N. R.R.	Harry Davis
90 " "	2/305	"	"
92 " "	2/306	"	"
20 Bek A 6	14/2904	"	W. O. Davis
18 " " "	14/2903	"	"
12	302	Brooks & Burleson	"
10	277	"	"
8	276	"	"
6	271	"	"
4	274	"	"

And it is further ordered adjudged and decreed by the Court that the State of Texas do have and recover of and from the defendants all costs in this behalf expended and that execution issue in favor of the State and the officers of this Court for their costs.

First National Bank of Austin vs. J. S. Davis and S. Simon

No. 1151

On this the 10th day of October A.D. 1884, this cause being called for trial the plaintiff announced ready but the defendants, J. S. Davis and S. Simon, both of whom were duly and legally served with process herein, failed to appear and answer in this behalf; and thereupon the plaintiff electing to proceed at once, said cause came on for trial upon the Court without a jury, no demand therefor having been made, and the Court having heard the pleadings, the evidence and the argument of counsel, and being of the opinion that the plaintiff ought to recover of the defendants, J. S. Davis and S. Simon, the sum of $3399 77/100 - Thirty Three hundred and ninety nine & 77/100 dollars, it is therefore ordered, adjudged and decreed by the Court, that the plaintiff, The First National Bank of Austin, do have and recover of the defendants aforesaid to-wit: J. S. Davis and S. Simon, the sum of ($3399 77/100) Thirty three hundred and ninety nine and 77/100 dollars, with interest thereon from this day until paid, at the rate of twelve per centum per annum together with all costs in this behalf expended. And it appearing to the Court that a writ of attachment prior to all other writs of attachment issued out of this Court against the property of the defendant, J. S. Davis, liable to and taken in attachment, was, on the 19th day of April A.D. 1884, issued out of this Court, in this cause, against

Clerk's Entry: This judgment is entered in favor of the plaintiff as per mandate of the Supreme Court of the State of Texas.

Printers, Lithographers and Stationers, St. Louis.

the property of the said J. S. Davis and, on the same day, by the Sheriff of Travis County, Texas, levied upon personal property of the said J. S. Davis particularly described and set forth in the return of said sheriff to said writ, of file in this cause, which return, for the purpose of discription is herein referred to and made a part of this judgment and decree; and, further, that said property was afterward, towit: on the 17th day of May A D 1884, in conformity with an order of this Court, duly and legally made and issued, sold, by the Sheriff aforesaid, at public vendue, for the sum of ($7550.00) Seven thousand five hundred and fifty dollars, and that said money, ($7550.00), less $531.25 - received thereof by the said Sheriff on account of costs, is now in the hands, custody, and keepings of James P. Hart, Esq. Clerk of this Court, and subject to the order of this Court; it is, therefore, further ordered, adjudged and decreed, by the Court, that the lien of the attachment aforesaid, as it existed on the 19th day of April, A D 1884, and at all times since, be and the same is hereby foreclosed against the proceeds of the sale aforesaid, now in the hands custody and keepings of the Clerk as aforesaid; and the said Clerk is hereby ordered and directed, by the Court, to apply, to the payment and satisfaction of this judgment and decree, principal, interest and cost, so much of the proceeds of the sale aforesaid, in his hands as aforesaid, as shall be sufficient and necessary for such purpose -

It is further ordered, by the Court, that should the proceeds of the sale aforesaid, in the hands of the Clerk, be insufficient to satisfy this judgment and decree, then that the Plaintiff shall make any balance thereof remaining unpaid out of any other property of the defendants, J. S. Davis and S. Simon, subject to Execution as in case of ordinary executions.

It appearing, however, to the Court that the liability of the said S. Simon upon the notes herein sued upon is that of surety, the Court now here further orders and directs, that the Sheriff of this County levy the execution, to be issued for any balance remaining unpaid upon this judgment after the applying as herein before directed the proceeds of the sale of the property attached, - first upon the property of the said J. S. Davis, principal, situate in this County, whereon this judgment is ordered, that may be subject to Execution before levying upon the property of the said S. Simon, surety, if in the

Dis Trict Court Minutes, October Term, 1884

Friday the 10th day of October 1884

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers, Printers,

opinion of the Court, so much property of the said J. S. Davis principal, can be found as shall be sufficient to make the amount of said execution; otherwise the levy shall be made on so much of the property of the said J. S. Davis as may be found, if any, and upon so much of the property of the said J. S. Davis as may be necessary to make the amount of said execution, and the Clerk of this court is hereby directed to make a memorandum on the execution of this order relating to the manner in which the Sheriff shall proceed.

No 7152.

First National Bank of Austin
vs
J. S. Davis

On this, the 10th day of October, A D 1884, this cause being called for trial, the plaintiff announced ready, but the defendant, J. S. Davis, who was duly and legally served with process herein, failed to appear and answer in this behalf; And thereupon, the plaintiff electing to proceed ~~by Jury~~, said cause came on for trial before the Court, without a jury, no demand therefor having been made; and the Court, having heard the pleadings, the evidence and the argument of counsel, and being of opinion that the plaintiff ought to recover of the defendant, J. S. Davis, the sum of $1909.67/100 Nineteen hundred and nine 67/100 dollars, it is, therefore, ordered, adjudged and decreed, by the Court, that the plaintiff, the First National Bank of Austin, do have and recover of the defendant aforesaid, J. S. Davis, the sum of $1909.67/100, Nineteen hundred and nine 67/100 dollars, with interest thereon, from this day until paid, at the rate of Six per centum per annum, together with all costs in this behalf expended.

And it appearing to the Court, that a writ of attachment, prior to all other writs of attachment issued out of this court against the property of the defendant J. S. Davis, liable to and taken in attachment, except the writ of attachment issued in cause No 7151 of First National Bank of Austin v J. S. Davis et al, with which said writ, the writ herein was contemporaneous, was on the 19th day of April, A D 1884 issued out of this Court, in this cause, against the property of the said J. S. Davis, and on the same day, by the Sheriff of Travis County, Texas, levied upon personal property of the said J. S. Davis, particularly described and set forth in the return of said Sheriff to said writ of file in this cause, which return, for the purpose of description, is hereby referred to and made a part of

This instrument is a true receipt for this amount Oct 14/84 Jno. Brackenridge Atty for Plaintiff

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this judgment and decree, and further, that said property was aforesaid, to wit: on the 17th day of May, A.D. 1884, in conformity with an order of this Court duly and legally made and entered, sold by the sheriff aforesaid, at public vendue, for the sum of $7,550.00 Seven thousand five hundred and fifty dollars, and that said money $7,550.00, less $531.25, reserved thereout by the said Sheriff on account of costs, is now in the hands, custody and keeping of James. P. Hait, Esq. Clerk of this Court, and subject to the order of this Court, it is therefore further ordered adjudged and decreed by the Court, that the lien of the attachment aforesaid, as it existed on the 19th day of April, A.D. 1884 and at all times since, be and the same is hereby foreclosed against the proceeds of the sale aforesaid, now in the hands custody and keeping of the Clerk as aforesaid, and the said Clerk is hereby ordered and directed by the Court to apply to the payment and satisfaction of this judgment and decree, principal, interest and cost, so much of the proceeds of the sale aforesaid, in his hands as aforesaid, as shall be sufficient and necessary for such purpose,

It is further ordered by the Court, that should the proceeds of the sale aforesaid, in the hands of the Clerk be insufficient to satisfy this judgment and decree, then that the plaintiff shall make any balance thereof, remaining unpaid, out of any other property of the defendant, J. S. Davis, subject to execution, as in case of ordinary executions—

7227

Simon Goldstein — vs — I Malesinsky } 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 Simon Goldstein, plaintiff, ought to recover against the said I Malesinsky defendant, his damage 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 here having assessed the damages aforesaid at the sum of Five Thousand Eight hundred and Thirteen dollars and forty Eight cents ($5813.48) It is adjudged by the Court that the said plaintiff do have and recover of the said defendant the sum of Five Thousand Eight hundred and Thirteen dollars and forty Eight cents ($5813.48) with interest thereon at the rate of Nine per cent per annum, together with the costs in this behalf expended. And it appear-

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-ing to the Court that the Writ of attachment issued in this Cause was levied upon a certain stock of goods belonging to the defendant, a discription of which appears in the return to said Writ by the officer levying the same, and that said goods were duly sold by said officer under the order of the Judge of this Court and the proceeds of said sale are now on deposit with the Clerk of this Court it is further adjudged that the attachment lien acquired by said levy on said goods be foreclosed, and declared to exist and be enforced against the proceeds of said sale, and the proceeds of said sale be applied to the satisfaction of the judgment rendered herein, and the Clerk of this Court is hereby ordered, out of the said proceeds in his hands, after reserving a sufficient amount to cover the costs in this suit: to first pay to the Plaintiff or his attorney of record the amount of this judgment in preference to any other lein or claim upon said proceeds, taking a receipt therefor and filing the same with the papers in this cause. It is further adjudged that the said Plaintiff do have his execution for any balance of this judgment left unsatisfied after the application of said proceeds of sale.

No 4228. Ab Abrandon vs I Malevinsky

On this the 10th day of October A.D. 1884, this cause being called for trial, the Plaintiff announced ready, and the defendant I Malevinsky, Who was duly and legally served with process herein failed to appear and answer in this behalf, but Wholly made default; and thereupon, the Plaintiff electing to proceed ex parte, said cause came on for trial before the Court, without a jury, no demand therefor having been made; and the Court having heard the pleadings the evidence and the argument of counsel, and being of opinion that the Plaintiff ought to recover of the defendant I Malevinsky the sum of ($2461.67) Two Thousand four hundred and Sixty one & 67/100 dollars - it is therefore ordered adjudged and decreed by the Court that the Plaintiff Ab Abrandon do have and recover of the defendant I Malevinsky aforesaid the sum of ($2461.67) Two thousand four hundred and Sixty one & 67/100 dollars together with all costs in this behalf expended. And it appearing to the Court that the Writ of Attachment issued in this cause was levied upon a certain stock of goods belonging to the defendant, a dis-

This judgment is satisfied as per receipt on file among the papers in this cause, Oct 11-1884. Shyles & Sawyer attys for Plff.

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-cription of which appears in the return of said writ; by the officer levying the same and that the said goods, were duly sold by the said officer under the order of the judge of this Court, and the proceeds of said sale are now in deposit with the Clerk of this Court, it is further adjudged that the attachment lien acquired by said levy on said goods be foreclosed and declared to exist and be enforced against the said proceeds of said sale, and the proceeds of said sale be applied as hereinafter directed to the satisfaction of the judgment rendered herein, And it further appearing that a writ of attachment was levied upon said goods in favor of Simon Goldstein issuing out of this Court in cause No 7229. and that said writ of attachment was levied prior to the writ of attachment issued in favor of plaintiffs in this suit; It is therefore ordered that the Clerk of this Court after retaining out of the proceeds of said sale in his hands a sufficient amount to cover and satisfy the said claim by judg-ment or otherwise in favor of the said Simon Goldstein and the costs in said suit, and after retaining a sufficient amount to cover the costs in this suit - do pay to the plaintiff in this suit or his attorneys of record the amount of his judgment rendered herein, and if the said proceeds be sufficient to satis-fy this judgment and if not sufficient to satisfy this judg-ment in full, that he apply said proceeds to the same as far as the said proceeds will go taking a receipt for such payment and filing the same with the papers in this cause, It is further adjudged that said plaintiff have execution for any balance of the judgment left unsatisfied after the ap-plication of said proceeds of sale.

7229.

Morrison Herriman & Co. vs J. Malewicky } This day came the plaintiffs by their attorneys, and the defendant having failed to appear in this behalf but wholly made default. Whereupon the said Morrison Her-riman & Co., plaintiffs, ought to recover against the said J. Malewicky, defendant, their damages by occasion of the premises, and it appearing to the Court, that the cause of action is liqui-dated and proved by instruments of writing, it is ordered that the Clerk do assess the damages sustained by the plaintiffs, and the said Clerk now here having assessed the damages at Six Thousand Six hundred and seventy one dollars and fourteen cents- ($6671.14) which by a memorandum

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in writing signed by the said D. Malevinsky, defendant, and this day filed with the papers in this cause, is admitted to be the correct amount for which judgment may be taken, it is adjudged by the court that the said plaintiffs, Morrison, Herriman & Co a firm composed of George A Morrison and John Herriman do have and recover of the said defendant, D Malevinsky, the said sum of Six Thousand Six hundred and seventy one dollars and fourteen cents ($6.671.14) with interest thereon at the rate of eight per cent per annum, together with the costs in this behalf expended, and it appearing to the court that the Writ of attachment issued in this cause was levied upon a certain stock of goods belonging to the defendant, a description of which appears in the return of said writ by the officer levying the same, and that the said goods were duly sold by the said officer under the order of the judge of this court, and the proceeds of said sale are now on deposit with the Clerk of this court, it is further adjudged that the attached lien acquired by said levy on said goods be foreclosed and declared to exist and be enforced against the said proceeds of said sale, and the proceeds of said sale be applied as hereinafter directed to the satisfaction of the judgment rendered herein —

And it further appearing that writs of attachment were levied upon said goods as follows viz: A writ of attachment in favor of Simon Goldstein issuing out of this court in cause No 7227, and a writ of attachment in favor of Abe Alexander in cause No 7228, and a writ of attachment issuing out of the County Court of Travis County Texas in favor of P. Richman in Cause No 1116 in said court, and that each of said writs of attachment were levied prior to the writ of attachment issued in favor of plaintiffs in this suit; It is therefore ordered that the Clerk of this court after retaining out of the proceeds of said sale in his hands a sufficient amount to cover and satisfy the said claims by judgment or otherwise in favor of the said Simon Goldstein, Abe Alexander and P. Richman and the costs in the said several suits brought by them, and after retaining a sufficient amount to cover the costs in this suit, do pay to the plaintiffs in this suit or their attorneys of record the amount of this judgment rendered herein, if the said proceeds be sufficient to satisfy this judgment, and if not sufficient to satisfy this judgment in full that he

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affly said procends to the same as far as the said procends will go taking a receipt for such paymnt and filing the same with the papers in this cause. It is further adjugd that said Plaintiff do have this execution for any balance of this judgmnt left unsatisfied after the application of said procends of sale -

7128 Jeff Brown vs Mexico Cattle Company } And now on this day this cause being called for trial came the Plaintiff by his attorney and moved the Court for an order granting the Sheriff of Mitchell County Texas leave to amend his return upon the Writ of Garnishment issued by him upon E. F. Sweeney Secretary of the Mexico Cattle Company or his successor in office - said return failing to show the hour of the day on which said service was had which motion was by the Court granted and it is ordered by the Court that said Sheriff be granted leave, and he is hereby ordered to amend said return so as to show the hour of the day when said service was had upon said Secretary.

7150 The Austin Rail Road Company vs The City of Austin, W. A. Saylor, Mayor, and Thorne Lee, Marshal of said City. } This day came the parties by their attorney and submitted the matter in controversy, as well of fact as of law, to the Court, and the Plaintiff having in open Court withdrawn all claim for damages against the said defendants the said City of Austin, the said Saylor as Mayor, of the said City, the said Lee as Marshall, of the said City, and praying only for the perpetuation of the injunction heretofore granted against the said City of Austin, and the Court having heard the evidence and the argument of Counsel it is considered by the Court ordered adjudged and decreed that the said City of Austin, and all of its officers, policemen, servants and employees, and all others under its control be and are hereby enjoined and required to desist from now or at any time hereafter interfering with the Plaintiff in building, constructing and operating a horse railroad on Live Oak street in said City or upon any and all other streets in said City, leading the said Plaintiff from without any hindrance or interference on the part of the said City, its officers agents or servants

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From building, constructing, equipping and operating a Railroad on any of the streets of said City as authorized by the Plaintiffs Charter granted by a special act of the Legislature of the State of Texas, approved May 19th 1871. It is further ordered that Plaintiff have and recover of the said City of Austin its costs in this behalf expended—

7177

D. N. Franch & Co. } vs James Haig } On this the 10th day of October A.D. 1884 came the Plaintiffs by their attorneys A. J. Peeler and W. W. Doom and the defendant James Haig 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 Plaintiffs ought to recover against the said defendant their damages by occasion of the premises, and no jury having been demanded, 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 plaintiffs D. N. Franch, Edward Christian and L. M. Crooks as partners under the firm name of D. N. Franch & Co do have and recover of the said defendant James Haig the sum of Sixteen hundred and fifty one & 21/100 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 they have their execution—

7242

D. N. Franch } vs James Haig } On this 10th day of October A.D. 1884 came the plaintiff D. N. Franch by his attorneys A. J. Peeler and W. W. Doom and the defendant James Haig 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 his damages by occasion of the premises, and no jury having been demanded 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 D. N. Franch do have and recover of the said defendant James Haig the sum of one thousand and seven and 27/100 dollars with interest thereon from this date at the rate of eight per cent per

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7248

annum together with all costs in this behalf expended, and that he have his execution.

Samuel R. Fisher Excr. et al. vs W. B. Youngblood. } Now on this, the 10th day of October, A.D. 1884, came the plaintiffs, Samuel R. Fisher, as Executor of the will of Mrs Eliza C. Fisher, deceased, Rhoades Fisher, Annie P. Harris and John W. Harris, her husband, Annie F. Walker and Lewis D. Walker, her husband, by their attorneys Maxey and Fisher, and announced ready for trial, and the defendant, W. B. Youngblood, having been duly and legally served with process herein and having failed to appear and answer in this behalf, thereupon, the plaintiff having elected to proceed ex parte, said cause came on for trial before the Court, without a jury, no demand therefor having been made; and the Court, having heard the pleadings, the evidence and the argument of counsel, and being of the opinion that the plaintiffs ought to recover of the defendant, W. B. Youngblood, the sum of ($1757.72) Seventeen hundred and Eighty seven 72/100 Dollars, together with interest thereon from this day until paid, at the rate of ten per centum per annum and all costs in this behalf incurred, and also the further sum of ($178.22) One hundred and seventy Eight 77/100 Dollars, with interest on said sum of $178.22 at the rate of 6% eight per centum per annum from this day until paid.

And it appearing to the Court that the note sued on in this cause was executed and delivered by the defendant to the plaintiffs on the 1st day of December A.D. 1880, for the purchase money of (215) Two hundred and fifteen acres of land, in Ellis County, Texas, out of the Alexander de la Garza grant, sold said defendant, by plaintiff, on said 1st day of December A.D. 1880, by deed of that date, wherein, as in said note the Vendors lien was expressly reserved and retained to secure the payment of said note, according to its legal tenor and effect; which said two hundred and fifteen acres is particularly described as follows: Beginning at a stake in the division line of Sec. 11 and 12 from which an Elm 12 inches in dia. bears S. 18 W 1 vara. Thence N 30½ W with said division line at 1065 varas pass the cor. of Sec 1-2-11 & 12 at 1230 v a stake in division line of Secs 1 & 2 whence a Hackberry 8 inches inches in dia. bears S. 5½ W. 6 v. Elm 5" bears S. 67 W 7 v. Thence S 39½

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W. at 1110 varas to the centre of Smick-creek set a stake at 1100 varas in the N Bank said Creek and in line from which a Hackberry 7 inches dia bs S. 10 E 1½ vrs and an Elm 2½ inches dia bs S. 70° W. 3½ varas, Thence down the centre of said Creek with its meanders to a point S. 39½ W. from the beginning a Cotton wood tree 36 inches in dia marked mds N W. and N E. sides and standing on the North bank of said Creek and 8 varas from its centre for corner, Thence N 39½ E 727 varas from the Cotton wood at 735 varas from the centre of said Creek to the place of beginning containing 193 acres of Sec 11 and 22 acres of Sec. 2.- it is therefore ordered adjudged and decreed by the Court that the plaintiff do have and recover of the defendant W. B. Youngblood, the sum of Seventeen hundred and Eighty seven & 72/100 dollars, with interest thereon from this day until paid at the rate of ten per centum per annum and all costs of suit; and the further sum of $178.27 one hundred and seventy eight & 7/100 Dollars with interest thereon from this day until paid, at the rate of eight per centum per annum, and further that the Vendors lien, reserved as aforesaid on and against said land, to secure the payment of the note aforesaid, as it existed on said 1st day of December 1880, and at all times since, be and the same is hereby foreclosed and the Clerk of this Court is hereby directed to issue an Execution according to law, to the Sheriff or any Constable of said Ellis County, Texas, an order of sale commanding him, the said officer, to sign and sell, as under execution, the aforementioned and described two hundred and fifteen acres of land and apply the proceeds arising from such sale to the judgment herein rendered for said sums of $1787.72 and interest and costs as aforesaid, and for the further sum of $178.27 and interest at the rate of eight per cent per annum as aforesaid. It is further ordered by the Court, that, should the property under the sale to be made as aforesaid, not sell for sufficient to satisfy this judgment and decree that the plaintiff have execution against the said W. B. Youngblood for any balance thereof remaining unpaid- said balance to be made out of any other property of the defendant subject to execution, as in case of ordinary

Executions

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7353

Bates Reed & Cooley vs J.D. Davis

This day came the plaintiffs by attorney and the defendant having failed to appear and answer in this behalf but wholly made default wherefore the said plaintiffs Levi M Bates Martin D Cooley and John A Reed partners composing the firm of Bates Reed and Cooley ought to recover against the said J.D. Davis defendant their damages by occasion of the premises; and it appearing to the Court that the cause of action is liquidated and proven by instruments of writing, to-wit, by three certain promissory notes set out and described in the plaintiffs petition herein, 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 one thousand nine hundred and ninety six and 84/100 (1996.84) dollars it is adjudged by the Court that the said Levi M Bates Martin D Cooley and John A Reed partners as aforesaid, plaintiffs do have and recover of and from the said J D Davis defendant the sum of one thousand, nine hundred and ninety six and 84/100 Dollars (1996.84) with interest thereon at the rate of Eight per cent per annum and that they have their Execution-

And it appearing to the Court that a writ of Attachment heretofore issued in this cause, was on the 19th day of April A.D. 1884 levied on certain personal property, which property was sold by order of this Court in this and other cause by attachment on same property, and the proceeds of said sale are now in the hands of the Clerk of this Court- It is ordered adjudged and decreed by the Court, that, after satisfying the judgments and costs in the following causes, having priority of right over the plaintiffs in this case to-wit, No 7151 First National Bank of Austin vs J. D. Davis judgment for $3399.77 and costs- No 7152, First National Bank of Austin vs J D Davis for $1909.67 and Costs, that the balance of said fund the proceeds of the sale of said attached property: be applied to the payment and satisfaction, first of the costs of this suit and then of this judgment- It is further ordered that plaintiffs have Execution for any balance remaining unpaid-

7154

D Friedman vs J D Davis

This day came the plaintiff by attorney and the defendant having failed to appear and answer in this behalf, but wholly made default wherefore the said D Friedman plaintiff ought to recover against the said J. D. Davis, defendant his damage by occasion of the premises. And it appearing to the Court that the cause of action is liquidat

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and proved by instruments of writing, to-wit, by three certain promissory notes set out and described in plaintiffs petition herein, 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 the sum of one thousand and thirty three dollars with interest thereon from the date of this judgment at the rate of Eight per cent per annum and in the further sum of one thousand six hundred and seventy dollars with interest thereon at the rate of twelve per cent per annum and in the further sum of one hundred and eight dollars with interest at the rate of eight per cent per annum, together with all costs in this behalf expended for all of which let execution issue

A S Patton
vs
Mo Pacific Ry Co
7181

The Defendant the Missouri Pacific Railway Company having presented to the Court its petition and bond for the removal of the above styled and numbered cause to the United States Circuit Court for the Western District of Texas at Austin and the said bond and petition having been accepted by the Court as good and sufficient It is ordered that further action in this Court in said cause be suspended.

H. B. Clafflin & Co
vs
J O Davis
7224

This day came the plaintiffs H. B. Clafflin H.J. Fairchild Edward E Eames, W S Dunn Dexter U Force Daniel Robinson and John Claflin partners trading under the firm name of H B Claflin & Company, by which firm name they sue by their Attorneys Maxey & Fisher & the defendant J O Davis having accepted service of process herein and waived the issuance and service of Citation and waived time and having failed to appear and answer in this

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behalf but wholly made default wherefore the said H B Claflin & Company plaintiffs ought to have and recover of the said J. Davis Defendant their 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; And the Court now here having assessed the damages aforesaid at the sum of ($3098 86) Three thousand & Ninety Eight & 86/00 dollars - it is Considered ordered and adjudged by the Court that the plaintiffs H B Claflin & Company do have and recover of the said defendant J S Davis the sum of ($3098 86/100) Three thousand & Ninety Eight & 86/100 Dollars with interest thereon from this date until paid at the rate of ten per Cent (10%) per annum and all costs in this behalf Expended and that plaintiffs have their Execution —

7231 Bates Reid & Cooley vs D. Malevinsky

This day came the plaintiffs by their Attorney and the defendant having failed to appear and answer in this behalf but wholly made default, wherefore the said plaintiffs Leri M Bates, Martin D Cooley and John A Reid, partners doing business under the firm name and style of Bates Reid and Cooley ought to recover against the said defendant D Malevinsky their 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 to wit, by four certain promissory notes set out and described in the plaintiffs petition therein, 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 ($2278 39) Twenty two hundred and Seventy Eight & 39/100 Dollars it is adjudged by the Court that the said plaintiffs Leri M Bates, Martin D Cooley and John A Reid partners composing the firm of Bates Reid & Cooley do have and recover of and from the said D Malevinsky defendant the sum of two thousand two hundred and Seventy Eight & 39/100 ($2278-39) dollars with interest thereon at the rate of Eight per Cent per annum together with all costs in this behalf expended for all of which let execution issue -

7257 N O Nelson Manufacturing Company vs William Smith

Now on this the 10th day of October 1884 Came the plaintiff by its attorney and the defendant having been duly

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served with process failed to appear and answer but wholly made default and no jury being demanded the matters in controversy were submitted to and tried by the Court and the pleadings and Evidence having been heard and fully considered and understood by the Court. It is ordered judged and decreed by the Court that the plaintiff the N.O. Nelson Manufacturing Company do have and recover of the defendant William Smith the sum of two thousand nine hundred and seventy nine and 71/100 ($2979.71) dollars together with interest thereon at the rate of 8 per cent per annum from the date thereof and all costs of suit in this behalf expended for all which let execution issue

7266 ✓ Edward Christian as Eliza J Cook et al

And now on this day came the plaintiffs Edward Christian by his attorneys and the defendants Eliza J Cook A H Cook Jr Edward T Cook Charles B Cook and Eugene Bremond though duly served with process failed to appear and answer in this behalf but wholly made default. And it appearing to the Court from the pleadings and Evidence that A H Cook Sr departed this life intestate in Travis County Texas on February 22nd 1884 leaving the defendant Eliza J Cook as his surviving Widow and the defendants A H Cook Jr Edward T Cook and Charles B Cook as his surviving children and sole heirs of his estate- And it further appearing to the Court that said A H Cook Sr on June 8th 1875 executed and delivered the note sued on to J W Hanning and on the same day executed and delivered to Eugene Bremond as Trustee the certain deed of Trust conveying the certain lots hereinafter described as security for said note That said note and mortgage was transferred to plaintiff on May 15, 1880 and on the same day the said A H Cook Sr renewed the same in favor of plaintiff- that the property conveyed by said deed of trust and hereinafter described, was community property of the said A H Cook Sr and the defendant Eliza J. Cook- that there is no administration on the estate of A H Cook Sr and none necessary- that said Mortgagor having died the said Trustee Eugene Bremond cannot sell under said deed of Trust- That there is now due on said note the sum of $1750- prin

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Cipal and interest, and that plaintiff is entitled to a foreclosure of his lien and a Sale of said property. It is therefore ordered adjudged and decreed by the Court that said A.H.Cook Sr deceased and his Estate is indebted to plaintiff in the sum of $1750.00 and that the property Conveyed in said deed of trust and hereinafter described is bound in the hands of defendants for the payment of said Amount. It is further ordered adjudged and decreed that the plaintiffs lien upon the property Conveyed by said deed of trust, to-wit, Fifty and (50) feet off of the Southern portion of Lots Number 7. 809 in Block No 99. of the City of Austin, County of Travis and State of Texas according to the Map or plat of said City on file in the General Land Office Also Lot No 7 in Block 102 in said City of Austin County of Travis and State of Texas, be and the same is hereby foreclosed as against the said defendants and each of them. And that an Order of Sale do issue out of this Court directed to the Sheriff or any Constable of Travis County Commanding him to sell the Lots and property aforesaid at public Auction as under Execution and that the proceeds of such sale be returned into this Court. It is further ordered adjudged and decreed that all right title Claim and interest in said property vested in said defendants as the widow Children Heirs and Trustee aforesaid of A.H.Cook Sr shall by this decree and by such sale be forever divested out of said defendants and vested in the purchaser at such sale. It is further ordered that the proceeds of such sale shall be distributed and applied as follows: 1- All Costs of this Suit and of such sale shall be paid. 2. The full Amount due on said Note to this date shall be paid to plaintiff 3. The remainder if any shall be paid to the defendants Eliza Cook A.H.Cook Jr Edward T Cook and Charles B Cook

6001 ✓ Josephine B. Winn vs T. L. Winn et al. By consent set for October 17th 1884.
6077 ✓ John Orkney et al. vs Jennie W. Neil Admr. By consent set for Oct 16th 1884.
6098 ✓ W. B. Oldham vs John A Webb. Passed to end of docket.
7064 ✓ The State of Texas vs J. A. Pahmeyer et al. Continued by operation of law to further service.
7065 ✓ Mary Sims vs J. J. Sims, Passed until October 11th 1884.
7072 ✓ T. L. Winn vs John R. Peel. et al. Passed to end of docket.
7082 ✓ Emma Myers vs Frederick A. Myers. No Counsel appearing, Continued
7092 ✓ The State of Texas. vs Val Musick et al. Passed to end of docket.
7119 ✓ T. L. Winn vs Ed Cleary. Continued by consent.

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No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

7127. Jeff Brown
Vs
Howell Brown
Howell Brown Who was duly and legally served with process herein,
Et al Docket 5.

This day came the plaintiff by his attorney and this cause being regularly called for trial, the plaintiff announced ready, and the defendant failed to appear and answer in this behalf, but wholly made default, and thereupon the plaintiff electing to proceed & Said, said cause came on for trial before the Court without a jury by demand thereof having been made, and the Court having heard the pleadings, the evidence and the argument of Counsel and being of the opinion that the plaintiff ought to recover of the defendant Howell Brown the sum of ($1495.00) Fourteen hundred and ninety five dollars, It is therefore ordered adjudged and decreed by the Court that the plaintiff Jeff Brown do have and recover of the defendant Howell Brown the sum of ($1495.00) Fourteen hundred and ninety five dollars with interest thereon from this day at the rate of (12%) twelve per centum per annum together with all costs in this behalf expended. And it appearing to the Court that a Writ of attachment heretofore issued in this cause was, on the first day of April AD 1884, by the Sheriff of Mitchell County Texas, levied upon the following described property of the defendant, towit: all shares of stock owned by defendant Howell Brown in the Mexico Cattle Company, and all the right, title and interest of said defendant in said Mexico Cattle Company and specially of Fifty nine hundred dollars of stock transferred by Tom Green to said defendant Howell Brown in said Mexico Cattle Company. It is therefore ordered adjudged and decreed by the Court that said attachment lien 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 Mitchell County commanding him to sell the above described property, or so much thereof as may be sufficient for the satisfaction of the judgment rendered in this cause. And if the said property shall be sold for more than sufficient to pay off and satisfy this judgment, then said officer is hereby directed to pay over the excess to the defendant. But if the said property shall not sell for enough to pay off and satisfy this judgment, then execution shall issue for the balance remaining unpaid.

This judgment rendered & entered on the 8th day of Dec A.D. 1884
Attest This day - Jno Kinney Clerk

Dishich Court Minutes, October Term, 1884

Friday the 10th day of October 1884.

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7129 The State of Texas vs Jamiage & O'Donnell, By consent of the parties it is ordered by the Court that the demurrage in this cause be set for hearing Nov 22nd 1884 and set for trial on merits for December 18th 1884

7130 John Hoffan vs Howell Brown } This day came the plaintiff by his attorney and the defendant though duly served with process herein, failed to appear and answer in this behalf. Nihil wholly made default, Whereupon the said plaintiff, John Hoffan, ought to recover against the said defendant his damages by occasion of the premises- and it appearing to the Court that the cause of action is liquidated and proved by an instrument of writing to wit: a promissory note set out in the petition in this cause- and also filed with the papers, 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 $2,666.66 Two thousand six hundred and Sixty six 66/100 dollars it is adjudged by the Court that the said plaintiff, John Hoffan do have and recover of and from the said Howell Brown, defendant, the sum of Two thousand, Six hundred and Sixty Six 66/100 dollars with interest thereon at the rate of (12%) twelve per cent per annum, together with all costs in this behalf expended, for all of which let execution issue.

7133. Dreacha Hamburger vs Jacob Hamburger, Set for hearing by consent for October 13. 1884.

7140 The State of Texas vs W. H. Randolph et al. Set for Oct 16th/84.

7141 The State of Texas vs Frank. T. Roach. Passed—

7142 The State of Texas vs John. R. Ward. Set for October 16th 1884.

7143. The State of Texas. vs Caruthers & Seawright. Set for Dec 18-1884.

7144 The State of Texas vs Joseph-Rosenthal et al- Continued for-
-fuch service—

7145 The State of Texas vs Geo M. Peek. Passed—

7146 The State of Texas. vs Archie Richardson et al - Continued to
pufick service—

7147 The State of Texas vs A. L. Rhomberg et al Continued to
pufick service -

7148 The State of Texas. vs Edward Buckley et al Continued
to pufick service—

District Court Minutes, October Term, 1884

Friday the 10th day of October 1884

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers, Printers,

7154

David H. L. Hunter. vs J. S. Davis

This day came the plaintiff by his attorney and the defendant having failed to appear and answer in this behalf but wholly made default, Wherefore the said plaintiff David H. L. Hunter ought to recover against the said defendant J. S. Davis 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 towit: a promissory note, on file and set out in plaintiffs original petition, it is ordered that the Clerk do assess the damages sustained by said plaintiff, and the said Clerk now thereupon assessed the damages aforesaid at the sum of ($1043.00) One thousand and forty three dollars, it is adjudged by the Court that the said plaintiff D.H.L. Hunter do have and recover of and from the said defendant J.S. Davis the sum of ($1043.00) One thousand and forty three dollars together with all costs in this behalf expended.

7156

Mose Loeb & Co vs J. S. Davis

This day came the plaintiffs by their attorney and the defendant having failed to appear and answer in this behalf but wholly made default, Wherefore the said plaintiffs, Mose Loeb and Herman Kraligunstein partners doing business under the firm name and style of Mose Loeb & Co ought to recover against the said defendant, J. S. Davis, their damages by occasion of the premises, and it appearing to the Court that the cause of action is proved by an instrument of writing towit: a sworn account and attached to the original petition in this cause and made a part thereof - it is ordered that the Clerk do assess the damages sustained by the said plaintiffs - and the said Clerk now thereupon assessed the damages aforesaid at the sum of ($532.25) Five hundred & Thirty two & 25/100 dollars it is adjudged by the Court that the said plaintiffs Mose Loeb and Herman Kraligunstein partners composing the firm of Mose Loeb & Co do have and recover of and from the said J. S. Davis defendant the sum of ($532.25) Five hundred and Thirty two & 25/100 dollars with interest thereon at the rate of eight per cent per annum together with all costs in this behalf expended. For all which let execution issue -

7157

A. Levy & Bro - vs J. S. Davis - Upon motion of plaintiffs attorney it is ordered by the Court that this cause be and

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the same is hereby dismissed at Plaintiffs cost for which let execution issue

7163 E. J. Wardmidal vs Geo Wardmidal — By consent set for trial for October 15th 1884

7165 Lewis Allen vs Lizzie Allen } This cause being this day called for trial and no counsel appearing for the plaintiff upon motion of defendants attorney it is ordered by the Court that this cause be and the same is hereby dismissed for want of prosecution — and that the plaintiff pay all costs in this behalf expended for which execution may issue,

7217 Mrs. S. A. Golden vs Reagan & Mendich — Set for November 20th 1884

7218 Jennie Trapnell vs David Trapnell — Continued to perfect service,

7219 Hannah Williams vs Prince Williams, Passed

7221 Henry G. Askew Ex. &c vs Unknown heirs of F. P. Sawyer. Continued to perfect service —

7222 Elizabeth Middleton vs George Middleton — Pltff has leave to file 1st amended original petition

7223 Mary Williams vs Bill Williams — Passed —

7225 Dora Faight vs Vincent Faight — Continued to perfect service

7226 J. A. Rhomberg vs Austin & North Western Rail Road Company. This Cause being this day called for trial Cause M. C. Hurley by attorney and moved the Court to be allowed to intervene in this Cause — and there being no objection it is ordered by the Court that the said M. C. Hurley be and he is hereby allowed to intervene in this cause — and Cause set for hearing for October 18th 1884 —

7230 Rosa Bibrelein vs I. Malewisky } This day came the plaintiff by her attorney and this cause being regularly called for trial — the plaintiff announced ready, but the defendant I. Malewisky who was duly and legally sued with process herein failed to appear and answer in this behalf, but wholly made default, and thereupon the plaintiff electing to proceed ex parte said Cause came on for trial before the Court — no jury having been demanded — and the Court having heard the pleadings evidence and argument of Counsel and being of the opinion that the plaintiff ought to recover of the defendant I. Malewisky the sum of ($1866.00) Eighteen hundred and Sixty six dollars — It is therefore ordered adjudged and decreed by the Court that the plaintiff Rosa Bibrelein, do have and recover

This judgment is set aside in Term Time by agreement of parties Aug 27/85

Dishich. Court Minutes, October Term, 1884

Friday the 10th day of October 1884

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers, Printers, L.

of the defendant I Malewinsky the sum of ($1866.00) Eighteen hundred and Sixty six dollars, With interest thereon from this day until paid at the rate of eight per cent per annum and all costs in this behalf expended for all which let execution issue,

7234. Sophia Smith vs Ed Williamson et al Continued to perfect service

7236 Virginia Wilson et al vs Thomas J. Whiler et al - No counsel appearing - ordered continued by the Court.

7238 Adolph Goldmann vs Julius Morgan - Passed -

7239. First National Bank vs A H Cook et al - Dismissed by plaintiff in vacation - see entry on trial docket March term 1884.

7241. Julius Mohan vs Alfred R. Ritz et al - Passed -

7243 Zack Love vs Letitia Love It is ordered by the Court that plaintiff have leave to file 1st amended original petition - and case passed -

7245 Wm Shepard vs Robt T Hill et al - It is ordered by the Court that A. W. Tisdale Esq be and he is hereby appointed Guardian ad litem of Wm H. Radford and O. Loxey Radford minor defendants in this cause -

7246 James Lloyd vs Capitol Compress Company - Continued by consent -

7247 James Lloyd vs L & G. N R R. Co - Continued by Consent -

7264 Martha A. Chaffee et al vs Jno A. Blanton et al - It is ordered by the Court that Ford Carleton Esq be and he is hereby appointed guardian ad litem to represent the minor defendants Evalin A Blanton and Emma Blanton -

7267 Ornamental Palm vs J A Wills et al - Continued for service on defendant J A Wills -

7275 Mariah Scott vs Andrew Scott - Continued to perfect service.

7276 J. Newton Jackson vs W. B. Walker - On the application of the defendant his warrantors L. D. & Sarah A Carrington it is ordered by the Court that said warrantors be and they are hereby made parties to this suit and case set for hearing for Friday October 17th 1884 -

7277 R. J Loving vs W A. Finbaugh By consent this case is set for hearing October 14th 1884 -

7282. The Calcasieu Lumber Company vs J. W. & L. E. Morse - It is ordered by the Court that plaintiff have leave to file 1st supplemental petition.

7288 James A. Raymond & Co vs Henry Ladd et al. Continued for service,

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District Court Minutes, October Term, 1884

Friday the 10th day of October 1884.

7295 Samuel Friedberger vs W. S. Caroutheus } This day came the parties by their attorneys, and waive a jury and submit the matters in controversy, as well of fact as of law, to the Court, and the pleadings, evidence and argument of Counsel having been heard and fully understood, it is considered ordered adjudged and decreed by the Court, that the said plaintiff, Samuel Friedberger do have and recover of and from the said W. S. Caroutheus the sum of $1731.25 Seventeen hundred and thirty one 25/100 dollars, with interest thereon at the rate of (10%) ten per cent per annum from this date until paid and all costs in this behalf expended, for which he may have his execution—

Court adjourned till tomorrow Morning 10 oclock,

October 11th 1884

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

5852 Alicia Barker et al. vs Swante J. Swenson et al } And now on this day came the parties to this cause and file the following agreement in writing towit: "No 5852 Alicia Barker et al vs S. J. Swenson et al— Suit pending in the District Court Travis County Texas. It is this tenth day of October 1884 agreed between all the parties hereto, that D. W. Doom Esq shall sit as Special Judge to try this cause, the Hon. A. J. Walker District Judge being disqualified.

Joe A. Stewart of Counsel for plaintiffs
Maxey & Fisher of Counsel for defts Swenson.
Hancock & Shelley for defts Barnes—

And thereupon the Hon D W. Doom having duly qualified as such Special Judge by taking and subscribing the Constitutional oath of office as required by law— and now presiding. Made the following order—to said Cause—

By agreement of the parties on file, it is hereby ordered by the Court that this cause be set for hearing for November 22nd 1884—

Special Judge

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers, Printers,

6078-v Caroline Kemp } vs Alfred Kemp } And now on this day this cause being called for trial, came the plaintiff by her attorney Wm M. Wallin Esq., and the said defendant Alfred Kemp having failed to appear and answer in this behalf, and it appearing to the Court that said defendant had been duly cited as required by law, and no jury having been demanded the cause is tried by 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 material facts alleged in plaintiffs petition are true, and that the bonds of matrimony heretofore existing between the said plaintiff Caroline Kemp and the said defendant Alfred Kemp be and the same are hereby dissolved, and that said parties be and they are hereby divorced from the bonds of Matrimony aforesaid, It is further ordered by the Court that the household furniture now in the possession of plaintiff be adjudged her forever, and title to the same vested in her free from all claim of said defendant, and

7074 v Bell Nugent } vs P. M. Nugent } On this 11th day of October A D 1884 Came the plaintiff by her attorney D. W. Dorn, and the said defendant P. M. Nugent having failed to appear and answer in this behalf and it appearing to the Court that the said defendant had been duly cited by Citation by publication as required by law, it is ordered by the Court that L. A. Posey Esq an attorney of this Court be and he is hereby appointed to represent the said defendant, and both parties having announced ready for trial, and no jury having been demanded the cause is tried by the Court without a jury, 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 material facts alleged in the plaintiffs petition are true, and that the bonds of matrimony heretofore existing between the said Plaintiff Bell Nugent and the said defendant P. M. Nugent be and the same are hereby dissolved, and that the said parties be and they are hereby divorced from the bonds of matrimony aforesaid. It is further ordered that the sum of Ten dollars be and the same is hereby allowed to the said L A Posey for his services in this cause as attorney for said defendant

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Saturday the 11th day of October 1884

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to be laxed and collected as other costs, and that the plaintiff pay all costs in this behalf expended for which execution may issue.

7109 Dixie Johnson vs Green Johnson } This cause being this day called for trial, came the plaintiff by his attorneys Walter Hill & Walter and announced ready for trial. But the said defendant Green Johnson though duly and legally served with process herein failed to appear and answer in this behalf, and no jury having been demanded the cause is tried by the court - and the pleadings evidence and argument of counsel having been heard and fully understood by the court, it is the opinion of the court that the material allegations contained 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 Dixie Johnson and the defendant Green Johnson be and the same are hereby dissolved and held for naught - and that the plaintiff recover of and from the defendant all costs in this behalf expended for all which let execution issue.

7250 Flora Masterson vs R. B. Masterson Sal } The Hon A. S. Walker Judge of the 26th Judicial District of Texas - having disqualified to try this cause - and having certified his disqualification to the his Excellency the Governor of Texas, and the Hon Geo. F. Pendexter an attorney of this court having been commissioned as special Judge by the Governor to try this cause, and he having duly qualified as such special Judge by taking the constitutional oath of office as required by law - said commission and oath being now on file with the papers of this cause - and the Hon Geo F. Pendexter special Judge presiding - Order, that A. S. Walker Esq an attorney of this court be and he is hereby appointed Guardian ad litem to represent the minor defendants William R. and Mattie Masterson - and this cause passed to be taken up by consent - Geo F. Pendexter Special Judge

7258 David Stewart vs Amanda Bell Stewart } This cause being this day called for trial came the plaintiff by his attorneys Walter Hill and Walter and announced ready but the said defendant Amanda Bell Stewart though having

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No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers, Printers,

accepted service herein failed to appear and answer in this behalf, and no jury having been demanded the cause is tried by the court, and the pleadings evidence and argument of counsel having been heard and fully understood by the court it is the opinion of the court 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 David Stewart and the defendant Amanda Bell Stewart be and the same are hereby forever dissolved and held for naught - and that the plaintiff recover of the defendant all costs in this behalf expended for which let execution issue

7273 v

W. L. Blandford - vs - Abner Taylor et al

Now on this the 11th day of October 1884 came on to be heard the motion to quash the citation and return of the Sheriff endorsed thereon, heretofore filed by the defendants, the Missouri Pacific Railway Company and the International and Great Northern Railroad Company, and the argument of counsel having heard, and the same having been duly considered and understood, It is ordered by the court that said motion be in all things sustained and that said citation and the return thereon be quashed and held for naught. And case continued by operation of law upon the action of the court holding the service defective -

7291 v

P. C. Taylor vs James Hair.

And now on this day comes the plaintiff by attorney and moves the court to dismiss this cause - and it appearing to the court that the cost have been paid, it is ordered that this cause be and the same is hereby dismissed -

And thereupon Court adjourned until Monday morning 10 o'clock October 13. 1884

Monday October 13th 1884 Court met pursuant to adjournment, ~~present as on former days of the Term~~ when upon the following proceedings were had to wit

7254 v

First National Bank of Austin vs R W Hall et al and Jas Gunter

On this the 13th day of October 1884, it appearing to the Court that the defendants R W Hall

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with process herein, this cause came on for trial, before the Court no jury having been demanded by either party and the Court having heard the pleadings, the Evidence and the argument of Counsel is of the opinion that the Plaintiff The First National Bank of Austin should have and recover of the defendants R W Hall and Jak Gunter the sum of ($4180.00) Forty one hundred and Eighty dollars, with interest thereon from this date at the rate of twelve per Centum per annum and the further sum of ($418.00) Four hundred and Eighteen dollars as an attorneys fee provided for in the note sued on in this cause with interest thereon from this date at the rate of (8%) Eight per Centum per annum It is therefore considered and adjudged by the Court that the plaintiff The First National Bank of Austin do have and recover of the Defendants the said R W Hall and the said Jak Gunter ($4180.00) Four thousand one hundred and Eighty dollars with interest thereon at the rate of twelve per Centum per annum from this day until paid and all costs in this behalf incurred And also the further sum of ($418.00) four hundred and Eighteen dollars as an Attorneys fee as aforesaid with interest thereon at the rate of Eight per Centum per annum from this day until paid and that plaintiff have its execution - It appearing however to the Court that the liability of the said Jak Gunter upon the note herein sued upon and which is the basis of this judgment, is that of surety, the Court now here further orders and directs that the Sheriff of this County levy the execution to be issued on this judgment first upon the property of the said R McHall principal situate in this the County wherein this judgment is rendered that may be subject to execution before levying upon the property of the said Jak Gunter, surety, if in the opinion of the Sheriff so much property of the said R McHall principal can be found as shall be sufficient to make the amount of said Execution; Otherwise the levy is to be made on so much of the property of the said R McHall as may be found, if any, and upon so much of the property of the said Jak Gunter as may be necessary to make the amount of said Execution; And the Clerk of this Court is hereby directed to make a memorandum of this order indicating the manner in which the Sheriff shall proceed on the Execution;

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Monday the 13th day of October 1884

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

7252 M. J. Wright et al. vs George Golden } This cause being this day called for trial came the plaintiffs by their attorneys Smith & Trigg and announce ready for trial, also came the defendant George Golden in his own proper person and files his answer herein admitting the allegations in plaintiff's petition to be true and joining in the prayer of plaintiff for the partition of the property as set out and described in said petition, and it appearing to the Court that Joseph W. Golden E. C. Golden and Eula F. Golden are minors and are by their next friend J. W. Smith Esq., it is therefore ordered by the Court that J. W. Smith be and he is hereby appointed guardian ad-litem for said minors: and the said J. W. Smith having qualified as such guardian as required by law, the case is tried by the Court without the intervention of a jury, and the Court after hearing the pleadings evidence and argument of counsel find that the plaintiffs and defendant are the owners and are entitled to an equal undivided half interest in the following described property towit: Lots (3) three and (4) four in Block No (2) two, and Lot No (1) one in Block No (45) forty five in the City of Austin Travis County Texas, and all the improvements now on said property. It is therefore ordered by the Court that said property be partitioned and divided between Plaintiffs and defendant as follows:- that one half of said property according to quality quantity and value be set apart to the plaintiff M. J. Wright as the separate property, M. B. Golden, E. C. Golden, Joseph W Golden and Eula F. Golden- and one half of said property to the defendant George Golden, equal in value, quantity and quality. It is further ordered by the Court that M. M. Homsley, W. M. Saunders and R. M. Castleman be and they are hereby appointed Commissioners to make said partition and to report their action to this term of this Court.- It is further ordered by the Court that the plaintiffs pay one half the costs, and the defendant the other half of the costs of this suit, for which execution may issue against the parties respectively for the amount due by them.

7249 A. H. Belo & Company vs Eugene M. Swindells } This cause being this day regularly called for trial, came the plaintiffs by their attorney D. S. Wooten Esq and announced ready- and it appearing to the Court that the defendant had been duly and legally served

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Mich. Process Issued this Cause Came on for trial before the Court, No jury having been demanded by either party, and the Court having heard the pleadings, evidence and argument of Counsel is of the opinion that the plaintiffs A. K. Belo & Company should have and recover of the defendant E. W. Swindells the sum of ($770.50) Seven Hundred and Seventy & 50/100 dollars with interest thereon from this day until paid at the rate of eight per cent per annum. It is therefore considered and adjudged by the Court that the plaintiffs A K Belo & Company do have and recover of the defendant E. W. Swindells said sum of ($770.50) Seven Hundred and Seventy & 50/100 dollars with interest thereon from this day at the rate of eight per cent per annum and all costs of this suit. For which execution may issue.

7225 Kaufman & Runge vs Hannah C. McIntyre } By consent of the parties to this cause it is ordered by the Court that the Case be set for trial October 15th 1884.

7256 J. J. Miller Sen & C vs D. T. Hagan. } 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 the plaintiff J. J. Miller individually, and as surviving partner of Miller Bros. and the sureties on their Sequestration bond Smith S. McRay and Jos. F. Elliott pay all costs of this suit. For which execution may issue.

7257 Ella Fain vs Willis Fain Continued by operation of law.

7268 Johanna Schmidt vs John Schmidt. Passed to October 18th 1884.

7269 Hannie Grahams vs Lee Graham. No Counsel appearing. Continued.

7271 E. J. Sinks vs J. C. Holmes Set for Nov 26th 1884

7272 Mary E. Jackson et al vs Wm Stewart et al. Set for Oct 18th 1884.

7280 W. D. Reeves vs Elizabeth A. Reeves. Passed to Dec 6th 1884.

7281 F. W. Chandler vs R. W. Turner et al. No Counsel appearing, Continued.

6018 Charles Wolf vs Mathilda Jourdan et al. By consent Case passed to October 20th 1884.

7133. Dorotha Hornberger vs Jacob Hornberger. By consent Case passed to October 18th 1884.

7226 J. A Fleming vs A. & N. W. R. R. Co. By consent Case set for hearing October 17th 1884.

7261 W. A. Smith vs W. C. Morgan et al. Set for October 18th 1884

District Court Minutes, October Term, 1884

Monday the 13th day of October 1884.

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

7262 Rebecca Pyeatt et al vs Elizabeth M. Espy et al } This cause coming this day regularly reached on the call of the docket came the plaintiff by attorney and moved the Court for judgment by default against the defendants who had been served in this cause, and it appearing to the Court that W. H. Bailey, Elizabeth M. Espy and Thomas H Espy had been duly and legally served with process herein and had failed to answer in this behalf but wholly made default. Whereupon said plaintiffs might be, recover their damages by occasion of the premises, and that plaintiff have their writ of inquiry to be executed at some future day, and cause continued for service on other defendants -

7284 M. C. Hurley vs J. A. Pharis, Garnishee } And now on this day this cause coming called for trial came the plaintiff by his attorney and moves the Court to dismiss this cause, It is therefore ordered by the Court that this cause be and the same is hereby dismissed, And further ordered by the Court that the plaintiff M. C. Hurley pay all costs in this behalf expended including ($10.00) Ten dollars for service of Garnishee for making answer as allowed by Statute for all which let execution issue -

F. Brigance Admr. vs T. O. Ferguson et al } On the 10th day of October 1884 this cause coming regularly reached on the call of the appearance docket came the plaintiff by attorney and moved the Court for judgment by default against the defendant T. O. Ferguson who had been served with process herein, and it appearing to the Court that said defendant T. O. Ferguson had been duly and legally served with process herein and had failed to appear and answer in this behalf but wholly made default. It is therefore ordered by the Court that said plaintiff have and recover of said defendant his damages sustained by occasion of the premises, and that plaintiff have his writ of inquiry to be reckoned at some future day, and on this the 13th day of October it is ordered by the Court that this cause be continued for service on other defendants -

7285

Estate of C. Bibby Lott. } Appeal from County Court of Travis County. On the 11th day of October 1884, came on to be heard the motion of Annie B. Lott to dismiss the appeal in this cause. and said motion having been heard

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Monday the 13th day of October 1884

and argued Was by the Court taken under advisement — and on this the 13th day of October 1884, having been considered and fully understood by the Court, it is ordered and adjudged by the Court that said motion be sustained, and the appeal in this Case be and the same is hereby dismissed and that W. L. Davidson pay all costs in this behalf expended for which execution may issue

D. A. Golden
vs
Reagan & Murdoch
7217

And now on this the 11th day of October 1884, Came on to be heard the motion of the defendants to compel plaintiff to file bond for costs in this cause, and said motion having been heard and fully understood was by the Court granted and ordered by the Court that Plaintiff herein is hereby required to file with the Clerk of this Court security for costs in this Cause, and that the Clerk notify Plaintiff or his attorney of record of this order —

Houghton & Robinson
vs
G W Scott et al
7289

And now, at this day, Came the plaintiffs John H Houghton and John H Robinson, composing the firm of Houghton & Robinson by their attorneys and the defendant Henry Esell by his answer filed in Court, but the defendant G W Scott failed to appear and wholly made default, although duly served with process, And the Court after hearing the pleadings and Evidence doth order adjudge and decree as follows:— 1. That the plaintiffs in the firm name aforesaid, do have and recover of the defendant, G W Scott on the note sued on dated September 24 1883, and due one year after date the sum of one thousand and Eighty three dollars ($1083.00) principal and interest to this date and the further sum of one hundred dollars ($100.00) as attorneys fees due by the terms of said note, all of which shall bear interest at the rate of 8 per cent per annum 2. And it further appearing to the Court that the said G. W. Scott, on September 24th 1883, made his certain mortgage whereby he sold and conveyed the following described real Estate and property, lying and being in the City of Sampasas Sampasas County State of Texas, to wit The west tenement of Lot (7) seven in Block seventeen (17) in the City of Sampasas and that part thereof known as the old Town of Sampasas - said West Tenement fronting twenty three (23) feet on third Street, on the North side of Third Street and running back one hundred and twenty eight (128) feet to a twenty foot alley. to the plaintiffs in order to secure

District Court Minutes, October Term, 1884

District Monday the 13 day of October 1884

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

three promissory Notes for the Sum of $1000- Each, all dated Septemb 24th 1883- and due respectively at 6, 12 and 18 Months after date all bearing interest at the rate of 8 per Cent per annum and conditioned for the payment of an Attorneys fee of 10 per Cent in case of Suit to Enforce Collection- And it further appearing to the Court that the first of Said Notes has been paid, this Suit being for recovery on the Second and for foreclosure of the Mortgage lien, the third and last of said notes not maturing until March 24th 1885- And it further appearing to the Court that Said G W Scott on November 12, 1883- Sold his Equity of redemption in Said Property to one P.M. Hargrave who on July 30 1884 assigned and transferred the same to Said Defendant Henry E Hall- It is therefore ordered and adjudged by the Court that the Plaintiffs Said Mortgage lien be and the Same is hereby foreclosed upon the Premises aforesaid, and that the Same be Sold to Satisfy Said Judgment for $1083- Principal and interest, and $100.00 Attorneys fee due on Said Second Note, and that an order of Sale issue out of this Court, directed to the Sheriff or any Constable of Sampsons County, Commanding him to Seize and Sell the Land and Premises as under Execution and that the Proceeds of such Sale be applied as follows-, 1. The Costs of this Suit and of Said Sale shall be paid. 2. The amount of the judgment aforesaid shall be paid to plaintiffs. 3. It is further ordered adjudged and decreed that the judgment foreclosure and Sale shall divest all right title Claim and interest in Said Premises out of the defendants and Each of them and the Same shall be vested in the Purchaser or purchasers at Such Sale- 4. It is further ordered and decreed that if Said Premises Shall not sell for a Sufficient Sum to fully Satisfy the Costs of this Suit and the Sum adjudged to be due on Said Second note falling due September 24 1884 then that the plaintiffs have Execution against Said G W Scott for any balance remaining unpaid- 5. It is further ordered and decreed, that if Said Premises Shall not sell for Enough to Satisfy this judgment and the amount to become due on Said Third and last note to become due on March 24 1885 then that Plaintiffs Shall Still have their action on Said last note against Said G W Scott for all or any balance

* $2½ a Sum of money sufficient to pay the third and last Note falling due March 24, 1885 with interest Shall be reserved from Said Sale and deposited to the Clerk of this Court until Said last Note Shall mature as aforesaid when the Same is to be paid by him Said over to Plaintiff

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thereof remaining unpaid 6. It is further ordered adjudged and decreed by the Court that the Sheriff or other officer of Lampasas as County making the sale of said property shall upon compliance with the terms of the sale by the purchaser, place the purchaser in actual possession of the said premises -

Whereupon Court adjourned until Tuesday Oct 14. 1884.

Tuesday October 14th 1884. Court met pursuant to adjournment present same as on first day of the Term - whereupon the following proceedings were had to-wit.

7310 Ex Parte. } Be it remembered that on the said day
Ernst Ballerstedt } personally appeared in open Court Ernest Ballerstedt, 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 on oath of W. E. Gregg and B. C. Giles both citizens of the United States of America that said Ernst Ballerstedt has resided within the limits of the jurisdiction of the United States of America and for three years next preceding his arriving at the age of twenty one years - 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 Ernest Ballerstedt 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 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 every foreign Prince, Potentate, State or Sovereignty whatever and particularly to the Emperor of Germany of whom he was a subject - It was therefore ordered by the Court that the said Ernest Ballerstedt be admitted and was admitted to be a Citizen of the United States of America -

Court adjourned till tomorrow morning 9 O'clock.

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Tuesday the 14th day of October 1884.

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

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

D. W. Trinch
vs
James Haig
City Water Company Garnishee.

7242

And now on this day came W. B. James. T. J. Ayers and Frank Healy by attorney and move the Court to be allowed to intervene in this cause. Which is by the Court granted, It is therefore ordered by the Court that said W. B. James T. J. Ayers and Frank Healy be and they are hereby allowed to make themselves parties to this suit:

J. Newton Jackson et al
vs
W. B. Walker
of Civil docket.

7276

By consent of the parties to this cause it is ordered by the Court that this cause be and the same is hereby passed to and

R. J. Loving
vs
W. H. Fitzhugh

7277

This cause being this day called for trial came the parties plaintiff and defendant by their attorneys, and thereupon came on to be heard the exceptions of defendant to plaintiffs petition, and said exceptions having been argued and submitted, by the Court considered, and fully understood, were sustained - and ordered that plaintiff have leave to file trial amendment - and that defendant have leave to file trial amendment and cause passed -

The Calcasieu Lumber Company
vs
J. W. & L. C. Moore

7282

And now on this the 11th day of October 1884, came the parties plaintiff and defendants by their attorneys and thereupon came on to be heard the exceptions of plaintiff to the plea in abatement filed by the defendants in this cause, and the same having been argued, were submitted and taken under advisement by the Court and case passed until October 14th 1884 - and now on this the 14th day of October 1884. said exceptions having been considered and fully understood by the Court were by the Court sustained, to which ruling of the Court defendant excepts.

Whereupon Court adjourned until ~~Thursday~~ Wednesday morning October 15th 1884.

Wednesday October 15th 1884.

Court met pursuant to adjournment present same as on first day of Term whereupon the following proceedings were had, to wit,

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Wednesday the 15th day of October 1884

7163

Elizabeth J Darden Etal
vs
George Darden Etal

In this cause came the Plaintiffs by their attorney M V Kennison and it appearing to the Court that the Defendants herein, towit, Georg Darden, Stephen Darden, Samuel Darden, Mary Darden and Josephine Darden had been duly cited to appear, and it further appearing that said Defts are minors and have no legal guardians of their Estate it is therefore ordered that D M Downs Esq. an atty of this Court be and he is hereby appointed to represent said Defts in this cause as Guardian Ad Litem - And said defendants by their said Guardian ad litem having filed their said answer, and said Cause coming on to be heard, And it appearing to the Court that the allegations of Plffs Petition are true and that Elizabeth J Darden one of the Plaintiffs is the surviving wife of George P Darden dec? that said George P Darden died some time in the year AD1878 intestate and that there is no administration on his Estate, and it further appearing that the other Plaintiffs towit, Adaline Darden Clay tonia Riggs and Carrie Robinson and the Defendants Georg Stephen, Samuel, Mary and Josephine Darden are the children of Elizabeth J Darden and George P Darden dec? and heirs at law of said George P Darden, and it further appearing that the property prayed to be partitioned in this cause towit Lot No(39) thirty nine in Block No(19) Nineteen of Louis Hords addition to the City of Austin in Division "D" is the joint property of the said Elizabeth J Darden and the Plaintiffs and defendants aforesaid, the same having been the Community property of the said Elizabeth J and George P Darden dec?. And it appearing that the said Elizabeth is the owner and seized in fee of the Equal undivided half of said property and that each of the other Plaintiffs and defendants aforesaid are the owners in fee Each of the(1/16) One Sixteenth part of said property - That the same had not heretofore been partitioned between plaintiffs and defendants herein and no legal reasons appearing to the Court why the same should not be partitioned. It is therefore ordered adjudged and decreed by the Court that the prayer of Petitioners for the partition of said property be granted and that in said partition Mrs Elizabeth Darden take one half and said Children of deceased each take one Sixteenth of said Lot. And O H Darden W M Johnson and L P Hart be and they are hereby appointed Commissioners to view and appraise

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Wednesday the 15th day of October 1884

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

said property and divide the same in the proportion of one half part in quality and quantity to Elizabeth J Darden and one Sixteenth part to each of the above named Children Separating said lot into one or more lots, tracts or parcels as said Commissioners may think proper having due regard to the situation, quantity and advantages of each share So that the shares shall be equal in value as nearly as may be in proportion to the respective interests of the parties aforesaid- And should said Commissioners be of the opinion that a fair and Equitable division of said property cannot be made into Lots or parcels as aforesaid without injury to said property they will report that fact to the Court in writing and under oath and make due report of all their acts in the premises—to the present term of this Court

It is further ordered by the Court that the parties Each pay costs in proportion to their interests therein- And that a fee of Twenty (20) Dollars be allowed D. U. Dunn Esq. as Guardian ad litem and that it be taxed and collected as Costs in this Cause

Court adjourned till tomorrow morning 10 oclock

October 16th 1884.

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

The State of Texas vs W. H. Randolph et al

On this 16th day of October 1884, this Cause having been set for trial at the hour of 10 A.M. at said hour of 10 A.M. this ~~cause being~~ regularly called for trial the said defendants by their attorney appearing and thereupon the said cause, was at the request of the District Attorney communicated to the Court through the Court for the defense post poned and set for this day October 16th 1884 at 2 oclock P. M, And at 2 oclock P.M. the said defendants by their attorneys appeared and demanded a trial of the issues joined, and the District Attorney failing to appear and prosecute the same, the Court notified the Attorney General who also failed to appear, and thereupon the Court called the County Attorney of Travis County, who being engaged in other official duties, was excused by the Court, And no one appearing on behalf of the State, it is ordered adjudged and decreed by the Court that this cause be dismissed for want of prosecution, and that

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the defendants W. H. Randolph, M. G. Randolph and G. C. Randolph go hence without day and recover their costs in this behalf expended.

7442

State of Texas vs Jno. R. Ward

On this 16th day of October 1884, this cause coming on for trial at the hour of 10 A.M., at said hour of 10 A.M. this cause being regularly called for trial the said defendant by his attorney appeared and thereupon the said cause was at the request of the District Attorney communicated to the Court through Counsel for the defense, postponed and set for this day October 16th 1884 at 2 oclock P. M. And at 2 oclock P. M. the said defendant by his attorney appeared and demanded a trial of the issues joined, and the District Attorney failing to appear and prosecute the same, the Court notified the attorney General, Who also failed to appear, and thereupon the Court called in the County attorney of Travis County, Who being engaged in other official duties, Was excused by the Court, And no one appearing in behalf of the State, it is ordered adjudged and decreed by the Court that this Cause be dismissed for want of prosecution and that defendant go hence without day and recover his costs.

7220

Calcasieu Lumber Company. vs William Brealy

And now on this day 16th of October 1884, this Cause coming on for trial came the parties plaintiff and defendant and announced ready for trial and the pleadings evidence and argument of Counsel having been heard the Case was submitted and taken under advisement by the Court and now on this the 13th day of October 1884 the matters in issue having been considered and fully understood it is the opinion of the Court that the law and facts are with the plaintiff. It is therefore considered ordered and decreed by the Court that the plaintiff the Calcasieu Lumber Co do have and recover of the defendant William Brealy the sum of $36 25/100 and all costs in this behalf expended, and it further appearing to the Court that said sum of $36 25/100 is due plaintiff for building material furnished defendant for construction of houses situated on Lots 5 & 13 of Block 1 out Lot 63. Div. D. of the City of Austin. It is therefore further ordered by the Court that the lien created and existing by reason thereof on said Lots and improvements be and the same is hereby foreclosed and plaintiff have his order of sale and that said

Filed this 25th day of Nov. A.D. 1884 in the District Court of Travis County Texas
Geo. W. Walton
Deputy

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property be sold for the satisfaction of said debt and Costs.

7255

Kaufman & Runge
vs
Hannah C McIntyre Etal

This day came the plaintiffs by their Attorney and the defendants Hannah C McIntyre and J C McIntyre her husband who is joined in this suit in person and by their Attorneys and submit the matter in Controversy as well of fact as of law, to the Court and the evidence and the argument of Counsel having been heard and fully understood- the Court finds as follows towit, 1. That all the "articles levied upon Except the Piano, the Organ and the "Cooking Stove are the Separate property of the Claimant "Mrs Hannah C. McIntyre. 2. That the said Piano and "Cooking Stove are Community property- The organ was "given by the parties to their daughter.- 3. The Cooking Stove "is an article of Kitchen Furniture and was so used at "time of levy- 4- The Piano is worth $100.00 and the organ "$50.00 - From these facts the Court holds as matter of "law: 1: That as to the articles proved to be the Separate "property of Claimant the Plaintiffs take nothing- "2. That the Cooking Stove is Exempt from Execution "3rd That as to the Piano and the organ levied on they are "Subject to Execution: Judgment will be rendered releasing "and discharging from the Levy all the property levied "upon except the Organ and Piano- and as to them that "they are adjudged Subject to the Execution- Judgment accor "ding by and upon requirements of Statute A.J. Walker Judge"

It is therefore Considered by the Court that the plaintiffs Julius Kaufman and Julius Runge Composing the firm of Kaufman & Runge recover jointly and severally of the Claimant Hannah C McIntyre and her husband J C McIntyre who is joined in this suit and of her Securities on Claimants bond H. D. Patrick and D Simon & Company the sum of one hundred and fifty dollars which is the value of the Piano and organ and fifteen dollars damages together with the legal rate of interest on one hundred and fifty dollars from Sept 6th 1884 the date of Claimants bond herein and all costs by them in this behalf Expended, and that the balance of the property levied on by the Sheriff herein and Claimed as the Separate property of the Defendant

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Hannah C McIntyre be and the same is hereby released and the same is adjudged to be the separate property of Claimant save the Stove Exempt from Execution as household furniture - And further ordered by the Court that in case said Piano and organ are returned to the Sheriff in the same Condition as when levied upon by him within Ten days, this Execution will only issue for the amount of the damages herein with interest and Costs of Suit.

Whereupon Court adjourned until tomorrow morning October 17th 1884.

Friday October 17th 1884. Court met pursuant to adjournment present same as on first day of the Term whereupon the following proceedings were had towit:

7066.

F W Chandler
vs
C.G. Caldwell et al
H E Shelley Intervenor

And now on this day came the parties by their attorneys respectively and having agreed on a Compromise of this case the following decree is entered of record. by the Court adjusting and determining all matters in issue as well for money demands as their respective claims to land involved in this suit) with the Consent of all parties concerned - Viz - It is ordered adjudged and decreed by the Court as follows of and concerning the John McSherry League of Land in Controversy and litigation situated in Taylor County Texas and being in Metes and bounds as shown by the Plaintiffs Petition on file in this suit and the Original Patent now of record in the Genl Land Office of Texas which is here referred to for all legal and necessary purposes - it being supposed that the field notes Contained in said Patent Contain a superficial area of more than one League of Land (Viz 4428 acres)

1. That there shall be and is hereby set aside to John H Burleson one of the Defendants 1476. acres of said League of land according to quantity and quality -

2. That there be and is hereby set aside to F W Chandler the plaintiff 738 acres of said league of land according to quantity and quality

3 - The said Burleson and Chandler owning the foregoing quantities in said league of land by deeds calling for acres are not entitled to any interest in the excess of land said League may contain if any -

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4 The remainder of said League whether it contain more or less, than a half league - Viz 2214 acres belongs to F W Chandler plaintiff C.G. Caldwell one of the defendants, and H E Shelby Intervenor: It is therefore further ordered adjudged and decreed by the Court. 1. That there be and is hereby set apart aside to C.G. Caldwell one of the defendants (1045) Ten hundred and forty five parts of the remainder of said League according to quality and quantity after the 1476 acres to J H Burleson and 738 acres to F W Chandler have been taken off and out of said league -

2 - That there be and is hereby set aside to H.E. Shelby Eight hundred and thirty (830) parts of the remainder of said league of land according to quality and quantity after the 1476 acres to Burleson and 738 acres to F W Chandler have been set aside to them -

3. That there be and is hereby set aside to F W Chandler three hundred and thirty nine (339) parts of said league according to quantity and quality after the 1476 acres to J H Burleson and 738 acres to F W Chandler have been set aside to them - All these several tracts as set aside to Burleson, Chandler Caldwell and Shelley now rest in undivided interests -

It is further decreed by the Court that each party is liable for the taxes on said league of land for the year 1884 in proportion to their respective interests as herein adjusted - It is further decreed by the Court that each party hereto, plaintiff defendants and Intervenor is liable for the costs in this case already expended herein or that it may be necessary to expend herein before and including final decree, in proportion to their respective interests in said league of land and it is so ordered -

It is further ordered by the Court that M W Worthington and E E Hartsook, H M Hudson and J C Thomas Surveyor be appointed Commissioners to partition the said League of land between all the parties hereto in exact accordance with this decree That is to say - They shall set aside - 1 To J H Burleson 1476 acres - 2 To F W Chandler 738 acres. of the remainder of the league they shall set aside, 1. To C. G Caldwell 1045 parts - 2 To H. E. Shelley 830 parts. 3. To F W Chandler 339 parts - And [illegible] Surveyor of Taylor County

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is hereby appointed Surveyor to survey said land and to assist said Commissioners - And it is further ordered that said Commissioners make their report to this Court how they have executed their Commission on or before the 1st day of December 1884.

It is yet further ordered by the Court that if it be practicable for the Commissioners without sacrificing or prejudicing the rights of any of the parties, they will so divide said league of land as to place the interests of J H Burleson and C. D. Caldwell side by side and the interests of H.E. Shilley and F W Chandler side by side - It is ordered that the Clerk furnish to the Commissioners a Certified Copy of this decree - It is further ordered by the Court that this case stand over to a future day of this term of Court for the coming in of the report of the Commissioners and for final decree

The defendant Caldwell having asked that the jury fee paid by him be returned - Ordered that the said jury fee be returned to him - Oct 17. 1884

A G Walker Judge

Walton Hill & Walton
Attys for Pltff F W Chandler

Robertson & Williams
Attys for Defts C G Caldwell & J H Burleson

Henry E Shilley
Intervenor

7216

Francis G Morris
as
A. E. Hubicht Etal

And now came the plaintiff by his attorney and the defendant A.E. Habicht by his attorney Jos. H. Stewart and the defendant Thomas McGill although duly served with process failed to appear but wholly made default and thereupon the said plaintiff and the defendant Habicht announced themselves ready for trial and the Court after hearing the pleadings Evidence and argument of Counsel adjudged as follows - It is ordered adjudged and decreed that the defendant Thomas McGill be divested of all his right title interest and claim in and to the tract of land described in plaintiffs petition which said tract of land is described as follows: Situated in the County of Bavalla and State of Texas

Patented to A. D. Canton assignee of Texas Western Narrow Gauge R.R.Co by Patent No 629. Vol 29. Scrip being the same tract of land located by virtue of Scrip No 491 - issued to said T W W G R R Co said tract of land containing 640 acres being known as Survey No 1119. Abstract No 636 situated about 20 miles N 62° East from Centre of the County on Elm Creek and about 15 Miles South of the Frio River and described by metes and bounds

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as follows: Beginning at a stake set on the D B line of Edward Hall's Survey No 370. 821 vrs west from its S.E. Corner a Musquite 10 in brs W 5 7/4° E 11½ vrs. Thence N with D.B. line of E Hall 1729 vrs to its D W Corner a stake and pile of rocks, Thence South 740 vrs to the S.E. Cor of Hannah Allen's Sur No 374 a stake and pile of rocks. Thence West with S.B. line of H Allens 1350 vrs to a stake and pile of rocks Thence South 140 vrs Elm Creek 758 vrs to a stake set on N B line of Sec No 9 a Musquite 3in brs S 30° W 61½ vrs Thence East passing the Corner of Section No 9. at 800 vrs. passing the Corner of Sec No 1120 at 2700 vrs 3179 vrs to a stake and pile of rocks on N B line of Sec No 1. Thence N 125 vrs Elm Creek 1498 vrs to the beginning Containing 640 acres of land. It is further ordered adjudged and decreed that one Equal undivided one half of the aforesaid tract of land be vested in the plaintiff Francis G Morris and that one Equal undivided one half of said tract of land be and the same is hereby vested in the defendant A.E. Habicht-

It is further ordered adjudged and decreed by the Court that R. C. Shelley Thomas F. Taylor and P L Wren be and they are hereby appointed Commissioners to partition the aforesaid tract of land equally between the said Francis. G. Morris and the said A.E. Habicht so as each shall recive the half in value of said tract and said Commissioners are hereby instructed to return a report of their action herein in writing to this Court at its present term if possible -

It is further ordered adjudged and decreed that the plaintiff Francis G Morris do have and recover of and from the Defendant A.E. Habicht one half the Costs of this suit and that the defendant A E Habicht and Thomas M Gill do have and recover of and from the plaintiff F.G. Morris the other half of said Costs -

Whereupon Court adjourned til tomorrow Morning Oct 18 1884

Saturday October 18 th 1884. Court met pursuant to Adjournment present same as on first day of the term - Whereupon the following proceedings were had - to wit -

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Saturday the 18th day of October 1884

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7163 ✓ Elizabeth J Darden Etal vs George Darden Etal } Now Come into Court this day, the Commissioners appointed to Partition and divide Lot No 39 in Block 19 in Division D Hearts addition to the City of Austin between Plaintiffs and Defendants and said Commissioners having reported to the Court that said property is not susceptible of a division and having recommended a sale of the same, and there being no objections heard to said report and the facts stated in said report appearing to be true It is therefore on motion of the Plaintiff ordered and decreed that said property be sold for the purpose of Effecting a partition of the same between the parties aforesaid and the Court hereby appoints S. H. Darden as Special Commissioner to make sale of same and he is hereby ordered and directed to sell said property at Public Auction Vendue to the highest and best bidder for Cash at the Court House Door of Travis County in the City of Austin after having given the notices as required in Sales of real Estate under Execution and sale to be made on the first Tuesday the 2nd day of December AD 1884 and said Commissioner will make due report of said Sale and all his acts in the premises to the present Term of this Court -

7216 ✓ Francis G Morris vs A E Habicht Etal } And now at this time came on to be heard the motion of the Plaintiff to Confirm the report of the Commissioners R L Shelley Thos F Taylor and T L Wren who were by an order and decree of this Court on the 17th day of October 1884 appointed to divide and partition the tract of Land in Controversy in this Cause and which said report is in the words and figures as follows

" Francis G Morris vs " A E Habicht and " Thomas M Gill } In Dist Court Travis Co Texas Oct Term 1884. To Hon A. J. Walker Judge of the 16th Judicial District of Texas holding Sessions in and for the County of Travis. The undersigned R L Shelley Thomas F " Taylor and T L Wren who were by an order and decree of " your Honorable Court dated Oct 17th 1884 appointed as " Commissioners to divide and partition that certain tract " of land situated in the County of Bexalla and State " of Texas patented to A. J. Cawton assignee of Texas " Western Narrow Gauge R R Co by Patent No 629. Vol " 29. Survey being the same tract of land located by virtue " of Survey 291 issued to said T W N G R R Co said tract

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" of land being known as Survey No 1119. Abstract No 636 situated
" about 20 miles N 62° East from Centre of the County on Elm Creek
" and about 4 Miles South of the Frio River and described by metes
" and bounds as follows: Beginning at a stake set on the S.B.
" line of Edward Halls Survey No 370 821 Varas West from the
" S.E. Corner, a mesquite 10 in dia brs N 57½° E. 11½ vrs
" Thence N with S B line of E Halls 1729 vrs to its S W Corner
" Stake and pile of rocks, Thence South 740 Varas to the S.E.
" Corner of Hannah Allen's Sur No 374 a stake and pile of rocks
" Thence West with S B line of H Allens 1350 vrs to a stake and
" pile of rocks Thence South 140 Vrs Elm Creek 758 Varas
" to a stake set in the N B line of Sec 209. a mesquite 3.
" in brs S 30° W 6½ Vrs - Thence East passing the Corner of
" Section No 9. at 800 Vrs passing the Cor of Section No 9
" at 800 Varas passing the Cor of Sec No 1120 at 2700 Varas
" 3079 Varas to a stake and pile of rocks on W B line
" of Sec No 41. Thence N 125 vrs Elm Creek 1498 vrs to the
" beginning containing 640 acres of land; beg leave to report
" that in obedience to said order and decree they have
" divided said tract of land into two equal portions
" in quantity and so far as they can learn in
" quality each tract containing 320 acres, the first
" tract being described as follows. Beginning at a
" stake set on the S B line of Edward Halls Survey
" No 370, 821 vrs West from its S.E. Corner a Mesquite
" 10 in brs N 57½° E 10½ Vrs. Thence W with S B line
" of E Hall 1206 vrs to a point in said line - Thence
" South 1498 Varas to a point in the South boundary line
" of this Survey No 1119. Thence East 1206. Varas to
" the S.E. Cor of this Survey a stake and pile of rocks
" on N B line of Sec No 41 Thence N. 125 Varas Elm
" Creek 1498 Varas to the beginning
" The Second tract being described by metes and
" bounds as follows: Beginning at the S.W. Cor of E Hall
" Survey a stake and pile of rocks Thence South 740 varas
" to the S.E. Corner of Hannah Allen's Survey No 374 a stake
" and pile of rocks; Thence West with S B line of H Allens
" 1350 Varas to a stake and pile of rocks Thence South 140
" vrs Elm Creek 758 vrs to a stake set on N B line of Sec
" No 9. a Mesquite 3 in brs S 30° W 6½ vrs Thence East passing

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" the Corner of Section No 9 at 800 vrs passing the Corner of Section
" No 1120 at 2700 vrs. at 2873 vrs to a point in the South line of
" this Original Survey No 1119. Thence North 1498 varas to a point
" in the North line of this Original Survey. Thence with said line
" 523 varas to the place of beginning.
" Your Commissioners report that they have allotted the first sub
" division hereinbefore set out to the defendant A E Habicht
" and the last subdivision to the plaintiff Francis G Morris
" they further report that from the best information in their
" possession they believe each of said subdivisions to be worth
" the sum of Six hundred and forty dollars or two dollars per
" acre. Your Commissioners further report that they make
" such division of said tract and Estimate from their general
" knowledge of lands in Zavalla County Texas. T. L. Aiken
" Sworn to and Subscribed before me this 18th day Thomas F. Taylor } Commissioners
" of October 1884 Jas P Hart Clerk D C T C." R L Shelley } "

And it appearing to the Satisfaction of the Court after examining said report, that the same was made by all the said Commissioners that the partition therein recommended is just fair and Equitable and that the said partition has been made by the said Commissioners in accordance with the law; said report is in all things confirmed approved and adopted—

It is therefore ordered adjudged and decreed by the Court that all the right title interest and claim of the defendants Thomas M Gill and A E Habicht in and to the following tract of land situated in Zavalla County Texas, to-wit, "Beginning at the S W Corner of E Hall Survey a Stake and pile of rocks Thence South 744 " vrs to the S E Corner of Hannah Allen's Sur No 374 a " Stake and pile of rocks— Thence West with S B. line of " H Allens 1350 Varas to a Stake and pile of rocks Thence South " 140 vrs Elm Creek 758 vrs to a Stake set on N B line of " Sec No 9. a Mesquite 3 in brs S 30° W. 61½ vrs Thence East " passing the Corner of Section No 9. at 800 vrs passing the Corner " of Sec No 1120 at 2700 vrs at 2873 vrs to a point in " the South line of this original Survey No 1119. Thence " North 1498 Varas to a point in the North line of this orig " inal Survey Thence with said line 523. varas to the " place of beginning" — be and the same is hereby decre

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ted out of them and the same is fully vested in the plaintiff Francis G Morris -
It is further ordered adjudged and decreed that all the right title interest and claim of the plaintiff F. Francis G Morris and of the defendant Thomas M Gill in and to the following described tract of land situated in Zavalla County Texas, Forth, "Beginning at a stake set on the S B line " of Edward Halls Survey No 370. 821 varas west from its S.E. Corner " a Mesquite 10 in bro N 57¼" E 10½ varas - Thence W with S.B. " line of S Hall 1206 Varas to a point in said line Thence " South 1498 varas to a point in the South boundary line of this " Survey No 1119. Thence East 1206 varas to the S E Corner of this " Survey a stake and pile of rocks on N B line of Sec No 41 " Thence North 125 vrs to Elm Creek 1498 vrs to the beginning" be and the same is hereby directed out of them and fully vested in the said defendant A E Habicht -

6059 — Nannie H. Marsh vs Almgo H. Marsh } And now on this day comes plaintiff by Attorney and moves the Court to dismiss this cause. It is therefore ordered by the Court that this cause be and the same is hereby dismissed at plaintiff cost -

7065 — Mary Fons vs J. J. Fons } And now on this day came the plaintiff by attorney, and asked leave for the sheriff to amend the citation in this cause, which leave was granted by the Court and the sheriff ordered to amend his citation in accordance with the facts - thereupon the plaintiff announced ready for trial, but the said defendant failed to appear his answer, through his attorney D H. Newsith Esq. Affirmed by the Court to appear with the absent defendant who had been served by publication herein, and the Court having heard the pleadings, evidence and argument of counsel is of opinion that plaintiff should have her divorce, It is therefore ordered adjudged and decreed by the Court that the bonds of matrimony heretofore existing between the plaintiff Mary Fons and the defendant John J. Fons be and the same are hereby forever dissolved and from now henceforth held for naught; and that plaintiff recover her costs for which execution may issue.

7120 — Walter Gee Hile vs M. A. Taylor. By agreement set for trial for November 28th 1884.

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7174 D. W. Fomch & Co. vs James Hays, defendant City of Austin and County of Travis Garnishee defendants. } And now on this the 15th day of October 1884, this cause having been set down for trial for this day, came the parties plaintiffs by their attorneys, and attorneys, and upon motion it is R. S. Lee and Byrne Simms be and they are hereby allowed to make themselves parties to this cause, and by consent cause passed until October 25th 1884.

7226 J. A. Rumbley vs A. & N. W. R. R. Co. Set for October 25th 1884.

7242 D. W. Fomch vs James Hays defendant & City Water Company Garnishee defendant - It is ordered by the Court that the Garnishee defendants have leave to file additional answers and cause set for Oct 25th 1884

7261 Wm A. Smith vs W. C. Morgan &c. By consent ossit for November 15th 1884.

7268 Johanna Schmitz vs John Schmitz } This cause having by agreement been set down for trial for this day came the plaintiff by her attorney Wm M. Walton Esq and announced ready for trial, but the said defendant though duly and legally served with citation herein failed to appear and answer, and the Court having heard the pleadings, evidence and argument of Counsel, doth order adjudge and decree that the material allegations contained in plaintiffs petition are true, and that plaintiff ought to have the divorce. It is therefore considered ordered and adjudged by the Court that the bonds of matrimony heretofore existing between the plaintiff Johanna Schmitz and the defendant John Schmitz be and the same are hereby forever dissolved and henceforth held for naught. And it further appearing to the Court that the plaintiff Johanna Schmitz is the proper person to have the care and custody of the minor children of plaintiff and defendant viz: Henry Oscar, Willie and Amanda Schmitz an infant about eleven months old. It is therefore further ordered that plaintiff Johanna Schmitz be given and she is hereby charged with the care and custody of said children free from interference on the part of said defendant John Schmitz. But said defendant is allowed the privilege of visiting said children at reasonable times when sober. And it further appearing to the Court that plaintiff and defendant own together Lot Number (6) Six Block

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Number (13) thirteen in the City of Austin Travis County Texas with improvements thereon, and household furniture &c. It is therefore further ordered by the Court that said property is hereby adjudged to plaintiff to be used by her for the support of herself and children until the youngest child now eleven months old reaches its majority, then the property to be partitioned equally between plaintiff and defendant. It is further ordered that this defendant pay all costs in this behalf expended for which let execution issue -

7283 M. C. Hurley vs W. H. Westfall, Garnishee } And now on this the 17th day of October 1884, this cause being called for trial, came the parties plaintiff and defendant by their attorneys, and both parties announce ready, whereupon the cause was heard upon the sworn answer of the Garnishee filed herein. Which being considered by the Court, it is ordered by the Court that said Garnishee defendant be and he is hereby discharged on said answer and that said defendant have and recover of and from said plaintiff M. C. Hurley all costs in this behalf expended including ($25.00) twenty five dollars costs allowed defendant for expense of answer. For all which execution may issue.

7295 Samuel Fridlique vs W. A. Carouthers } And now on this 18th day of October 1884 came the parties by their attorneys and thereupon came on to be heard the defendants motion for a new trial in this behalf - and said motion having been heard and submitted, duly considered and fully understood was by the Court 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

Whereupon Court adjourned until 10 o'Clock Monday Morning the 20th day of October -

Monday October 20, 1884. Court met pursuant to adjournment, present and presiding as on first day of the term whereupon the following proceedings were had.

7173 A. McAlexander as D. C. Bates } And now on this the 20th day of October A.D. 1884 this cause came on to be heard in its regular order for trial and the plaintiff appearing in person and by his attorney and the defendant failing to appear although duly served and wholly making default, the plaintiff demanded a trial by a jury

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not being demanded the case was tried by the Court and the Court after hearing the pleadings and evidence in the cause and argument of Counsel thereon was of the opinion the plaintiff should have judgment as prayed for Whereupon it is ordered adjudged and decreed by the Court that the plaintiff W. M. Alexander do have and recover of and from the Defendant D. C. Bates. in this cause the sum of one hundred dollars and twenty six cents and all costs of suit And it further appearing to the Court that the Plaintiff has a Material mans Lien on the following described property viz - A two rooms frame House and the land on which the same is situated the said land being Forty acres in two tracts of twenty acres Each viz Forty acres part of the Thomas Anderson Survey in Travis County Texas and being in two tracts of twenty acres Each described as follows: Beginning at S E Corner of 311 acre tract of land deeded to C Spalding by heirs of Murphy to Jno E Campbell Thence N 30° E 594 vrs Stone mound Thence N 60° W 331 Varas Stone mound on S line of 10 acre tract deeded to Elijah Oats Thence S 60° E 69 varas Stone mound of W line of 20 acres deeded to said Bates - Thence S 30° W 530 varas to S W Cor of said 20 acres an a branch Thence down same N 88¾° 330 vrs to S E Cor of same Thence S 30° W 372 vrs to beginning Containing 20 acres of land and the second tract of land Beginning at a point N 30° E 372 vrs from S E Cor of 311 acre tract of land deed by heirs of Murphy to C Campbell in bed of branch Thence N 30° E 336 vrs to Stone Md. Thence N 60° W 258 vrs Stone Md Thence S 30° W 540 vrs Stone Md on N side of branch. Thence down same N 81¾° E 330 vrs to beginning Containing 20 acres of land. for the payment of said debt It is hereby ordered adjudged and decreed that said lien on said house and land is foreclosed and said house and land are hereby ordered to be sold to pay the said debt and order of Sale issue to carry same into effect and if said land and house does not bring Enough to pay said judgment and Costs Execution issue to collect balance

7232 Leon & H Blum as D Malevinsky

And now on this the 30th day of Oct A D 1884 this Cause being regularly reached and called for trial the plaintiffs appeared by Counsel but the defendant though duly Cited failed to appear and wholly made default Wherefore the plaintiffs ought to recover their damages by reason of the premises, and the Court after hearing the

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the pleadings and evidence doth order adjudge and decree that the said plaintiffs Leon Blum Sylvian Blum and Hyman Blum in their firm name of Leon & H Blum do have and recover of and from the said defendant D Malovinsky the sum of $4436 82 with interest at the rate of Eight per Cent per annum and all costs of this suit for which Execution may issue

4935 Catlin & Robinson vs Bingham Trigg. No counsel appearing Case continued

5564 John & Lewis Hancock vs R. Kammacher et al. Passed by Consent until November 24th 1884

5868 Page McDonnell vs Caroline Wahrenberger } This cause being this day called for trial came the plaintiff by attorney and moves the Court to dismiss this cause at plaintiffs cost. It is therefore considered and ordered by the Court that this cause be and the same is hereby dismissed. It is further ordered that the plaintiff Page McDonnell pay all costs in this behalf expended for which Execution may issue.

6010 A. B. Mays vs Austin & North Western Railroad Company et al. It is ordered by the Court that plaintiff have leave to file 1st Amended original Petition and Cause set for trial October 24th 1884

6022 Charles E. Rork vs I. & G. N. R. R. Co. Set for December 5th

6091 R. Krause vs The City of Austin. Set for November 24th 1884.

7067 J. M. Morphis vs John Stringer & wife. Set for October 24th 1884.

Court adjourned till tomorrow 9 o'clock

Tuesday October 21st 1884.

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

7114. John & Andrew Majors vs Dallie Burks & Stance Harnel } This cause on the 20th day of October 1884 being regularly called for trial came the said plaintiff and defendant by attorneys and announced ready for trial. Thereupon came a jury of twelve good and lawful men of Travis County consisting of T. W. Folts and eleven others who were duly elected tried empanelled and sworn according to law, heard the pleadings

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evidence and argument of Counsel which was concluded on this the 21st day of October 1884. and said jury on this day being duly charged by the Court as to the law in this case retired to consider of their Verdict and thereafter said jury returned into open Court the following Verdict to wit: "We the Jury find for the defendant Sallie Brooks. F. W. Fall Foreman" It is therefore considered ordered and adjudged by the Court that the plaintiff take nothing by this suit and that the defendant Sallie Brooks go hence without day and recover of and from the Plaintiffs John Majors and Andrew Majors and the sureties on their Cost Bond to wit: W. A. Morris, all costs in this behalf expended for which execution may issue.

Court adjourned till tomorrow morning 9 O'clock.

October 22nd 1884.

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

October 23rd 1884.

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

7324

William Morrish } At a term of the District Court
Ex parte. } held in and for the County of Travis
in the City of Austin on the 23rd day of October in the year
of our Lord one thousand eight hundred and Eighty four—
Present the Honorable A. S. Walker—

Be it remembered, That on the said day personally appeared in Open Court William Morrish, an Alien, and subject of the Queen of England 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 on oath of Eric F. McCauly and Lewis Dixon, both citizens of the United States of America, that said William Morrish 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,

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Thursday the 23rd day of October 1884

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And the said William Morrish having shown to the satisfaction of this Court that he has fairly 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 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 Power, Potentate, State or Sovereignty Whatever and particularly to the Queen of England of Whom he was a subject; It was therefore ordered by the Court, That the said William Morrish be admitted, and he was admitted to be a Citizen of the United States of America,

Court adjourned till tomorrow morning 8½ o'clock

October 24th 1884

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

1732S7 E. A. Johnson } In a Term of the District Court in and
Ex parte } for the County of Travis in the City of Austin
on the 24th day of October in the Year of Our Lord one thousand and eighty four, Present the Honorable A. S. Walker.

Be it remembered that on the said day personally appeared in open Court E. A. Johnson an alien and subject of the Queen of England 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, on oath of D. M. Bacon and M. T. Thompson both citizens of the United States of America that said E. A. Johnson has resided within the limits and jurisdiction of the United 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 E. A. Johnson having shown to the satisfaction of this Court that he has fairly 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 having also made oath of record in this Court that he will support the Con-

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stitution 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 Queen of England of Whom he was a subject.

It was therefore ordered by the Court, That the said E. A. Johnson be admitted and he was admitted to be a citizen of the United States of America.

7088 Frances Palmer et al vs Jno D. Shand et al

And now on this the 22nd day of Octobr 1884, this cause being called for trial came the parties plaintiffs and defendant by their attorneys and announced ready for trial, and thereupon came a jury of twelve good and lawful men of Travis County, viz:- of F. W. Folts and them others selected tried empannelled and sworn according to law, heard the pleadings, evidence and argument of counsel and being duly charged by the Court as to the law in this case, on this the 24th day of Octobr 1884, retired to consider of their verdict, (said cause having been in progress since said 22nd Octobr 1884,) and thereafter said jury returned into open Court the following verdict viz:- "We the jury find for the plaintiff, also find that the damage to the defendants properly done land and the benefits received by defendant in extra amount. F. W. Folts Foreman" It is is therefore considered and adjudged by the Court that the plaintiffs Frances Palmer and her husband Baylor Palmer recover of and from the defendants John D. Shand and Rebecca Shand the title and possession of the following described property viz:- Lots- five (5) Six (6) Seven (7) and (8) Eight- Block (9) nine, Out Lot (37) thirty seven, Division "B." of the City of Austin Texas, now held and occupied by the defendants John D. and Rebecca Shand, together with all the improvements thereon. For which plaintiff may have their writ of possession- It is further ordered by the Court that the defendants John D. and Rebecca Shand pay all costs in this behalf expended for which let execution —

7123 Isabella Morgan vs John Morgan- It being suggested to the Court by the attorney of plaintiff that she is dead. it is ordered by the Court that this suit abate —

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Friday the 24th day of October 1884

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7242 D. W. Finch vs James Hair et al. It is ordered by the Court that Wm Wellman have leave to intervene in this cause and case sent for November 1st 1884.

7233 C. A. Courtney vs I. & G. N. R R. Co. It is ordered by the Court by agreement of Counsel that this cause be and the same is hereby continued on application of defendant.

7240. Kimpelman & Bergen vs Joseph Harrell Set for October 29th subject to Criminal docket

Court adjourned till tomorrow Morning 9 o'clock.

October 25th 1884

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

7327 Albert Fiske } At a term of the District Court held
& Paste } in and for the County of Travis in the City
of Austin on the 25th day of October in the year of our Lord one thousand Eight hundred and Eighty four, Present the Honorable A. S. Walker.

Be it remembered that on the said day personally appeared in open Court Albert Fiske an alien and subject of the King of Prussia 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 on oath of Frank Brown and P. Bertram both citizens of the United States of America that said Albert Fiske 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 and well disposed to the good order and happiness of the same and the said Albert Fiske having shown to the satisfaction of this Court that he has faithfully complied with all of the requirements of the Naturalization laws of the United States Congress 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

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and fidelity to any Foreign Prince - Potentate State or Sovereignty Whatever and Particularly to the King of Prussia of Whom he Was a subject. It Was therefore ordered by the Court That the said Albert Foike be admitted and he was admitted to be a citizen of the United States of America -

Court adjourned till Monday Morning Oct 27th 1884

Monday Morning October 27th 1884. Court met pursuant to adjournment present same as on first day whereupon the following proceedings were had to-wit

7330 Herman Ballenstett } Be it remembered that on the said 27th
Ex Parte } day of October 1884 personally appeared in open Court Herman Ballenstett 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 of his said application he produced to the Court the declaration on oath of M W Perkins and P A Puckett both citizens of the United States of America that said Herman Ballenstett 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 Herman Ballenstett 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 Congress - 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 thy Emperor of Germany of whom he was a subject

It was therefore ordered by the Court that the said Herman Ballenstett be admitted and he was admitted To be a Citizen of the United States of America

7335 Henry Spillman } Be it remembered that on this said
Ex parte } day personally appeared in open Court Henry Spillman an alien and subject of the

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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 declaration on oath of Hans Metz and A.B. Morris both Citizens of the United States of America that said Henry Spillman 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 Henry Spillman having shown to the satisfaction of this Court that he has faithfully complied with the requirements of the Naturalization Laws of the United States Congress and is entitled to the benefits of the same and 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 Emperor of Germany of whom he was a subject - It was ordered by the Court that the said Henry Spillman be admitted and he was admitted to be a Citizen of the United States of America -

J 5431 V

W D Carathers vs R W Crawford

On this 25th day of October A.D. 1884 Came the Plaintiff and Defendant by their Attorneys and thereupon the Hon A G Walker Judge of the 26th Judicial District of the State of Texas having announced that he was disqualified in this Cause by reason of having been of Counsel therein - thereupon the said parties plaintiff and defendant Entered into and filed the following agreement in this Cause to-wit No 5431 W.D. Carathers vs R.W. Crawford - In the District Court of Travis County Texas - In the above Entitled Cause the Hon A.G. Walker District Judge for the 26th Judicial District of Texas being disqualified it is agreed that Fred Carleton Esq. an

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Attorney of this Court may sit as Special Judge in the trial of said Cause - Witness our hands this 25th day of October 1884

J A Pacey - D W Doom attys for Plaintiff H M Brown atty for Defendant

And thereupon the said Fred Carleton having Taken and Subscribed the following Constitutional Oath of Office towit,

The State of Texas Oath of Office -

I Fred Carleton do Solemnly Swear or affirm that I will faithfully and impartially discharge and perform all the duties incumbent upon me as Special Judge to try Cause No 5431 of Carothers vs Crawford - 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 (or affirm) 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 Solemnly Swear (or affirm 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 (or if the office is one of Appointment, to secure my appointment) So help me God

Sworn to and Subscribed before me Fred Carleton -

this 25 day of October A D 1884 Jas P Hart Clk Dist Court

Whereupon Hon Fred Carleton Special Judge presiding the parties plaintiff and defendant by Attorneys proceed to try this Cause - And then Came on to be heard the Defendants Special Demurrer to plaintiffs Amended Original Petition on the ground of want of jurisdiction of the Court 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 therefore ordered by the Court that the said Special demurrer be overruled - to which ruling of the Court defendant excepts and then Came on to be heard the demurrer of plaintiff to defendants plea in abatement and the argument of Counsel thereon having been heard

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Examined and approved
Oct 31 at 1884
Fred Cabell
Special Judge

it is the Opinion of the Court that the law is for the plaintiff- it is therefore ordered by the Court that the said demurrer be sustained, to which ruling of the Court the defendant excepts and thus came on to be heard the defendants general demurrer 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 therefore ordered by the Court that the said demurrer be overruled to which ruling the defendant excepts and thus came on to be heard the plaintiffs demurrers to the defendants Amended Original answer and the argument of Counsel thereon having been heard it is the opinion of the Court that the law is for the defendant, it is therefore ordered by the Court that the said demurrer be overruled to which ruling the plaintiff Excepts and thereupon both parties announced ready for trial and no jury having been demanded this Case is tried by the Court without a jury 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 W. S. Carothus do have and recover of the said defendant R W Crawford Twenty three hundred and fourteen ($2314 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 he have his execution-

The State of Texas
vs
Mary Morrella &
M D Gordella

On this the 27th day of October 1884 this cause being called for trial came the State by the District Attorney, but the defendants came not but wholly made default and it

Sf 149
Cr 7273

appearing to the Court that the said defendant Mary Morrella as Principal with M D Gordella as Surety did on the 14th day of January 1884 Enter into an appearance bond payable unto the State of Texas in the penal sum of ($200 00) Two hundred dollars payable jointly and Severally Conditioned that the said Principal should well and truly make her 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 March 1884 and there

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remain from day to day and from term to Term of said Court until discharged by due Course of law then and there to answer the State of Texas upon a Charge found upon a Bill of Indictment therein filed Wherein she is Charged with Theft of property in value over twenty dollars - And it further appearing to the Court that at the March Term AD1884 of said Court and on the 28th day of April AD1884 the aforesaid Cause being called for trial the said defendant Mary Morrella failing to appear the said appearance bond was declared forfeited and judgment Nisi entered of record against the said Principal and said Surety And it further appearing to the Court that writ of Scire facias had been properly issued against said Surety and had been duly served upon him the said Surety M D Gordella Summoning him to appear before this Court on the first Monday in October 1884 then and there to show Cause why the aforesaid judgment Nisi should not be made final and absolute against him, And the said defendant 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 against the said Mary Morella and M D Gordella and that the State of Texas do have and recover of and from the said Mary Morella as principal and of and from M D Gordella Surety the said Sum of ($200.00) two hundred Dollars jointly and severally together with all costs of this suit for which let Execution issue -

7237

A E Glenn Etal
as
Mary E Enoch Etal

And now on this the 10th day of October AD1884 this Cause came on to be heard in its regular order for trial and the Plaintiffs appearing in person and by their attorney John Donnell and the Defendants appearing by their attorneys Miss Walton & Hill both parties announced ready for trial and a jury not having been demanded the Cause was submitted to the Court and the Court thereupon proceeded to hear the Cause whereupon the said parties Plaintiffs and defendants announced to the Court that they had agreed among themselves as to their interest in the said property and to the decree that should be entered therein and asked the Court to enter the following decree by Consent Viz -

Mary E Enoch one of the Defendants takes judgment

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the against the Plaintiffs for the horses described in the petition and for the one hundred and Seventeen (117) acre tract and the Three two thirds (2 2/3) acre tract both described in the Petition and for an undivided one half interest in the one hundred and fifty (150) acre tract described in said Petition that That the Plaintiff A.E. Glenn take Judgment against the Defendant Mary E Enoch and J.A. Enoch her husband and L.C. Glenn for the sum of one hundred dollars. That the at this plaintiff W.M. Glenn take judgment also against the said Mary E Enoch and J A Enoch her husband and L C Glenn for the sum of One hundred dollars: That Defendants Mary A Carpenter, J M Glenn Mattie B Shelton L C Glenn and W B Glenn with the plaintiffs A.E. Glenn and W M Glenn do have and recover of in common of said Mary E Enoch and J.A. Enoch an undivided One half of the said One hundred and fifty acre tract: That the plaintiffs pay two thirds of the Court Costs and the defendants the remainder and the same was so entered of record and received by the Court as the Consent of the decree in said Cause and judgment was accordingly given- Whereupon it is ordered adjudged and decreed by the Court that the defendant Mary E Enoch in this Cause do have and recover of and from the plaintiffs in this cause A.E. Glenn and W M Glenn the two certain tracts of land described in said Petition and being Viz First- In the County of Williamson and State of Texas a certain parcel of land described as follows: Beginning at a Stone mound at the North West Corner of the W W Glenn's former survey 290 vs Corner in Road Five Oak North one degree west 11½ vs another 80 West 11 vs Thence North 33½ West with side road 77 Vs a Five Oak South 30 East 310 vs. to the North Corner a Stone mound Thence South 19 East 75 vs to beginning 117 and two thirds acres and being the land conveyed by W M Glenn dec'd by A P Bostton and Second- the following described tract or parcel of land lying and being situated in the County and State aforesaid and known as the B Davis Head Right: Beginning at the S E Corner of the original League Thence S 71 W 600 vs. S W Corner

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from which a Live Oak brs North 200 vrs Thnce N 19 W 1100 vrs to a Stone Mound for the N.W. Corner from which a Live Oak brs N 19 E 5 vrs. Thnce N 71 E 600 vrs to the N.E. Corner in the East line of the Original League- Thnce S 19 1/2 E 1100 vrs to the beginning containing 117 acres of land more or less- And also the Stock of horses running on the Range in Said County of Williamson and State of Texas branded IX and Estimated to be some fifteen head more or less; And the title to both of said tracts of land and Stock of horses be and are hereby divested out of said Plaintiffs A.E. Glenn and M M Glenn and vested in the said Mary C Enoch to have and to hold in her own right- It is further ordered that the Plaintiff A.E. Glenn do have and recover against the said Mary C Enoch and J. A Enoch her husband and L C Glenn a judgment for the Sum of one hundred dollars and for Collection of which Execution will issue in his favor; It is further ordered adjudged and decreed by the Court that the Plaintiff M M Glenn do have and recover a judgment against Mary C Enoch and J.A Enoch her husband for the Sum of one hundred dollars and for Collection of which Execution issue in his favor It is further ordred adjudged and decreed by the Court that the defendant Mary C Enoch do have and recover of and from the said Plaintiffs A.E. Glenn and M M Glenn and of and from her Co defendants Mattie B Shelton J M Glenn, Mary A Carpenter L C Glenn and W B Glenn an undivided one half interest in and to the following track of land in Said County of Williamson Texas- Viz- One Certain track or Parcel of land lying in said County of Williamson on the waters of Brushy Creek and known as part of the Damon League and described as follows Beginning at the South East Corner of Lot No 6. at a Mound- Thnce South 71 East 833 Vrs as to the South East Corner of Lot No 7. Thnce North 19. West to the Center of the Creek known as running Brushy Thnce up said Creek to West line of said Lot Thnce South 19. East to the place of Beginning Containing 150 acres more or less and that an undivided one half interest in Said tract be and is hereby divested out of said Plaintiffs and said Co Defendants of said Mary C Enoch and the Same be and is hereby vested in said Mary C Enoch as her own property and in and to which her Co Defendants and said Plaintiffs have no interest

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It is further ordered adjudged and decreed that the other remaining undivided one half of said tract of Land be and is hereby decreed to be the property of the said A.E. Glenn W M Glenn Mattie B Shelton J M Glenn Mary A Carpenter L & C Glenn and A B Glenn in Common Each own an equal undivided interest in the said undivided one half and that said and undivided half of said one hundred and fifty acre tract be given said A E Glenn M M Glenn Mattie B Shelton J M Glenn Mary A Carpenter and A B Glenn be theirs in their own right and all right title and interest the said Mary C Enoch and J A Enoch her husband had in and to the same be and is hereby divested out of said Mary C Enoch and J A Enoch and invested in them the said A E Glenn M M Glenn Mattie B Shelton J M Glenn Mary A Carpenter and A B Glenn and that in said whole tract they own an undivided one half and said Mary C Enoch owns an undivided one half. It is further ordered adjudged and decreed by the Court that said A.E. Glenn and said M M Glenn having this day been paid the One hundred dollars each by said Mary C Enoch J A Enoch J A Glenn and L C Glenn that that portion of this Judgment is decreed to be satisfied and paid and no Execution will issue to collect said amounts for said parties It is further ordered adjudged and decreed that A E Glenn pay one third of the costs herewith incurred the said M M Glenn pay one third of said costs and the said Mary C Enoch pay the remaining one third of said costs for Collection of all which Execution will issue.—

Co 114

W. B. Mayo
vs
A & N W R R Co

And now on this the 24th day of Oct A.D. 1884 this cause came on to be heard in its regular order for trial and the Plaintiff appearing in person and by his attorney John Donnell and the Defendant the Austin and Northwestern Rail Road Company appearing by their Attorney Messrs Roberts on & Williams and the Defendants Sandford & Son appearing by their answer are filed in the papers in this cause both parties

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announced ready for trial, thereupon came a jury of twelve good and lawful men of Travis County Texas towit A R Davis and Eleven others who after hearing the pleadings and evidence in the Cause and argument of Counsel and recieved the charge of the Court retired to consider of their verdict and immediately thereafter returned into open Court the following verdict towit, "We the jury find judgment for the Plaintiff for five hundred and Seventeen dollars and Sixty Six Cents with interest ($517.66/100) A R Davis Foreman" which was accepted and recived by the Court as the verdict in the Case. Whereupon it is ordered adjudged and decreed by the Court that the Plaintiff N B Mayo in this Case do have and recover of and from the Austin and North Western Rail Road Company and Sandford & Son a firm composed of J Sandford and D W Sandford and of and from the members of said firm the sum of Five hundred and Seventeen Dollars and Sixty Six Cents and all Costs of suit for Collection of which execution issue ——

Whereupon Court adjourned until Tuesday Morning October 28th 1884. Tuesday October 28th 1884- Oct 29th 1884 and Oct 30th 1884. There being no Civil minutes to enter on Either of the above dates Court adjourned until Oct 31st 1884 When there was present the same as on first day of the Term Whereupon the following proceedings were had towit,

7363 Fred Meinscher Ex. Parte

Be it remembered that on the said last day personally appeared in open Court Fred Meinscher 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 on oath of Hans Metz and A R Morris both Citizens of the United States of America That said Fred Meinscher has resided within the limits and jurisdiction of the United States for more than five years last passed and for three years prior to this arriving at the age of twenty one years and the last year thereof within the State of Texas; that during that time he has behaved as a man of good

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Friday the 31st day of October 1884

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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 Fred Mirnscher 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 Congress, 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 Emperor of Germany of whom he was a subject - It was therefore ordered by the Court: That the said Fred Mirnscher be admitted and he was admitted to be a Citizen of the United States of America -

7241 Julius Mourieau as Alfred R Ritz Etal } And now on this 31st day of October A.D. 1884 this Cause Came on regularly for trial and thereupon Came the plaintiff by Robertson & Williams his attorneys and the defendant A R Ritz H B Barnhart his attorney and the defendants Allen Dahl and Natalie Von Schenck by their answer filed and the plaintiff thereupon in open Court refused further to prosecute this suit as against the said defendant A R Ritz - Whereupon this suit is dismissed as to said Ritz - And the Court after hearing the pleadings Evidence and Argument of Counsel doth order adjudge and decree as follows:- 1 - It is considered ordered adjudged and decreed that the said plaintiff Julius Mourreau do have and recover of and from the Defendants Alice Nahl and Natalie VonSchenck the title and possession of the following described Lot or Tract of Land towit A part of out Lot No 61 in Division 'B' of the Out Lots of the City of Austin County of Travis and State of Texas Commencing Ten feet East from the South East Corner of a tract of four (4) acres out of said out Lot No 61 heretofore sold to J E. Rector by L H Miller - Thence East with the South line of said Out Lot No 61. 178 feet to a point in said South line - Thence North and parallel with East

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line of Rectors four acre Lot 367 feet to a Stake leaving 15 feet for a Street or alley between this Lot and Lot on the North sold by L K Miller to W a Thomas Thence West at Right angles and parallel with the South line of said Out Lot No 61 178 feet to a point within 10 feet of the East line of said Rectors Lot. Thence South and parallel with said Rectors Lot 367 feet to the place of beginning Containing one and one half acres of land and being the same Lot of land sold and conveyed to said Julius Moureau by L K Miller by deed dated April 9. 1875 and recorded in the Records of Travis County in Book No 29 pages 199 & 200.

2 It is further ordered adjudged and decreed that the title to said premises vested in said defendants by the deed from Julius Moureau and Alma Moureau his wife dated November 7. 1877 and recorded in the records of Deeds of Travis County Book XO pages 101 & 102 be and the same is hereby divested out of said defendants and forever vested in said plaintiff. It is further ordered adjudged and decreed that said deed and the record thereof aforesaid be and the same is hereby Cancelled and held for naught and that plaintiff be forever quieted in his title and possession of said premises. 3. It is further ordered adjudged and decreed that plaintiff recover his Costs in this behalf Expended for which he may have his Execution and that he have his writ of possession for said premises

7177 D. W. Fowler & Co. vs James Haig. When motion it is ordered by the Court that Charles Jones has leave to intervene in this cause.

Land Foreclosure? United States of America — The State of Texas

2368 Ex parte } District Court. County of Travis. October Term

Court adjourned till tomorrow morning 9 o'clock.

Saturday 1st 1884

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

5481 W. S. Carothers } Hon Fred Carleton. Special Judge
vs } presiding:
R. W. Crawford } And now on this day came the parties by their attorneys and thereupon came on to be heard defendants motion for a new trial in this behalf, and said motion

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having been submitted it is ordered by the Court that the same be and is hereby overruled, to which ruling of the Court the defendants excepts and in open Court gives notice of appeal to the Supreme Court of the State of Texas.
Examined and approved.

Fred Eggleston
Special Judge

7269. John Dowell } And now on this day comes the plaintiff in person and moves the Court to
vs. } dismiss this cause. It is therefore ordered by the Court that this cause be and the same is
T. H. Miller et al. } hereby dismissed, and further ordered that the defendants T. H. Miller, A. W. Byers and Geo. W. Byers have and recover of and from said plaintiff all costs of this proceeding for which let execution issue.

7114. James Anderson Majors } And now on this day comes the parties by their attorneys
vs. } and thereupon came on to be
Sallie Brooks. } heard the plaintiffs motion for a new trial in this behalf, and said motion having been argued and submitted, duly considered and fully understood was by the Court overruled, to which ruling of the Court the plaintiffs excpt. and in open Court give notice of appeal to the Supreme Court of the State of Texas.

7373 Julius F Schmidt } Be it remembered that on this 1st
Ex Parte } day of November 1884, personally
appeared in Open Court Julius F Schmidt 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 on oath of G Huffman and D Stuncken both citizens of the United States of America that said Julius F Schmidt 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 Julius F Schmidt having

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shown to the satisfaction of this 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 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 Emperor of Germany of whom he was a Subject. It was therefore ordered by the Court That the said Julius F Schmidt be admitted and he was admitted To be a Citizen of the United States of America

7374 Carl Johan Dukey } Be it remembered that on the said day per
Ex Parte } sonally appeared in open Court Carl Johan Dukey an Alien and Subject of the King 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, on oath of B. F. Fullmore and J. W. Smith both Citizens of the United States of America that said C. J. Dukey 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 C. J. Dukey 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 Congress 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 Carl Johan Dukey be admitted and he was admitted a Citizen of the United States of America

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Monday the 3d day of Octobr Novembr 1884

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

7255 Kaufman & Runge vs J. C. McIntyre et al } And now on this the 1st day of Novmbr 1884, came on to be heard the parties being present by their attorneys, the motion of the defendants for a new trial in this behalf- and said motion having been argued and submitted, was taken under advisemnt by the Court, and on this the 3d day of Novmbr 1884, said motion having been duly considered and fully understood was by the Court overruled- to which ruling of the Court the defendants excepted and in open Court gave notice of appeal to the Supreme Court.

7088 Francis Palmer et al vs J. S. Strud et al } On the 1st day of Novmbr 1884 came the parties by their attorneys and thereupon came on to be heard the defendants motion for a new trial in this behalf, and said motion having been argued was submitted and taken under advisemnt by the Court. and now on this the 3d day of Novmbr 1884, the Court having duly considered and fully understood said motion overruled the same, to which ruling of the Court the defendants in open Court excepts and in open Court gives notice of appeal to the Supreme Court.

7411 C. O. Thimbe Ex parte- } United States of America - The State of Texas - District Court of Travis County October term 1884 - At a term of the District Court held in and for the County of Travis in the City of Austin on the 3d day of Novmbr in the year of our Lord one thousand Eight hundred and Eighty four, Present the Honorable A. S. Walker -

Be it remembered, that on the said day personally appeared in open Court- C. O. Thimbe, an alien and subject of the King 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 on oath of A. J. Jernigan and C. J. Duffy, both citizens of the United States of America that said C. O Thimbe 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 char-

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-ache attached to the principles of the Constitution of the United States of America, and will dispose to the good order and happiness of the same. and the said C O Thimbe 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 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 thereupon ordered by the Court that the said C O Thimbe be admitted and he was admitted a Citizen of the United States of America,

Whereupon Court adjourned until Wednesday Morning 10 O'Clock November 5th 1884 when Present Same as on first day of the Term when the following proceedings were had, towit;

7067 J M Morphis vs. Jno Stringer } On the 24th Day of October 1884 Came the parties by their Attorneys and thereupon leave is granted defendants to file a trial amendment whereupon both parties announced ready for trial thereupon came a Jury of twelve good and lawful men of Travis County consisting of R Bertram and Eleven others duly Empannelled- thereupon came on to be heard the demurrer and exceptions of defendant to plaintiffs Petition which exceptions were by the Court overruled to which ruling of the Court defendant excepted and the pleadings and Evidence having been heard in part were concluded on this 25th day of October 1884 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 into Open Court the following verdict, towit "We the Jury find for plaintiff to have one fourth of the property and one fourth of the Net rents being Nineteen 20/100 dollars R Bertram foreman" It is therefore Considered ordered and decreed by the Court that the Plaintiff J M Morphis do have and recover of and from the defendants John Stringer and Clara D Stringer a one fourth undivided interest in and to Lot No 7. Block 66 of the City of Austin Travis County Texas and the sum of $19 Nineteen 20/100 dollars one fourth of the Net rents of said property

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Wednesday the 5th day of November 1884

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as found by said Jury. And it further appearing to the Court that Plaintiff prays in his petition for partition of said property and that Plaintiff under this decree is the legal owner of one fourth of said Lot and that the Defendant Clara D Stringer is the legal owner of the other 3/4 thereof - it is therefore further ordered by the Court that said Lot 7. Block 66 of the City of Austin Texas be Partitioned between the plaintiff J M Morphis and the Defendant Clara D Stringer in the Proportion as above set forth 1/4 in quantity and value to the Plaintiff and the other 3/4 to said defendant Clara D. Stringer and that M M Hornsby Tom Murrah and Joseph Spence be and they are hereby appointed to make said partition and report the same for further action of this Court Ordered also that Plaintiff do have one fourth and the Defendant Mrs Clara D Stringer three fourths of the money in hands of receiver heretofore appointed herein and that Plaintiff recover his Costs for which let Execution issue.

Whereupon Court adjourned until Tomorrow morning Thursday November 6th 1884. Whereupon Court again met pursuant to adjournment - Present same as on first day of the term When the following proceedings were had to wit

The State of Texas } And now on this day Comes the State
as } by her District Attorney Jas D Shuks Esq
Vel Musick Etal } and moves the Court to dismiss this cause as
to the Defendants J R Wood and J P Wilson and suggests the
death of the Defendant Vel Musicks - It is therefore ordered by the
Court that this cause be and the same is hereby dismissed as
to defendants J R Woods and J P Wilson and that this suit
abate as to the Defendant Vel Musick and it appearing to
the Court that the Defendants W H Smith H Chowning and
C. F. Doan and C F Doan & Company had been served
with Process herein failed to appear and answer in this
behalf but wholly made default Wherefore the said Plaintiff
The State of Texas ought to recover against the said W. H. Smith
H Chowning C F Doan and C F Doan & Company her damages by
occasion of the premises - And the Court having heard the
pleadings and Evidence introduced by the plaintiff and
the said Clerk now here having assessed the damages
aforesaid at the sum of ($581 45/100) five hundred and Eighty one 45/100

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Dallas's debt and interest due up to this date- It is therefore considered by the Court that the said Plaintiff do have and recover of the said Defendants the sum of $581 45/100 with interest thereon at the rate of 8% per annum together with all costs in this behalf Expended for which let execution issue-

7240. Jimpelman & Bergen vs Joseph Harrell } On this the 6th day of November 1884 this cause being called for trial, came the Parties by their Attorneys and announced ready; thereupon came a jury of twelve good and lawful men of Travis County consisting of A. Girard and eleven others who were duly selected and impannelled to try this case, heard the evidence and arguments of Counsel thereon and being duly charged by the Court as to the law related to Character of their Verdict: and thereafter said jury returned into Open Court the following Verdict towit: "We the jury find for the Plaintiff in the sum of five hundred dollars, Austin Travis Co Texas Nov 6/84 A. Girard Foreman". It is therefore Considered ordered and decreed by the Court that the Plaintiffs Jorge B. Jimpelman and James V. Bergen under their firm Name and Style of Jimpelman and Bergen have and recover of and from the defendant Joseph Harrell the sum of ($500.00) Five hundred dollars with interest thereon from this date at the rate of eight per cent per annum, and all cost of this suit- for all which let execution issue.

7282. The Calcasieu Lumber Company vs J. W. & L. E. Moore. } And now on this the 3rd day of November 1884, comes the Plaintiff by Attorney- and defendants by Attorney- Whereupon Plaintiff moves the Court to dismiss this cause- defendant assenting Costs, It is therefore ordered by the Court that this cause be and the same is hereby dismissed- and further ordered that Plaintiff recover costs of and from said defendants J. W. & L. E. Moore- for which let Execution issue-

Court adjourned till tomorrow morning 9 O'clock

November 7th 1884

Court met pursuant to adjournment. Present same as on first day- and then being no Civil minutes of this date to be noted- Court adjourned till tomorrow morning 9 O'clock

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Saturday the 8th day of November 1884.

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

7240 — Jimpelman & Bergen vs Joseph Harrell } And now on this day came the parties by their attorneys, and thereupon came on to be heard defendants motion for a new trial in this behalf; and said motion being submitted wherein argument duly considered and fully understood was by the Court overruled, to which ruling of the Court the defendant in open Court excepted and in open Court gives notice of appeal to the Supreme Court of the State of Texas.

7219 — Hannah Williams vs Prince Williams } This cause being this day called for trial came the plaintiff by her attorney and announced ready, but the said defendant though duly served with citation failed to appear and answer and no jury having been demanded the case was tried before the Court — and the Court after hearing the evidence introduced by the plaintiff, is of the opinion that the material allegations contained in plaintiffs petition are true and that she ought to have her divorce — It is therefore considered and ordered by the Court that the bonds of matrimony heretofore existing between the plaintiff Hannah Williams and the defendant Prince Williams be and the same are hereby forever dissolved and held for naught — and that plaintiff recover her costs for which she may have her execution.

4795 — J. C. Duval Et al vs Robert Cruzbaur Et al } And now on this day came on to be heard the report of the Trustee Wm Von Rosenberg in this case filed on the 14th day of October 1884 and a motion to confirm the same having been made and no objections to the body of or any particulars embraced in said report having been filed the said Report in all things is thereby confirmed the said report being in the following words and figures viz — "No 4795. J. C. Duval Et al vs R Cruzbaur. Hon A. S. Walker "Judge of the 16th Judicial District: The Undersigned Trustee respectfully "reports that at a personal interview had in Columbus with "the County Surveyor of Colorado County the decree rendered by the "Supreme Court in case Booth vs Strippelman at the last Galveston term being shown him and surveying fees tendered

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" said Surveyor accepted the fees and promised to have Surveyed the land
" applied for by Booth, Duval & Creuzbaur in September 1854. After some delays
" from sundry causes the Surveys have been made and field notes return-
" ed to the General Land Office, and the Patents for the same are now
" in hand - Viz - Pat No 340 Vol 16. Bty Waller M Booth assee of M C Davis
" 1280 acres Pat No 264 Vol 24 Class 1st Waller M Booth assee of Mary Hawley 1279
" Comprising in all 2879 acres, and a continuance of this case is now
" asked to give time for selling said land - The undersigned would
" further report that there was a third land Certificate the John B Jones
" 640 acres A.R. filed on the land in controversy but the land being ex-
" hausted by the Surveys above named the same with transfer
" to Waller M Booth was withdrawn by your Trustee from the papers
" of the case in the District Court of Colorado County - The heirs of
" John B Jones alledging ownership and dispossessing the original
" last had in the meantime procured a Duplicate Certificate, located
" the same in Archer County and received Patent therefor. Your
" trustee has caused the transfer to Waller M Booth recorded in Archer
" County and is now asserting ownership for Booth Duval & Creuzbaur
" to said 640 acres of land in Archer Co. The undersigned would
" further State, that acting as Trustee the same as he would for
" himself a Settlement was had with the Attorneys at Law who
" attended to the case prior to the affirmation by the Supreme
" Court of the judgment below in March 1882 - when the case was
" virtually lost and through the efforts of your Trustee reinsta-
" ted without any further aid of said Attorneys = Under agree-
" ment R. V. Cook was to have $500.00 as assistant Attorney to
" Carry the case through the Supreme Court. This claim has been
" settled by paying to the widow and Executrix of R V Cook the
" sum of $125.00 the receipt therefor is hereto attached and the
" approval of this Settlement is respectfully asked for -
" Judge David Shuks as leading attorney under agreement
" was to have 25 per centum of the land recovered. This claim
" your Trustee denied in toto on the ground that the case
" conducted by him terminated in March 1882 unsuccessfully
" and that the reversal of the judgment below was
" had without this assistance, through your trustee carry-
" ing out the instructions of W. M. Walton Esq: obtained
" with the view of having a rehearing granted by the Supreme
" Court - However the importance of having no obstacle placed
" in this way the "clearing of the situation" seemed important and

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" a Compromise has been effected by paying Judge David Shanks
" his actual Expenses, Amounting to $382.50 in full settlement and for
" the Surrender of his Contract and relinquishment of all his right
" title and interest in the subject matter of said suit by vir
" tue of his Contract - The Original Contract and D Shanks
" release are hereto attach and it is respectfully asked
" that the action of your Trustee be approved: There being no
" money in the hands of your trustee belonging to this trust, he
" has advanced the sums above stated out of his private
" means as well as surveying fees and other expenses
" which became necessary to promote the case, all of which
" will be submitted for settlement hereafter: this matter is now
" mentioned however for the purpose of having ten per centum
" per annum interest allowed by your Honorable Court
" on all sums advanced by your Trustee in this behalf -
" The undersigned further represents that the Power of Attorney
" Executed by John C Duval and Florida G Howard to C R Johns
"& Co dated the 31st of July 1867 in which C R Johns & Co were
" authorized to manage all their interest in lands in the
" State of Texas coming to them through the firm of Booth Duval
" & Cruz Cuer and making them Trustees to pay to Geo W
" Dampsoon a certain Judgment out of proceeds of such
" land - which trust was continued by an order of your
" Honorable Court after the dissolution of C R Johns & Co
" And the undersigned appointed in their stead (Said original
" Power of Atty) does provide to pay C R Johns & Co 25 per Centum
" of the Net proceeds from Sale of the land recovered - In Con
" sidering the trust and appointing the undersigned your
" Trustee per decree of June 5th 1880, he was given the same
" Compensation, as was stipulated in said Power of Attorney
" 25 per centum for all lands he may recover excepting however
" the lands then in suit in Colorado County for which only 15 per
" Centum were allowed your Trustee. This reduction was
" made because Judge Shanks was to receive 25 p.c. and
" it appeared that your trustee services would be less as in other
" cases because of the legal advice having been employed
" Considering that your Trustee has so improved the circumstances
" that by settlement with Judge Shanks 25 per centum are saved to the
" trust - your Trustee believes that he is justly entitled for managing
" the Colorado County Lands to the same Compensation agreed upon

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" by J C Duval and Miss Florida G. Howard for all their land in the
" State coming through Booth Duval & Cruzbaur and therefore
" respectfully asks, that the Compensation of your Trustee be rein
" stated to 25 per centum as in the original Power of Attorney
" Austin October 13th 1884, Respectfully Submitted W Von Rosenburg
" Sworn to and Subscribed before me this the 14th day - Trustee -
" of October 1884 Jas P Hart Clerk"

"Received Columbus September 2nd 1884 of W Von Rosenburg Truste
" the sum of one hundred and twenty five Dollars in full compen
" sation of the services of R. V. Cook now deceased attending
" to the Case of Booth vs Strippleman under an arrangement
" made by Judge Duval with said R. V. Cook Martha L Cook
Executrix R V Cook deceased
per French Simpson Atty for Cooks Estate

" The State of Texas } We hereby employ David Shuks of Austin Texas to
" County of Travis } attend to the Case of Booth vs Strippleman now
" pending in the Colorado District Court in behalf of the
" plaintiff for which we agree to give him one fourth of
" the land recovered by the plaintiffs in said Case Said
" Shuks is to give the Case his personal attention and is to
" pay R V Cook one hundred and twenty five dollars in
" Coin as soon as said Cause is decided in the Supreme
" Court if it should be taken there by either party
" Witness our hands this the 28th day of Nov 1871 J H Duval
Exr of W M Booth -
" Robert Cruzbaur 55 William St Mtsburgh Ny - Geo W Dampson
for himself and as Rep of John C Duval "
" The Amount I am out for Cash actually paid out by me
" over and above the $50 - forwarded by Mr Dampson is $382 50/
Endorsed - Duval Etal vs Cruzbaur - Trustees Report October Term 1884
Filed Oct 14th 1884 Jas P Hart Clerk

And there also came on to be heard the application
of W M Walton for allowance of fee for legal services
in and about the said trust Estate which application
is returned by said Trustee in connection with his report
which said application is as follows -
" 1st Duval Etal vs Cruzbaur Etal In Travis District Court
" 2nd Booth vs Strippleman - Dist Ct Colorado County
" Mr W Van Rosenburg Trustee Austin Texas Dr Sir -
" You are trustee in the Case first above and the obtain

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"ing of further material assets for administration depended
"on Proceedings in the Second Case - The said Second Case was
"long pending in the Supreme Court after being last in the
"lower. Judge Dukes had taken said Case on a Conditional
"fee - When it was finally last, he as I understand abandoned
"the further Prosecution - I mean last in the Supreme Court
"At that Point both you and Mr Geo W Dampson one of the ben-
"ficiaries under your trust brought me into Consideration and
"the following Agreement and understanding fixed on: 1 I
"should investigate & See whether it was advisable to apply for
"rehearing - 2. If yes then to instruct what should be done
"in order to put the Case Properly before the Court (Supreme)
"to abviate the defects which caused the loss of the Case
"3. If a rehearing & reversal could be accomplished
"then I was to take the Prosecution of the Case from the Stump
"I made the investigation and Concluded the Case was
"not necessarily lost. 2. I gave full and definite instruct
"ions in regard to Supplying defects in the record &c
"they were Supplied under my instructions. 3. The new
"phase of the Case so made by Supplying Connecting links
"was Presented by Mess Ballinger & Mott to Sup Ct: The Case
"was reheard and reversed - They were paid by you - 4 After
"reversal you & I Consulted & you went in Person to Colum
"bus to See the Surveyor - 5. The result was he made the
"Survey without further litigation - In my opinion you
"and I resurrected what was to all intents & purposes
"a dead Case, put life into it and won it. I think the
"Court should award a fee to me out of the Trust fund when the
"Land is sold and do not think 750$ would be other than a
"very reasonable fee: Be Kind Enough to make such remarks
"hereon, as you may See Proper and Submit to the Court with
"your Report. I understand about 2300 acres of land worth -
"on an average of 10$ an acre has been sold to the Trust Estate
"Now in Patent and 640 acres of -$ value an acre to which
"you have prima facie a good Claim as Trustee Yours &c W M Walton"
And the the said Trustee having approved said
Application as follows -
"Hon A J. Walker Judge: In Submitting the foregoing Claim of W M
"Walton Esq I Cheerfully Substantiate the facts as Stated
"therein leaving to the Court to determine the Amount of

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"Compensation - No agreement has been made as to a compensa
"tion at the time Mr Walton's advice was solicited. He responded
"however under suggestion after reversal to be employed in the
"case - Suit for possession of the land may yet become necessary
"but a sale of the same may possibly be consummated without any
"further litigation: In that event the foregoing claim stands
"for adjustment Austin October 14th 1884 W. Van Rosenburg Trustee

And the Court having heard the sworn testimony of J W Roberts and A.G. Shelley Esqrs Lawyers and Learned in the Law as to the reasonableness of the fee applied for by said Walton under the facts returned by and sworn to by said Walton in open Court and as herein before set out. It is hereby ordered adjudged and decreed by the Court in the premises specifically as follows viz
1 - The action of the Trustee Wm Von Rosenburg in making adjustment and settlement with the Estate of R V Cook deceased and Judge David Shanks as reported in the said Report is hereby confirmed and he the said Trustee is hereby authorized and empowered to reimburse himself out of any monies coming into his hands as Trustee all sums he may so have advanced out of his individual means for the purposes aforesaid as well as all other sums advanced by him out of his individual means in the necessary administration of his trust, and he is hereby allowed interest at the rate of ten per centum per annum on any and all sums of money so advanced from the time of advancement until he shall be reimbursed therefor: it is further ordered adjudged and decreed by the Court that the said Trustee Wm Von Rosenburg be and he is hereby allowed twenty five per cent of the value of the Net Amount he may realize from the property reported in his said report This said Compensation of twenty five per Cent includes ten percent in addition to the fifteen per cent heretofore allowed by former decree of this Court. And it is further ordered adjudged and decreed by the Court that there be and is hereby allowed to the said W M Walton a fee of seven hundred and fifty dollars with interest thereon from this day at 8% per annum until paid as compensation for legal services rendered by him in and about the said trust Estate as before set out And the said Trustee Wm Von Rosenburg

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is hereby ordered to pay to said A. M Walton said sum of money out of any monies coming into his hands as trustee in the premises — It is further ordered that said Trustee pay to the officers of Court any balance of Costs due them in the due administration of his trust And this Case Continued on the Docket for further report on the part of the said Trustee -

Whereupon Court Adjourned until Monday Morning November 10th Monday November 10th Tuesday Nov 11th Wednesday Nov 12 Court met at the usual time and there being no civil business adjourned until Friday Morning November 14th When present parties on first day of the Term - the following proceedings were had, Towit,

7141 The State of Texas as Frank T Roach } This day came the parties plaintiff and defendant by their respective attorneys and submit the matters in Controversy as well of fact as of law, to the Court, no jury having been demanded by either party and the pleadings the evidence and argument of Counsel having been heard and fully understood. it is considered by the Court that the law and the facts are with the defendant. It is therefore considered ordered and adjudged by the Court that the plaintiff the State of Texas take nothing by its suit and that the defendant Frank T Roach go hence without day and recover of the said plaintiff all costs in this behalf Expended -

7145 The State of Texas as George M. Peck } This day came the parties plff and deft by their respective attorneys and submit the matters in Controversy as will of fact as of Law to the Court, no jury having been demanded by either party and the pleadings the Evidence and argument of Counsel having been heard and fully understood, it is considered by the Court, that the law and the facts are with the defendant - It is therefore considered ordered and adjudged by the Court that the plaintiff the State of Texas take nothing by its suit and that the defendant George M Peck go hence without day and recover of the said plaintiff all costs in this behalf Expended -

7250 Flora Masterson vs R. R. Masterson Etal } And now on this the 14th day of November AD 1884 this Hon Geo F Pendexter Special Judge presiding this cause being duly reached and called for trial, comes the plaintiff by her attorney and announced ready for trial and

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A J Burleson Esq^r Guardian ad litem for the minor defendants Mattie and William R Masterson and for said minors announced ready for trial and it appearing to the Court that the other defendants to-wit R B Masterson for himself and as the Guardian of the said Minors and Martha L Anderson Ellor J Hamilton John Hamilton Bettie McGregor James A McGregor Susan R Dew Andrew J Dew and M M Hornsby had each filed an Answer in this Cause waiving the issuance and service of Citation in this Cause and admitting the truth of the allegations contained in Plaintiffs petition But they failing to appear here in person or by Attorney the Court proceeds to try this Cause, and it appearing to the Court from the pleadings and evidence that Robert Masterson departed this life intestate in Williamson County Texas on or about the 25th day of May 1883 leaving the defendants R B Masterson William R Masterson Mattie Masterson Martha L Anderson Ellor J Hamilton & John Hamilton her husband Bettie McGregor and James A McGregor her husband Susan R Dew and Andrew J Dew her husband heirs of his Estate- And it further appearing to the Court that said Robert Masterson on the 1st day of May 1875 executed and delivered the Note sued upon to Mrs Camille E Stanly as Guardian of the Estate of the Minors Grace Annie R, Bessie, Frank and Minnie Greenwood and on the same day he executed and delivered to James P McKinney his Certain Deed of Trust Conveying the Certain lots herein after described as Security for said Note- That said Note and trust deed were duly transferred and assigned to Plaintiff on the 5th day of October 1881 by the legal holder thereof and on the 1st day of May 1882 Robert Masterson in Consideration of the Extension of the payment of said Note one year from that date by written Endorsement on said Note waived all time that had then accrued and the Statute of Limitation and agreed to pay off the said Note 12 Months after May 1st 1882: And it further appearing to the Court that, to-wit, on the 6th day of November 1878 Robert Masterson Conveyed to the defendants Mattie and William R Masterson the property Covered by said Trust deed and hereinafter to be described Subject to the payment of the Note sued upon and secured by said Lien: And it further appearing to the Court that on or about the 4th day of March AD 1884 James P McKinney and Robert Masterson both being dead the Defts M M Hornsby as Substitute Trustee sold said property under said Trust deed to the defendant R. B. Masterson for the Sum of $3200^{00} and executed and

Plaintiffs petition

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delivered to R. B. Masterson a deed to the premises so sold. but R. B. Masterson did not pay to said Trustee any part of the purchase money. And it further appearing to the Court that there is not and has not been any administration of the Estate of Robert Masterson dec'd and none necessary and the said Mortgagor having been dead, that the Trustee Wm M Hornsby could not convey any title to the property sold and that there is now due on the said note the sum of Two thousand dollars principal and 12 per cent interest from Nov'r 15th 1880 and 10 per Cent Attorneys fees It is therefore considered ordered adjudged and decreed by the Court that the deed Executed by M M Hornsby as Substitute Trustee to R. B. Masterson on the 4th day of March 1884 and recorded on pages 576. 577. & 578 Vol 57. Deed Records of Travis County Texas for refusing to convey the property hereinafter described be and the same is hereby Cancelled and held for naught. It is further ordered adjudged and decreed by the Court that Robert Masterson dec'd and his Estate is indebted to the plaintiff in the sum of $2960 00/100 principal and interest due upon the said note and the further sum of Two hundred and Ninety Six Dollars as Attorneys fees as provided in said note and that the property conveyed by said deed of Trust and hereafter described is bound in the hands of the said defendants and that plaintiff has a lien thereon for the payment of the said amount and that this judgment bears twelve per cent interest from date. And it is further ordered adjudged and decreed by the Court that the plaintiffs lien upon the property conveyed by said Trust deed, to wit Lots Nos 1 and 2 in Block No 95 situated and being in the City of Austin Travis County Texas according to the plat of the said City on file in the Genral Land Office of the State of Texas together with all improvements and appurtenances to the same belonging be and the same is hereby foreclosed as against the said defendants and each of them and that an order of Sale do issue out of this Court directed to the Sheriff or any Constable of Travis County Commanding him to sell the lots and property aforesaid at Public Auction as under Execution and that the proceeds of such sale be returned into this Court and that the same be applied first to the

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payment of the Costs of this suit and secondly to the payment of the judgment herein rendered in favor of Plaintiff amounting to $3256.00 and to the payment of the fee allowed to the Guardian ad Litem and that the remainder if any be paid over in Equal parts to the Minors Mattie and William R. Masterson or to their legal Guardian of their Estate. It is further ordered adjudged and decreed that all right title claim and interest in said property vested in said defendants as the heirs of said Robert Masterson dec and by reason of the deed Executed by him to Mattie and William R Masterson as aforesaid shall by this decree and by such sale to be made under this decree be forever divested out of said defendants and vested in the purchaser at such sale It is further ordered that the Guardian ad Litem A. G. Burrhoon Esq be and he is hereby allowed a fee of Ten dollars for his services herein to be taxed as a part of the Costs and to be paid as aforesaid. Examined the foregoing & approved Fo. T. Peerle Special Judge

Whereupon Court adjourned until tomorrow morning Nov 15th 1884

Saturday November 15th 1884 Court met pursuant to adjournment present same as on first day of the Term whereupon the following proceedings were had Towit-

7133 ✓ Dorathea Hornberger vs Jacob Hornbeager } Comes now the plaintiff and presents the motion for an allowance for her support and the Court after being fully advised does order and adjudge that the Defendant pay to the plaintiff for ~~then~~ support the Sum of Seventy Dollars which is to be paid at once and without delay. And that the Defendant shall on the first day of December next pay to the plaintiff the sum of fifty dollars and the further sum of fifty dollars on the first day of each month thereafter until a final decree is made in this Cause and the same is finally disposed of and for said money the plaintiff may have ther execution against the defendant —

Whereupon Court adjourned until Monday the 17th November 1884

November 17th 18th 19th 20th 21. and 22nd Court met pursuant to adjournment and the time of the Court being occupied with Criminal business and also the Civil Case of Rabbins vs Dimmitt the Court adjourned again until Saturday morning November 22nd 1884 When present as on 1st day the

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Saturday the 22nd day of November 1884

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/ 7134

Following proceedings were had to wit

Ex Parte } State of Texas. County of Travis

Charles H Dillman } To all to whom these presents shall come Greeting

In the District Court of Travis County October Term

At a District Court in and for Travis County held at the Court House in the City of Austin in said County Charles H Dillman 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 from the Supreme Court of the State of California certifying that said Charles H Dillman was admitted as an Attorney and Counsellor of the Supreme Court of said State and he having been introduced to this Court by J W Roberts on D H Williams A J Peeler & D W Dawson Esqrs practicing attorneys of this Court, as a man of good moral character and honorable department, and having taken the oath as required by law, it is ordered by the Court that the said Charles H Dillman 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. These are therefore to License Authorize and Empower the said Charles H. Dillman to practice as an Attorney and Counsellor at Law in the Several District and Inferior Courts of this State—

4473. Morgan C. Hamilin vs Geo. W. Glascock et al. On November 15th 1884 on application of plaintiffs attorney it is ordered by the Court that plaintiff have leave to file 2d amended original petition

7261. W. A. Smick vs W. C. Morgan et al. On the 18th day of Nov 1884. It was ordered by the Court that defendant Morgan have leave to file amended original answer—

7267. Swain Palm. vs J A Wells et al — Upon application of plaintiffs attorney it is ordered by the Court that plaintiff have leave to file 1st supplemental petition.

7140. The State of Texas vs W A Randolph et al. Upon motion of plaintiffs attorney, it is ordered by the Court that plaintiff have leave to amend his motion to reinstate this cause and motion submitted and taken under advisement by the Court

Dishich Court Minutes, October Term, 1884

Saturday the 22 day of November 1884

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7142 The State of Texas vs Jno. R. Ward. Upon motion of Plaintiffs attorney it is ordered by the Court that Plaintiff have leave to amend his motion to reinstate this cause and Motion submitted and taken under advisement by the Court -

7067. J. M. Morphis vs John Stringer & wife } On the 8th day of November 1884 Came the parties by their Attorneys and thereupon came on to be heard defendants Motion for a new trial in this behalf, and said Motion having been argued was submitted and taken under advisement by the Court - and on this the 22nd day of November 1884 said Motion having been duly considered and fully understood was by the Court overruled - to which ruling of the Court the defendants excepted - and in open Court give Notice of Appeal to the Supreme Court

7088 Frances Palmer vs J. S. Strid et al } And now on this day came on to be heard the Motion of Plaintiff for the appointment of a Receiver to take possession of the property in litigation in this suit, to wit: Lots. 5- 6- 7 & 8- in Block No 9- out Lot 37- Div B. Austin Town Co Texas and it appearing to the Court from agreement on file that the parties have agreed upon Geo. P. Warner as a competent person and agreeable to the parties hereto - It is therefore ordered by the Court that said Geo. P. Warner be and he is hereby appointed Receiver, to take possession of said property, to collect the same, Collect the rents &c. and hold the same subject to the further order of this Court, said Receiver to act pending this litigation and to report to this Court - It is further ordered that said Receiver be and he is hereby required to give a good and sufficient bond in the sum of two hundred Dollars - conditioned as required by law to be approved by the Court for the faithful performance of the duties required of him.

5800. J. R. Rollins vs J. J. Dimmitt } Hon E. G. Morris Special Judge presiding

And now on this the 17th day of November 1884, this cause being called for trial, came the parties by their attorneys and announced ready. Whereupon Court adjourned till tomorrow morning 9 O'clock. and on the 18th on the reassembling

Dishich Court Minutes, October Term, 1884,
Saturday the 22 day of November 1884.
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of court and all the parties being again present, the death of the defendant J. J. Dimmitt was suggested and Mrs Margaret L. Dimmitt surviving wife who has qualified to administer upon his estate, and who has been duly served with citation being appeared and filed her answer as party defendant, thereupon came a jury of twelve good and lawful men of Travis County, consisting of Wm Wallace and seven others who were duly selected and empannelled as the jury in this case, heard the evidence and arguments 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 in this the 22nd day of November said jury returned into open court the following verdict to-wit: "We the jury find for the plaintiff in the sum of Five hundred dollars- Wm Wallace Foreman". It is therefore considered and adjudged by the court that the plaintiff J. R. Robbins do have and recover of and from the defendant Margaret L. Dimmitt surviving wife of J. J. Dimmitt to be paid out of his estate, the sum of $500.00 Five hundred dollars, and all costs of this suit, for all of which let execution issue-

F. Y. Morris
Special Judge

Court adjourned till tomorrow morning 9 O'clock.

November 24th 1884.

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

6037

Manly L. Hester
vs
International & Great Northern Rail Road Company,

And now on this the 24th day of November 1884 this cause being called for trial came the parties by their attorneys and announced themselves ready for trial, thereupon came a jury of twelve good and lawful men of Travis County consisting of Robt. J. Nixon and eleven others who were duly empannelled according to law- thereupon came

November 25th 1884

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

Manly L. Hester
vs
International & Great Northern Rail Road Company,

And now on this the 24th day of November 1884 this cause being called for trial came the parties by their attorneys and announced themselves ready for trial, thereupon came a jury of twelve good and lawful men of Travis County consisting of Robt. J. Nixon and eleven others who were duly empannelled according to law- thereupon came

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Tuesday the 25th day of November 1884.

on to be heard the general demurrer and special exceptions of the defendant to plaintiffs petition, which said demurrer and exceptions was argued and submitted, and after due consideration was by the Court overruled. to which ruling of the Court defendant at the time excepted, and the jury having heard the pleadings evidence and argument of Counsel, and on this the 25th day of November 1884 being duly charged by the Court as to the law in this case retired to consider of their Verdict, And thereafter said jury returned into open Court the following Verdict viz: "We find for plaintiff damages in the sum of Two Thousand ($2000=) dollars" Robt. J. Nixon Foreman" said Verdict was then and there read by the Clerk in open Court in the presence and hearing of said jury and they being asked if this was their verdict answered in the affirmative, It is therefore considered ordered and adjudged by the Court that the plaintiff Manly L. Neely have and recover of and from the defendant the Interoceanic & Great Northern Railroad Company the sum of Two Thousand ($2000.00) dollars and all Costs in this behalf incurred for which let Execution issue.

Whereupon Court adjourned until tomorrow morning Nov 26th.

Wednesday November 26th 1884 Court met pursuant to adjournment present same as on first day of the term whereupon the following proceedings were had to-wit-

7271 E. G. Senter vs J. C. DeGress } And now on this day comes the plaintiff by Attorney and dismisses his suit by leave of the Court- It is therefore ordered and adjudged by the Court that this cause be and the same is hereby dismissed at the defendants Cost- And that plaintiff have and recover of and from Defendant all Costs of this suit for which Execution may issue-

7287 William Walsh vs Eliza J. Cook, Abner H. Cook, Charles B. Cook, Edgar J. Cook, John Hanson } This cause having been called for trial on a former ~~trial~~ day of this term towit on the 10th day of October 1884 and the defendants having been duly cited to appear and answer plaintiffs petition; but failing to appear and plead answer or demur to plaintiffs said petition a judgment by default was taken by plaintiff with an order for a writ of enquiry to ascertain and determine the character of Judgment and deare to which

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Wednesday the 26th day of November 1884

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said plaintiff Walsh is Entitled and now on this the 26th day of November 1884, said injury being made and the Court being fully advised of the facts, having heard and considered the pleadings and Testimony; it is considered by the Court that the plaintiff is Entitled to and should have the relief prayed for in his petition. It is therefore ordered adjudged and decreed by the Court that the plaintiff William Walsh do have and recover of the defendants the following described track of land, the same being all that portion of the lower two thirds part of the Burk Trammell head right one third of a league of land situated on the West side of the Colorado River in Travis County above the City of Austin which was contracted to be sold by John Hanovck to Abner H Cook on the 5th day of August 1878 Except two hundred acres taken off of the front of said track; the land hereby adjudged to the said plaintiff being described by metes and bounds as follows, to wit: Beginning at a point in the East line of said Burk Trammell's of League ~~tract~~ Eleven hundred and three varas from a point in said East line, on the top of the high Bluff on the Colorado River; Said beginning point being the South Corner of said two hundred acres excepted from this decree Thence North 60° West 950 varas to the upper or West line of said lower two thirds of said 1/3 League tract. Thence South 30° West to the East or South line of said 1/3 League tract. Thence South 60° East with the South or back line of said tract 950 varas to the Corner of said Burk Trammell tract, Thence North 30° East with the East line to the place of beginning; It being intended to adjudge to the said plaintiff all of the lower two thirds of said Burk Trammell Head right 1/3 League Except the reservation to high water mark on the bank of the Colorado River and two hundred acres taken off of the front of said tract. It is further ordered and decreed that the defendant John Hanovck make Conveyance to the said William Walsh of the land herein described And that said Conveyance so made by said Hanovck shall be a discharge and satisfaction of his said Contract with the said Abner Cook as to the land Contained therein.

It is further ordered and adjudged that the plaintiff do have and recover of the defendants E T Cook A H Cook Charles B Cook and Edgar T Cook all the Costs in this behalf Expended And it is further ordered that the defendant John Hanovck recover of plaintiff all his Costs. It is further ordered and decreed that should the defendant Hanovck fail to make

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Conveyance as herein directed this decree shall serve as evidence of title to the Plaintiff

Court adjourned till tomorrow Morning 9 Oclock

November 27th 28th 1884

Court met each of the above dates pursuant to adjournment. Present each day as on the first day of this term, and there being no Civil Minutes to be entered Court adjourned on the evening of the 28th till tomorrow Morning 9 Oclock.

November 29th 1884.

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

7158. A. Levy & Bro. } This cause having been called for trial at
vs. } a former day of this term to-wit on the 10th
J. S. Davis. } day of October 1884, and the defendant
having been duly cited to appear and answer plaintiffs petition,
but failing to appear and filed answer or demurr to the
same a judgment by default was taken by plaintiff whic-
-h an order for a writ of inquiry to be executed at some future
day of the present term of this Court, and now on this the 29th day
of November, 1884, said writ of inquiry having been executed
and the Court having heard the pleadings and evidence it is
the opinion of the Court that the plaintiff A Levy and Isaac
Levy composing the firm of A Levy & Bro. ought to recover
of the defendant J. S. Davis their damages by occasion of
the premises, and it appearing to the Court that said debt
which interest to this date amounts to the sum of ($1065 33/100)
one thousand Sixty five 33/100 dollars. It is therefore
considered ordered and adjudged by the Court that the
plaintiffs A Levy & Isaac Levy under their firm name
and style of A Levy & Bro- recover of and from the
defendant J.S. Davis the sum of one thousand and
Sixty five 33/100 dollars and all costs in this behalf ex-
-pended for all which let execution issue.

Court adjourned till Monday Morning 9 Oclock

December 1st 1884

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

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Monday the 1st day of December 1884.

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War Cry vs. A. G. Barrager vs A. & T. C. R. R. Co Continued by Consent.

4320 A. G. Barrager
John O. Ford
vs
The Austin & Texas Central Railroad Company,

4348. Hon A. S. Walker Judge of the 26th Judicial District being disqualified to try this cause, upon that Hon J. T. Fulmore shall sit as Special Judge in the trial of the same as per agreement on file herein, and he having duly qualified as such special Judge by taking the Constitutional oath of office as required by law. Made the following order in said cause—

Upon motion of plaintiff attorney it is ordered by the Court that this cause be and the same is hereby dismissed, and that the defendant The Austin & Texas Central Railroad Company have and recover of the plaintiff Jno. O. Ford and his surety on his cost bond to wit: F. W. Seymour all costs in this behalf expended—for all which let execution issue—

J. T. Fulmore
Special Judge—

7276. J. Newton Jackson
vs
W. B. Walker-Jud.

Upon motion of plaintiff attorney it is ordered by the Court that this cause by and the same is hereby continued

7004 Wm Brin. vs A. & T. C. R. R. Co. Continued by Consent.

Charles Wolf
vs
Mathilda Jourdan Etal

6018 And now on this 22nd day of November 1884 comes the plaintiff Charles Wolf by James B Goff Esq his attorney and also the defendant Mathilda Jourdan by D W Doom Esq her attorney and defendants Charles H Jourdan otherwise called Carl Hugo Jourdan and Fredricka Jourdan by D W Doom Esq their Guardian ad Litem and announce themselves ready for trial and both parties waiving a Jury the Court after hearing the Evidence and the Stipulations entered into by the respective parties, doth find that plaintiff is the owner of the land in controversy—Viz—Out Lot No 53. in Division E of the City of Austin Travis County Texas according to the plat of said City and the out Lots adjoining the same, according to the plat of said City on file in the General Land office of the State of

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Texas being the same parcel of land described in letters patent No 262 Vol 2 in said Land office, and in the lawful possession of the same and it further appearing to the Court, that by a written instrument filed in this cause dated the 17th day of September 1884 signed by said Charles Wolf and George Willing Agent and Attorney in fact of the Guardians of said Karl Hugo Jourdan and Fredericka Jourdan, that said Charles Wolf has agreed to pay to said George Willing as such Agent and Attorney in fact the sum of Eighteen hundred dollars in two installments of $900 Each and has executed and delivered to said Willing his two promissory notes dated Sept 17th 1884 for $900- Each payable to the order of said George Willing and payable on the 1st day of January 1885 and the other on the 1st day of April 1885. Each bearing 10 per cent interest after maturity (which sum of $1800cc shown to the Court to be the full value of the one half interest in said Block and it appearing that it is advantageous to the minor defendants that they take said sum in lieu of their claim to an interest in said Block) the Court therefore doth adjudge and decree that said Charles Wolf be quieted in his title and possession of- and that defendants Mathilda Jourdan- Karl Hugo Jourdan otherwise called Charles Jourdan and Fredericka Jourdan be forever barred of any right title or interest in or to the same- It is further adjudged and decreed that said land be charged with a lien for the payment of said notes and that said Charles Wolf do pay to the legal Guardians of said Karl Hugo Jourdan and Fredericka Jourdan the amount of said two promissory notes so Executed and delivered to said Willing at the maturity thereof provided a legal guardian of said Karl and said Fredrika be then appointed and qualified according to the laws of the State of Texas. It is further ordered and decreed that in case no legal guardian as aforesaid shall have been appointed when the said notes shall severally become due and payable, then said Charles Wolf shall pay the Amount of said notes to the Clerk of this Court for the use of said Karl and Fredrika and that on the full payment of said notes this decree shall become effectual and a release of the lien of said notes on the land as aforesaid and a full discharge of said Wolf from all liability on the same shall be Entered of record in this Cause It is further ordered and decreed that D W Doom Esq be allowed the sum of $100 for his services as guardian ad Litem of said minors and that the same be taxed as Costs in this Cause It is further ordered that said Charles Wolf pay all the Costs herein expended= Whereupon Court adjourned until to-morrow morning 9 o'Clk- Tuesday Dec 2nd & 3rd Court Met Pursuant to adjournment. Present same as on first day of term Whereupon the following proceedings were had towit=

The foregoing is a true and correct copy of the minutes in this cause for $800.00 in favor of the minors Karl Hugo Jourdan & Fredericka Jourdan said sum being in lieu of their claim to an interest in said Block. Witness my hand & official seal of office this 23rd day of March A.D. 1885. As per Act approved April 13th 1846.

Chas. A. Wortham Clerk Dist. Court Navarro Co Texas

By Fredericka Jourdan

District Court Minutes, October Term, 1884

Wednesday the 3rd day of December 1884

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

7163 ✓

Elizabeth J Darden Etal ✓
vs
George Darden Etal

On this 3rd day of December AD1884 Came on to be heard the motion of Plaintiffs to Confirm the Sale of the property involved in this Case by D H Darden Special Commissioner and the plaintiffs being represented by their Attorneys and the defendants by D H Doom their guardian ad litem appointed by the Court and it appearing to the Court from the report of the Special Commissioner on file, which is as follows, towit:

Elizabeth J Darden Etal
7163
vs
George Darden Etal

In Dist Ct Travis Co Tex Oct Term 1884
Now comes D H Darden Special Commissioner appointed herein to make Sale of Lot No 39. in Block 19. in Division "D" Harris addition to the City of Austin and reports as follows - towit: That Conformable to the order of Appointment herein made October 18th 1884. he said D H Darden as such Commissioner did on November 7th 1884 post three notices in words and figures as follows - "Public Sale
" Elizabeth J Darden Etal vs Geo Darden Etal 7163. In District Court of Travis County
" October 18th 1884 - In Pursuance of an order of the Court and by virtue of Au-
" thority vested in me, Special Commissioner appointed by the Court. I will
" sell at Public Vendue to the highest and best bidder for Cash at the Court
" House door of Travis County State of Texas, in the City of Austin on the
" 1st Tuesday 2nd day of December 1884 within the hours prescribed by law
" the following described property viz - Lot 39. Block 19. in Division "D" Harris
" Division City of Austin - Sold for the purpose of Effecting partition of the
" same - Stephs H Darden Special Commissioner Austin Tex Nov 7th 1884"

That one of said notices was posted at the Court House door of said Travis County said Nov 7th 1884 & remained so posted for more than twenty days successively next before the day of sale hereinafter mentioned - That on Tuesday December 2nd 1884 at the Court House door of said Travis County in said City of Austin between the hours of ten and four o'clock of that day, he said Special Commissioner did offer at public vendue for cash to the highest and best bidder the property hereinbefore described and that one Frederike Caroline Leisering offered the sum of Eight hundred dollars ($800.00) and she being the highest & best bidder the said property was struck off & sold to her said Marie Fredricke Caroline Leisering Stephs H Darden Special Commissioner"

Sworn to and Subscribed before me this December 3rd 1884 Jas O Hart Clk Dist Ct Tc

That the Sale of said property towit Lot 39. Block 19 in Division "D" Harris addition to City of Austin, has been made in Conformity with the law and the decree of the Court to Marie Fredricke Caroline Leisering for the sum of Eight hundred dollars - And it appearing that said sum is

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a fair price for said property. It is ordered adjudged and decreed by the Court that said Sale be in all things Confirmed and the said Special Commissioner D H Darden is hereby authorized and required to make to the said Purchaser a proper deed of Conveyance to said property upon the payment of the said Sum of Eight hundred Dollars and that the said Sum of money be retained into Court to be partitioned by the Court between the persons entitled thereto according to their respective interests therein -

John H Conner Et al
vs
Ella Carter Et al

Hon T. D. Maxey. Special Judge Presiding
Hon A. G. Walker Judge of the 26th Judicial District

3590. of Texas being disqualified and having Certified his disqualification to his Excellency the Governor. The Hon T D Maxey on the 9th day of October 1884 was duly Commissioned as Special Judge to try said Cause - And he having qualified as required by law by taking the Constitutional oath of Office and thereupon this cause being regularly called for trial the Hon T. D. Maxey Special Judge presiding the following proceedings were had. in said Cause, towit, Upon motion of defendants attorney it is ordered by the Court that D. G. Wooten Husband of defendant Ella R Carter be and he is hereby granted leave to make himself party defendant which is accordingly done. Whereupon the defendants announced ready for trial and the parties plaintiff and sureties on their Cost bond being Called at the Court House door and 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 Ella R Wooten Ella Rust and D. G. Wooten recover of and from the plaintiffs John H Conner Julia G Hicks, E A Hicks Cora E Shepherd Wm A Shepherd Mattie V. Fahey Cornelius Fahey Harvey D Conner Carrie T Catlow Nina B Catlow and Pearl A Conner and the sureties on their Cost bond towit Ratliff Platt G W Brass and J. J. Musgrove all costs in this behalf incurred for which let execution issue And upon motion of defendants Attorney it is further ordered by the Court that defendants have leave (upon leaving an file with the Clerk Certified Copies of same) to withdraw from the file the following papers in this Cause towit; The Original Will of Bird Holland Note of Conner payable to Bird Holland Deed of Jno T Price Sheriff to Bird Holland - It is further ordered that the officers of Court have their Execution against the parties respectively for the Costs incurred by them

Examined and approved. T. D. Maxey Special Judge

Dietrich Court Minutes, October Term, 1884

Wednesday the 3rd day of December 1884

No. 114. 3-83-2.

Geo. D. Barnard & Co., Blank Book Manufacturers.

5564 — Jno O Lewis Hancock as R Kannemacher Etal — And now on this day Come the plffs by Attorneys and moves the Court to dismiss this Cause - It is therefore Considered by the Court that this Cause be and the same is hereby dismissed and that the defendants do have and recover of and from the plaintiffs all Costs in this behalf Expended for which let Execution issue -

7140 — The State of Texas as H H Randolph Etal — The Motion and amended Motion of the plaintiff to reinstate this Cause upon the docket having been heard and submitted at a previous day of the present term of this Court and said motions having been duly Considered - It is now ordered by the Court that said Cause be and the same is hereby reinstated upon the docket of this Court and further ordered by the Court that the Costs that have accrued up to and including the Entry of this order be and the same are hereby adjudged against the plaintiff

7142 — The State of Texas as John R Ward — The Motion and amended Motion of plaintiff to reinstate this Cause upon the docket having been heard and submitted at a previous day of this term of this Court and said motions having been duly Considered - It is now ordered by the Court that said Cause be and the same is hereby reinstated upon the docket of this Court - And further ordered by the Court that that the Costs that have accrued up to and including the entry of this order be and the same are hereby adjudged against the plaintiff

7099 — H & T C Ry Co. vs W. J. Kinnan Continued by Consent

7100 — H & T C Ry Co. vs J H Birman Continued by Consent

7101 — H & T C Ry Co. vs B. F. Darsie Continued by Consent

7102 — H & T C Ry Co. vs D. A. Buckingham. Continued by Consent.

7103 — H & T C Ry Co. vs C F Emery Continued by Consent.

7104 — H & T C Ry Co vs W M. Boyd Continued by Consent.

7162. — H & T C R R Co vs T & P Ry Co. Continued by Consent

7177. — S H Finch & Co. vs James Haig et al. It is ordered by the Court that intervenor Jones have leave to file amended petition

6091. — R. Krause vs City of Austin. Set for December 8th 1884

7120. — Wallis & Hill vs M. A. Taylor et al. And now on this 2d day of December 1884. this Cause being Called for trial. Came the parties by their Attorneys and thereupon Came on to be heard

Dishich Court Minutes, October Term, 1884

Wednesday the 3d day of December 1884

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the demurrer and exceptions of defendants to plaintiffs petition which after due consideration now by the Court overruled it was thereupon ordered by the Court that this cause be and the same is hereby Continued for the term.

7277 R. J Loring Vs W. H. Pintaugh, It is ordered by the Court that plaintiff have leave to file 1st Amended original petition and Case set for trial for December 11th 1884.

Whereupon Court adjourned from day to day until Saturday December 6th 1884 - When present same as on first day of the Term the following proceedings were had to-wit

5852 Alitia Barker Etal } Hon D W Doom Special Judge presiding - And Now on this 6th day of
vs December 1884 Came on to be heard
5852 S. J. Swinson Etal } the motion of the Defendants to Exclude all the testimony of plaintiffs tending to show that the Wm Barker through whom plaintiffs Claim was at the upper encampment or guarding the baggage instead of in the battle of Sanjacinto, which motion was by the Court overruled to which ruling of the Court defendants Except And also came on to be heard the motion of Defendants moving the Court to prepare its written Statement of facts and of law as by the Statute provided which motion was by the Court granted and said Conclusions of Law and fact filed accordingly -

5852 Alitia Barker Etal } Hon D W Doom Special Judge
vs Presiding
S J Swinson Etal } And now on this the 29th day of November 1884 Came the parties by their Attorneys and upon motion it is ordered by the Court that the Defts A K Barnes Jr have leave to file 1st Amended Original Answer. And Plffs have leave to file 1st Supplemental petition and upon application Kizzie C Swenson, E. P. Swenson S A Swenson and J A Kirkland Executors of Swanto J Swenson deceased are allowed and hereby make themselves parties defendant and ordered that said defendants are granted leave to file 1st Supplemental answer thereupon came on to be heard the demurrers and exceptions of defendants to plaintiffs pleadings and also the demurrer and exceptions of plaintiffs to defendants pleadings all of which demurrers and exceptions were by the Court overruled to which rulings the parties plaintiffs and defendants respectively

District Court Minutes, October Term, 1884

Saturday the 6th day of December 1884

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Excepted and no Jury having been demanded by either party the said Cause proceeded to trial upon its merits, And the Court having heard the pleadings the Evidence and argument of Counsel, all parties to said Cause being represented by Counsel said Cause was heard during Nov 29. Dec 1 & 2nd when the argument of Counsel was concluded and the Cause was submitted to the Court and taken under advisement by the Court And now on this the 6th day of December 1884 the Court upon the Conclusion of fact and of law found which are of file and record herein doth now here Consider order adjudge and decree that the plaintiffs Alitia Barker Jas Barker Cicero Barker Mary J Watts Martha Calvert, J.C. Calvert and Thomas Barker take nothing by their said suit and that the defendants Kizzie Swenson S A Swenson, E.P. Swenson and J A Kirkland as Executors and representatives of the Estate of O.J. Swenson deceased and A.A Barnes and the said Kizzie Swenson in her own right go hence without day and that they recover of the plaintiffs aforesaid all costs in this behalf expended for which Execution may issue And the Plaintiffs in open Court Except. Except to the judgments of the Court herein and give notice of appeal to our Supreme Court.

Thereupon The foregoing Entries Examined and approved

D. W. Doom
Special Judge.

Whereupon Court adjourned until Monday the 8th day of December AD 1884. Monday Dec 8th 1884. Court met pursuant to adjournment present same as on first day of Term whereupon the following proceedings were had to wit.

7272

W L & W E Jackson
vs
Alex Stewart et al
Ed J Green

And now on this 15th day of November 1884 came on to be heard the above entitled cause and the parties appear in person and by Counsel and no Jury having been demanded the matter of both law and fact being submitted to the Court and the Evidence admitted being fully considered by the Court—it is ordered adjudged and decreed by the Court that the plaintiffs do have and recover of the defendants

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Mrs Stewart and Ed J Green the property sued for, towit, Lot 4 in Block 2 of the Subdivision of Out Lot No 18 of the City of Austin, together with all the improvements thereon and that they have their writ of possession therefor- Provided where as the Court has allowed to the said defendants the sum of ($20 35/100) Twenty + 35/100 Dollars as the value of permanent improvements placed on said property in good faith prior to the institution of this suit and whereas the Court Estimates the value of said Lot at the sum of one hundred dollars Now if the Plaintiffs shall pay to the said defendants the said sum of ($20 35/100) Twenty 35/100 Dollars within twelve months then the writ of possession may issue instanter But if the plffs shall fail to pay to defendants said sum of money, then defendants shall if they so proper pay to plffs the sum of one hundred dollars, with interest thereon from this day at the rate of 8% per annum, the value of said lot within six months after the expiration of said twelve months and retain the same together with the improvements thereon which failing to do the plffs shall have their writ of possession for said Lot of Land and improvements as in ordinary cases- It is further ordered by the Court that plaintiffs have and recover of defendants all costs in this behalf Expended for which Execution may issue —

Whereupon Court adjourned until Tuesday Morning December 9th 1884. Tuesday December 9. 1884 Court met pursuant to adjournment present same as on first day of the Term whereupon the following proceedings were had towit

59/40

Albert Weir Et al vs Felix E Smith Et al

And now on this day this Cause coming on to be tried and it being suggested in writing that defendant Monterey V Weir since this suit was brought has intermarried with one Charles Butts who is made a party defendant herein On application leave is granted plaintiffs to file an amended petition by consent without rewriting their pleadings and thereupon came all the parties plaintiff Albert Weir Louisa Burleson and her husband D C Burleson and the defendants Felix E Smith and Fred Carleton Executors of the last will and Testament of Martha J Weir deceased and also the defendants Peter Weir Monterey V Butts, formerly Weir and her husband Chas Butts Eliza

District Court Minutes, October Term, 1884

Tuesday the 9th day of December 1884

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

Mc Weir, Camilla A Cole and her Husband J D Cole and also the minor defendants Joseph Burleson Sarah G Burleson Martha J Burleson Stephen M Burleson Louisa Burleson Jr & Elizabeth S Burleson minor Children of Louisa Burleson and D.C. Burleson by their Guardian ad Litem duly appointed by the Court to represent said Minors in this Court (A G Shelby Esq" an atty of this Court) and no jury being demanded this cause was submitted both as to matters of law as well as of fact to the Court; And the Court after hearing the allegations the evidence and the admissions of the parties and their agreement in Open Court, finds that the property described in plaintiffs pleadings belonged to the Estate of Adolphus G Weir dec'd at the date of the death of his late wife Martha J Weir to wit, on or about the 20th day of July 1882. And that said Martha J Weir by her will of date January 20 1875 had made a valid bequest only of a part of the Estate of said Adolphus G Weir, to wit, the 5 55 1/2 acres of Land being the South half of the Jacinto Irwin one fourth of a League in Travis and Hays Counties and of the 60 acres of Land part of the S.W.R. Eggleston League in Hays and Travis Counties which were Devised and bequeathed by said Martha J Weir by her said Will in equal portions to Monterey V. Batts and Eliza M Weir and of the 492 acres granted to Joseph Baffin assignee of Trinidad Varonias situated in Hays County which was devised and bequeathed by said Martha J Weir as follows to wit One half to Peter Weir and the other half to Louisa Burleson for life with remainder to the Children of said Louisa Burleson And that said Will of said Martha J. Weir was and is void as a conveyance of any other parts or portions of the Estate of said Adolphus G Weir and that as to the balance of the Estate of said Adolphus G Weir the said Plaintiffs Aleut Weir Louisa Burleson and Defendants Peter Weir Monterey V Batts and Eliza M Weir under the Will of their father Adolphus G Weir are now entitled each to one fifth portion of the said balance of the Estate of the said Adolphus G Weir. It is therefore ordered adjudged and decreed by the Court that the disposition made by the said Martha J Weir by her Will of said 5 55 3/2 acres being the South half of the Jacinto Irwin one fourth of a League and

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of said 60 acres of said Eggleston League and of the 492 acres of the Trinidad Narcinas Survey be and the same is hereby declared a valid and legal disposition of said three tracts of land and that said Will of said Martha J Weir in so far as the same is claimed or pretended to be a conveyance of any other part or portion of the Estate of Adolphus G Weir is here declared to be null and of no Effect And it is further ordered adjudged and decreed that under the Will of said Martha J Weir (which in this particular respects is declared to be a due and legal execution of the powers conferred on her by the Will of Adolphus G Weir) the defendants Monterey V Botts and Eliza M Weir do have and recover of and from all the other parties to this suit said two tracts of Land devised to them in said Will of the said Martha J Weir as joint and Equal owners and Equal portions and described as follows towit; First: that Certain tract of Land situated on the Fine of Travis and Hays County in the State of Texas being the tract of Land known as the Munchus place, being a Survey of 553½ acres for W D Miller situated on Onion Creek being the South half of the League No 1 granted to Josephus T Irving Beginning at Stone in Prairie for the Original South West Corner of said Survey No 1 from which a Live Oak 12 in dia brs N 54° W 2½ vrs Thence East 1250 vrs to a Stake in Prairie Thence North with the Original line of said Irvings Survey 1260 vrs to a dry branch 2500 vrs to a Stone Mound Thence West 730 vrs to Onion Creek 1250 vrs to a Stake and Mound in the East boundary line of Eggleston League No 1 from which a Live Oak 10 in dia mkd X brs S 71° E 30 vrs another 10 in dia mkd H brs S 36° E 31 vrs Thence South 270 vrs to Onion Creek 2500 vrs to the beginning + Second: A parcel of Land situated on Onion Creek in the Counties of Hays and Travis in State aforesaid being a part of that portion of the O V R Eggleston league which was allotted and set apart to Nima Turner (now Nima Turner) in the partition of the Estate of said O V R Eggleston towit, Beginning on the East line of said Eggleston League at the North East Corner of John Hughs tract which is the South East Corner of this tract Thence west to Onion Creek. Thence down Onion Creek with the meanders of the bed thereof to a point where Onion Creek crosses the East line of said Eggleston League Thence South with said East line of the Eggleston League to the place of begin-

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No. 114. 3-83-2.

Geo. D. Barnard & Co., Blank Book Manufacturers.

ning and Containing Sixty acres of land more or less which said land is described on pages 578 & 579, Book S, County Records of Travis County. And it is further ordered adjudged and decreed that under the said Will of the said Martha J Weir (which in this respects is also declared to be a valid Execution of the powers conferred on her by the said Will of Adolphus G Weir) the defendant Peter Weir do have and recover of and from all the other Parties to this suit one undivided one half of the 492 acres of land granted to Joseph Baker as assignee of Trinidad Varcinas and described as follows, to-wit, Lying and being situated in Hays County Texas bounded and described as follows: being a part of a Survey of 948 acres patented to the heirs of Joseph Baker dec'd assignee of Trinidad Varcinas and beginning at the N W Corner of said Varcinas Survey which is also the S W Corner of the J O Irvine 1/4 League Thence East with the South line of said Irvine Survey (1250) twelve hundred and fifty varas to the S.E. Corner of the same for the N.E. Corner of this tract Thence South (2150) two thousand one hundred and fifty varas for a Corner on the East line of the said Varcinas Survey Thence West (1250) twelve hundred and fifty a Corner. Thence North (2150) two thousand one hundred and fifty varas to the place of beginning Containing 492 acres of land which is described in a deed now recorded on pages 361. 362 & 363. Book T' Records of Travis County. And it is further ordered adjudged and decreed by the Court that the plaintiff Louisa Burleson do have and recover of and from all the other parties to this suit for and during her natural life the other undivided one half of the said tract of 492 acres of land last described therein granted to Joseph Baker as assignee of Trinidad Varcinas with remainder in said part of said tract of land after the termination of said life Estate to the Children of said Louisa Burleson and that each of said parties Peter Weir and Louisa Burleson be forever quieted in their respective titles and possession in said tracts of land as above adjudged And it is further ordered adjudged and decreed by the Court by Consent and agreement of the parties that said defendants Monterey V Betts and Eliza M Weir as joint owners do have and recover of and from all the

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other parties to this suit Lot No (12) twelve in Block No (27) twenty seven in the City of Austin in Travis County Texas and that Eliza McWeir recover Lot No 11 in said block 27. to be held one half for herself and the other half in trust for Monterey V Botts and the rents if any heretofore accrued and on hand be paid in Equal amounts to said Eliza McWeir and said Monterey V Botts by the Executors and also (45) forty five acres to be taken off of the South side by a line running East and West of a tract of one hundred and ten acres tract of Land, part of the D.V.R. Eggleston League in Travis County, said 110 acre tract having been conveyed by Joseph Wansley to Adolphus G. Weir by deed dated 6th day of March 1855 and described as follows — The South half of the following described certain portion of said League which was set apart to one Zina P Eggleston in the partition of said League among the heirs of said D. V. R Eggleston beginning at the SW Corner of Lot No 4 of said partition a large stone in a branch. Thence South 1241 varas to a five out 6 inches in diameter marked 5 x x x - Thence East 1000 varas to a stake in Prairie Thence North 1241 varas to the East boundary line of League No 3 (the said Eggleston league) to a stake and S.E. Corner of said Lot No 4 Thence following the South boundary line of said Lot No 4 West across Onion Creek 1000 varas to the place of beginning - And that said Monterey V Botts and Eliza W Weir be forever quieted in their right to and possession of said two Lots in the City of Austin and said forty five (45) acres out of said 110 acre tract as joint and Equal owners in the Same — And by Consent and agreement of parties it is further ordered adjudged and decreed that the plaintiffs Albert Weir and Louisa Burleson and Peter Weir as joint owners do have and recover of and from all the other parties to this suit the following three tracts of Land and more particularly described as follows, The remaining (65) Sixty five acres of said 110 acre tract of Land last above described Conveyed by Joseph Wansley to Adolphus G Weir as aforesaid, and also a tract of 160 acres of Land in Hays County Texas being the North half of a 320 acre tract known as the W T Key Survey and being the same tract of land Conveyed by W^m Pelham to Martha J Weir and Benjamin Weir as Executors of the Estate of Adolphus G Weir by deed dated March 26th 1866 and described as follows - to wit The North half of a 320 acre tract in the name of W T

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Tuesday the 9th day of December 1884

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Key: Beginning at a Stone Mound in the East boundary line of D J Whatley League No 22. Thence East 756 varas to a Stone mound Thence North 2390 varas to a Stone mound Thence West 756 varas to a Stone mound in the East boundary line of the Cyrena Chappell league No 35. Thence South with East boundary line of League No 35. for Cyrena Chappell 1214 varas to the North East Corner of said Whatley League No 22. and thence with his East boundary line 1176 varas making in all for the length of this line 2390 varas to the place of beginning: And also a tract of 320 acres of land in Hays County conveyed by B B Gaeth to Martha J Weir by deed dated December 15th 1873 the same being a part of a 640 acre Survey granted to the heirs of James Wills said 320 acres of land being described as follows. towit: The East half of said Wills 640 Acre Survey Beginning at N.E. Corner of said Wills Survey Thence South 1830 Varas - Thence West 980 Varas to a line running through the Centre of said Wills Survey Thence North with said line 1830 Varas Thence East 980 Varas to the place of beginning — And it is further ordered adjudged and decreed that said Plaintiffs Albert Weir and Louisa Burleson and said Defendants Peter Weir be and are hereby forever quieted in their right to and possession of said last named three tracts of land as joint and Equal owners of the same. And it is further ordered adjudged and decreed by the Court that Defendant Eliza McWeir do have and recover from the other parties to this suit the money now deposited at the State National Bank of Austin Texas in the name or to the Credit of the said Monterey V. Weir the Same being Three hundred and fourteen dollars and Seventy five Cents ($314 75/100) And that the said defendants Felix E Smith and Fred Carleton as Executors of the Will of said Martha J Weir deliver said money to Eliza McWeir: And it is further ordered adjudged and decreed that Plaintiffs Albert Weir and Louisa Burleson and defendant Peter Weir do have and recover of and from all the other parties to this suit in Equal portions all the Net proceeds of the Sale of all personal property sold by said Smith and Carleton as Executors of the will of said Martha J Weir since their appointment as such Executors (Not including the proceeds of the Sale of Cotton which was part of Rent of the year 1882.) And that

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said Smith and Carleton pay over to said Abert Weir Louisa Burleson and Peter Weir the net proceeds of said Sale in Equal portions And it is further ordered adjudged and decreed that rents received by said Executors Smith and Carleton from the Weir Estate for the year 1882 (not including proceeds of sale of Corn oats and wheat Sold by the said Executors which has herein before been set apart to said Abert and Peter Weir and Louisa Burleson) shall be equally divided between the plaintiffs Abert Weir and Louisa Burleson and defendants Peter Weir Monterey V Batts and Eliza M Weir and that said Executors pay to each of said last named five parties one fifth of said Rents of 1882. And it is further ordered adjudged and decreed by the Court that the plaintiff Louisa Burleson and defendants Peter Weir, Monterey V Batts and Eliza M Weir recover the rents of the Weir farm known as the Manchac Farm for the years 1883 and 1884 and that said Rents be paid by the said Smith and Carleton as Executors as aforesaid to Each of said last named four parties in proportion to the acreage in said farm cultivated during said years here adjudged to Each of said parties in said farm by this decree and rented out for said years 1883 and 1884, the amount to be so paid to Each of said parties to be ascertained and determined by said Executors Smith and Carleton on the basis of acreage in said farm owned by Each of said four parties as herein adjudged and determined and which was cultivated during said years—

And it is further ordered adjudged and decreed that plaintiff Louisa Burleson recover the Piano Forte and the Portrait of herself. and that said Executors deliver the same to her: that Abert and Peter Weir recover the walking Cane, the Razors, the pair of Pistols and Portrait of Adolphus G Weir and that said Executors deliver said Several Articles to said Abert and Peter Weir and that said Eliza Mc Weir recover the Gold watch of the late Adolphus G Weir and Monterey V Batts recover the portraits of Martha J Weir and Benjamin Weir and that said Executors deliver said Articles to said Monterey and Eliza—

And it is further ordered adjudged and decreed that the said plaintiffs Abert Weir and Louisa Burleson and defendants Peter Weir Monterey V Batts and Eliza M Weir Each recover one

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fifth undivided part of all the household and kitchen furniture including Table ware and Silver ware and all other personal property of every sort and discription including one Gun (not herein before disposed of) and which was on hand and in possession of Martha J Weir as her property or the property of said Adolphus G Weir, at the date of her death, whether on the Inventory of her Estate or not and that said property included in this part of this decree be divided by the said Executors Equally having regard only to value between said Albert Weir Monterey V Batts Eliza Weir and Louisa Burleson Share and Share alike. And that in case it becomes necessary for said Executors, to do so, in order to make such division they are authorized to sell any part or all of said property included in this part of this decree and divide the proceeds between said parties.

It is further ordered adjudged and decreed that the Costs of this Case be paid by the said Executors of the Estate of Martha J Weir out of any moneys on hand or that may be in their hands as such Executors so that the Costs be Equally borne by all the parties. Albert Peter and Eliza M Weir. Monterey V Batts and Louisa Burleson

And it is further ordered that this decree be Certified to the County Court of Travis County for observance as respects the rights of parties herein and for Closing the Estate of Martha J Weir deceased.

7068 — Geo M Malone Etal vs Geo. B. Zimpleman Etal } On the 4th day of December A.D. 1884 came the plaintiffs by their attorneys E.T. Moore and D.M. Doom and the defendants by their Attorneys Hancock & Shelley and both parties announced ready for trial and no jury having been demanded the case is tried by the Court without a Jury and the pleadings evidence and argument of Counsel having been heard the case is taken under advisement and Now on this 8th day of December A.D. 1884 the pleadings evidence and argument of Counsel being fully understood by the Court, it is considered ordered adjudged and decreed by the Court that the plaintiffs George W. Malone and Susan E Malone do have and recover of the defendants George B Zimpelman and Thomas Zimpelman the title and possession of the tract of land situated and

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and described as follows, towit: being and lying in the County of Travis in the State of Texas on the waters of Gilliland Creek known as a part of a survey made for James Manning and being a part of one hundred and ninety four acres partitioned and set aside by the Hon Probate Court of Travis County for Susan E. Malone: Beginning at a Stake in a Stump Hollow on the West side of Gilliland Creek and original South West Corner of said Manning Survey No 37. Thence N 30° E. 225 8/10 varas to a stone mound. Thence S 60 East 2500 varas to a stone mound in the west boundary line of Survey No 36. Thence S 30 West 225 8/10 varas to a stone mound and South East Corner of said Survey No 37 Thence N 60 West with the original line of said Survey No 37. 2500 varas to the place of Beginning Containing one hundred acres more or less and that the metes and bounds of said track of land be and they are hereby established as hereinbefore set out and the words "from which an Elm 10 inches in diameter marked X bears S 24 E 19½ Vs" given in the Call from the beginning Corner in the metes and bounds of said track of land in a deed of Conveyance from A M A Lackey and M G Lackey to plaintiff dated the 12 day of November 1869. Conveying said track of land to plaintiffs having been inserted therein by mistake shall be disregarded and the metes and bounds of said track of land shall be as hereinbefore set out without regard to the Call for said Elm: And that plaintiffs have their Writ of possession and that the said plaintiffs do have and recover of the said Defendants all 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 Costs by them in this behalf incurred. To the foregoing judgment defendants Except and in open Court give Notice of Appeal to the Supreme Court of the State of Texas —

Whereupon Court adjourned till Wednesday Dec 10- when Court again met and there being no business of a Civil nature it again adjourned until Thursday Morning December 11th 1884 — When Court again met pursuant to adjournment - present same as on first day of the Term when the following proceedings were had towit.

District Court Minutes, October Term, 1884

Thursday the 11th day of December 1884

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

7066

F W Chandler
vs
C G Caldwell et al
& H E Shelly Intervenor

On a former day of this Term towit on the 17. day of October 1884 a Consent decree having been entered determining the rights of the different parties to the above stated Cause in the John McSherry League of Land in Taylor County Texas and W H Worthington Louis C Wise H M Henderson, E E Hartsook and J. A. Thomas were appointed Commissioners by this Court to divide and partition said League of land in accordance with said decree and said Commissioners having on the 1st day of December 1884 after being duly qualified made and filed their report in this Cause in words and figures as follows towit,

F W Chandler
vs 7066
C G Caldwell et al
& H E Shelly Intervenor

In District Court of Travis County Texas
Report of Commissioners in the partition of the John McSherry Surv. of land in Taylor County Texas -

To Hon A J Walker Judge of the District Court of Travis County Texas. We the undersigned Commissioners appointed by your Honor divide and partition the John McSherry Survey of Land would respectfully report as follows -

1st That we set apart to John H Burleson 1476 acres of said Survey - being Subdivision No 2 and more particularly described in Survey and Sketch and Field notes hereto attached -

2nd That we set apart to F W Chandler Subdivision No 4 and by reason of its Superior quality giving him 600 acres instead of 738 acres for more particular description See Survey and Sketch and field notes hereto attached

3rd The remainder of said Survey containing 2794 acres we divided by giving C. G. Caldwell Subdivision No 3 containing 1319 acres being 1045 parts To F W Chandler we gave subdivision No 5 containing 428 acres and being 339 parts and To H E Shelly we gave Subdivision No 1 Containing 1047 acres and being 830 parts of said 2794 acres - Said partitions we believe to be a fair and just division of said McSherry Survey of land

All of which is respectfully submitted - W W Worthington H McHenderson Louis C Wise E E Hartsook & J A Thomas Commissioners

Sworn to and subscribed before me the undersigned Authority Witness my hand and Official Seal this 29th day of Nov ad 1884

Seal

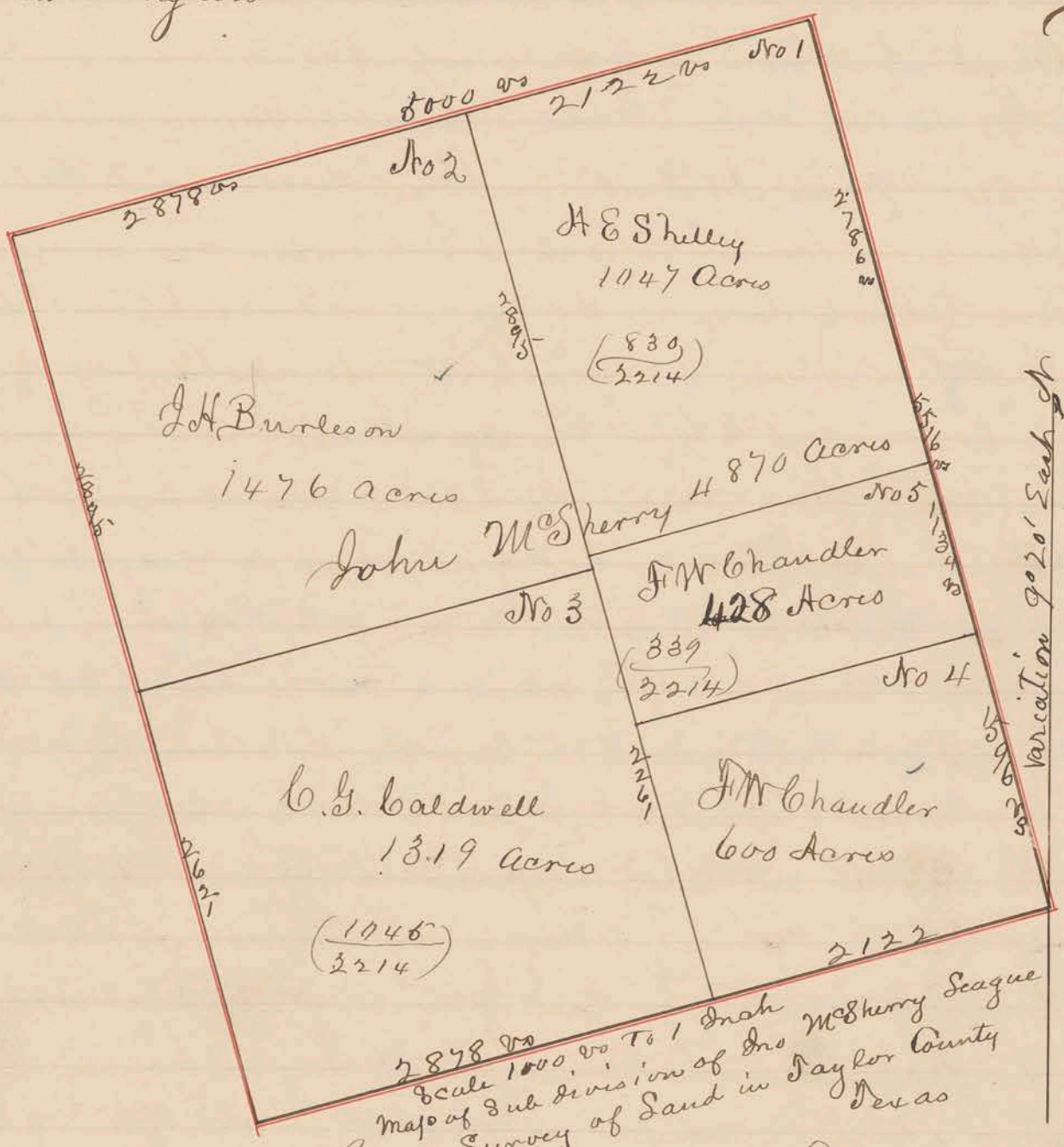
David J. Red Clk County Court T Co Tex By J J Red Deputy

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Bill of Costs - To H. M. Henderson 4 days @ 2.00 8.00
To J A Thomas a Commissioner 1 day 2.00
" " County Surveyor for Running 11 Miles Lines @ 3.00 33.00
" Making out 5 sets f. Notes @ 1.00 Each 5.00
" Louis C Wise a Commissioner 4 days 8.00
" E E Hankwood " " " " 8.00
" M W Worthington " " " " 8.00
72.00



The State of Texas - } Subdivision No 1 - Field notes of a Survey
County of Taylor } of 1047 acres of Land made for H E Shelly
Scale 1000 Varas to inch being Subdivision No 1 of the Jno McSherry Survey of
Variation 9° 20' East land as partitioned under orders of the District
Court of Travis Co Texas in Case of F W Chandler vs C. G. Caldwell
et als H. E. Shelly Intervenor. This tract was set apart to H. E. Shelly
as 830 Acres of the McSherry Sur after the Burleson & Chandler interests
were taken out. Said Survey is No - in Taylor County situated
on the waters of Bull Wagon Creek Beginning at a Stake and
Stone Mc the Original N E Corner of said McSherry Survey from which an
(old witness) dead Mesquite 12" bro N 46° E 12 vrs and a Green Mes 5" growing
from root of old witness bro N 46½ E 12 vrs & a Mes 4" bro N 66½ W 7 vrs
Thence with N B line of Sd McSherry Sur S 75° W 2122 vrs Stake from which
a Mes 6" bro S 63 E 9 vrs - Thence S 15° E 2786 vrs Stake & Stone Mc Thence N 75°
E 2122 vrs Stake & Stone Mc on E. B. line of said McSherry Survey Thence

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Geo. D. Barnard & Co., Blank Book Manufacturers.

N 15° W with o.° McSherry E Line 2786 vrs to the place of beginning Bearings marked ⧦ Surveyed the 26th day of November 1884 J H Julian & H McHenderson Chain Carriers: I J. A Thomas Surveyor of Taylor County do hereby Certify that the foregoing Survey was made in the field according to law, and that the limits boundaries and Corners with the marks natural and Artificial, are truly described in the foregoing Plat and Field notes J A Thomas Surveyor Taylor County Texas

Scale 1000 vrs to inch
Variation 9° 20' East

The State of Texas } Subdivision No 2.
County of Taylor } Field notes of a Survey of 1476 Acres of land made for John H Burleson being Subdivision No 2 of the John McSherry Survey of land as partitioned under orders of the District Court of Travis County Texas in the Case of F W Chandler vs C. G. Caldwell et als H. E. Shelly Intervenor This tract was set apart to J H Burleson - Said Survey is No — , in Taylor County Situated on the waters of Bull Wagon Creek Beginning at a Stake on the N. E. line of said McSherry Survey the N.W. Corner of Subdivision No 1 from which a mesquite 6" brs S 63° E 9 vrs Thence S 75° W with Sd N E line 2878 vrs to N W Corner of said McSherry Survey a Stake & Stone Md from which a mes 10" brs S 39° W 65 vrs and Castle Peak brs S 41¾ W Thence S 15° E. with W. B. line of Sd McSherry Survey 2895 vrs Stake & Stone Md Thence N 75° E 2878 vrs Stake & Stone Mo from which the Steeple on the Court House in Abilene N 82° E Thence N 15° W 2895 vrs. to the place of beginning: Bearings Marked ⧦ Surveyed the 28th day of Nov 1884 J H Julian & H M Henderson Chain Carriers - I J A Thomas Surveyor of Taylor County, do hereby Certify that the foregoing Survey was made in the field according to law, and that the limits, boundaries and Corners, with the marks, natural and artificial, are truly described in the foregoing plat and field notes

J A Thomas Surveyor Taylor County, Texas -

Scale 2000 vrs to Inch
Variation 9°20' East.

The State of Texas } Subdivision No 3.
County of Taylor } Field notes of a Survey of 1319 Acres of land made for C G Caldwell being Subdivision No 3. of the John McSherry Survey of Land as partitioned under orders of the District Court of Travis County Texas in the Case of F W Chandler vs C. G. Caldwell et als H E Shelly Intervenor. This tract was set apart to C G Caldwell as 1045 parts of the McSherry Survey after the J H Burleson and F W Chandler interests were taken out. Said Survey is No — in Taylor County Situated on the waters of Bull Wagon Creek Beginning at a Stake & Stone Mo the N. W. Corner of Subdivision No 2 of said McSherry Survey Thence S 15. E with W B line of the

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McSherry Survey 2621 vrs to Stake & Stone Mo the SW Corner of same from which a Mes 10" brs N 13. E 16 vrs Do 4 in brs No 88¾ E. 35 vrs Thence N 75. E with the SB Line of McSherry Survey 2878 varas Stake & Stone Mo for SE Cor of this from which Steeple on the Court House in Abilene brs N 73 E. Thence N 15° W 2621 vrs Stake & Stone Mo from which Steeple on Court House in Abilene brs N 82 E. Thence S 75° W 2878 vrs to the place of beginning. Bearings Marked ☧ Surveyed the 28th day of Nov 1884 J H Julian H M Henderson Chain Carriers - I J A Thomas Surveyor of Taylor County do hereby Certify that the foregoing Survey was made in the field according to Law, and that the limits, boundaries and Corners with the Marks Natural and Artificial are truly described in the foregoing Plat and Field Notes J A Thomas Surveyor Taylor County Texas

Scale 1000 vrs to inch
Variation 9° 20' East

The State of Texas } Subdivision No 4.
County of Taylor } Field Notes of a Survey of 600 Acres of Land made for F W Chandler being Subdivision No 4 of the John McSherry Survey of land as partitioned under orders of the District Court of Travis County Texas in the Case of F W Chandler vs C G. Caldwell Thals H.E. Shelby Intervenor. Owing to Extra quality this tract is set apart to F W Chandler in lieu of 738 acres decreed him Said Survey is Situated in Taylor County Situated on the waters of Little Elm Cr Beginning at a Stake & Stone Mo the S.E. Corner of Subdivision No 3 on SB line of Sd McSherry Sur from which Steeple on Court House in Abilene brs N. 73. E Thence N 75° E with SB line of Sd McSherry Sur 2122 vrs to S.E. Corner of Same a Stone Set in the ground Marked N E 130 & S E 129 - Thence N 15° W with E.B. line of McSherry Sur 1596 vrs Stake & Stone Mo for N.E. Cor of this Thence S 75 W 2122 vrs Stake & Stone Mo for N W Cor of this Thence S 15° E 1596 vrs to the place of beginning Bearings Marked ☧ Survey'd the 28th day of Nov 1884 J H Julian H M Henderson Chain Carriers - I J A Thomas Surveyor of Taylor County do hereby Certify that the foregoing Survey was made in the field according to law and that the limits, boundaries and Corners with the marks natural and Artificial, are truly described in the foregoing Plat and Field Notes - J A Thomas Surveyor Taylor County Texas -

Scale 1000 vrs to inch
Variation 9° 25' East.

The State of Texas } Subdivision No 5.
County of Travis } Field Notes of a Survey of 438 Acres of Land made for F. W. Chandler being Subdivision No 5. of the John McSherry Survey of land Partitioned under orders the District Court of Travis County Texas in the Case of F W Chandler vs C G Caldwell

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Et als H. E. Shelley Intervenor. This tract is set apart to F W Chandler as 339 parts of the McSherry Sur after the Burleson & F W Chandler interests were taken out Said Survey is No — in Taylor County Situated on the waters of Little Elm Creek Beginning at a Stake & Stone Mo the NW Cor of Subdivision No 4 of Said McSherry Survey for S.W. Cor of this Thence N 75° E 2122 vrs to N.E. Cor of Said Sub Dn No 4 on E B line of McSherry Sur Thence N 15° W 1134 vrs to Stake & Stone Mo the S E Cor of Sub Dn No 1 N.E. Cor of this Thence S 75 W 2122 vrs Stake & Stone Mo S W Cor of No 1 & NW Cor of this Sub Dn Thence S 15° E 1134 vrs to the place of beginning Bearings marked X Surveyed the 28th Day of Nov 1884 J A Julian & H McHenderson Chain Carriers — I J A Thomas Surveyor Taylor County do hereby certify that the foregoing Survey was made in the field according to law and that the limits, boundaries and Corners, with the marks natural and artificial are truly described in the foregoing Plat and Field Notes — J A Thomas Surveyor Taylor County Texas.

And neither party to said suit objecting to said above report thereupon came H. E. Shelley Intervenor in said Suit and files his motion praying the Confirmation of said Commissioners report, And the Court having examined and considered the same and it appearing that said partition is fairly made. It is ordered adjudged and decreed by the Court that the said Report be and the same is in all things approved and confirmed and that each party taking in said partition hold in severalty that part allotted to such and each party — It is further ordered adjudged and decreed that Jno H Burleson G. G. Caldwell and F W Chandler be divested of all right title and interest in or to the 1047 acres of said John McSherry Survey of land set apart in said Commissioners Report to H. E. Shelley and the title to said 1047 acres as described in said Report by Metes and bounds is hereby vested in H E Shelley —

It is further ordered adjudged and decreed that H E Shelley, G G Caldwell and F W Chandler be divested of all right title or interest in or to the 1476 acres of said John McSherry Survey of land set apart in said Commissioners Report to John H Burleson and the title to said 1476 acres as described in said

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Report by metes and bounds is hereby vested in John A Burleson
It is further ordered adjudged and decreed that H.E. Shelby John A Burleson and F.A. Chandler be divested of all right title and interest in or to the 1319 acres of said John McSherry survey of land set apart in said Commissioners report to E.G. Caldwell and the title to said 1319 acres as described in said report by metes and bounds is hereby vested in E G Caldwell -

It is further ordered adjudged and decreed that H.E. Shelby John A Burleson and E G Caldwell be divested of all right title and interest in or to the 600 acres and the 428 acres of the John McSherry Survey of land set apart in said Commissioners Report to F A Chandler and the title to said 600 acre track and 428 acre track as described in said report by metes and bounds is hereby vested in F A Chandler -

5021. J. B. Wygall et al. vs The State of Texas. Continued.

5692 J. N. Casey vs Augusta Casey Continued.

5981. Joseph Bonn vs Mary Bonn. No Counsel appearing Continued

6001. Josephine B. Wann vs T. L. Wann et al. Continued on application of defendants.

6077. John Orkney et al vs Jennie W. Hill Admrx. Continued as on affidavit of Plaintiff.

6082. Mary E. M. Wilson vs W. M. Hornsby et al. Continued by Consent.

7033. John Richards vs Jno. P. Kirk et al. - No Counsel Appearing. Cause Continued.

7270 R. H. Peck vs Thomas H. Wilson. And now comes the Plaintiff by Attorney and moves the Court to dismiss this cause at Plaintiffs Cost. It is therefore ordered by the Court that this cause be and the same is hereby dismissed at Plaintiffs Cost. for which let Execution issue.

7278 N. G. Shelby et al. vs J. W. McLaughlin et al. No Counsel appearing - Continued.

7280 W. D. Reeves vs Elizabeth S. Reeves Continued -

7290 Mary R. Cummings vs Jas. R. Cummings Continued -

6022. Chas. E. Roth vs I & G. N. R. R. Co. Continued by Consent, of the Parties on the 8th day of December 1884.

7159. Levy Bros & Co vs J. S. Davis } And now on this the 8th day of December 1884. Came the Plaintiffs by their attorney, and moved the Court for Judgment final

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by default in this cause- and it appearing to the Court that- on the 10th day of October 1884 at this term of this Court that this cause was regularly called for trial, and that the defendant J. S. Davis although duly served with process herein had failed to appear and answer in this behalf but wholly made default -and writ of inquiry awarded plaintiff to be executed at some future day;- And now on this the 8th day of December 1884 comes the plaintiff, and the Court having heard the pleadings and evidence is of opinion that said plaintiff ought to recover their damages by occasion of the premises, and said damages having been assessed and found to be the sum of ($602 40) Six hundred and two 40/100 dollars. It is therefore ordered adjudged and decreed by the Court that the plaintiffs Julius Levy Samuel Levy and H. Levy under their firm name and style of Levy & Bro & Company recover of and from said defendant J. S. Davis said sum of Six hundred and two 40/100 dollars and all costs of suit for all which let execution issue.

7238 Adolph Goldmann Admr vs Julius Moreau - And now on the 11th day of December 1884 came the plaintiff by attorney and moves the Court to dismiss this cause- It is therefore ordered by the Court that this cause be and the same is hereby dismissed and that the plaintiff Adolph Goldmann Administrator pay all costs in this behalf expended in due course of administration -

Court adjourned till tomorrow morning 9. O'clock

Friday December 12th 1884

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

7143 State of Texas vs Carruthers & Dealbright- Continued by Consent.

7223 Mary Williams vs Bill Williams } This cause being called for trial on this the 11th day of December 1884, came the plaintiff by her attorney and announced ready for trial. and it appearing to the Court that the defendant had been personally served with process and had failed to appear and answer thereupon the Court after hearing the pleadings and evidence is of the opinion that the material allegations contained in plaintiffs petition are true, and that she ought to have the divorce. It is therefore ordered and decreed by the Court that the bond of matrimony

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Friday the 12. day of December 1884

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heretofore existing between the Plaintiff Mary Williams and the defendant Bill Williams be and the same are hereby forever dissolved and held for naught, and that the costs for which let execution issue.

Court adjourned till tomorrow morning 9 O'clock.

Saturday December 13th 1884

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

716 3. Elizabeth J. Darden Dal } And now on this day came
vs } the plaintiff by their Attorneys
Leo Darden dal — } and the defendants by their guardian ad litem W W Dowd Esq. and thereupon came on to be heard the motion of the plaintiff for an order of the Court granting leave and requiring the Clerk of this Court to pay over the money now in his hands in this cause after deducting costs of suit to the parties to whom the same is going or their legal representatives, Which motion is by the Court granted and the Clerk is hereby ordered to pay over to each of the parties at interest or their legal representatives in proportion to the interest taken as set out in the decree of partition in this cause — after deducting the costs of this suit.

55 13. Ault man & Taylor Co. vs Ben A Throphire — Upon motion of the defendant it is ordered by the Court that the defendant have leave to withdraw his title papers in this cause upon leaving certified copies of the same on file —

Whereupon Court adjourned until Monday morning Dec 15th

Monday December 15th 1884 Court met pursuant to adjournment present same as on first day of the Term. When the following proceedings were had. to wit,

1158 R. E. McAnulty } And now on this day the motion of Plaintiff filed
as } herein to make the award of Arbitrators filed
Geo W Littlefield } herein the Judgment of this Court in this case, coming on to be heard and both parties appearing by Counsel and said motion being considered and fully understood and no objection having been urged to said motion it is ordered by the Court that said motion be granted - And it appearing to the Court that on the 25th day of September 1884 said parties by agreement of that date and by Supplemental agreement of date

District Court Minutes, October Term, 1884

Monday the 15th day of December 1884

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

December 2nd 1884 agreed to refer and submit the matters in Controversy in this suit to Arbitration and that under said agreements they Selected J. L. Fisher, J. H. Kent and N. L. Norton as such Arbitrators which agreements to Arbitrate are as follows:

R E McAnulty } Suit pending in the District Court in and for
vs } Travis County Texas -
G M Littlefield }

It is agreed by and between R. E. McAnulty plaintiff and G M Littlefield defendant in the above entitled cause that they will submit to Arbitration all the matters and differences involved in the above entitled cause as hereinafter stipulated, to-wit, 1st The Arbitrators selected shall consist of three persons, who are Knight Templar Masons in good standing in their Commandaries having the qualifications prescribed by the Statutes of this State for Jurors. The said Arbitrators to be selected as follows: R E McAnulty plaintiff is to select one Arbitrator and the defendant G M Littlefield is likewise to select one Arbitrator, then the two acting together are to select the third Arbitrator if they can agree, but in the event they cannot agree upon the third Arbitrator then he is to be selected by the two Arbitrators named respectively by the said McAnulty and the said Littlefield; And in the Event these two Arbitrators shall not be able to agree upon the third, then they shall certify their inability to so agree to the Clerk of the District Court of Travis County Texas, who shall thereupon be empowered to select the third Arbitrator

2nd The three Arbitrators thus selected shall hear all the pleadings and evidence in said Suit and such other legal Evidence as the parties thereto may desire to introduce and they shall also hear the argument of the parties thereto or their Counsel - The trial shall proceed in like manner with trials in the Courts of this State, the plaintiff holding the affirmative and shall be entitled to open and conclude the argument - The Arbitrators agreeing in an award shall make and return into the District Court of Travis County their award in writing which shall be filed in said Cause and judgment shall be entered thereon by the Court as in ordinary Cases upon the Verdict of a Jury which judgment shall be and constitute a final determination of all matters in Controversy between the parties to said Suit - If all of the Arbitrators cannot agree

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If all the Arbitrators cannot agree upon an award then any two of them agreeing shall be empowered to make the award and judgment thereon, as herein before provided shall be entered by the Court forthwith

3rd All matters and differences involved in said suit and in the sale of the L A Mosty Stock of Cattle by said R E McAnulty to G W Littlefield and a resale of the same by said Littlefield together with all expenses thereon as provided by the Contract between R. E. McAnulty and George W Littlefield of date Nov 2nd 1881 is agreed to be arbitrated under this instrument, and the finding of said Arbitrators shall be a final decision and determination of the same-

4th On the award being filed in the said District Court, Judgment shall be immediately entered thereon in accordance with the same and the said award & judgment shall be final and neither party shall have the right to appeal from said decision or judgment

5th It is agreed that each party shall pay all expenses by them incurred, procuring depositions or the attendance of witnesses on the hearing of said Cause, And the Arbitrators shall determine which of said parties shall pay the costs already incurred in said Case in the District Court of Travis County—

6th The said Arbitrators shall sit in the City of Austin, in Travis County on Monday the 20th day of October AD 1884 and shall without delay proceed with the hearing of said Cause

7th R. E. McAnulty plaintiff now and here selects as his arbitrator J. L. Fisher of Shackleford County Texas and Geo W Littlefield defendant selects J H Kent of Gonzales Texas as his Arbitrator. In the Event either of said parties herein appointed as Arbitrators should fail or refuse to act then the plaintiff or defendant as the case may be shall have the right to name some other person with the same qualifications to act in the place of the party so refusing or failing to act.

8th In addition to entering into this agreement of Arbitration each of said parties pledge their word and honor to Each other as Knights Templar Masons that they will faithfully and honestly abide by the award and judgment rendered thereon in accordance therewith— Witness our hands this the 25th day of Sept 1884

R E McAnulty

G W Littlefield-

R E McAnulty vs G W Littlefield- In Dist Court Travis Co

We R E McAnulty plaintiff and G W Littlefield defendant in the above

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Styled Cause do hereby agree upon N L Norton as third Arbitrator in the above Styled Cause and the said N L Norton is hereby appointed such third Arbitrator — R E McAnulty
G W Littlefield

Austin Dec 2nd 1884

And it also appearing to the Court that said Arbitrators have Tried and determined the matters in Controversy herein and have agreed upon and returned into this Court their award, which award is as follows.:

R E McAnulty Plaintiff
vs No 7058
G W Littlefield Defendant

In Arbitration in District Court of Travis County Texas —

We the Arbitrators in the above Entitled and numbered Cause Selected by the parties therein after hearing all of the Pleadings and Evidence of the parties and argument of Counsel thereon and duly Considering the same and the law of the case do make this as our Award therein to the Honorable District Court of Travis County Texas- Viz -

First We award to R E McAnulty the Plaintiff the Sum of Thirty five hundred and fifty Dollars 88½/100 Dollars Cash to be paid by the Defendant in this Cause G W Littlefield and which is due and owing from said Littlefield to said McAnulty according to our finding herein and for which he should have against Littlefield judgment

Second: We find that there is as property the following noted Noted notes of L A Masty Viz- Five notes of five hundred dollars each payable to G W Littlefield and due one, two, three four and five years respectively from date and dated the 1st day of March A D 1883 and signed by L A Masty and bearing interest from August 8th 1883 as per Endorsement on back of said notes at rate of Eight per cent per annum, which said notes are numbered by us with figures- 1-2-3-4 & 5. for better identification and which said notes we award and distribute as follows- To the Defendant G W Littlefield we award and give Note Number one which is due March the 1st 1884 And Note number Four which is due on the 1st of March 1887 and vest the same in him as his property solely under our finding herein. To the Plaintiff R E McAnulty we award and give Note Number two which is due the 1st of March 1885 and Note Number three which is due 1st of March 1886 and vest the same in him as his Sole and individual property and the said G W Littlefield shall Endorse said Notes numbers two and three as

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awarded to R E McAnulty without recourse on him said Littlefield so as to make the same payable to said McAnulty, and shall at once deliver up to said McAnulty said Note awarded to him so Endorsed Third: Note Number five of said L A Mosty which is due on 1st day of March 1888 we award and give to Plaintiff R E McAnulty one half and to the Defendant G W Littlefield one half thereof so as to make them Equal and joint owners therein and we further award that said note shall remain for the purpose of Collection in the hands of G W Littlefield the defendant and when Collected by him the said G W Littlefield he shall pay over and deliver to said R. E. McAnulty one half of said Note so realized by him as net money after payment of all Expenses and the said G W Littlefield shall give at once a Statement in writing by him to said R E McAnulty, stating that when this note is Collected he will so pay over to him said R. E. McAnulty one half of the Net Proceeds

Fourth: We further find that G W Littlefield the defendant has in his hands Seven Hundred dollars in Cash which is the joint property of both Plaintiff and defendant and which has not been awarded or disposed of above and which money G W Littlefield defendant holds in his hands to pay one Walter Acker as a fee which is Expense on the said L. A. Mosty Cattle under the Contract and that he said G W Littlefield holds the Guarantee of Lee Scott Cattle Company and Powers and Sudgill to pay the same, Now if said G W Littlefield or Walter Acker Collects said money of said Lee Scott Cattle Company and Powers and Sudgill then we award and find that said G W Littlefield shall pay to said R E McAnulty one half of said Seven Hundred dollars and we further award that said G W Littlefield shall at once execute a written paper to said R. E. McAnulty that he will so pay over one half of said Seven Hundred dollars to him when he so Collects the same of said Lee Scott Cattle Company and Powers and Sudgill but if said Littlefield does not Collect the same of said Lee Scott Cattle Company and Powers and Sudgill then he owes R. E. McAnulty nothing on this item of award.

Fifth: We further find that there is one hundred and fifty six dollars and twenty two Cents due Walter Acker as Expense on Cattle and Contract which is unpaid and we award and decree that said defendant G W Littlefield shall at once pay the same over to said Walter Acker himself out of his own money

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Sixth: The award and decree that the Defendant G W Littlefield shall pay all of the Court Costs incurred in this Cause in District Court of Travis County Texas up to the 25th day of September 1884 the date of the agreement to Arbitrate and the Costs incurred by each party since that date in taking testimony and attendance of witnesses shall be paid by the party so incurring the same.

Seventh: We fix and award as Compensation to each of the Arbitrators for their Services in Trying and determining this Cause the Sum of One Hundred dollars making as amount due for the three the Sum of Three hundred dollars and we award and decree that of this Sum the Plaintiff R E McAnulty shall pay one hundred and fifty dollars and the Defendant G W Littlefield shall pay one hundred and fifty Dollars to be taxed in the Bill of Costs against the parties respectively - Witness our hands this the 10th day of December A D 1884

J S Dickson
L A Kent } Arbitrators
N L. Norton

It is therefore ordered adjudged and decreed by the Court that said award be approved and made the judgment of this Court in this Case. And it is further ordered and adjudged that Plaintiff R E McAnulty recover of and from Defendant Geo W Littlefield the Sum of $3556 88½/100 and also two notes of L A Mosty for $500 00 Each dated March 1st 1883 - and due respectively March 1st 1885 and March 1st 1886 and numbered by said Arbitrators as Nos 2 & 3 respectively and also one half interest undivided in another note for $500 00 of said L A Mosty dated March 1st 1883. and due March 1st 1888 and numbered by said Arbitrators as No 5. and that said Defendant retain said last named note and when he collects the same, if he ever collects the same, said defendant is to pay to Plaintiff one half of the proceeds of said note after paying all Expenses incident to such collection including attys fees and all other Expenses in that regard - And it appearing to the Court from the receipt of Plaintiff dated December 10th 1884 attached to said award that plaintiff has been paid by Defendant said Sum of $3556 88½/100 and that said defendant has delivered to said plaintiff said two notes numbered 2. and 3. and has delivered to plff his

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his acknowledgment in writing that he holds said Note No 5 for the benefit of himself and Plaintiff as Equal owners and that he will account to Plaintiff for one half the Amount realized on said Note No 5 after paying all Expenses incident to Collection thereof which receipt is as follows: "Austin Dec 10th 1884

"Received of Geo W Littlefield Notes Number two and three of L.A. "Mosty awarded to me above by the Arbitrators and also received "of said Littlefield his written receipt for one half of Note Number "five awarded to me in the above award said amount to be paid "when said Littlefield Collects said Note Number five of said "L A Mosty I bearing one half of all Expenses of Collection "to be taken out of said Note, I have also this day received of Geo "W Littlefield the Sum of three thousand five hundred and fifty "six dollars and Eighty Eight and one half Cents in full payment "of that Amount Awarded me above being therein award "Number one of the Award." "Witness Jas P Hart" "R E McAnulty"

It is therefore ordered that this cause is satisfied as to that part thereof relating to said Sum of $3556.88 and said Notes Numbers 2, 3 & 5. of L.A. Mosty - And it further appearing by said Award that G.W. Littlefield has in his hands $700 in Cash which is the joint property of Plff & Defts not heretofore disposed of, which money is held by Littlefield to pay a fee due Walter Acker which is Expenses on the Mosty Stock of Cattle & for the payment of which fee to said Acker the defts hold the written guaranty of See Scott Cattle Company and of Towers & Gudgell. Now if the See Scott Cattle Company or Towers & Gudgill shall pay said Sum of 700$ either to said Littlefield or to said Acker under this Guaranty in discharge of said fee then the defendant Littlefield shall pay to said McAnulty one half of said Sum of $700 in Cash. But if the Lee Scott Cattle Co. or Towers & Gudgill do not pay said fee of $700 and the defendant has the same to pay then the defendant is to pay the plaintiff Nothing on this account unless he collects the same on the guaranty of the said See Scott Cattle Co & Towers & Gudgill in which event he shall pay the Plaintiff one half the proceeds of any Sum he may so collect after paying Expenses of Collection - And it is further ordered that defendant pay Walter Acker the further Sum of $186.22 (which is in addition to the above stated Sum of $700.00) and that Plaintiff be not held liable to defendant or to said Acker for any part of this Sum

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And it is further ordered that defendant pay all Costs of this suit incurred up to the 25th day of September 1884 and that Each party pay all the Costs incurred by them respectively since the 25th day of September 1884 for which Execution shall issue this being in accordance with said award

And it is further ordered that said Arbitrators be allowed Each $100.00 for their Services, but because it appears to the Court from the receipt of said Arbitrators filed herein which is as follows. "Received our fee as above awarded this December 10th 1884 J L Fisher, J H Kenk N L Norton" that said Arbitrators have been paid in full said Sum. It is ordered that the same be not Taxed in the Costs and that no Execution shall issue therefor

/ 7129 /

The State of Texas
vs
Talmage v O'Donnell

On the 22nd day of November 1884 came the Plaintiff by their Attorneys and then came on to be heard the Demurrer to the petition; And the Argument of Counsel thereon having been heard said demurrer was submitted and taken under advisement by the Court and on this the 13th day of December 1884 the same having been fully Considered, it is the opinion that the law is for the Plaintiff It is therefore Considered by the Court that said demurrer be and the same is hereby overruled and that the Plaintiff recover of defendants the Costs of said demurrer for which Execution may issue. And on Motion it is further ordered by the Court that the Plff have leave to file 1st Amended original Petition and defendants 1st Amended original Answer.

Court then adjourned until tomorrow morning Dec 16th 1884

Tuesday December 16th 1884. Court met pursuant to adjournment present same as on first day of the Term whereupon the foregoing proceedings were had Towit,

6091 /

R Krauss
vs
Plff
The City of Austin
Defk

And now on this the 15th day of December A D 1884 this cause came on to be heard in its regular order for trial and the Plaintiff appearing in person and by his attorneys John Daniel and F G Morris and the Defendant appearing by its attorneys Moss Walton & Hill and George H Pendexter both parties announced ready for trial and thereupon came a Jury of twelve good and lawful men of Travis County Texas Consisting of Ed H Rogers and Eleven others who being Examined and tested was found qualified and was accepted

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by both parties as the Jury in the Case and who being duly sworn after hearing the pleadings and Evidence in the Cause and argument of Counsel thereon on the 16th day of December A.D. 1884 after receiving the Charge of the Court retired to Consider of their Verdict. And after duly Considering the same on the said 16th day of December A.D. 1884 returned into open Court the following Verdict towit, "Austin Texas Dec.r 16th 1884 We the Jury in the Case of R Krause vs "The City of Austin find for the Plaintiff in the sum of Two thousand "dollars Ed H Rogers Foreman" And which was received and accepted by the Court as the Verdict of the Jury therein - Whereupon it is ordered adjudged and decreed by the Court that the plaintiff R Krause do have and recover of and from the defendant in this Cause The City of Austin the sum of Two thousand dollars and all Costs of Suit for Collection of which execution will issue —

Whereupon Court adjourned till Tomorrow Morning Dec 17th And there being no business completed Court again adjourned until Thursday Morning December 18th 1884 when again met pursuant to adjournment. When the following proceedings were had towit,

7129 The State of Texas } On the 18th day of December 1884 Came the
as } Defendants A A Talmage and James O'Donnell
A A Talmage } by attorney and file their Petition with bond and security
James M O'Donnell } to remove this Cause to United States Circuit Court alleging that the amount in dispute exceeds the sum or value of five hundred dollars and that this Controversy is between Citizens of different States and it appearing from the Record that said allegations are true the bond is accepted and approved and this Court will proceed no further herein To which the State by her Attorney General excepts in open Court. Court adjourned till tomorrow Morning 9 oclock.

December 17th 18th 1884.

Court met each of the above dates 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 9 oclock

December 19th 1884

Court met pursuant to adjournment. Present same as on

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Friday the 19th day of December 1884

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers

7242.

Fifth day Whereupon the following proceedings were had viz:

D. W. Fouch
vs
James Haig defendant.
City Water Company Garnishee

On this the 1st day of November A.D. 1884 came all the parties by their attorneys and the same coming on to be heard the plaintiffs general and special demurrers to the answer of the Garnishee and to the plea of intervention of Ayres, Healy and William Willmer, and the said pleadings and demurrers and the argument of counsel thereon having been heard. the said pleadings and demurrers are taken under advisement, and now on this the 3d day of December A.D. 1884 the said pleadings and demurrers and the argument of counsel thereon being fully understood and considered adjudged and ordered by the Court that the plaintiffs special and general demurrers to the answer of the garnishee and the plaintiffs general demurrer to the plea of intervention of William Willmer be overruled, to which ruling of the Court plaintiff excepts, and it is considered adjudged and ordered by the Court that the plaintiffs general demurrer to the plea of intervention of Ayres, James and Healy be sustained to which ruling of the Court the said Ayres, James and Healy excepted. And now on this the 19th day of December A.D. 1884. came all the parties to this suit and announce ready for trial and no jury having been demanded the issues joined between the parties are 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 from the answer of the City Water Company garnishee that the said garnishee is and was at the time of the service of the writ of garnishment in this cause indebted to the defendant James Haig in the sum of Three Hundred and Forty four 50/100 dollars, and that prior to the date of the service of the plaintiffs said writ of garnishment the said City Water Company had accepted an order drawn by the said James Haig on the said City Water Company in favor of the intervenor William Willmer for the sum of One Hundred and Forty five and 40/100 dollars which had not been paid, it is therefore considered ordered adjudged and decreed by the Court that the said intervenor William Willmer do have and recover of the City Water Company the sum of One Hundred and Forty five 40/100 dollars, and that he have his execution therefor, and it is considered or-

Recd of Jas. P. Hart Atty. ($145.40) one hundred & forty five 40/100 dollars the amount of this Judgment in my favor this the 5th day of January 1885.

William Willmer

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-dred adjudged and decreed by the Court that the Plaintiff S. W. Franck do have and recover of the City Water Company garnishee the sum of One hundred and ninety nine and 10/100 dollars and that he have his execution therefor, and that the said sum of One hundred and ninety nine & 10/100 dollars with whatever interest may be collected thereon when collected shall be applied to the payment of the costs of this suit- including the sum of twenty five dollars which is hereby allowed to the said Garnishee for his services Attorneys fees and other expenses in and about the writ of garnishment and the answer thereto but not including the costs of the pleas of intervention of Ayers James & Healy and that the balance of said sum of money be applied as a credit on the judgment in favor of the said Plaintiff against the defendant James Hardy. It is further considered ordered adjudged and decreed by the Court that the said intervenors Ayers. James and Healy take nothing by their plea of intervention and that they pay all costs occasioned thereby for which execution may issue, to which judgment the said intervenors Ayers James & Healy excepted and in open Court give notice of appeal to the Supreme Court of the State of Texas.

7058 — R. E. McAnelly vs G. W. Littlefield — And now on this the 1st day of December 1884. Come the parties by their attorneys in open Court and state to the Court that by agreement on file in this cause the matters in controversy are submitted to arbitration, and thereupon came the Arbitrators selected herein and the Clerk having administered to them the oath required by statute they entered in the discharge of their duties,

7274 — Jack Williams vs Georgie Williams — And now on this the 19th day of December A. D. 1884 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 thereupon the Plaintiff demanded a trial and asked leave of the Court to file a trial amendment, and thereupon Plaintiff announced ready for trial, and the Court ordered a trial, and the Court after hearing the pleadings and evidence in the cause and argument of Counsel was of the opinion the allegations in Plaintiffs petition are true as stated and Plaintiff should have the decree

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of divorce as prayed for. Thereupon it is ordered adjudged and decreed by the Court that the bonds of matrimony as husband and wife between Jack Williams plaintiff and Georgia Williams defendant be and are hereby dissolved and they shall no longer sustain that relation to each other, and this decree of divorce be and is hereby granted, that plaintiff pay all costs in this behalf expended for collection of which execution issue.

Court adjourned till tomorrow morning 9 o'clock.

December 20th 1884.

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

7272. Mary E. Jackson & husband vs West Stewart et al } And now on this day 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 having been duly considered by the Court is overruled - to which ruling of the Court the defendant excepts and in open Court gives notice of appeal to the Supreme Court -

6037. Manly Aiken vs International & Great Northern Rail Road Company - } And now on this day came the parties by their attorneys and thereupon came on to be heard the defendants motion for a new trial in this behalf, and said motion having been argued and submitted was by the Court overruled, to which ruling of the Court the defendant in open Court excepts and gives notice of appeal to the Supreme Court, and upon motion of the defendant filed leave it is ordered by the Court that the parties be and they are hereby allowed ten days from and after the adjournment of this term of this Court in which to prepare and file a statement of facts in this case -

6091. R. Krause vs The City of Austin } And now on this day came the parties by their attorneys and thereupon came on to be heard the defendants motion for a new trial in this behalf - and said motion having been submitted to the Court without argument - and having been duly considered by the Court it is ordered that said motion be and the same is hereby overruled - to which

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mining of the Court the defendant excepts and in open Court gives notice of appeal to the Supreme Court.

7007. Fields Ramy & Thomas vs Travis County Road & Bridge Co. } And now on this day come the parties by their attorneys and thereupon came on to be heard the defendants motion to retax costs as to the witnesses sworn in this cause and said motion having been submitted wherein argumente and having been duly considered, it is ordered by the Court that said motion be and the same is hereby overruled.

5-513. Ahlman & Taylor Co. vs Ben F. Shropshire } And now on this the 11th day of December 1884 came on to be heard the defendants motion to withdraw his title papers filed in this cause, which motion is granted by the Court and ordered that he be and is hereby granted leave to withdraw the same upon leaving certified copies on file.

6098 W. B. Isham vs Jno. W. Webb Continued.

7076 Henry F. Wood vs Nancy Wood } And now on 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 personally served with process herein and had failed to answer in this behalf the trial was ordered to proceed - and the Court after hearing the pleadings and evidence is of the opinion that the material allegations contained in plaintiffs petition are true and that he should have his divorce, It is therefore considered ordered and decreed by the Court that the bonds of matrimony heretofore existing between the plaintiff Henry F. Woods and the defendant Nancy Wood be and the same are hereby forever dissolved.

7222. Elizabeth Middleton vs George Middleton } And now on this day this cause being called for trial came the plaintiff by her attorney and announced ready for trial - and it appearing to the Court that the defendant had been personally served with process herein and had failed to answer in this behalf the trial was ordered to proceed - and the Court after hearing the pleadings and evidence is of the opinion that the material allegations

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contained in Plaintiffs petition are true, and that she ought to have the divorce; It is therefore considered and ordered by the Court that the bonds of matrimony heretofore existing between the Plaintiff Elizabeth Middleton and the defendant George Middleton be and the same are hereby forever dissolved.

7290 Mary R. Cummings vs James R. Cummings Continued

Albert Burdett vs Maudy Burdett } And now on this day come the parties by their attorneys and announced ready for trial - and it appearing to the Court that the service of citation had been waived and service accepted and agreed between the parties that the case might be tried at this term of this Court - the Court allowed the trial to proceed and the Court after hearing the pleadings and evidence is of the opinion that the material allegations contained in plaintiffs petition are true and that he ought to have his divorce - It is therefore considered and ordered by the Court that the bonds of matrimony heretofore existing between the plaintiff Albert Burdett and the defendant Maudy Burdett be and the same are hereby forever dissolved - It is further ordered by the Court that the plaintiff have the care and custody of the boy Anthony Burdett - the issue of said marriage and the defendant the care and custody of the girl Jane Burdett the issue also of said marriage -

7439

M. J. Wright et al vs George Golden } And now on this the 20th day of December 1884 came on to be heard the motion of the Plaintiff to confirm the report of the Commissioners of Partition in this cause, which report is as follows. Viz:

7252

"To the Hon A. J. Walker Judge of the District Court of Travis County Texas, We respectfully ask an order of your Honorable Court in a certain cause therein pending wherein M. J. Wright et al are Plaintiffs and George Golden is defendant No 7252, dated October 13th 1884 We the undersigned two of the Commissioners appointed and authorized by said order to partition the real estate discribed in said order, beg leave to report that we have set apart to M. J. Wright, W. B. Golden E. C. Golden, Joseph W. Golden and Eula F. Golden plaintiff in said cause lots (3) three and (4) four in Block No (2) two in the City of Austin Travis

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County Texas, and all the improvements on said lots and valued by us at one thousand dollars, and that we have set aside to Jorge Golden defendant in said cause Lot No one (1) in Block No forty five (45) in the City of Austin in Travis County Texas and all improvements thereon valued by us at one thousand dollars, all of which is most respectfully submitted. R. M. Castleman,
W. M. Saunders,
Sworn to and subscribed before me this the 1st day of Dec 1884 Jas D Haith Clk."

And said report having been submitted and duly considered, and it appearing to the Court that said partition is fair just and equitable and that the same should be confirmed, It is therefore considered ordered and decreed by the Court that said report be and the same is hereby approved and confirmed, and further ordered that all the right title and interest of the defendant Jorge Golden in and to lots 3 & 4. in Block No. 2. in the City of Austin Travis County Texas be divested out of said defendant Jorge Golden and the same vested in the plaintiffs M. J Wright W. B. Golden E. C. Golden. Joseph W. Golden, and Eula. F. Golden, and that all the right title and interest of the said plaintiffs M. J. Wright W. B. Golden. E. C. Golden. Joseph W. Golden and Eula. F. Golden in and to Lot No. (1) one Block No (45) forty five in the City of Austin Travis County Texas be divested out of the said plaintiffs and the same vested in the defendant Jorge Golden, and costs of suit adjudged as heretofore

Edward Christian
Surviving Partner of
the late firm of Loomis & Christian

Eliza F. Cook
Abner H. Cook Jr.
Charles B. Cook
Edgar T. Cook D
John Hancock.

7286.

This cause having been called for trial on a former day of the present term of this Court: on the 10th day of October and the defendants having been duly cited to appear and answer plaintiffs petition but failing to appear and plead answer or demur to plaintiffs said petition, a judgment by default was taken by plaintiff, with an order for a writ of inquiry to ascertain and determine the character of judgment and decree to which the plaintiff is

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entitled, and now on this the 20th day of December 1884 said inquiry being made and a jury not having been demanded the Court being fully advised of the facts having heard and considered the pleadings and the testimony it is considered by the Court that the plaintiff is entitled to and should have the relief prayed for in his petition,

It is therefore ordered adjudged and decreed by the Court that the plaintiff Edward Christian survivor of the firm of Loomis and Christian partners in trade composed of Simon Loomis and Edward Christian do have and recover of the defendants Eliza J. Cook, Abner A. Cook Jr. Charles B. Cook Edgar T Cook and John Hancock the following described tract of land: the same being a part of the one two thirds of the Buck Trammell survey of one third of a league in Travis County Texas, on the West side of the Colorado River above the City of Austin: and being two hundred acres off of the South end of said one two thirds of said one third league and contained within the following metes and bounds Viz: Beginning on the top of high bluff bank of the Colorado River whence an Elm and Hackberry on the East line of said 1/3 league survey, Thence along said high bank North 50° West 970 varas to a corner in top of bluff; Thence South 30° West 750 varas a branch 1273 varas a large stone pile, Thence South 60° East 950 varas a stone pile in East line of said 1/3 league survey, Thence North 30° East 1103 varas to the beginning containing two Hundred acres according to the survey made by Jno. E. Campbell Nov 14th 1884 and which filed with the papers in this cause,

It is further ordered and decreed by the Court that the title to the land herein described be and the same is hereby divested out of the defendant John Hancock and vested in the plaintiff Ed Christian as survivor of Loomis & Christian, and a deed made by the said Hancock to said tract of land in accordance with this decree shall be a discharge of his contract of sale to Abner A. Cook Sr. now deceased made on the 5th day of August 1878 - as to so much of said tract of land as is described herein.

It is further ordered and adjudged that the plaintiff do have and recover of the defendants Eliza J Cook, A A Cook Jr. Chas B. Cook and Edgar T Cook all costs in this behalf expended,

It is further ordered and adjudged that the defendant Hancock do have and recover of the plaintiff all his costs

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in this behalf & Sundre and that & certain issue accordingly, It is further ordered that upon the failure of the said John Hancock to make conveyance of title to the land herein described this decree shall serve and be a muniment of title in the plaintiff thereto;

Court adjourned till Monday Morning 10 O'clock

December 22nd 1884.

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

Empanelling of Jury Commissioners

Now on this day came into open Court Dennis Corwin F Randrum and Jack Shaw. Jury Commissioners appointed by the Court to select and draw the Jurors for the March term 1885 of this Court, and said persons having been sworn by the Court and tested as to their qualifications were duly empannelled and instructed by the Court as to their duties and ordered to retire in the Discharge of the same—

Order of Court setting the docket for March term 1885—

Ordered— that at the March term 1885—

The Civil Non jury docket will be called Tuesday March 3d

The Civil Jury docket will be called Monday March 16th

The Criminal docket will be called March 30th

The call of Civil docket Jury and Non Jury will be resumed if necessary after the Criminal docket.

Motions will be heard on Saturdays —

#473. ✓ M. C. Hamilton ✓ vs. Geo W. Glasscock ✓ et al. Continued by Court.

✓1261. ✓ William A. Smith ✓ vs. W. C. Morgan ✓ et al. J. H. Collett. } On the 6th day of December A D 1884 came on to be heard the above styled cause, and it is ordered by the Court that the plaintiff have leave to file first supplemental petition and defendants leave to file first supplemental answer. Whereupon both parties announced ready for trial, and thereupon the defendant W. C. Morgan in open Court withdrew and abandoned his plea and exceptions to the jurisdiction of this Court and thereupon the Court having heard the pleadings and evidence and argument of Counsel in part which was concluded on the 8th day of December 1884. and said cause taken under advisement by the Court until this the 22nd day of December A D 1884 whereupon the Court having considered the pleadings evidence and argument of Counsel

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and the Court on the issues of this case having at the request of parties ordered the findings of law and fact to writing is of the opinion that the plaintiff William A Smith and the defendant J. H. Collett are the joint owners of the land described in plaintiffs original petition and that the said William A. Smith is the owner of an undivided one half interest in said tract of land and that said J. H. Collett is the owner of an undivided half interest in said land and that the defendant W. C. Morgan has no right title or interest in or to said tract of land, it is therefore ordered adjudged and decreed by the Court that the defendant W. C. Morgan take nothing by this suit and that he pay all costs by him in this behalf incurred, and that said tract of land be divided into two portions of equal value one of which portions to be set aside to said J. H. Collett and the other portion to be set aside for said William A Smith, and that T. W. Folts R. A. Hannah and R. A. Kerby be and they are hereby appointed Commissioners to partition said land in accordance with this decree and that a writ of partition issue according to this decree and the terms of law directing said Commissioners to partition in accordance with this decree said tract of land discribed as follows. Six hundred and forty acres of land situated in Brown County Texas in Bexar District on the North East bank of Pecan Bine a branch of the Colorado River about 140 miles North of San Antonio. Beginning at a stake in the bank of said river the West corner of survey No 19 and South corner of this survey from which an Elm brs S. 70 E fifteen varas marked C. C. another brs N 70 W. fourteen varas marked C. C. Thence up the river with its meander as follows: N 45° W. 726 varas N 45° E. 1000 varas, N 38° W 236 varas to a stake in the South corner of survey No 21 and West corner of this survey from which an Elm brs South 2° East three varas, another brs South 60° W. 6 varas marked X. Thence N 45° E. three thousand and fifteen varas with the lower line of survey No 21 to a stake and stone mound the North corner of this survey, Thence South 45° East nine hundred and fifty varas to a mound of loose stone the East corner of this survey, Thence South 45° West four thousand and fifty three varas to the beginning. To which judgment in law as to the findings of the Court the defendant W. C.

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Morgan & ells and in open Court gives notice of appeal to the Supreme Court -

Court adjourned till tomorrow Morning 9 o'clock

December 23rd 1884

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

7269. Nannie Graham } This cause being regularly called for trial
vs } came the Plaintiff by her attorney and
Lee Graham. } announced ready but the defendant though
duly served with process failed to appear and answer, and
the Court having heard the pleadings and evidence is of
the opinion that the material allegations contained in
plaintiffs petition are true and that she ought to have the
divorce, It is therefore ordered and decreed by the Court that
the bonds of matrimony heretofore existing between the plain-
-tiff Nannie Graham and the defendant Lee Graham
be and the same is hereby forever dissolved and hence-
-forth held for naught -

7089. Jno Johnson } On the 22nd day of
vs } December 1884 this
International & Great Northern } cause being regularly
Rail Road Company & The } called for trial came
Missouri Pacific Railway Company } the parties by their attor-
-neys and thereupon came on to be heard the defendants
demurrer to plaintiffs petition for want of parties - which de-
-murrer after being argued and submitted was by the Court
overruled to which ruling of the Court the defendants excepted
Whereupon both parties announced ready for trial. When came
a jury of twelve good and lawful men of Travis County
Who were duly selected and empannelled to try this cause
heard the pleadings and evidence - argument of Counsel
and being duly charged by the Court as to the law in this
case retired to consider of their verdict, and at 7 30 P.M.
by consent of the parties jury allowed to separate for the night,
and on this the 23rd day of December 1884 at 9-15 the jury
again received the papers and resumed their deliberations, and
at 5-40 P.M. the jury reporting that it is impossible to
agree and no probability of a verdict. were by the Court
finally discharged and Case Continued,

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No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

Court adjourned till tomorrow morning 9 o'clock.

Wednesday December 24th 1884

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

5851.

A. R. Tomes et al
vs
R. W. Duke et al

The above entitled and numbered cause, this day coming on for trial, came the parties respectively by their attorneys and no jury having been demanded by either party the issues both of law and fact were submitted to the Court, and the Court having heard all the pleadings in the cause and the evidence adduced by all the parties and the argument of counsel thereon, is of the opinion that the law of the case is with the defendant Thorn, Wherefore it is ordered adjudged and decreed that the plaintiff take nothing by this suit, and that the defendant Mila. B. Morris take nothing by this suit his title or claim to the land being the same and in common with the plaintiff Tomes, that the title of the defendant Lewis Thorn to the land in Vol. 1476, acres patented to C. Phipps, B. J. Bartlett, assignee of Robt. A. Tomes assignee of John H. Kinney, Patent No. 381. Vol. 21. 1st class. Certificate No. 1. 1875 also certificate of Public Comm. Texas.
Vol in this suit be established in him as against the title asserted by the other parties to this cause and that he be quieted in his possession of said land and that he go hence with out day and that the plaintiff to wit: A. R. Tomes N. C. Tomes. Pattie T. Carlton. Fred Carlton. Pattie E. Tomes. E. T. Tomes. A. F. Stone. C. A. Bannister. Eliza A. Osborne. T. T. Osborne. Virginia C. Cole. Arthur J. Cole. Marcellus Bannister. M. M. Bannister and T. L. Wom pay all costs in this behalf expended For which let execution issue.

7072.

T. L. Wom et al
vs
John R. Peel et al

On this day came the plaintiff T. L. Wom and Pattie Holm joined by her husband Thomas Holm by their attorneys Carlton & Morris and also came the defendants John F. Jones and Julia C. Jones his wife and A Zamora and Mary Zamora his wife by their attorneys Robinson & Williams and the defendant John R. Peel in his own person and Robert Wood, Thomas J. McFarland, Caroline P. McFarland Amos A Jayne Juliet T. Camp, Angie S. Camp, B. J Williams and O W Williams by their attorney John R. Peel, And thereupon the defendant Robert Wood filed a cross action against the defendants Jones and

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and Samora & wife claiming lots 10-11-and 12, as discribed in the petition to which said Jones and wife and Samora and wife by leave of the Court filed their plea of not guilty. And the said defendants Amos A Jayne, B. J. Williams, O. W. Williams, Julick. T. Camp, Augus G. Camp, Catherine McFarland and Thos. P. McFarland filed their cross action against defendants Jones and wife claiming lots 3-4-& 5. to which Jones & wife by leave of the Court filed plea of not guilty. and said defendant John. R. Peel. filed cross action against said Jones & wife claiming lots 7-8-& 9- to which also said Jones & wife by leave of the Court filed plea of not guilty- and thereupon the parties announced themselves ready for trial, and no jury having been demanded submit the matters of fact as well as of law to the Court, and the Court after hearing the pleadings evidence and argument of Counsel took the case under advisement- And now on this 24th day of December 1884 the Court having considered said cause doth- order adjudge and decree as follows:

1. That the said plaintiff take nothing by their said suit as against all of the defendants, and that the defendants go hence without day-

2. That the defendant Robert Wood do have and recover said lots No 11 & 12. in Block 2. out lot 75- Division D City of Austin as against John F. Jones and Julia C. Jones his wife on his cross bill filed against them.

3- That the defendants Amos A. Jayne. B. J. Williams O. W. Williams. Julick. T. Camp and his husband Augus G. Camp Caroline McFarland and his husband Thos. J. McFarland do have and recover of said John. F. Jones and Julia C. Jones his wife said lots 3. 4. & 5- in Block 2. out lot 75- Div. D. city of Austin.

4. That said John. F. Jones do have and recover of the said plaintiff and of all of their said Co defendants the said lots No 7- 8 & 9- in Block 2. Out lot 75- Div. D. City of Austin Texas

5 That said A. Samora and Mary Samora do have and recover of the said plaintiff and of all their said Co defendants said lot No 10 in. Block 2. out lot 75- Div. D. City of Austin Texas.

6- That all of the defendants recover of the plaintiff their T. L. Tom Bettis Helm and Tho Helm their costs incurred

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on the main suit.

7. That said defendants A. Zamora and wife recover of the defendants Jno. R. Peel Robt. Wood, Thomas J. McFarland, Caroline McFarland, Amos A. Jayne, Julia T. Camp, Angus G. Camp, B. J. Williams and O. W. Williams all the costs by them incurred in the several cross bills

8. That said Robt. Wood recover of the defendants Jno. F. Jones and wife the costs of his cross bill —

9. That the defendants Amos A. Jayne, Julia T. Camp, Angus G. Camp, Thomas J. McFarland, Caroline McFarland, B. J. Williams and O. W. Williams recover the costs of their cross bill against Jno. F. Jones and wife,

10. That said Jones & wife recover of the defendant Jno. R. Peel the costs of the cross bill filed by him;

And thereupon the plaintiffs & each in open Court gave notice of appeal to the Supreme Court, and the defendants Jno. F. Jones and Julia C. Jones his wife also excepted to the findings of law and fact by the Court upon the cross bills of Robt. Wood and Amos A. Jayne, Julia T. Camp, Angus G. Camp, Thomas J. McFarland, Caroline McFarland, B. J. Williams and O. W. Williams and to the judgment rendered by the Court in their favor for said lots 3-4-5-11 & 12 and in open Court give notice of appeal to the Supreme Court, And the defendant Robt. Wood & Jno. R. Peel for himself in cross action against Jno F. Jones & wife and A. Zamora and wife and in open Court give notice of appeal to the Supreme Court —

6091. ✓ R. Krause vs City of Austin } Upon motion of defendants attorney it is ordered by the Court that the parties to this suit be and they are hereby granted 10 days from and after the adjournment of this time of the Court in which time to prepare and file a statement of facts in this case —

5-85-2. ✓ Alicia Barker et al vs D. J. Zinnem et al } Hon D. W. Doom Special Judge presiding — Upon motion of plaintiffs attorney it is ordered by the Court that the parties be and they are hereby granted 10 days time from and after the adjournment of this time of this Court in which to prepare and file a statement of facts in this case — D. W. Doom Special Judge

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7177.

D. W. Finch & Co
vs
James Haig defendant
City of Austin and
County of Travis Garnishees
plea of intervention by R. S. Cox & Taylor and by James E. Polhemus and the argument of Counsel thereon having been heard the said plea of intervention and the general and special demurrers thereto are taken under advisement, and now on this the 18th day of December A.D. 1884 the said plea of intervention and the said general and special demurrers thereto and the argument of Counsel thereon being fully understood, it is considered adjudged and ordered by the Court that the plaintiffs general demurrer to the said plea of intervention of P. C. Taylor and Charles Jones be sustained to which ruling of the Court the said P. C. Taylor and Charles Jones excepts, and it is considered adjudged and ordered by the Court that the plaintiffs general demurrer to the said plea of intervention of R. S. Cox and Barnes & Flume be overruled to which ruling of the Court the plaintiff excepts, and it is considered adjudged and ordered by the Court that the general demurrer of plaintiff to the plea of intervention of James E. Polhemus be sustained as to the claim of items $47.25 and $81.00 to which ruling of the Court the said James E. Polhemus excepts and it is considered adjudged and ordered by the Court that plaintiffs general demurrer as to the remainder of the plea of intervention of the said James E. Polhemus be overruled to which ruling of the Court the plaintiff excepts and it is considered adjudged and ordered by the Court that the plaintiffs special demurrer to the plea of intervention of the said R. S. Cox, Barnes and Flume and James E. Polhemus as to the contract with D. W. Finch set up in said plea of intervention be sustained so far as said plea sets up a recovery against said D. W. Finch individually without prejudice against said intervenors to sue said Finch on said contract in a Court having jurisdiction of such causes of action by proper suit or action

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No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

7280 W. D. Reeves vs Elizabeth S. Reeves

This cause coming this day on to be heard came the plaintiff by his Attorney and announced ready- and it appearing to the Court that the defendant had been duly served with process but had failed to appear and answer in this behalf- and the Court having heard the pleadings and evidence is of the opinion that the material allegations contained in plaintiffs petition are true and that he ought to have his divorce- it is therefore considered ordered and decreed by the Court that the bonds of Matrimony heretofore existing between the plaintiff W. D. Reeves and the defendant Elizabeth S. Reeves be and the same is hereby forever dissolved and hence forth held for naught- and that relationship dissolved.

7226 J. A. Rhomberg vs Austin & Northwestern Rail Road Company.

On the 25th day of October A.D. 1884. upon motion of plaintiffs Attorney it is ordered by the Court that the plaintiff have leave to file supplemental petition and answer to the plea of intervention, and thereupon came the parties plaintiff, defendant and intervenor M. C. Hurley by their attorneys 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 by the Court after having taken the same under advisement until this the 18th day of December 1884. and it appearing to the Court that plaintiff ought to recover against the defendant it is ordered adjudged and decreed that the plaintiff J. A. Rhomberg do have and recover of the defendant the Austin and North Western Rail road Company the sum of Five Thousand Four hundred and Forty nine & 76/100 ($5449.76) dollars with eight per cent interest thereon from the date of this judgment together with his costs in this behalf expended - and it further appearing to the Court that the time checks sued on by plaintiff were received and given by defendant the Austin & North Western Rail Road Company for labor performed in July 1883 by Mechanics laborers and operatives in the construction repair and operation of said defendants rail road running

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from the City of Austin in Travis County through Williamson County to Burnett in Burnett County Texas, and that the same an a lein on defendants said Railroad and its equipments superior and prior to Intervenors and all others,

It is therefore ordered adjudged and decreed that said lien as it existed in July 1883. be and the same is hereby established and fincluded, And it further appearing to the Court that the United States Court holding sessions at Austin in and for the Western District of Texas has Charge of said Railroad its property equipments and effects and that the same are in the possession of a Receiver appointed by said Court. it is ordered that this judgment be certified to said Court for such further action as it may deem proper in the premises - to which judgment of the Court the Intervenor M. C. Hurley excepts and in open Court gives notice of Appeal to the Supreme Court.

7226. J A Rhomberg vs Austin & North Western Rail Road Company M. C. Hurley Intervenor. } And now on this the 24th day of December 1884 Comes the intervenor M. C. Hurley and moves the Court for an order allowing 10 days time after the adjournment of this Court in which to file a Statement of facts in this case — It is therefore ordered by the Court that the parties be and they are hereby allowed 10 day from and after the adjournment of Court in which to prepare and file a statement of facts in this case —

Court adjourned till December 26th 1884 10 oclock

December 26th 1884

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

7261. W. A Smith vs W. C. Morgan et al } Upon motion it is ordered by the Court that the parties to this suit be and they are hereby allowed ten days from and after the adjournment of this term of court in which to prepare

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and file a statemunt of facts in this case.

7088. ✓ Francis Palmer vs J. S. Shmidlat } Upon motion it is ordud by the Court that the parties to this suit be and they are hereby allowed ten days from and after the adjournmunt of this term of the Court in which to prpare and file a statemunt of facts in this case.

7082. ✓ Emma Meyus vs Frederick A Meyus } And now on this day came the plaintiff by attorney and moves the Court to set aside the continuance herto fore entered in this cause and to grant the a trial herein. It is therefore ordud by the Court that the continuance entud herein be and the same is hereby set aside, whereupon the plaintiff announced ready- and it appearing to the Court that the defendant had ben duly and legally served with process by publication, and that he had failed to appear and answer, and the Court having heard the pleadings and evidence and having considered the same is of the opinion that the material allegations contained in plaintiffs are true and that she ought to have the divorce, It is therefore ordud adjudged and decreed by the Court that the bonds of Matrimony heretofore existing between the plaintiff Emma Myus and the defendant Frederick A Myus be and the same is hereby dissolved and held for naught- And it further appearing to the Court that there are four children the issue of the marriage of said plaintiff and defendant to wit: Frederick- May- Marian- and Hattie Myus- and that the plaintiff Emma Myus is the proper person to have the care and control of said children it is therefore further ordud by the Court that said plaintiff Emma Myus be given the care custody and control of said children pendente lite- free from interference on the part of said defendant.

And further ordud by the Court that a fee of $20.00 be taxed and collected as costs in this case for R. G. Mott Esq Atty ad litem for plaintiff- said sum to be paid by the plaintiff- for which execution may issue.

(Rec. Reasr called 10/9/3x for information Mrs Wilson to. Ord)

7300. ✓ Houston & Texas Central Railway Company vs R. M. Thmeen } The Honorable A. S. Walker presiding Judge of the District Court of Travis County Texas having at a former day of this term entud his disqualifica-tion to sit on the hearing of this cause, and the Hon W. H. Woon an Attorney of this Court having at a former day ben selected by agreemunt of the parties as special Judge to try this cause and having duly qualified by taking the Constitutional oath of office as required

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Friday the 26th day of December 1884.

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by law as such special Judge, thereupon on the 20th day of December A D 1884 came on to be heard before said special Judge without a jury, the above cause, and the matters of fact as well as of law being submitted to the Court with the request that the Court reduce the findings of fact and of law to writing as in such case is provided. Came on to be heard the pleadings and evidence of the parties and the argument of counsel thereon - whereupon said cause was taken under advisement by the Court. And so held until Monday morning the 24th day of December A D 1884, and the Court having reduced the findings of fact and of law to writing, and in accordance with such findings, doth order and adjudge that the defendants demurrer to plaintiffs petition be overruled, and that the plaintiff, the Houston and Texas Central Railway Company do have and recover of and from the defendant R. M. Thomson the title and possession of the following land and premises, that is to say, Lying and being situated in Wharton County Texas on the Waters of Sandy Creek about 26 miles S. 72° W from the town of Wharton - the surveys and certificates by virtue of which the same were located are numbered and appear on the map of Wharton County and in the General Land office of Texas. as follows Viz:

1. Survey No 33. certificate No 288 - of 640 acres - Beginning at the N. E. Corner of No 32. Thence N 1900 varas to Corner. Thence W. 1900 vs to Corner: Thence S. 1900 vs to Corner Thence E. 1900 vs to beginning, Bearings marked X surveyed Nov 10-1874 - Also

2. Survey No 39. Certificate No 301. of 640 acres, Beginning at the S.W. Corner of No 35: Thence West 1900 vs to Corner. Thence N 1900 vs to Corner.: Thence East 1900 vs to Corner. Thence S. 1900 vs to beg - Bearings marked X surveyed Dec 1-1874.

3. Also survey No 41. Certificate No 302 of 640 acres Beginning at the S. W Corner of No 39. Thence West 1900 vs to Corner Thence N 1900 vs to Corner, Thence E. 1900 vs to beginning: Bearings marked X surveyed Dec 1-1874.

4. Also survey No 45: Certificate No 304. of 640 acres - Beginning at the S. E. Corner of No 44 - Thence West 1900 vs to a Corner - Thence S. 1900 vs to Corner. Thence E. 1900 vs to Corner - Thence N 1900 vs to beg - Bearing marked X surveyed Dec 1-1874

5 - Also survey No 43 - Certificate No 303. of 640 acres

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Beginning at the N. E. corner of No 42. - Thence N 1900 vs to corner - Thence W 1900 vs to corner = Thence S 1900 vs to Cor- Thence E. 1900 vs to beg — Bearings marked X surveyed Dec 1-1874

6- Also survey No 35 - Certificate No 289 of 640 acres — Beginning at N. E. corner of No 34. Thence East 1000 vs to corner. Thence North 1900 vs to corner - Thence West 1900 vs to corner. Thence S. 1900 vs to corner = Thence East 900 vs to beginning — Bearings marked X Surveyed Nov 10-1874.

7- ~~Also survey~~ No 37 Certificate No 290 of 640 acres — Beginning at the N. E. corner of No 36. Thence S. 1900 vs to corner — Thence E. 1900 vs to corner - Thence N 1900 vs to corner - Thence West 1900 vs to corner - Bearings marked X surveyed Nov 10 1874.

8- Also survey No 11- Certificate No 87- of 640 acres — Beginning at the E or S E. corner of survey No 10, Thence N 20 E. 1900 vs to corner, Thence S 70 E. 1900 vs to cor - Thence S 20 W. 1900 vs to cor - Thence N 70 W. 1900 vs to begin-

9. Also survey No 31. Certificate No 284. of 640 acres — Beginning at the N. E. corner of Andrew Dunlap and the S. W. Cor- of the Wm D. Mickham survey. Thence East 1900 vs. to corner Thence South 1900 vs. to corner Thence West 1900 vs to corner Thence North 1900 vs to beg - Bearings marked X survey Nov 30-1874.

10. Also survey No 47 Certificate No 21/15 & No 21/17 of 320 acres each Beginning at the S. W. corner of No 40 - Thence West 1900 vs to corner - Thence N 1900 vs to corner. Thence E. 1900 vs to corner Thence S. 1900 vs to cor the beginning.

It is further the judgment and the order of the Court that the plaintiff the Houston and Texas Central Railway Company do have for the land and premises above described (and the clerk of this court is hereby ordered and directed to issue the same) its writ of possession in terms of the law.

It is further the judgment of the Court that the plaintiff the Houston and Texas Central Railway Company and the officers of the Court do have and recover of and from the defendant R. M. Thomson all the costs in this behalf ex- pended for which execution may issue — To all of which judgment as well as the findings of law and fact by the Court, the defendant R. M. Thomson in open Court excepts and gives notice of appeal to the Supreme Court

Examined and approved in open Court

D. W. Doggett
Special Judge.

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Order of Court—

And now in this 24th day of December 1884 came into Open Court the jury Commissioners to draw and select Jurors for the March term A.D. 1885, to wit. Dennis Corwin F. Henderson and J A Shaw — and having furnished the sealed lists as required by law to the Court, and the officer to whom the custody of the same belonged having been duly sworn as required by law and said lists delivered to them by the Court, and said Commissioners having performed the services required of them now by the Court finally discharged — And their accounts for services approved for $6.00 each and the Clerk ordered to issue Certificates to them for the same —

Court adjourned till tomorrow morning 9 o'clock.

Saturday December 27th 1884

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

7087 James M Daughterty
vs
J W Hill & Barbara Hill

And now on this day this cause coming on for trial both parties appeared in person and by atty and announced themselves ready for trial and this cause being submitted to the Court the Court after hearing the pleadings of the parties and the Evidence and argument of Counsel is of opinion that the plaintiff is entitled to the relief sought; It is therefore ordered adjudged and decreed by the Court that James M Daughterty the plaintiff do have and recover of and from the defendants James M Hill and Barbara Hill the track of Land sued for discribed as follows towit: 324 acres of Land being a part of the Lucas Manas Survey in Travis County Texas and being a part of that portion of Manas Survey which was conveyed by James B Shaw and John W Swisher to D.B. Giles by deed dated January 25th 1854 said 324 acres being discribed by metes and bounds as follows towit; Beginning at the South East Corner of a tract of Seven hundred acres of said Manas Survey which was conveyed by D.B. Giles to Leonidas B Giles by deed dated May 31st 1866 at a point in the East line of said Manas Survey fixed by Dennis Corwin as the South East Corner of said Seven hundred acre tract Thence South 30° West with the East line of said Manas Survey 956 Varas for the South East Corner of this 324 acre tract. This point being South

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30 West 30 varas from the South East Corner of plaintiffs field fence- Thence North 60° West 1913 varas for a Corner Thence North 30° East at about 195 varas passing the West end of String of wire fence, at 956 varas the South West Corner of said 705 acre tract 1913 varas to the place of beginning and containing 324 acres of land as aforesaid. And it is further ordered adjudged and decreed that a writ of possession issue and that plaintiff be placed in possession of said 324 acres of land as above defined and that plaintiff be forever quieted in his title and possession of said track of land. And it is further ordered and adjudged that the plaintiff recover from defendants all the costs of this suit for which execution shall issue. And it is further ordered that the sum of Twenty five (25) dollars be allowed Dennis Corwin for his services as Surveyor in making survey and report in this case and that the same be taxed as part of the costs in this suit.

7441

State of Texas } To all to whom these presents shall
County of Travis } Come— Greeting.

Know ye that Frank P Graves hath this day applied to the Honorable A. J. Walker Judge of the 26th Judicial district of the State of Texas for a license to practice as an Attorney and Counsellor at Law and having produced a Certificate from G T Fulmore County Judge of Travis County Texas that he is twenty one years of age and of good moral character and Honorable department and having been examined touching his knowledge of the Law in open Court by a Committee of Attorneys of good standing and said Committee and the Court being satisfied with the legal qualifications of the applicant These are therefore to License Authorize and empower him the said F P. Graves of the County and State aforesaid, to practice as an Attorney and Counselor at Law in the several District and Inferior Courts of this State— Witness A. J. Walker Judge of the District Court of the 26th Judicial District of the State of Texas and the Seal of the said Court at Austin the 27th day of December A D 1884

Attest

Jas P Hart
Clerk District Court of
Travis County Texas

A J Walker
Judge of the 26th Judicial
District of Texas

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$8000

J R Robbins
as
J J Dimmitt

vs

J. G. Morris Special Judge Presiding

And now on this the 27 day of December 1884 came the parties by their attorneys and thereupon came on to be heard Plaintiffs Motion for a new trial in this behalf which being submitted duly considered and fully understood was by the Court granted. It is therefore considered and ordered by the Court that Plaintiffs Motion for a new trial be and the same is hereby granted and a new trial awarded him in this Cause

J. G. Morris Special Judge

7177

S. W. French & Co.

vs

James Haig. Defendant. &
the City of Austin & County
of Travis, Garnishees,
R. S. Cox et al. Intervenors.

And now on this 24th day of December A D 1884. Came all the parties by their attorneys and announce ready for trial and no jury having been demanded the issues joined and by the Court and the pleadings evidence and argument of Counsel having been heard the Case is taken under advisement and now on this 26th day of December A.D., 1884 the pleadings evidence and argument of Counsel being fully understood it is considered ordered adjudged and decreed by the Court that the Plaintiff S. W. French, Edward Christian and L. M. Carothers composing the firm of S. W. French & Co. and the intervenors R. A Barnes and R. A. Flume composing the firm of Barnes & Flume and Robert S. Cox and James E. Pol hemus do have and recover of the City of Austin Garnishee Seven Hundred and Five 10/100 dollars and of the County of Travis Garnishee Eight hundred and Sixty two and 50/100 Dollars and that Execution issue for said sums of money against said Garnishees respectively and that said sums of money amounting in all to the sum of Fifteen hundred and Sixty Seven & 60/100 Dollars when collected be paid into Court and distributed as follows:

1. To the payment of all costs incured in this Case except the costs of the interventions of P. C. Taylor and Charles Jones,
2. Two hundred and Sixty four Dollars to the intervenors James E. Pol hemus,
3. Two hundred and four dollars to the intervenor Robert S. Cox,
4. One hundred and forty one dollars to the intervenors Barnes and Flume—,
5. The balance of the said sum of Fifteen hundred and

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Sixty Seven & 60/100 dollars to be paid to the Plaintiffs S. W. Finch & Co. as a credit on the judgment recovered by them in this Cause against the defendant James Haig. And it is further considered ordered adjudged and decreed by the Court that the claims of the said James E Falkenmus Robert L Cox & Barnes & Fleming upon which they have intervened in this case are fully concluded and settled by this Judgment and when the amounts are paid on them as hereinbefore provided no Cause of action on said claims shall survive against the defendant or the Garnishees or any other person. And it is further ordered adjudged and decreed by the Court that the sum of Twenty dollars be allowed to each of the Garnishees for Attorneys fees to be taxed and paid as other costs. And it is further ordered adjudged and decreed by the Court that the Intervenors P L Taylor and Charles Jones take nothing by their pleas of Intervention because their claims are postponed until the claims of the plaintiffs and other Intervenors are paid and the fund is not sufficient to pay the Claims of the Intervenors herein before allowed and the plaintiffs Judgment in full and therefore the said pleas of Intervention of P.L. Taylor and Charles Jones are dismissed without prejudice to such suits as they may be able to maintain on their claims respectively except as against the Garnishees The City of Austin and the County of Travis and the said Garnishees are hereby discharged from liability to the said P.L. Taylor and Charles Jones on their said claims and it is ordered and adjudged that the said P.L. Taylor and Charles Jones pay all costs occasioned by their pleas of Intervention respectively and that Execution issue therefor. To which Judgment the Intervenors Charles Jones Excepts.

7070. T. L. Wren et al vs Jno. R. Pool et al } And now on this day come the plaintiffs by attorneys and the defendants John F. Jones & wife by attorney and move the Court for ten days time from and after the adjournment of Court in which to prepare and file a statement of facts in this cause, which motion is by the Court granted, and ordered that they be and are hereby granted ten days from and after the adjournment of this term of the Court in which to prepare and file a statement of facts herein.

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Saturday the 27th day of December 1884

Henderson & Texas Central Railway Company vs R. W. Thomson

7300. Map of Whalen County Texas. Now on file in the papers of this cause, showing the lines run by the surveyor be and hereby the transcript of the record to the Supreme Court. Examined and approved. D. W. Doom Special Judge

Hon D. W. Doom Special Judge presiding. And now on this the 24th day of December 1884, upon motion it is ordered by the Court that the original

7097. Ellen D. Robinson et al vs F. O. Skidmore et al. Continued by consent.

7245. Wm Shapard v. Robt. T. Hill et al. On the 26th day of December 1884 upon motion it is ordered by the Court that plaintiff have leave to file 1st supplemental petition and case continued by consent.

7253. R. S. Walker vs The City of Austin Continued by consent.

7277 R. J. Loring vs W. H. Fitzhugh. Continued by consent.

D. A. Golden vs D. W Reagan

7217. On the 16th day of December 1884 this cause being called for trial, it is ordered by the Court that the defendant have leave to file 1st Amended original Answer, and plaintiff files supplemental petition and defendant to file 1st supplemental answer, thereupon the parties announced ready for trial, when came on to be heard the defendants demurrer and exceptions to plaintiffs petition which being considered now by the Court overruled and defendants excepted to the ruling of the Court. Thereupon plaintiffs exceptions to defendants answer being considered the same now overruled by the Court and plaintiff excepted, Defendants exceptions to plaintiffs plea of the statute of limitations was sustained by the Court and plaintiff excepted! And on the 18th day of December 1884 the trial of said cause having continued to that day said cause was submitted to the Court without oral argument - Counsel for the parties respectively in open Court agreeing to furnish the Court with authorities - And now on this the 27th day of December 1884 for want of time to satisfactorily consider and decide the cause - It is ordered that this cause be held under advisement until the next term of this Court counsel for the parties to furnish briefs of authorities in one month from this date; and the judgment to be

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ordered on the first day of the next term of this Court, And it is further ordered that this cause be continued by consent of the parties given in open Court for that purpose until the next term of this Court! and by consent of the parties given in open court it is further ordered that a statement of facts and bills of exceptions may and shall be prepared and filed in the request of either of the parties at any time during the next term of this Court after the cause shall be decided by the Court

7133 Dorathea Hornburger vs Jacob Hornburger

And now on this day this cause coming on for trial the parties in person and by Attorneys appeared and announced ready for trial and no jury being demanded the Cause was submitted to the Court and the Court having heard the pleadings and Evidence and argument of Counsel and duly considering the same finds that the material allegations in Plaintiffs petition relating to Causes for divorce are true and therefore Plaintiff is entitled to a decree dissolving the bonds of Matrimony between her and defendant; It is therefore ordered adjudged and decreed by the Court that the bonds of matrimony now and heretofore existing between Plaintiff Dorathea Hornburger formerly Dorathea Bengener and Defendant Jacob Hornburger be and the same are hereby dissolved, and that said parties be and they are hereby divorced. And it appearing to the Court and it is so decreed that the following property now held by plaintiff and defendant is Community property and owned by them as such in which each of said parties have an interest of one half undivided to wit, All household and kitchen furniture now owned and held by said parties; Also the North one half of Lot Number (3) three in Block Number Seventy (70) in the City of Austin Texas; Also the South one half of Lot Number three (3) in Block Number Ninety Seven (97) in the City of Austin Texas with all the improvements thereon; and also the improvements now situated on that part of Out Lot Number fourteen (14) in Division "B" of the Out Lots adjoining said City of Austin in Travis County Texas not heretofore sold to an Radam (this having been a small part of

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said Out Lot Number 14 heretofore sold and conveyed by plaintiff and defendant to said Radam) And it further appearing to the Court and it is so decreed that the following property is the separate property of defendant Jacob Hornburger, to-wit, said unsold part of said out Lot Number (14) fourteen not including improvments on the same in Division 'B' of the out Lots adjoining said City of Austin; and also the improvements situated on the North half of Lot Number three (3) in Block Number Seventy (70) in said City of Austin and that said property should be accordingly partitioned and divided between said parties - It is therefore ordered that James Ford, James W Mansfield and James H. Daniels be and are hereby appointed Commissioners to make partition and division of said Community property between plaintiff and defendant so as to make a fair and Equal division thereof between said parties due regard being had to quantity and value of said property and the wants of said parties, And it also appearing to the Court that said plaintiff and defendant are now owing Levis Eilers as a Community debt the sum of three thousand dollars ($3000.00) which is secured by a mortgage on said North half of Lot No 3 in Block No 70 in said City of Austin; It is further ordered that said Commissioners in making said partition make some provision for the payment of said debt to said Eilers and that said Commissioners make report of their action to this Court at the next Term thereof subject to the approval of this Court - And it is further ordered by the Court that said defendant Collect rents of the Community property and that he keep an account thereof from this date and report the same to the next term of this Court. And it is further ordered adjudged and decreed by the Court that plaintiff Dorathea Hornburger have the custody and care of the minor daughter (Lina Hornburger) of said parties, And defendant have the custody of the minor son of said parties Jacob Hornburger Jr and that each of said parties be restrained from any interference with the management and control by the other of said respective children. And it also appearing to the Court that there is now due and owing from defendant to plaintiff the sum of $105.00 as alimony heretofore allowed

District Court Minutes, October Term, 1884

Saturday the 27 day of December 1884

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

by the Court for the months of October November and December 1884 and not paid by him to her. It is therefore ordered adjudged and decreed by the Court that said Plaintiff recover from Defendant said sum of $105.00 as such Alimony to be paid into Court at once into Court by defendant in default of which Execution shall issue for collection thereof. And it is further ordered and adjudged that said defendant shall on the first day of January 1885 and on the first day of each month thereafter until the next term of this Court pay Plaintiff the sum of $35.00 and in said sums be not paid at the date here ordered Execution shall issue therefor. It is further ordered that plaintiff recover from defendant all costs in this Cause to this date for which Execution may issue

The foregoing Entries having been Examined in open Court are hereby approved and the same Stand as part of the Minutes of the October Term of the District Court of Travis County - and this Court now Stand adjourned until the next Regular Term thereof

A. S. Walker,
Judge 26th Judicial District

District Court Minutes, Term, 188

Thursday the 22nd day of January 1885

Printers, Lithographers and Stationers, St. Louis.

new sheet

745

Order of Court Made in Vacation.

Phil Abrahams.

vs. } Order of Court to sell property seized

L. L. Puckett & Son. } on under attachment.

Upon the application of plaintiff filed with the papers of this cause the Court orders as follows:

Georgetown Texas.

Jan 22nd 1885

Ordered upon the above showing that the said goods seized by and in the hands of the said Sheriff of Travis County be sold for cash as provided in Arts 171. 172. & 173. Revised Statutes: said goods being described as follows:

2	Clocks.	@	3 90	7	80	4	Wool Hats.	@ 75	3 00
3	"	"	1 00	3	00	2	"	1 25	2 50
3	Mirrors	"	20		60	3	"	1 10	3 30
2	Fly traps	"	25		50	1	"		1 00
100	Cigars			2	00	1	"		1 25
9	Pipes	"	25	2	25	3	pr. Childs Shoes.	75	2 25
2	Rubber Rattles	"	15		30	2	" Ladies "	140	2 80
4	Razors			1	50	2	" " "	200	4 00
1	Lot Fish Hooks				50	4	" " "	1 25	5 00
1	" Mouth Spices				50	1	" " "		1 50
2	Duck Coats	at	2 50	5	00	2	" " "	1 35	2 70
2	" "		1 50	3	00	1	" " "		1 20
5	Pairs Pants			8	25	2	" Childs "	1 00	2 00
2	Coats.		3 25	6	25	2	" " "	60	1 20
1	"			4	50	4	" " "	80	3 20
2	"				75	1½	doz Bluing		60
3	Vests.			2	00	1	" 3 lb. Bar soap.	15	1 80
2	Overcoats		3 25	6	50	6	Pkg Starch		1 62
2	Mugs		25		50	28	½ lb. Baking Powder		1 80
1	Toy Cup & Saucer				20	33	Bottles Snuff.	22	7 26
3	" Hats				10	3	Sack Flour.		3 00
3	Trunkless Carts		10		30		Jugs 18½ Gal	15	2 77
3	Toy Wagons				20	22	Boxes Axle Grease		1 54
1	Lot Toys.				50	18	" " "	10	1 80
3	Boys Hats.		50	1	50	90	lbs Rope 10½		9 45
1	" "				60	1	Frying Pan		25
4	" "		50	2	00	25	lbs Dried Apples 8		2 00
1	" "				40	7	Prunes - 20.		1 40

Court Minutes, Term, 188

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No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

44	lbs	Beans	6		2	64	11	Pocket Knives	10	1	10	3	Pr	Half Hose	10		30
32	"	Lima "	6		1	92	1	" "			55	11	"	Child	8		80
3		Sifters	12½			37	1	Lot Hair Pins			50	11	"	"	7		77
150	lbs	Beans	5		8	25	4	Fans			25	2	Fancy	Stationary	25		50
60	"	Nails	4		2	40	11	Cake Soap	7		77	2	Pr	Gloves	40		80
15	"	"	6			90	1	Pocket Book			15	4	"	"	20		80
10	Gal	Vinegar			2	50	4	Ladies Collars	46		40	2	Hdkfs		10		20
37	"	Molasses	45		16	65	14	Doz Buttons	7		98	1		"			17
2		Faucets	50		1	00	24	" "		5	20	7	Pr	Garters	49		49
		Onions				50	12	" "	12	1	44	7	"	"	8		56
2	doz	Ink				80	10	" "	7		70	3	"	"	3		24
2	Brass	Lamps	20			40	10	Linen & Ruffling	7		70	6	Shawls		70	4	20
2	Lamp	Bowls	40			80	4	Round Combs	12		48	1		"	0		80
4	"	"	30	1	20	3	Tuck	"	10		30	2	Neck	ties	75		15
1	"	"			35	6	"	"	6		30	10	Yds	Domestic	8		85
2	"	"	25		50	3	"	"	10		30	1	Pr	Hooks	0		25
10	"	Burners	12	1	25	10	Doz	Buttons	10	1	00	5	Yds	Gingham	15		82
	"	Wicks			30	15	"	"	7	1	12	1		Worked	20		30
2	Cream	Pitchers	60	1	20	10	"	"	20	2	00	2		Towel	20		40
	Washing	Paper		1	00	8	"	"	10		80	10		Hdkfs	8		80
	Writing	"			15	3	"	"	9		27	10	Yds	Ruffling	2		25
2		Crayons			35	1	Lot	"			20	6	"	"	5		30
1	Box	Paste			50	2	Self	adjusting	Rubber		25	1	"	"			10
9		Purses	20	1	80	4	Cake	Soap			15	4	"	"	15		60
9		Braid Pins	10		90	13	Bx	Lilly White	8	1	04	3	"	"	12		36
2		Wicker Cards	20		40	5	"	Hair Pins	10		50	2		Shirts	1 00	2	00
2		Bottles Hair oil	15		30	9		Fine Combs	8		72	3	"		1 15	3	45
7	"	" "	9		63	3	"	"	7		21	6		Boys Tools	1 42	8	55
6	"	" "	15		90	6	"	"	5		30	8	"	Shoes	90	2	20
32	Balls	Knitting Thread	6	1	92	4	"	"	10		40	3	"	"	1 15	3	45
7	Yr	Ruffling	8		56	2		Combs	12		25	8	"	"	60	4	80
10		Pipes	5		50	8		"	10		80	1	"	"			75
		Paste			30	8		"	7		56	6	"	"	1 00	6	00
5	Day	Books			52	4		"	10		40	1	Pr	Boots		2	75
2	Doz	Pin Holders	12		25	12	Doz	Buttons	7		84	2	Coffee	Mills	40		80
6	Ladies	Collars	17	1	05	15	Cards	"	10	1	50	5	Bx	Ointment	7		35
44	Cuffs	"	12	5	28	1	Lot	"	7		25	17	Pk	F. Crackers			90
14	"	"	10	1	40	2		Fans	10		30	3	Shoe	Brushes			37
14	"	"	15	2	10	6	Pr	Children Hose			60	3	Lb	Ginger			37
5	"	"	9		45	3	Yards	Tape	15		15	5	Coffee	Mills	65	2	75

Court Minutes, Term, 188

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15¼	Yds	Tow Linen	12		1	83	8	Bls	Pickles	20		1	60	21	Cans	Oysters	10		2	10			
16	"	"	10		1	65	6	"	"	30		1	80	17	"	Peaches	14		2	46			
9	"	"	10			90	4	bbl	Candy	20			80	6	"	Pears	16⅔		1	00			
9	"	"	6			54			Maple sugar				45	31	"	Cond Milk (Lang)			2	00			
10	"	Linsey	15		1	50	4½	bbl	Gum drops	15			67	9	"	Pine Apples	16⅔		1	50			
15	"	Calico	7		1	05	2	"	Candy	20			40	12	"	Cod Fish	15		1	80			
30	"	"	5		1	50	7	"	"	11			77	8	"	Chile Con Carne	33⅓		2	66⅔			
2	"	Oil	10			20	3	"	Raisins	20			60	21	"	Oysters	16⅔		3	50			
24	"	" "	5		1	20	20	"	Taffy	14		2	80	11	"	Lemon Sugar	16⅔		1	83⅓			
4	"	Damask	50		2	00	2	"	Cream Candy				35	1	Lot	Sardines			1	05			
23	"	Colonade	10		2	30	1	"	Nuts	20			30	11	Pkgs	Lemon Sauce	"		1	21			
47	"	Cotton Crash	9		4	23	2	"	Almonds				45	24	Cakes	Polish	6		1	44			
18	"	Red Flannel	20		3	70			Nutmegs				20	1	Lot	Jelly			2	25			
28	"	Jeans	17		4	76	2	Doz	Candy Jars	1	70		40	2		Tubs				75			
19	"	"	35		6	82	1	Lot	Paper Sacks			2	50	3		Buckets			1	00			
30	"	"	32		9	60	1	"	Clay Pipes				25	1		Spittoons				75			
9	"	"	17		1	53	1	lbs	Twine				35	2		Axes			1	50			
15	"	"	35		5	25	5		Jumbles	14			70	5		Lamps	45		2	25			
3⅓	doz	Spool Cotton	55		1	83⅓	"	"	Soda Crackers	6			65	3		"	35		1	05			
2		Curry combs	10			20	15	"	Cream "	11		1	65	1		"				25			
5	Sets	Table Spoons	17			85	1	Lot	Coats Pins				50	20	Salt	Cellars	3			60			
4	"	Tea "	10			40	14	lbs	Tobacco	55		7	70	20	Sets	Glass Ware	40		8	00			
4		Butcher Knives	15			60	15	"	"	50		7	50	1	Lot	odd Pcs	"		1	40			
4		Soup Ladles	10			40	3	"	"	47		1	41	9		Glass dishes	8			72			
1	Doz	8 oz Tacks				75	1	5	lt Can Crackers				45	1	Set	Goblets				55			
1	Lot	"				40	17	"	Soda	5			93	2		Glasses	30			60			
6		Files	10			60	12	"	Candles	15		1	80	7		Lamp Chimneys	5			35			
3	Bx	44 Cartridges	60		1	80	13	Bx	Blacking				40	1		Molasses Pitcher				40			
1	Lot	"			4	00	5	Pkg	S. Tobacco				30	2		Butter Dishes	45			90			
14	lbs	Ponchu	20		2	80	4	Bx	4 Lemon	9			36	4		Pitchers	25		1	00			
34	"	Shot	9		3	06	1	doz	Cayenne Pepper	2	00		2		Sugar	Bowls				35			
4	"	Cloves	40		1	60	1	"	Ginger	2	00		8		Tea	Cups	5			40			
6	Doz	Matches				50	14	Bx	Pepper	1	00		10			Dishes	15		1	50			
6	lbs	Pepper	20		1	30			Oat Meal				60	2		Bowls				10			
1	"	Spice				16	31	doz	Bluing				90	4	Sets	Plates	55		2	20			
3	Kits	Mackerel	40		1	20	1	Lot	"				25	1		"	"			70			
100	lbs	Sugar	5	1	5	50	4	Pkg	Hoyts				25	1		Dish				50			
22	"	Coffee	12		2	64	12	Bx	Shoe Polish	10		1	20	2		"	27			54			
56	"	Rice	5		3	08	13	"	Snuff	3			39	3		"	20			60			
66	"	Pecans	6		3	96	16	Cans	Salmon	14		2	24	5		"	17			85			

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No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

2	Dishes		15		30	9	Cravats		5		45	1	Purse				20
2	"		12		24	8	Scarfs		22	1	10	1	Lot Thimbles				10
1	"				10	1	Mitts				40	7	Bt Hair oil				75
1	Stone Jar				25	2	Ladies Collars		20		40	43¾	4 pcs Ribbon	12		5	47
34	Pie Pans		4	1	36	4	sets cuff Buttons		15		60	3¾	"	4	20		75
34	"	"	31	1	19	8	Scarf Pins		20	1	60	9	"	4	9		81
13	"	"	3		39	4	"	"	35	1	40	2¾	"	4	8		22
5	Cake	"	8		40	1	Card Collar But.				10	17¾	"	4	5		88¾
5	Tin Buckets		30	1	50	2	"	"	"	1	40	7¼	"	4	10		72½
6	"	"	23	1	38	8	sets Studs		25	2	80	7	"	"	16⅔	1	25⅓
5	"	"	20	1	00	14	"	"	10	1	40	72	" Lace	2		1	80
6	"	"	12		72	10	"	"	15	1	50	2	Show Case			16	00
4	" Coffee	Pots	17		68	9	Scarf Pins		10		90	3	Thread "			3	00
5	"	"	22	1	10	12	Pencils		5		60	2	Pr Scales			12	00
8	"	"	14	1	12	1	Lot Watch Keys.				65	1	Comic Pictures			1	50
4	Oil Cans		18		72	2	Boxes Hair Pins		8		16	1	1 Cake			90	00
16	½ Gal Cuts		11	1	76	1	Lot Lilly White				40	2	Chandelier			3	00
18		"	3		63	2	Match Boxes		15		30	1	Tobacco Knife				50
2	Bread Pans				50	1	Mill Wheel				40	1	1 Stove			3	00
1	Bucket				40	1	Lot Pins				35	4	Cups & 2 Saucers			1	50
2	Tin	"			10	1	" Needles			2	00	1	Lot Barrels			2	00
1	"	"			20	1	" Machine needles.			1	50	2	Chairs			2	0
1	Comb				20	1	Tuck comb				25	1	Card Collar But				25
1	Pr Gloves				55	1	Hair Brush				50		Total			$671	71

and that the Sheriff W. W. Armsby make sale of said goods as under execution, save, that if for the advantage of parties, that the same may be sold in bulk - sale ordered in care of Phil Abrahams to L. L. Puckett & son pending in the Dist Court of Travis County - Tex -

Given under my hand this 22nd day of January A.D. 1885

A. S. Walker

Judge 26th Dist Tex

District Court Minutes, March Term, 1885

Monday the 2nd day of March 1885

Printers, Lithographers and Stationers, St. Louis.

The State of Texas, } Be it remembered that at a term
Travis County. } of the Honorable District Court of
Travis County begun and holden at the Court House thereof
in the City of Austin on Monday the 2nd day of March
A D 1885 it being the day fixed by law for the holding of
said Court, the Honorable A. S. Walker Judge of the 26th Judicial
District of Texas being present and presiding, Hon Jas. A.
Robinson District Attorney of said District, James P. Nash
Clerk of the District Court of Travis County and M. M
Ayres by Sheriff of said County being present the following
proceedings were had viz, Then being no civil minutes to write up this date
Court adjourned till tomorrow morning 10 o'clock
and on March 3. 1885. the following proceeding was had.

7217. Mrs. S. A. Goldin vs D. M. Reagan & Jno. J. Mendich. ordered by the Court that this case be passed until the 3d inst.

6001. Josephine. B. Winn et al. vs T. L. Winn et al. By consent ordered by the Court that this case be passed to end of Criminal docket.

6077. John Orkney et al. vs Jennie. W. Hill Admx By consent set for Friday March 6th 1885.

6098. W. R. Isham vs Jno A. Webb & Bro By consent set for Friday March 6th 1885.

7040 W. F. Swift - v. J. F. Goho. It appearing to the Court that this case has been settled between the parties. it is now ordered dropped from the docket.

7090 Chas. Mielke vs Augusta Mielke. Continued for service.

7097. Ellen. D. Robinson et al vs F. O. Dickinson et al. Passed by consent to end of Criminal docket.

7119. T. L. Winn vs Ed Cleary, By consent passed to end of Criminal docket.

7143. State of Texas vs Caroline Wainright, Passed to end of docket.

7217. Mrs. S. A. Goldin vs D. M. Reagan & Jno. J. Mendich } This cause having been submitted for trial to the Court on the law and facts at the last term of this Court without the intervention of a jury and at that term, because there was not sufficient time after such submission and before the end of that term for due consideration by the Court of the questions involved, the cause was after such submission, by consent of the parties given in open Court and duly placed and entered of record, continued until this term of this Court for decision and judgment, and on this March 3d 1885 - the cause being called and both parties being present by counsel the Court being of opinion that the law and facts of the case are with the plaintiff

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

as shown by the findings of the Court filed as a part of the record herein, and the Court being also of opinion that the demurrer of defendants to the plea of the Statute of limitations by plaintiff as set up in his supplemental petition should be overruled: It is therefore ordered that the order entered at the last term of this Court sustaining said demurrer of defendants to said plea of the Statute of limitations be set aside and it is now and here ordered that said demurrer by defendants to said plea of limitation be overruled, to which ruling of the Court the defendants by counsel excepted. And it is further ordered adjudged and decreed by the Court that the plaintiff S. A. Holden do have and recover of and from defendants D. M. Ragan and John J. Mendich the land in controversy herein: Situated in said County of Travis herein being a part of the Santiago Del Valle grant South of the City of Austin and bounded as follows: On the South by Onion Creek; on the North by Tom Kings land, on the West by the Slaughter Ragan and on the East by Joseph Wansley's land and containing about one hundred and fifty one acres and being the same tract of land on which petitioner was seized continuously for more than thirty years, and that the deed from the plaintiff S. A. Holden to defendant D. M. Ragan bearing date October 18-1880, purporting to convey said land be and the same is hereby Cancelled: and that the deed from said defendant D. M. Ragan to defendant John. J. Mendich of date 15th day of March 1882 purporting to convey said land be also cancelled, vacated and annulled, that said plaintiff be forever quieted in his right and title to and possession of said land as against said defendants and all others claiming under said defendants or either of them, and that said defendants on their plea in reconvention and Cross Claim set up in their answer take nothing, and that plaintiff recover from defendants all the costs of this suit for which execution shall issue.

It is further ordered by the Court that the officers of Court have their execution against the plaintiff and the sureties on his cost bond herein C. R. Batty and A. A. Baker for the costs incurred by him in this cause- To which findings and judgment of the Court the defendants except and in open Court give notice of appeal to the Supreme Court.

7225 Dora Faith vs Vincent Faith It is ordered by the Court that Robert West Esq be and he is hereby appointed to represent

Dimick Court Minutes, March Term, 1885

Tuesday the 3d day of March 1885

Printers, Lithographers and Stationers, St. Louis.

the defendant in this cause.

7245 William Shapard vs Robt T Hill et al. Ordered by the Court that this cause be set for trial for March 14th 1885;

7253. N. S. Wallin. vs City of Austin. By consent, it is ordered by the Court that this cause be set for trial for March 7th 1885;

7263. Mary Jane McKerlie vs Texas Benevolent Association. By consent set for trial for March 10th 1885;

7273. H. L. Standifird vs Abner Taylor. et al. Upon motion of plaintiffs attorney it is ordered by the Court that this cause be and the same is hereby dismissed, and that the defendants Abner Taylor Intermediate Great Northern Railroad Company and the Missouri Pacific Railway Company recover of and from said plaintiff all costs in this behalf expended by them for which they may have execution.

7277. R. J. Loving vs W. A. Fairbaugh, By consent set for March 5th 1885;

7281. F. W. Chandler et al vs R. W. Turner. Upon motion of plaintiff attorney it is ordered by the Court that this case be and the same is hereby dismissed, and that the plaintiffs F W Chandler Ford Carleton and E. B. Turner pay all costs that have not heretofore been paid in this case, for which execution may issue against them,

7425 H. A. D. Carrington vs J. B. Richards. It is ordered by the Court that plaintiff have leave to file 1st supplemental petition.

7455 Amelia Brass vs G. M. Brass et al. It is ordered by the Court that D. H. Hewlett Esq be and he is hereby appointed guardian ad litem to represent the minor defendants to wit. G. M. Brass Jr. Matilda Brass, Clara Brass, Amelia Brass Jr. Pauline Brass, and Ida Brass, in this cause.

7474 M. J. Smith vs R. G. Smith, It is ordered by the Court that plaintiff have leave to file 1st amended original petition

7475 T. O. Nesbit vs E. Vogtsberger et al. By consent of the parties the motion for appointment of receiver post poned.

Court adjourned till tomorrow morning 10 o'clock.

Wednesday March 4th 1885

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

2955 Abby Thompson admx. vs Barnes & Merrill. No counsel appearing, ordered by the Court that this cause be continued

Dishick Court Minutes, March Term, 1885

Wednesday the 4th day of March 1885

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

2938 Abby Thimpson vs Gurge Saundus. No counsel appearing it is ordered by the Court that this cause be continued—

3030 Giles H. Burdett admr vs W. B. Burdett dal. Passed for report of Commissioner.

4063. Jas. P. Newcomb vs W. C. Brown et al. It being suggested that this case had been finally disposed in the Supreme Court. it ordered by the Court that said cause be now stricken from the docket of this Court.

4063. James P. Newcomb vs W. C. Brown dec'd } It being suggested to the Court by the counsel for defendant that this case had been finally disposed of in the Supreme Court. it is now ordered by the Court that said cause be stricken from the docket of this Court.

4795 Jno C. Duval dal vs Robert Engelbauer. Now comes W. Von Rosenberg trustee and submits his report to the Court in this cause. Which report is taken under advisement by the Court.

5021. J. B. Wygall vs The State of Texas. Ordered passed to end of docket;

5274 J. R. Ray dal vs Vincent Chambers dal. Ordered passed to end of docket.

5383. Becky Pickett vs Lee Pickett. No counsel appearing and this case being regularly called for trial. it is ordered by the Court that said 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 issue.

5447. Mary A. Smithe vs James M. Smithe dal Ordered passed to end of docket;

5449 Thomas T. Stamps vs Geo King — Ordered passed to end of docket

5452. Mary A. Smithe vs James M. Smithe dal. Ordered passed to end of docket;

5692 J. N. Carey vs Augusta Carey. Ordered passed to end of docket

5769. Henrietta Brown. vs Henry Brown. Set for March 14th 1885

5867. M. N. Hungerford vs Frank D Hungerford Passed to end of docket

5981. Joseph Brown vs Mary Brown. Upon motion of Plaintiffs attorney it is ordered by the Court that this cause be and the same is hereby dismissed for want of prosecution, and further ordered that Plaintiff pay all costs in this behalf expended for which Execution may issue.

5986 Malvina Bahn vs A. Bahn. It is ordered by the Court that this cause be passed to await report of Commissioners

Dis Trict Court Minutes, March Term, 1886

Wednesday the 4th day of March 1886

Printers, Lithographers and Stationers, St. Louis.

of Partition

6001. Joachime B. Wonn &al vs T. L. Wonn &al. By consent of the parties it is ordered by the Court that this cause be passed to the end of the criminal docket.

6024 Rosa Calhoun vs Jas. M. Calhoun. No counsel appearing it is ordered by the Court that this cause be continued.

6044 R. A. Howard. vs Virginia C. Howard. It is ordered by the Court that this cause be and the same is hereby dismissed for want of prosecution and further ordered that the plaintiff pay all costs in this behalf & funded for which let execution issue.

6098 W. B. Isham vs Jno A Webb, By consent of the parties it is ordered by the Court that this cause be passed to end of the criminal docket.

7017. Louise Kinney vs R. B. Kinney Upon motion of plaintiff 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 & funded for which let execution issue.

7022. Henry Dunn vs Delia Dunn. This cause being regularly called for trial and no counsel appearing it is ordered by the Court that said cause be and the same is hereby dismissed for want of prosecution, and that plaintiff pay all costs in this behalf & funded for which execution may issue.

7084 Winchester Partridge Mfg co. vs J. L. McCutcheon &al By consent passed to end of Criminal docket.

7098 M. & T. C. R. R. Co. vs N A Bass. By consent passed to end of Civil Jury docket.

7099. M. & T. C. R R. Co. vs W. J. Linnan. By consent passed to end of Civil Jury docket;

7100. M & T. C. R. R. Co. vs J W. Bunman. By consent passed to end of Jury Civil docket

7101. M & T. C. R.R. Co. vs B. F. Dunfee. By consent passed to the end of Jury Civil docket

7102 M & T. C. R R Co. vs L. A Buckingham By consent passed to end of Jury Civil docket;

7103 M & T C. R R Co. vs C. F Emory. By consent passed to end of Jury Civil docket.

7104 M. & T C. R R Co. vs W. M. Boyd By consent passed to end of Jury Civil docket;

7116 Winnie Ruder vs Wm Ruder By consent passed to end of Criminal docket.

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Wednesday the 4th day of March 1885

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

7133. Dorothea Hornburger vs Jacob Hornburger. Passed for partition.

7140 The State of Texas vs W. H. Randolph et al. By consent set for March 11th 1885.

7142 The State of Texas vs Jno R. Ward. By consent passed to March 11th 1885.

7162. H. & T. C. R. R. Co. vs T. & P. Ry Co. By consent passed to end of Civil Jury docket.

7243. Zack Love vs Letitia Love By consent set for March 14th 1885.

7244 W. B. P. Gains vs E. P. Earhart et al Continued to perfect service.

7264 Martha A. Chappell et al. vs Jno A Blanton et al. By consent passed.

7273. W. L. Blanifurth vs Abner Taylor. et al. Upon motion of plaintiff attorney it is ordered by the Court that the order heretofore entered dismissing this suit as to the defendant Abner Taylor be set aside and vacated as to said Taylor. and that this cause be and the same is hereby reinstated on the docket of this Court as to defendant Abner Taylor, but that said order remain in force as heretofore entered dismissing the same as to the defendants the International and Great Northern R R Co. and the N. Y. T. & P. Ry Co.

7278 N. G. Shelley et al vs J. H. McLaughlin et al. Continued by consent.

7421. Wattingly & Dinsleman vs The Gray City Iron Works. And now on this the 4th day of March 1885. come the defendant by attorney and file its petition and bond for the removal of this cause to the United States Circuit Court, alleging that the amount in dispute exceeds the sum of Five hundred dollars and that this controversy is between citizens of different States. and it appearing to the Court that said allegations are true, the bond is accepted and approved and ordered that further proceedings herein be suspended

7470 Estate of F. M. Noble dec'd. Upon motion it is ordered by the court that petitioner have leave to file 1st Amended petition

Court adjourned till tomorrow morning 10 o'clock

Thursday March 5th 1885.

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

7277. R. J. Lang vs W. H. Fitzhugh. By consent it is ordered by the Court that this cause be reset for trial for March 11th 1885.

Dis'trict Court Minutes, March Term, 1885

Friday the 6th day of March 1885

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Court met pursuant to adjournment. Present no business transacted by the Court on yesterday March 5th 1885. Present this 6th inst. same as on first day. Whereupon the following proceedings were had viz!

7463. Mary T. Higgins vs Capital State Fair Association

Now on this the 6th day of March A.D. 1885 this cause being called and Plaintiff by her Attorney having asked leave of the Court for the Sheriff of Travis County to amend his returns on the Citations in this cause issued it is ordered by the Court that leave be granted said sheriff to amend his returns as aforesaid, and the said sheriff having amended his said returns on said Citations, and it appearing to the Court that the President of The Capital State Fair Association, defendant herein, to-wit: Louis Hancock and that the Secretary of said Capital State Fair Association, to-wit: E. C. Barcholomew had each and both of them been personally cited in the manner and form and within the time required by law to answer this suit: and the Plaintiff, to-wit: Mary. T. Higgins appearing by Counsel but the defendant to-wit: the Capital State Fair Association wholly making default, and it further appearing to the Court that the indebtedness sued for is proven by instruments of writing, which are filed herein, and it further appearing to the Court from said instruments of writing that the said Capital State Fair Association, defendant is justly indebted to the said Mary. T. Higgins plaintiff, in the sum of six hundred and Sixteen dollars ($616.00) it is therefore ordered, considered and adjudged by the Court that the said Mary T. Higgins do have and recover of and from the Capital State Fair Association the said sum of Six hundred and Sixteen dollars with ten per cent interest per annum from date hereof and all costs in this behalf expended for which execution may issue - It is further ordered by the Court that Plaintiff be permitted to withdraw all original papers filed herein upon leaving certified copies of such papers as may be withdrawn.

7483. Ft. D. 5. 141.

Maddox Bro & Anderson vs P. H. Wentworth Jr - F. M. Maddox and C. E. Anderson

This day came the Plaintiffs Maddox Bros. & Anderson a firm composed of Jno W. Maddox, by their attorney and

Dishich Court Minutes, March Term, 1885

Friday the 6th day of March 1885

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

Re cord of Proceedings in the Circuit Court of the United States for the Western District of Texas at Austin, sitting for the Trial of Causes in Equity, Commencing on the First Monday in June A.D. 1885

P. H. Whitworth Dr. Robt. H. Maddox Atty

the defendant P. H. Whitworth Jr having accepted service of the petition of plaintiffs filed in this cause failed to appear and answer but wholly made default, Whereupon the said plaintiffs ought to recover against the said P. H. Whitworth Jr the defendant their 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 plaintiffs: And the said Clerk now hereto having assessed the damages aforesaid at the sum of ($2732 84/100) Two thousand Seven hundred and thirty two 84/100 dollars principal and interest to this date - and the further sum of ($266 10/100) Two hundred and sixty six & 10/100 dollars attorneys fee. It is therefore ordered and adjudged by the Court that the said plaintiffs Jno. W. Maddox. F. M. Maddox. and C. E. Anderson under their firm name and style of Maddox Bros & Anderson do have and recover of and from said defendant P. H. Whitworth Jr the sum of two thousand Seven hundred and thirty two & 84/100 dollars. With interest thereon at the rate of twelve per cent per annum - together with all costs in this behalf expended, and it is further ordered and adjudged by the Court that the said plaintiffs recover of and from said defendant the further sum of ($266 10/100) Two hundred and Sixty six & 10/100 dollars attorneys fee as stipulated in said note With interest thereon from this date at the rate of eight per cent per annum for all of which sums let execution issue —

6022. Chas. E. Roth vs I. & G. N. R. R. Co. Set for March 24th 1885.

6077. John Ordway et al vs Jamie W. Steele admor. Passed to end of docket.

7182. Virginia Spaulding vs Amor Taylor. And now on this day comes the defendant by attorney, and presents to the Court this petition and bond for the removal of this cause to the United States Circuit Court for the Western District of Texas at Austin, alleging that the amount in dispute exceeds the sum of Five hundred dollars, and that this controversy is between citizens of different States, and it appearing to the Court that said allegations are true, the bond is accepted and approved, and ordered by the Court that further proceedings hereon in this Court be suspended

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7246. James Lloyd vs Capital Compress Company. Set for March 20th 1885.

7247. James Lloyd vs I. & G. N. R. R. Co. Set for March 20th 1885.

7259. Ollie Fain vs Willis Fain. No counsel appearing Continued

7262. Rebecca Byerly et al. vs Elizabeth M. Dyer et al. Passed to end of docket.

7265 Julia Berry vs Louis Berry. No counsel appearing Cause continued

7267. Swante Palm. vs J. H. Wells et al. And now on this day comes the plaintiff by attorney and moves the Court to quash the citation issued to the defendant J. H. Wells, which motion is by the Court granted and said citation quashed and ordered that alias citation issue as to said defendant Wells. And upon motion of the defendant Burklin by attorney it is ordered by the Court that said defendant have leave to file first amended original answer making E. W. Shands. and James V. Bergen parties to this suit. and ordered that this Cause be continued for service.

7273. W. L. Blanford vs Alma Taylor. And now on this day comes the defendant by attorney and presents to the Court his petition and bond for the removal of this cause to the United States Circuit Court for the Western District of Texas. at Austin, alleging that the amount in dispute exceeds the sum of Five hundred dollars, and that this controversy is between citizens of different states. and it appearing to the Court that said allegations are true, the bond is accepted and approved, and ordered by the Court that further proceedings herein in this Court be suspended.

7276 J Newton Jackson. vs W. B. Wallace. Passed to end of Criminal docket.

7275 Mariah Leath vs Andrew Scott. No counsel appearing Cause continued.

7285 F. Bigance Admr. vs T. O. Forguson et al - Upon motion it is ordered by the Court that all the defendants except Collier have leave to file 1st amended original answer. and Cause passed to end of docket.

7290. Mary R. Cummings vs Jas. R. Cummings Continued by consent -

7292. Ellen Martin vs Jas M. Martin. Continued -

7293. Eliza Dubose vs Rufus Dubose - Continued for service -

7294 Isabella Manor vs Campbell Manor. Passed until Mch 7 - 1885.

7308 C. R. Johns & Co. vs Carmichael & Seawright. Passed to end of docket.

7417. M. C. Hurley vs J. A. Rhomberg. Garnishee. And now on this day this cause being regularly called for trial came the defendant Garnishee and announced ready - Whereupon the plaintiff's attorney asks and is by the Court

Dis^trict^ Court Minutes, March Term, 1885^

Friday the 6^th^ day of March 1885^

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

granted leave until March 11^th^ 1885^ in which to controvert the answer of the defendant garnishee. It being shown to the Court that the plaintiff M. C. Hurley is in Fort Worth Texas. The defendant except to the action of the Court allowing time -

7418. ✓ Mary A. & S. R. Smith vs Francis F. Burlage et al Set for March 12. 1885^

7419 ✓ R. Birtram vs F. B. Forest. Passed to end of docket.

7423. ✓ M. L. Ferguson et al. vs Geo M. Nissen et al Set for March 10^th^ 1885^

7425^ ✓ R. A. D. Carrington vs J. B. Reinhardt. Passed to end of docket.

7438 ✓ A. B. Burson et al vs A W. Burson et al. Continued for service

7437 ✓ Elvira Rush et al vs Abner Taylor } And now on this day comes the defendant by attorney and presents to the Court his petition and bond for the removal of this cause to the United States Circuit Court for the Western District of Texas at Austin, alleging that the amount in dispute exceeds the sum of Five hundred dollars and that this controversy is between citizens of different States, and it appearing to the Court that said allegations are true the bond is accepted and approved and ordered by the Court that further proceedings herein in this Court be suspended

7442. ✓ Blymyer Mfg Co. vs Jno A Webb & Bro Passed to end of jury docket-

7443. ✓ W. M. Alexander vs E. V. Richson, Now comes the plaintiff by attorney and asks leave of the Court to dismiss this cause, at plaintiffs cost- It is therefore ordered by the Court that this cause be and the same is hereby dismissed and that plaintiff W M. Alexander pay all costs in this behalf expended for which execution may issue -

7444 ✓ Isaac A. Morris vs H. & T. C. Ry Co. Passed to end of docket -

7445^ ✓ Kitty Poole vs Scott Poole - Continued for service -

7448 ✓ W. R. Johnson & Co. vs W A. Jennings et al. Upon motion of plaintiffs attorney it appearing to the Court that this cause has been settled and costs paid - it is ordered that the same be now stricken from the docket.

7472. ✓ W. L. Carruthers vs Seth Mabry. Continued for service -

7473. ✓ The State of Texas vs John C. Montgomery et al. Set for March 25^th^ 1885^

7480 ✓ M. Olive Wilson vs Elizabeth Keingen et al Set for May 11- 1885^

7493. ✓ David N. Doom & Co. vs A. L. Fish et al Continued to pluries service

7497. ✓ Geo. W. Lampson vs John Mayo Continued for service -

7505^ ✓ Jacob Klein vs G. Krumm & Wife - Set for trial for March 9^th^ and plaintiff has leave to file 1^st^ supplemental petition -

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7509

Kate Moore et al. vs Joseph Wagner et al - Continued for service.

Jas H Raymond & Co
as
Henry Ladd & Co et al

This day came plaintiffs by their attorney and the process which had been duly issued herein for the defendant W. P. Reynolds not having been served upon him for the reason that the said W P Reynolds could not be found and the defendants Henry Ladd J B Catron and W J Ferrell having been duly served with process and having failed to appear and answer in this behalf but wholly made default. Wherefore the said James H Raymond Frank Hamilton and James R Johnson, partners doing a Banking business under the firm name of Jas H Raymond & Co plaintiffs in the above entitled suit ought to recover against the firm of Henry Ladd & Co composed of Henry Ladd and W P Reynolds and against the firm of Ferrell Catron & Co composed of the said W J Ferrell and J B Catron and against the said Henry Ladd W J. Ferrell and J B. Catron, individually their 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 plaintiffs; and the said Clerk now here having assessed the damages aforesaid, after allowing all due credits at the sum of $599.82, it is adjudged by the Court that the said plaintiffs as partners as aforesaid do have and recover of the said firm of Henry Ladd & Co and of the said firm of Ferrell Catron & Co and of the said Henry Ladd, W J Ferrell and J B Catron individually the sum of $599.82 with interest thereon at the rate of 8 per cent per annum together with their costs in this behalf expended and that they have their execution

7288

Rec'd of W. J. Ferrell & J. B. Catron the amount of Judgment and Costs in the above entitled cause in favor of Jas H Raymond & Co vs H. Ladd & Co et al No 7288 Austin Texas June 19th 1885. Jas. H. Raymond

7307

The State of Texas
vs
J B Boatright et al

And On this the 6th day of March AD 1885 this cause being duly reached and called for trial, comes the State of Texas the Plaintiff herein by her District Attorney and leave of the Court first had files its first Supplemental petition, discontinuing this cause as to J B Boatright the principal in the bond sued upon because he is beyond the limits of this State and that his residence is unknown and cannot be ascertained by the use of reasonable diligence and because he is notoriously

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No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

insolvent and also discontinuing this cause as to the defendant William Smith because he has not been served with process and is beyond the limits of the State so that the ordinary process cannot be served upon him and it appearing to the Court that neither of the said defendants has been served with process in this cause; And it further appearing to the Court by proof that the defendant J. B. Boatright resides beyond the limits of the State and that his residence is unknown and cannot be ascertained by the use of reasonable diligence and that he is notoriously insolvent the Plaintiff is permitted to dismiss this cause as to the defendants J B Boatright and William Smith and to proceed to judgment against the other defendants - And it appearing to the Court that the defendants J. D. Walker T. M. G Van Pelt and A. G. Dillard have each been duly served with Citation in this cause and that they have each failed to appear and answer in this behalf but have wholly made default and the State by the District Attorney moves the Court for judgment by default against said defendants; Wherefore the State of Texas Plaintiff herein ought to recover against the said defendants its damages by reason of the premises - And thereupon this cause came on for trial and after hearing all the evidence offered. It is ordered adjudged and decreed by the Court that the State of Texas the Plaintiff herein do have and recover of and from the defendants J D Walker T. M. G Vanpelt and A. G. Dillard the sum of Five thousand and five hundred and thirty nine ($5539.00) dollars with interest thereon from this day at the rate of 8 per cent per annum together with all costs in this behalf Expended for all of which Execution may issue -

7313 Jas H Raymond &c vs J J Tabin and Ab H Cook Jr } This day came plaintiffs by their Attorney and the defendant Ab H Cook Jr having failed to appear and answer in this behalf but wholly made default, and the defendant J J Tabin being represented in Court as offering no defense save the suggestion of his suretyship as hereinafter stated

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Friday the 6 day of March 1885

Wherefore the said Jas H Raymond, Frank Hamilton and James R Johnson Partners doing a banking business under the firm name of Jas H Raymond & Co, Plaintiffs, in the above Entitled Suit ought to recover against the said J J Tabin and Ab H Cook Jr defendants their damages by occasion of the premisis, 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 the said Plaintiffs and the said Clerk now here having assessed the damages aforesaid at the sum of $1319.95 it is adjudged by the Court that the said Plaintiffs as Partners as aforesaid do have and recover of the said defendants the sum of $1319.95 with interest thereon at the rate of 12 per cent per annum, together with their costs in this behalf expended and that they have this Execution. And it further appearing to the Court that the difendant J J Tabin is Surety for his Co-defendant Ab H Cook Jr as appears by a written Statement of the said difendant J. J. Tabin in this answer herein filed and the Plaintiffs in open Court and by his petition admitting the said Suretyship, it is ordered and adjudged that any Sheriff who shall levy the Execution to be issued upon this judgment shall first levy the same upon the property of the said defendant Ab. H. Cook Jr subject to Execution, and Situated in the County of Travis in which this judgment was rendered before a levy shall be made upon the property of the said J J Tabin Surety as aforesaid, if so much of the property of Ab H Cook Jr Principal as aforesaid can be found as will in the opinion of the Sheriff be sufficient to make the amount of the Execution, otherwise a levy to be made on so much of the property of the Principal as may be found if any and upon so much of the property of the Surety as may be necessary to make the Amount of the Execution and the Clerk of this Court in issuing Execution upon this judgment is hereby directed to make a memorandum of this order on the Execution

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Friday the 6th day of March 1885

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers, Printe

7451

Phil Abrahams
vs
L L Puckett & Son

On this day 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 Phil Abrahams plaintiff ought to recover against the said L L Puckett & W C Puckett partners under the firm name of L L Puckett & Son and against L L Puckett and W C Puckett defendants as individuals 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 of this Court do assess the damages sustained by the plaintiff and the said Clerk now here having assessed the damages as aforesaid at the sum of Six hundred and forty seven dollars and ninety seven cents. It is adjudged by the Court that the said plaintiff do have and recover of the said defendants as a partnership and jointly and severally against both and each of said defendants as individuals the sum of Six hundred and forty seven dollars and ninety seven cents with interest thereon at the rate of 8 per cent per annum together with his costs in this behalf expended for which Execution may issue. And it appearing to the Court that a writ of attachment heretofore issued in this cause was on the 15th day of January A D 1885 by the Sheriff of Travis County Texas levied upon the following described property of defendants L L Puckett & Son Viz - 5 Clocks 3 Mirrors. 2 Fly Traps. 100 Cigars 9 Pipes 2 Rubber Rattles 4 Razors 1 Set Pr'k knobs 1 Set Mouth pieces 4 Sack Coats 5 prs pants 5 Coats. 3 Vests 2 Over Coats. 2 Mugs. 1 Toy Cup & Saucer. 3 Toy Plates 3 Traveller Cups. 3 Toy Wagons. 1 Set Toys 9 Boys Hats 11 Woal Hats. 3 prs Ch Shoes 12 prs Ladies Shoes - 2 prs Childs Shoes - 6 prs do - 1½ doz Bluing 1 doz Bars Soaps. 6 pkgs Starch. 28½ lbs Baking Powders Bats Snuff 3 Sacks Flour Jugs 18½ Gals - 40 Boxes Axle Grease. 95 lbs Rope. 1 Fry Pan 25 lbs Dried Apples 7 Brooms 44 lbs Beans - 32 lbs Lima Beans 3 Sifters 157 lbs Beans 75 lbs Nails 10 Gall Vinegar 37 Gall Molasses 2 Pan cats, Onions - 2 doz Sr K. 9 Lamp Bowls 10 Lamp Burners Lamp wicks 2 Cream pitchers Wrapping paper

$337.00

Rec'd payment in full
This Jan 4th 1886
C-S. Puckett & Son
Plaintiffs attorneys

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Friday the 6th day of March 1885

Printers, Lithographers and Stationers, St. Louis.

Writing Paper 2 Cravats 1 Box Tape 9 Spurrs 9 Braid pins 2 Packs Cards 2 Bats Hair Oil, 13 Bats Hair Oil 32 Balls Knitting Thread 7 yds Ruffling 10 prs Tapes, Tape 5 Day Books 2 Doz Pen Holders 6 La Collars, 7/ Gents Collars, 12 pockt Knives 1 Gal Hair Pins 4 Pans, 11 Cakes Soap, 1 Pkt Book, 4 La Collars, 60 Doz Buttons 10 Queen C Ruffling 4 Pearl Combs 12 Trick Combs, 46 Doz Buttons, 1 Gal Buttons 2 Self adj Buckles - 4 Cakes Soap 13 Boxes Lilly White, 5 Box Hair Pins 22 Fine Combs, 22 Combs 12 Doz Buttons 15 Cards Buttons - 1 Gal Buttons 2 Pans - 6 Prs Ch Hose - 3 Bun Tapes 3 prs ½ Hose, 22 prs Ch ½ Hose 2 Boxes Fancy Stationery 6 prs Gloves, 5 Hdkfs - 17 Spurs Garnettes 7 Shawls - 2 Neck Ties - 10 yds Domestic, 1 Pr Hoses 5½ yds Gingham 1 yd Worsted - 2 Towels 10 Hdkfs 24 yds Ruffling 5 Shirts - 6 Prs Boys Boots - 8 Prs Boys Shoes 18 Prs Shoes - 1 Pr Boots - 2 Coffee Mills 5 Bats Ointment 17 Pkgs Fine Crackers 3 Shoe Brushes - 3 lbs Ginger, 5 Coffee Mills 49¾ yds Toweling, 10 yds Linsey, 45½ yds Calico, 26 yds Oil Calico, 4 yds Damask - 23 yds Cottonade 47 Gal Crape 18¼ - Red Flannel - 111½ " Jeans, 3⅓ Doz Spools Cotton - 2 Curry Combs - 5 Setts Table Spoons - 4 Setts Tea Spoons 4 Butch Knives - 4 Camp Sadles - 1 Doz 8 Oz Tax - 1 Gal Tar 6 Files - 3 Bunches 44 Cartridges 1 Gal Cartridges 14 lbs Powder, 34 lbs Shot 4 lbs Caps - 6 Doz Matches - 6¼ lbs Pepper - 1 lbs Spice - 3 Kits Mackerel 150 lbs Sugar 22 lbs Coffee - 56 lbs Rice - 66 lbs Pecans 14 Bats Pickles 4 lbs Candy - Maple Sugar - 4½ lbs Gum Drops - 9 lbs Candy 3 " Raisens - 20 lbs Taffy - 2 lbs Cream Candy 1½ lbs Nuts 2 lbs Almonds - Nut Megs - 2 Doz Candy Jars, 1 Gal Japan Packs 1 Gal Clay Pipes 7½ lbs Terrine 5 Jumbles - 5 lbs Soda Crackers 15 lbs Cream Crackers, 1 Gal Clothes Pins 32 lbs Tobacco - 1 5 lb Can Mackarel - 12 lbs Candles 1⅓ Boxes Blacking - 5 Pkgs Sno Tobacco 4 Bats Soda Lemon - 1 Doz Cayene Pepper - 1½ Doz Ginger 14 Box Pepper - Oat Meal - 3½ Doz Bluing 1 Gal Bluing 4 Pkgs Hops - 13 Box Shoe Polish 13 Boxes Snuff 16 Cases Salmon 21 Cans Oysters - 17 Cans Peaches 6 " Peas - 31 " Can Milk (damaged) 9 " Pine Apple 12 " Cod Fish 8 " Chili Con Carne 21 " Oysters 11 " Lem Sugar 1 Gal Sardines 1½ Bat Pepper Sauce - 24 Cakes Stove polish 1 Gal Jelly 2 Tubs 3 Buckets - 1 Sprinkler, 2 Axes

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Thursday the 6 day of March 1885

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

9 Lamps - 2a Salt Sellers 20 Setts Glass ware 1 Sat Knives Forks 9 Glass Dishes - 3 Setts Goblets 2 Setts Glasses - 7 Lamp Chimneys - 1 Molasses Pitcher 2 Butter Dishes - 4 Pitchers 2 Sugar Bowls - 8 Tea Cups 10 Dishes - 2 Bowls - 5 Setts Plates 16 Dishes - 1 Stone Jar. 81 Pie pans - 5 Cake Pans 2 2 Tin buckets 17 Coffee pots 16½ Gall Cups 18 Cups 2 Bread Pans 1 Bucket. 3 Tin Buckets 1 Comb - 1 Pr Gloves - 9 Cravats - 5 Scarfs 1 H & Kf. 2 Sa Collars 4 Setts Cuff Buttons 12 Scarf Pins - 3 Cards Collar Buttons 32 Setts Studs 4 Scarf Pins 12 pencils 1 Sat Water Kegs 2 boxes Hair Pins - 1 Sat Silly White - 2 Match boxes 1 Well wheel - 1 Sat Needles - 1 Sat Machine Needles. 1 Pack Comb. 1 Hair Brush. 1 Sat Thimbles. 1 Bat Hair Oil 138¾ yds Ribbon 7 2 yds Lace 2 Show Cases 3 Thread Cases 2 Pr Scales 1 Country Peg Cutter 1 Safe 2 Chandaliers 1 Tobacco Knife 4 Corpses & 2 Scoopes 1 Sat Barrels 2 Chairs 1 Card Collar Buttons -

And it further appearing to the Court that the Sheriff of Travis County in obedience to the order of the Judge of this Court in Chambers made on the 22nd Day of January A D 1885 Commanding and directing him so to do, did sell at the above described property and having paid the money the proceeds of said Sale into the hands of the Clerk of this Court and such money being now in the hands of the Clerk of this Court - It is ordered that said Clerk after having deducted from the amount of said Money all unpaid Costs in this behalf do pay over that which remains of said Sum to the Plaintiff Phil Abrahams Which Sum so paid to said Plaintiff shall be and become a Credit on the judgment herein and for the amount remaining due after such payment Plaintiff Phil Abrahams do have his execution as herein before ordered.

The State of Texas vs W. M. King et al. } This day came the State of Texas, Plaintiff in abm styled cause, by Attorney, and it appearing to the Court that the Citation issued to F. Bassett, one of the defendants in said cause, has been returned not served the Plaintiff says it will no further prosecute its said suit against the said defendant, and the said W. M. King. F B.

7456.

94 Dock S. p. 141.

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Pursley, Joseph Hanson, and L. A. Powell defendants herein, having been duly served with process herein and having failed to appear and answer in this behalf, but Wholly made default, Whereon the said State of Texas ought to recover against the said W. M. King T. B. Pursley, Joseph Hanson, and L. A. Powell its damages by reason of the premises: And thereupon said cause came on for trial, and the evidence having been heard by the Court, it is adjudged by the Court that the said State of Texas, plaintiff, do have and recover of and from the said W M. King, T. B. Pursley, Joseph Hanson and L. A. Powell defendants, the sum of Three Thousand Two hundred and Seventy eight dollars and Forty nine cents with interest thereon at the rate of eight per cent per annum, together with its costs in this behalf expended, and that it have its execution

7469
E. Book 5. f. 141.

The State of Texas. vs Thomas Gilbert et al

This day came the State of Texas plaintiff in the above stated cause by attorney, and it appearing to the Court that the citation issued to F. A. Tucker one of the defendants in said cause was returned not served, the plaintiff says it will no further prosecute its said suit against the said F. A. Tucker and the said Thomas Gilbert, B. F. Roberts and S. W. Blount defendants herein, having been duly served with process and having failed to appear and answer in this behalf but Wholly made default, Whereon the said State of Texas ought to recover against the said Thomas Gilbert, B. F. Roberts and S. W. Blount its damages by reason of the premises: and thereupon said cause came on for trial and the evidence having been heard by the Court, it is by the Court adjudged that the said State of Texas, plaintiff, do have and recover of and from the said Thomas Gilbert, B. F. Roberts, and S. W. Blount, defendants, the sum of one thousand, Six hundred and Seventy seven dollars and Forty three cents. With interest thereon at the rate of eight per cent per annum, together with all costs in this behalf expended for all of Which let execution issue.

7078

George W. Simpson vs W. W. McLaughlin Ida M. McKay & F. C. McKay

Now on this the 6th day of March A.D. 1885. Came the plaintiff George W. Simpson by his attorney L. A. Posey Esq and announced ready for trial and the defendants having

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Sum duly and legally served with process and having failed to appear and answer in this behalf. Whereupon the said plaintiff having elected to proceed ex parte said cause came on for trial before the court without a jury, no demand therefor having been made; and the court having heard the pleadings and evidence, and being of the opinion that the plaintiff ought to recover of the defendant W. W. McLaughlin the sum of ($671.20) six hundred and seventy one 20/100 dollars with interest thereon from this day until paid at the rate of 12% per annum and all costs in this behalf incurred and also the further sum of ($60.00) sixty dollars, with interest on said sum of $60.00 from this day at the rate of eight per cent per annum:

And it appearing to the court that the note sued on in this case was executed and delivered by the defendant W. W. McLaughlin for the purchase money for the East half of lot No (3) three in Block No (142) one hundred and forty two Austin City Travis County Texas, conveyed to him by deed dated January 10. 1883. said note being of even date therewith, And it further appearing to the court that the defendants Ida M. McKay and F. M. McKay claim some interest or lien on said property which has accrued subsequent to the execution of said note-

It is therefore considered ordered and decreed by the court that the plaintiff Jay W. Sampson do have and recover of and from the defendant W. W. McLaughlin the sum of Six hundred and seventy one 20/100 dollars with interest thereon from this date at the rate of 12% per annum until paid - and the further sum of Sixty ($60) dollars with interest at the rate of 8% per annum from this date until paid - and further ordered by the court that the vendors lien retained in said note and as it existed on said 10th day of January A.D. 1883. and ever since said date upon the said East half of lot No (3) three Block (142) one hundred and forty two Austin Texas be and the same is hereby foreclosed as against all of said parties and the clerk of this court is hereby directed to issue an order of sale to the Sheriff or any Constable of Travis County commanding him to sell and all said property as under execution, and apply the proceeds arising from such sale 1st to the payment

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of the costs of this suit- 2nd to the payment of the judgment in this cause with the interest that may be due thereon- and any balance that may remain he will pay over to the defendant W. H. McLaughlin, and that the sheriff or officer selling said property place the purchaser thereof upon his complying with the terms of sale in possession of said property- It is further ordered by the Court that if said property does not sell for a sufficient amount to satisfy said sums of money that the plaintiff have his execution against the defendant W. H. McLaughlin for any balance remaining unpaid

7435.

John Thompson & Co. vs. N. J. Hale et al

Now on this day came the plaintiffs Jno Thompson and J. L. McCutchen under their firm name of Jno Thompson & Co. by their attorney H. B. Barnhart Esq and announced ready for trial, and the defendants N. J. Hale and Wm Pope having been duly and legally served with process failed to appear and answer in this behalf, thereupon the said plaintiffs having elected to proceed & said cause came on for trial before the Court without a jury no demand therefor having been made, and the Court having heard the pleadings and evidence is of the opinion that the plaintiffs ought to recover of the defendants the sum of ($573 46/100) Five hundred and seventy three 46/100 dollars. With interest at the rate of 12% per annum from this date - and the further sum of ($57 34/100) Fifty seven & 34/100 dollars with interest at 8% per annum- and all costs of suit.

And it appearing to the Court that the Note sued on in this cause was executed and delivered by the defendants for the purchase money of one 60 saw "Brown" gin with feeder and condenser also one 8 inch Force with line shafting Jet Pump and Pulley, And it further appearing to the Court that plaintiffs have sued out an attachment in this cause which has been levied by the Sheriff of Caldwell County Texas upon the following described property, to-wit: All the right title and interest the defendant N. J. Hale has in a part of the Miller survey on the West side of Plum Creek in Caldwell County Texas. Beginning at a stone corner made for Hargis, Thence 10° E. 469 varas on the line of the Miller survey to a pile of stone from which a Live oak mkd T blaze and chop brs S 80° E.

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18 varas, Thence along the South line of said Miller survey to the Channel of Plum creek, Thence up the Creek with its meanderings to the Hargis town line from which a Box Alder mkd H Flag & Chop, bears N(?) 75° W 15 varas, Thence South 80° West 1770 varas with the South West Hargis line to the beginning Containing One hundred and fifty acres of land more or less.

It is therefore considered ordered and decreed by the Court that the Plaintiffs Jno Thompson and J. L. McCutcheon under the firm name and style of Jno Thompson & Co. do have and recover of and from the defendants William Pope and St. J. Hale the said sum of ($573.46) Five hundred and seventy three & 46/100 with interest from this date at the rate of 12% per annum and the further sum of ($57.34) Fifty seven & 34/100 dollars to bear interest from this date at the rate of 8% per annum - and all costs of this suit, And it is further ordered by the Court that the Vendors lien in the said bond "Bonn" Gin with Feeder and Condenser, and Corn Power with line Shafting Jet Pump and Pulley as it existed on the 22nd day of January 1884 the date of said Note and at all times since, be and the same is hereby foreclosed - and it is further ordered by the Court that the attachment lien upon the land above described be and the same is hereby foreclosed - and the Clerk of this Court is hereby directed and ordered to issue an order of sale unto the law commanding the Sheriff or any Constable of Caldwell County Texas - to seize and sell if to be found, the above described personal property as under execution, and the proceeds of such sale he shall 1st apply to the payment of the costs of this suit, 2d to the payment of this judgment with the interest that may be due thereon, and any balance remaining, if said property shall sell for more than enough to satisfy the above judgment and costs he will pay over to the defendants William Pope and St J. Hale - and if said property shall not sell for sufficient to pay off and satisfy said judgments and costs then said officer shall be further commanded to seize and sell as under execution the above described track of land and the proceeds which he shall apply to satisfying and any balance remaining unpaid on said judgments - and if said track of land shall sell for more than enough to satisfy the same, he shall pay the remainder over to the defendants St J. Hale - and

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said office upon the purchaser or purchasers at said sale of any or all of said propuly complying with the terms thereof to place them in the possession of same — It is further ordered that if said propuly does not sell for enough to satisfy said judgments interest and costs that plaintiff have their execution for any balance remaining unpaid against said defendants.

7436 — Victor Schmidt vs Morlon Lott — Now on this day came the plaintiff Victor Schmidt by his attorney N. B. Baron Esq and announced ready for trial, and the defendant having been duly and legally served with process failed to appear and answer in this behalf — thereupon the said plaintiff having elected to proceed by law this cause came on for trial before the Court without a Jury. no demand thereof having been made — and the Court having heard the pleadings and evidence being of the opinion that the plaintiff ought to recover of the defendant the sum of $285 00 with interest from this date at 12% per annum and the further sum of $28 57 with interest from this date at the rate of 8% per annum and all costs of suit — And it appearing to the Court that the note sued on in this case was executed and delivered in part payment of the purchase money for the following described tract of land towit: Lots (4) four — (8) Eight — (9) Nine and (13) Thirteen of the subdivision of a part of the J. C. Tannehill survey of land in Travis County Texas according to a deed of partition recorded by Polk Bell. Dunbar Bell. Elias Bell Buck Bell, Aaron Hancock and Pleas Davidson. Which deed of partition is of record in Book Z on pages 295. 296. & 297. of the records of the County Clerk of Travis County Texas and by the above named parties surveyed and numbered into lots — said lots so sold by said Bass to defendant being in said deed of partition Which is of date Nov 27. 1871. set apart to Pleas Davidson and men accurately described as follows — towit: Lot No 4. Beginning at a stake in Levi Burleson North boundary line at the N. E. cor. of Polk Bells Lot No 3. Running thence North 60 Vrs. 156 Vrs. to a stake — Thence N 30° E. 210 Vrs to a stone at the N W. corner of lot No 4. Thence S. 48. E. (crossing a creek and ascending a high bluff at 165 Vrs a stake for N. E.

Recd of Morlon Lott the principal and interest to date of March, 8th 1886. C

Judgment for $285 00 principal and $28 57 interest and twenty five 32/100 dollars attorneys fee in full satisfaction of this judgment. Victor Schmidt by Wm Brown, Attorney

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Corner, Thence S. 30 W. 175 Rs to the place of beginning containing 5-66/100 acres.

Lot No 8- Beginning 280 Rs N 30° E. from the N W corner of Aaron Hancocke lot No 6 at a stake in the ground from which a Mesquite 7 in in diameter Brs S. 37. W. 16 Rs the said a hackberry 14 in in diameter Brs N 89 E. 15 Rs- Thence S 57¼ E. 275 Rs to a stake. Thence S. 35 W 270 Rs to a stake on the North boundary of the Camp ground- Thence N 60 W. 88 Rs to Aaron Hancocke N. E. corner at 344 8/10 Rs as the S. W. corner Thence N 30 E. to the place of beginning. containing 14 acres,

Lot No 9- Beginning at a stake 88 Rs S 60. E. from Aaron Hancocke N. E. corner. Thence 60 Rs N 35° E.- Thence N 35 E 260 Rs to the N. E. corner of lot No 8- Thence S. 57¼ E. crossing Fort Branch at the Telegraph road 75 Rs to a stone in the ground for corner- Thence S. 50 E 35 Rs to a stake near a ravine from which a Black oak bears Brs S. 12½ W 35 Rs. distant from which said Black oak S 12½ W 180 Rs to a stake for S. E. corner being 15 Rs from Elias Beer N. W. corner, Thence N 63. W 520 Rs to the place of beginning containing 19 77/100 acres,

Lot No 13.- Beginning at the N. W. corner of Elias Beer lot No 2 running Thence South 62½ W 120 Rs- Thence S 44° W 160 Rs to a stake the N. E. corner of lot No 4- Thence N 48 W 165 Rs to a stone set in the ground at the N W corner of lot No 4- Thence N 30 E. crossing the Fort Branch twice 180 Rs to a stake at the West Bank of the creek, Thence N 60° W 112 Rs to a stake in the North boundary of the Camp ground, Thence N 35° E 100 Rs to a stake the N W. corner of lot No 9. Thence S. 63. E. 5-35- varas to the place of beginning containing 14 30/100 acres-

It is therefore considered ordered and adjudged by the Court that the plaintiff Victor Schmidt do have and recover of and from the defendant Martin Loth the said sum of Two Hundred and Eighty five 70/100 dollars with interest at 12% per annum from this date until paid and the further sum of Twenty Eight 57/100 dollars with interest thereon from this date until paid at the rate of 8% per cent and all costs of suit-

And it is further ordered and decreed by the Court that the Vendors lien on the above described property

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as it exists at the date of said note, to wit on the 28th day of December 1881 and at all times since, he and the same is hereby foreclosed, And it is further ordered by the Court 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 said above described property as under execution - and the proceeds thereof he apply 1st to the payment of the costs of this suit - and 2nd to the payment of the judgments herein with the interest that may be due - and if said property shall sell for more than sufficient to satisfy said judgment interest and costs he will pay the remainder over to the defendant Martin Loth - But in case said property does not sell for enough to satisfy said sum then plaintiff shall have his execution for any balance remaining unpaid against said defendant - It is further ordered by the Court that the officer selling said property place the purchaser thereof in possession of the same -

7479. Jno Thompson & Co vs A. A. Ellison } Now on this day comes the plaintiffs Jno Thompson and J. L. McCutchon under their firm name and style of Jno Thompson & Co by their attorney A. B. Barnhart Esq and announced ready for trial, and the defendant having accepted service of the citation and copy of petition in this cause failed to appear and answer in this behalf. Whereupon the said plaintiffs having elected to proceed & Trial this cause came on for trial before the Court. no jury having been demanded, and the Court having heard the pleadings and the evidence thereof in the opinion that plaintiffs ought to recover of the defendant the sum of ($1801.91) Eighteen hundred and one & 91/100 dollars with interest thereon from this date at the rate of 12% per annum and the further sum of ($180.19) one hundred and eighty & 19/100 dollars with interest from this date at the rate of 8% per annum and all costs of suit;

And it further appearing to the Court that the Note sued on in this case was received and delivered in part payment of the purchase money upon the following described property. to wit: Mortgage liens being retained in said Note on the property as described therein, - on Note dated June 20th 1884. for one 7/7 Woleen Lumber engine on 10 X 36. Boiler - and one Hancock Inspirator, - two Notes dated

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January 22nd 1884. for one 24 Inch Bradford Corn Mill and one Bradford Corn Bolt: and one Note dated July 17. 1883 for one 7/7 Nelson home Engine one 10/36 Boiler and one 90 saw Eagle Gin, all of said Property being now situated on what is known as the A. A Ellision 40 acre Block about one mile West of the Town of Lockhart Caldwell County Texas. It is therefore Considered ordered and decreed by the Court that the plaintiffs Jno Thompson and J. L. McCutcheon under their firm name and style of Jno Thompson & Co. do have and recover of and from the defendant A A Ellison the said sum of ($1801.91) Eighteen hundred and one 91/100 dollars with interest thereon from this date until paid at the rate of 12% per annum. and the further sum of ($180.19) one hundred and eighty & 19/100 dollars with interest thereon from this date until paid at the rate of 8% per annum and all costs of this suit.- It is further ordered by the Court that the mortgage liens of plaintiffs as they existed respectively upon the property above discribed and at the dates of the Note for which it was given and at all times since be and the same is hereby foreclosed - and the Clerk of this Court is hereby directed and ordered to issue an order of sale directed to the Sheriff or any Constable of Caldwell County Texas, Commanding him to seize and sell said above discribed property as under execution, and the proceeds thereof he apply 1st to the payment of the costs of this suit - and 2nd to the payment of the above judgment with the interest that may be due thereon - and if said property shall sell for more than sufficient to pay off and satisfy said sums then he will pay the remainder over to the defendant A A Ellison - But if said property shall not sell for sufficient to pay off and satisfy said sums - then plaintiffs may have execution for any balance remaining unpaid -

7452.

R. Bertram, vs R. W. Taylor et al

And now on this the 6th day of March A D 1885 - Came on to be heard the suit of inquiry in the above entitled cause and the plaintiff appeared by attorney A. B. Barnhart Esq and the defendants though duly cited Wholly made default, and the Court after hearing the evidence and argument of counsel is of the opinion that the defendant R. W Taylor

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is justly indebted to the Plaintiff R. Bertram in the sum of Four Hundred and seventy seven 84/100 dollars principal and accrued interest of the note sued on to this date and the further sum of Fifty Six 78/100 dollars Attorneys Fee, and is entitled to have his lien foreclosed on the hereinafter described land and premises,

It is therefore ordered adjudged and decreed that the Plaintiff R. Bertram have and recover of and from the defendant R. W. Taylor the said sum of Four Hundred and seventy seven 84/100 dollars to bear interest from date of this judgment at the rate per cent per annum and the further sum of Fifty Six 78/100 Dollars to bear interest from date of this judgment at the rate of eight per cent per annum and for all costs of this suit for which let execution issue, and it further appearing to the court that the lands hereinafter described are vested in Charles Hasseltz as Trustee for the purpose of securing Plaintiffs debt,

It is therefore further ordered adjudged and decreed that the legal title to said lands hereinafter described be divested out of him the said defendant Charles Hasseltz and that the same be and are hereby vested in such person or persons as may become the purchaser thereof under this judgment, and it is further ordered adjudged and decreed that Plaintiff R. Bertram have foreclosed his lien foreclosed on said land and premises which is more particularly described as follows. towit: All that parcel or tract of land lying situated in the Village of Sunny Point in the County of Panola in the State of Texas being a part of the Head Right Survey of John Finley - Beginning at a stake at the N.W. corner joining Thomas Nichols Three East with the Grand Bluff and Shreveport Road 150 feet, Thence North 183 feet. Thence West 150 feet, Thence South 183. to the place of beginning containing one half acre more or less, and that an order of sale shereof issue to the Sheriff or any Constable of the County where said Property may be directing him to seize and sell the same as under execution in satisfaction of this judgment, and if the Property cannot be found or 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 said defendant R. W. Taylor as in case of ordinary executions,

It is further ordered adjudged and decreed that the de

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defendant Charles Hasper in favor of and from the plaintiff his costs in this behalf expended. For which execution may issue.

Court adjourned till tomorrow Morning 10 o'clock.

Saturday March 7th 1885

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

7418. Mary A. Smith vs Francis Burlage et al.

7453 A. T. Sanders vs E. C. Dilly et al

7487. H. M. Boyce et al vs Aaron Boyce.

7236. Virginia Nelson et al vs T. J. White et al

7276. J. Newton Jackson vs W. B. Wallace et al

7475 T. O. Nesbit vs E. Vogelsanger et al

7495 Jas. W. Daughtry vs J. W. Hill et al.

7507. Lurge Fanick. vs Rosa Silva et al.

7508 Ellis Munroe vs Austin McCann et al

7468 Jos. P. Smith vs R. A. Kirby et al.

And now on this day coming on to be heard the motion for security for costs in the foregoing 10 causes. It is ordered by the Court that said motion be and the same are hereby granted, and ordered by the Court that the plaintiffs in said causes be and they are hereby required to file security for costs in each of said causes. and that the Clerk notify the attorneys of record in said causes of this order.

7064 The State of Texas vs J. A. Rhineburg 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 to quash citation in this cause, and said motion having been heard and submitted was by the Court overruled, to which ruling of the Court the defendant by attorney excepts.

7499 Mary Ann Brown vs Jno. D. Brown } And now on this day came the plaintiff by attorney and announced ready for trial, and it appearing to the Court that the defendant had been duly and legally served with process. and has failed to appear and answer, and the Court having heard the pleadings and evidence and being of the opinion that the material allegations contained in plaintiffs petition are true and that she ought to have the relief prayed for, It is therefore ordered and decreed by the Court that the bonds of matrimony heretofore existing between the plaintiff Mary Ann Brown and the defendant Jno D. Brown be and the same are hereby forever dissolved and that

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the relationship of man and wife from henceforth cease to exist;

7491 D H Pope / as / R J Sledge } The motion and affidavits filed in this cause touching an Erroneous return of service of process on defendant, coming on to be heard and considered and Counsel for both parties having been heard thereon it is ordered that the Sheriff making said return be allowed to Correct the same so as to show service on the defendant on the 25th day of February 1885, instead of the 24th day of February 1885. and that this Cause stand Continued for the term -

Whereupon Court adjourned until Monday Morning March 9 1885 at 10 o'clock Am.

Monday March 9th 1885- Court met pursuant to adjournment, present same as on first day of the term whereupon the following proceedings were had to wit;

7477 James H Raymond & Co / vs / Plants & Bacon } This day came the plaintiffs by their Attorney and it appearing to the Court that process has been duly served upon H. J. Bacon one of the members of the said firm of Plants & Bacon but that process has not been served upon G D Plants the other member of said firm and the said firm and the said H. J. Bacon having failed to appear and answer in this behalf but wholly made default wherefore James H Raymond Frank Hamilton and James R Johnson Partners composing the firm of Jas H Raymond & Company plaintiffs ought to recover against the said firm of Plants & Bacon and against the said H. J. Bacon individually their damages by occasion of the premises 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 plaintiffs and the said Clerk now here having assessed the damages aforesaid at the sum of Twenty Six hundred and Seventeen dollars and twenty two Cents ($2617.22) principal and interest of the note sued on and at the further sum of two hundred and Sixty one dollars and Seventy two Cents ($261.72) the ten per cent on above amount as stipulated to be paid in said note as attorneys fee making in

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the aggregate the sum of Twenty Eight hundred and seventy Eight dollars and Ninety four Cents ($2878.94) it is adjudged by the Court that the said Plaintiffs do have and recover of the said firm of Plants & Bacon for which the property of said firm Subject to Execution shall be liable and of the said H J Bacon individually for which the individual property of said H J Bacon Subject to Execution shall be liable the sum of Twenty Eight hundred and Seventy Eight & 94/100 Dollars ($2878.94). With interest thereon Twenty Six hundred and Seventeen & 32/100 Dollars ($2617.32) of said sum at twelve (12%) per cent per annum and with interest on two hundred and Sixty one 72/100 Dollars ($261.72) of said sum at Eight (8%) per annum together with their Costs in this behalf Expended and that they have Execution

7482. J. A. Collett vs T. B. Killough et al

And now on this the 6th day of March A D 1885 Came the said Plaintiff by his Attorneys Messrs. Caldwell & Morris and the defendants T. B. Killough. R. O. Fains. Eliza Fains. W. H. Saunders. Lucy Saunders. W. T. Burns. Maggie Burns. J. W. Moore Annie Moore by their attorney of record L. W. Moore Esq and the minor defendants David Killough. John A. Killough. Ira Killough and Lee Killough by their guardian ad litem L. W. Moore Esq. Into Court appointed by this Court, all of said defendants having been duly served with process announced themselves ready for trial and submitted the cause to the Court upon the following agreement; to wit:

J. A. Collett vs T. B. Killough et al

In District Court Travis County Texas.

It is agreed in the above and foregoing cause that judgment be entered in favor of plaintiff according to his prayer for partition, and that the property in this tract viz: lots 5 & 6. Block 174 in the City of Austin of the value of Three thousand dollars be charged to the defendant T. B. Killough as a part of his interest in the community property of himself and J. G. Killough deceased which which in the partition of said community property shall be charged with said sum of $3000.00 and that said judgment vests the possession and title of said plaintiff to the said property by virtue of his purchase from said T. B.

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Killough and the adult heirs of said D. G. Killough, and it is further agreed that Plaintiff pay the defendant T. B. Killough $200.00 and all costs of this proceedings, and it is further agreed that the payment of said $200. in this judgment shall constitute no breach of or liability on the General Warranty in the deed of said T. B. Killough and the other adult heirs of D. G. Killough, this March 6th 1885

L. W. Moore Guardian ad litem
for minor heirs of D. G. Killough
and Attorney for defendants,
Carleton & Morris attys for Pltff "

And the Court having fully considered the matter in controversy, and being satisfied that the law and facts are with the Plaintiff, and that the aforesaid agreement is for the manifest interest of the minor defendants herein, it is therefore ordered adjudged and decreed by the Court that the said agreement be in all things ratified approved and confirmed, It is further ordered adjudged and decreed that in accordance with the terms and conditions of the said agreement that all the right title interest and claim of the defendants T. B. Killough. R. O. Fains. Eliza Fains. W. A. Saunders. Lucy Saunders, David Killough. John. H. Killough. Lu Killough Isa Killough. W T. Burns, Maggie Burns. J. W Moore and Annie Moore in and to lots Five and Six. (5 & 6) in Block Number one Hundred and seventy four (174) in the City of Austin, in the County of Travis and State of Texas be and the same is hereby divested out of them the said defendants and is hereby fully vested in the Plaintiff J. A. Collier,

It is further ordered adjudged and decreed by the Court that in the division and partition of the estate of D. G. Killough deceased his widow T. B. Killough one of the defendants herein shall be required to account to the other defendants in this cause for the sum of three thousand dollars that being the amount of money at which the said real estate herein before set apart to the Plaintiff J. A. Collier is valued at,

It is further ordered adjudged and decreed that the defendant T. B. Killough do have and recover of and from the Plaintiff J. A Collier the sum of Two Hundred dollars, which said sum of money the said defendant T. B. Killough by his attorney L. W. Moore in Open Court admits

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to have him paid to him by said Collett to his full satisfaction,

It is further ordered adjudged and decreed by the Court that the Plaintiff J A Collett pay all the costs of this suit for which execution may issue.

7470. In the Matter of the Estate of F. M. Noble died } Now on this day came on to be heard the application of E. T. Fulmore for the probate of the last Will and Testament of F. M. Noble deceased and for Letters Testamentary upon the estate of the said Noble and it appearing to the satisfaction of the Court from the evidence of Jno K Donnan and of the subscribing witnesses to said Will said evidence being taken in open Court, that F. M. Noble at the time he executed said Will was over 21 years old and of sound mind and that he died on or about the 5th day of Feby 1885 in Travis County Texas when he resided at the time of his death and that Citation was issued and returned in the manner and within the time required by law and the said Noble executed said Will with the formalities and solemnities required by law to make it a valid Will and that said Will had not been revoked by the testator. said Will having been filed in Court and identified by the witness Donnan as such last Will and Testament, it is ordered adjudged and decreed by the Court that said Will is the last Will and Testament of F. M. Noble deceased and it is hereby ordered to be recorded, It further appearing to the Court that the applicant E. T. Fulmore is at this time the duly and legally qualified County Judge of the County of Travis Texas, and that he was appointed by the said Noble as the Executor of said Will, and that he is not disqualified from acting as such, and that the provisions of said Will direct that he give no bond as such, he is hereby appointed such Executor and shall be deemed to have fully qualified as such upon his taking the oath required by law,

7253. N. S. Walton } And now on this the 7th day of March
vs } A D 1885. this cause coming on for trial
The City of Austin } came the parties by their attorneys & thereupon came on to be heard the demurrer and exceptions of the defendant to plaintiffs original petition which after being duly considered was by the Court overruled, to which ruling of the Court the defendant excepts. Whereupon said cause proceeded to trial, and no Jury having been demanded the Court after hearing the

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pleadings and evidence and argument of Counsel thereon took said Cause under advisement until this the 9th day of March 1885 and now on this the 9th day of March 1885 it is the opinion of the Court that the law and the facts are with the Plaintiff. It is therefore considered ordered adjudged and decreed by the Court that the Plaintiff N. S. Walton do have and recover of and from the City of Austin defendant, the sum of ($941.46) Nine hundred and forty one 46/100 dollars with all costs in this behalf incurred for which let execution issue

7064 The State of Texas. vs J. A. Rhineing et al. Passed until the 13th March 1885.

7147. State of Texas. vs A. L. Rhineing et al. Passed until the 13th March 1885.

7432. Fannie A. Binnith vs Robt. T. Binnett. No Counsel appearing it is ordered by the Court that this cause be continued.

7446. Frank Rainey vs W. D. Morton et al. No counsel appearing it is ordered by the Court that this cause be continued.

7447. W. T. Benjamin vs Joseph Church et al. By Consent Cause Passed to end of docket.

7450 John Edwards vs H. & T. C. Ry Co. By Consent Continued

7453. Hugh. T. Saunders vs E. C. Dwoy et al. No Counsel appearing it is ordered by the Court that this cause be and the same is hereby continued.

7455. Amelia Brars vs G. W. Brace et al By Consent Passed to the end of the docket.

7457 The State of Texas. vs W. K. Brazeale et al. By consent Passed until March 27th 1885.

7458 The State of Texas. vs A. W. Merrill et al By Consent Passed to end of Jury docket.

7461 The State of Texas. vs J. T. Ingram et al. Passed to end of Jury docket.

7462 The State of Texas vs J. B. Gorman et al, Passed to end of Jury docket.

7464 C. A Winning vs R. J. Truncoat et al. Passed to end of new jury docket

7465 Jos. P. Smith vs R. A. Kirby et al. By Consent Passed to end of ~~Jury~~ docket.

7467 Celeste C. Cooper vs Spencer A. Cooper. Set for March 14 1885.

7468 Mary J. Allen vs Frank Allen. Set for March 21st 1885.

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7469. Emma J. Hanna et al. vs Timothy Burns Set for March 13th 1885.

7474 M. J. Smick vs R. G. Smick No counsel appearing case continued

7475 T. O. Stitik vs E. Vogtsberger et al. By consent passed to end of criminal docket.

7476. A. P. Woodridge et al vs The Springfield Fire & Marine Insurance Co. By consent passed to end of Jury docket.

7478 Francis A Barnes. vs R. A Barnes - Passed to end of docket.

7484 H. J. Montgomery vs Isabella Gregory. No counsel appearing it is ordered by the Court that this cause be and the same is continued

7485 Carolme Chambers vs Lem Chambers Passed to end of docket.

7500. R. A. Gilson vs Joseph H. Gilson Set for March 21 1885

7501. A. S. & L. Association vs L. E. Daniels et al. By consent passed to end of Jury docket.

7508. Ellis Monroe et al. vs Austin McGary et al. Set for March 12th 1885

75-15 P. B. Ward Exparte } It is ordred by the Court that Wm.

75-16. F. M. Robuson Exparte } Walton. J. B. Richm. T. E. Sneed and A. M. Jackson Jr. Esqrs be and they are hereby appointed a committee to examine the above named applicants as to their qualifications to practice as attorneys at law. and that said examination take place on the 11th inst at 2. P. M. in open Court.

7470. Estate of F. M. Noble

Last Will and testament filed in Dishick Court Feby 17th 1885 in the above numbred and entitled cause —

The State of Texas } Know all men by these presents that I.
Travis County. } F. M. Noble being of sound mind but in feeble health and realizing the uncertainty of life, do hereby make and publish this my last Will and testament Viz:

First: I desire all my just debts be paid out of my estate as early as practicable,

Second. I desire that my executor hereafter named shall procure as soon as he has sufficient funds to do so a suitable monument to be placed over the grave of my deceased wife and myself. said monument to cost not less than two thousand dollars, and that five hundred dollars be reserved out of my estate for the purpose of beautifying ornamenting and preserving the grounds around the same to be done under the direction of my executor,

500 more

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Third. I give unto the heirs of my deceased wife five hundred acres of land in Loyola County the same land conveyed me by the Father Oremich Fisher,

Fourth. I have a small interest in six hundred and forty acres of land in Montague County, this I devise to my brother J. M. Noble.

I have 320 acres of land in Harris County, this I devise to my brother E. B. Noble.

Fifth; I make the following specific bequests viz: To my brother E. B. Noble I bequath Five hundred ($500.00) dollars, To my sister Mrs M. D. Copeland I bequath Five hundred ($500.00) dollars — To Robt Hicks I bequath two hundred ($200.) dollars — To Ettie Noble daughter of E. B. Noble I bequath ($500.00) Five hundred dollars — Whatever is left on my estate if any, I give to E. B. Noble, Mrs M. D. Copeland, Robt Hicks in shares proportionate to the foregoing bequests.

Sixth, I hereby appoint as the Executor of this my last will and testament J. T. Fulmore of Austin Texas, and direct that he be required to give no bond, and that the Court having jurisdiction over my estate have no further control over the same, except to probate this will and file and inventory of my estate, and accept and pass upon the final account of my Executor and discharge him from his trust. When he shall have carried out the provisions of this will.

I desire that E. B. Noble and James A Baker act as assistant Executors, but that the management control and direction of my estate be under the Executor in charge of J. T. Fulmore as aforesaid —

Witness my hand this the day of February 1885.

Signed in the presence of Witness

F. M. Noble

Jno R Denman

H. M. Lillie.

Court adjourned till tomorrow morning 10 o'clock.

Tuesday March 10th 1885

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

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7502.

First National Bank of Austin Texas
vs
Austin Brick Company.

And now on this the 10th day of March 1885 came the plaintiff by attorney and moves the Court to grant the sheriff leave to amend his return on the writ of attachment issued in this case, which leave was by the Court granted and ordered by the Court that said sheriff be hereby allowed and directed to amend his return on said writ in accordance with the facts, and thereupon said cause being regularly reached and called for trial came the plaintiff by attorney and announced ready for trial, but the defendant duly called failed to appear and answer in this behalf, but wholly made default. Whereupon the said plaintiff First National Bank of Austin Texas ought to recover of the defendant the Austin Brick Company its damages by occasion of the premises, and it appearing to the Court that the cause of action is liquidated and proved by an instrument of writing to-wit: a certain promissory note set out and described in plaintiffs petition and also filed with the papers of this cause, it is ordered by the Court that the Clerk do assess the damages sustained by the plaintiff, and the Clerk now here having assessed the damages aforesaid principal and interest to this date at the sum of ($7556 84/100) Seven thousand five & fifty six 84/100 dollars to bear interest from this date at the rate of 12% per annum and the further sum of ($725.00) Seven hundred and twenty five dollars attorneys fees as stipulated in said note together with all costs of suit; It is therefore considered ordered and adjudged and decreed by the Court that the plaintiff, the First National Bank of Austin Texas, do have and recover of the defendant, the Austin Brick Company the said sum of Seven thousand five hundred & fifty six & 84/100 dollars, with interest thereon from this date until paid at the rate of twelve per cent per annum, and the further sum of Seven hundred and twenty five dollars, to bear interest from this date at the rate of eight per cent per annum and all costs of this suit for all of which let execution issue.

And it further appearing to the Court that a writ of attachment issued in this cause on the 24th day of February 1885 which was by the sheriff of Travis county levied upon the following described property of defendant on the 24th day

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of Febmary 1885. towit:- found in the Brick yard of the Austin Brick Company, 1 Engine & Boiler - 2 Dry Pans Brick Machines. 1 Dirt Crusher & Elevator. 4 Whel Barrows. 2 Mules, 2 Carts and Harness. 7 Shovels. 5 R. Grates. 6 Whel Barrows. 18 Brick Moulds. 1 Eggleston Penn Brick Machine. 2 Oil Barrels & Contents, all Brick in said yard and all the Lumber used on or about said Brick Yard, also all Buildings, Shed and other improvements on said yard. also all the right title and interest of the Austin Brick Company in and to the following discribed real estate, towit: all three certain lots, pieces or parcels of ground situated in Travis County Texas, and discribed as follows. all lands belonging to John. M. Swisher and by him leased on January 10th 1884 to R. J. Brancoat and Z Burns and situated in the Valley of the Colorado River opposite the City of Austin and on both sides of Boulding's Creek between what is known as the "Bluff" and the Colorado River containing ten acres more or less together with all the improvements thereon, and further levied the same with on the 25th day of February 1885 on all the Austin Brick Company's interest in the following discribed real estate in Travis County Texas, Part of the Isaac Decker league - beginning on the South East corner of the ½ acre lot claimed by A. G. Williams in the Center of Boulding's Branch, thence North with East fence of said lot 25 feet an Elm on line 5 feet in diameter 185 feet to North East corner of said lot, Thence N. 60° W. 98 feet to the N. W. corner of said ½ acre lot in the East line of J. E. Boulding's tract of land, Thence with said Boulding line N. 30° E. 400 feet to a corner in South boundary of Bridge Company's right of way, Thence N. 76° E. conforming with course of said Bridge Company's fence and dyke 565 feet to a corner, Thence S. 30° W. 728 feet to a corner in Center of Boulding's Branch aforesaid a Pecan 12 inches in diameter bears N. 66° E 52 feet and an Elm 5 feet in diameter bears S. 40° W 15 feet, thence up the Center of said Branch with its meanderings to the beginning, containing 5 6/10 acres more or less, whereby plaintiff obtained & still has an attachment lien for the said debt. It is therefore further considered ordered and decreed by the Court that the attachment lien as it existed on said above discribed property on the 24th and 25th days of February 1885 be and the same is hereby foreclosed, and ordered by the Court that the Clerk of this Court issue an order of sale directed to the Sheriff or any Constable of

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Travis County Texas commanding him to sell said above described property as under execution, and the proceeds of such sale he shall apply 1st to the payment of the costs of this suit; 2nd to the payment of the above described Judgments, with the interest that may be due thereon — and if said property should sell for more than sufficient to pay off and satisfy said sums of money, the residue thereof he will pay over to the defendant or its authorized agent or attorney, and if said property shall not sell for enough to satisfy said sums then that plaintiff have its execution for the amount so remaining unpaid

7263. Mary Jane McKorkle vs T. B. A. By consent passed to end of docket.

7418 Mary A. & S. R. Smith vs Francis T. Budge et al On Motion of plaintiffs attorney it is ordered by the Court that Dennis Corner be and he is hereby appointed surveyor to survey the land in dispute and report to this Court at an early a day as practicable,

7487 H. M. Boyce et al vs Hanna Boyce. By consent passed to end of Criminal docket.

7488. Matilda Peterson vs E. Peterson. No counsel appearing it is ordered by the Court that this cause be continued.

7489 S. P. Cunningham vs S. Fernholtz. By consent passed to end of docket.

7492 Phil Abrahams vs Henry F. Fisher et al. By consent passed to end of docket.

7494 Robt A Allen vs John Pilly. Continued by consent.

7495 Jas. W. Daughtry vs J. W. Hill et al By consent passed to end of docket.

7498 Jas H. Raymond & Co. vs T. J. Weir. By consent passed to end of docket.

7503. 1st Nat Bank of Austin vs Swancoat & Burns. Passed to end of docket.

7504 1st Nat Bank of Austin vs R. J. Swancoat. Passed to end of docket.

7506 M. Paggi. vs Jos Nalle et al. Passed to be taken up by consent.

7512 W. L. Davidson vs Annie C. Lall et al. No counsel appearing case passed.

Court adjourned till tomorrow morning 10 o'clock

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

7515 P. B. Ward. Ex parte } Report of Committee

7516 F. W. Robinson Ex parte } Hon A. S. Walker Judge &c.

The Committee appointed by your Honor to Examine Mr. Ward and Mr. Robinson on their applications for license to practice law, have discharged the duty imposed upon them, and respectfully report to your Honor. that they find that the applicants have not complied with the rules prescribed by the Supreme Court governing the licensing of persons as attorneys to practice law. - We therefore recommend that license be withheld for the present, but that the applicants be allowed to present themselves for further examination at the end of the present term of court if they elect to do so.

Respectfully
W. M. Walker
A. M. Jackson Jr.
Thos. E. Sneed
Jno B. Rector.

7486 The Campbell Printing Press & Manufacturing Company vs Eugene W. Swindells } And now on this 9th day of March A D 1885, this cause coming on for trial before the Court, no jury having been demanded and both parties being represented by Counsel, first came on to be heard the general and special exceptions of defendant to plaintiff's petition, and the argument of Counsel thereon having been heard it is ordered and adjudged by the Court that the said general and special exceptions be and the same are hereby overruled to which ruling the defendant excepts, and now on this the 11th day of March 1885 the cause being tried upon its merits, and the pleadings argument of Counsel and evidence being heard the Court doth order adjudge and decree that the plaintiff The Campbell Printing Press and Manufacturing Company do have and recover from the said defendant Eugene W. Swindells the sum of Two thousand and Eighty one ($2081.00) dollars being the amount of principal and interest

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due on the four promissory notes and the lien of Exchange in Plaintiffs Petition mentioned and described with interest on said amount from this date until paid at the rate of eight per cent per annum together with all costs in this behalf expended,
And it further appearing to the Court that the said sum of money is secured by a lien on the property mentioned and described in Plaintiffs Petition by virtue of the contract between Plaintiff and defendant dated the Eleventh day of May A.D 1883,
It is therefore ordered adjudged and decreed by the Court that the said lien as it existed on the Eleventh day of May A.D 1883 upon the said No 4 Job & Book 2. Roller. 2 Revolution Printing Press Complete in all its parts including mould & Cutter Hard Packing and two sets of Composition Rollers now in the possession of the said defendant in the County of Travis in the State of Texas 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 property as under execution, and that he apply the proceeds thereof to the payment and satisfaction of the said sum of Two Thousand and eighty one Dollars ($2081.00) together with all interest that may be due thereon and the costs of this suit; and if the said property shall sell for more than sufficient to pay off and satisfy said sums of money, then the said officer is hereby directed to pay over the excess to the defendant; but if the said property shall not sell for enough to pay off and satisfy this judgment then said officer shall make the money or any balance thereof remaining unpaid out of any other property of the defendant as in case of ordinary executions.

7455. Amelia Brass vs G. W. Brass Sal } Be it remembered that on this the 10th day of March A.D 1885, came Amelia Brass the plaintiff by her attorneys and G. W. Brass Sr in person, and Gustave W Brass Jr. Pauline Brass, Matilda Brass, Clara Brass, Amelia Brass Jr. and Ida Brass, Clara Brass minor defendants by David H. Hunter their duly appointed and qualified guardian ad litem and announced ready for trial of said cause whereupon the Court a jury having been waived, and the Court after hearing the pleadings, the evidence and argument of counsel and after duly considering the same, finds that all the allegations and facts

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and things set out in Plaintiffs original Petition are true, It is therefore ordered adjudged and decreed by the Court that the Contract Agreement and Conveyance in writing dated May 6th 1880 from Amelia Brase to G. M. Brase Sr as set out and described in said petition, (and for the exact tenor of said Contract Agreement and Conveyance and acknowledgement thereof reference is hereby made to the record of same on pages 636 & 637. of Book No 46 of Records of deeds for Travis County Texas) be and is hereby Cancelled and declared Null and Void, and that a fee of twenty dollars be allowed said Newhill for his services as guardian ad litem as aforesaid to be taxed as a part of the costs of this suit- and that defendants have and recover of and from plaintiff and sureties on the cost bond twenty Jno Thomson and Jno Ritter all costs of this suit- for which Execution may issue

7140.

State of Texas vs W. H. Randolph et al } On this day came the State of Texas by her Attorney General Hon Jno. Ireland, Plaintiff and the defendants by their Attorneys Robinson & Williams, and severally announced themselves ready for trial, And thereupon came on to be heard the several General and Special Demurrers and exceptions of the defendants G. C. Randolph and M. G. Randolph to the Plaintiffs Petition, and the same having been separately heard and considered by the Court, as by the Court overruled, to which ruling each of said defendants at the time in open Court excepted, and thereupon the trial proceeded before the Court no jury having been demanded, and the Court after hearing the pleadings, evidence and argument of Counsel doth order and decree as follows, 1. It is considered adjudged and decreed that the Plaintiff, The State of Texas, take nothing by this suit, and that the defendants severally go hence without day, 2. That the defendant G. C. Randolph is a bona fide purchaser and as such the owner of the following surveys of State School land viz: Sections Numbers 46-48-50-52. & 54 in Block 18, surveyed for S. P. R. R. Co. in Mitchell County Texas, as described in the Plaintiffs Petition, and that the defendant M. G. Randolph is a bona fide purchaser and as such the owner of Section No 52 surveyed for Beatty, Seale & Forward in Menard County Texas and described in Plaintiffs Petition, 3- That the defendant

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W. H. Randolph has no title or interest in any of said lands. It is ordered and adjudged that the State of Texas pay all costs in this cause incurred.

7505

Jacob Klein Plaintiff. } And now on this the 9th day of
vs. } March A.D. 1885 this cause came
G. Grumich and } on to be heard in its regular order
Johanna Grumich } for trial and both parties appearing
in person and by their attorneys announced ready for trial
and a jury not having been demanded the cause was sub-
mitted to the Court, Whereupon the Court after hearing the plead-
ings and evidence in the cause and argument of counsel
thereon took the case under consideration and adjourned
to render its decision thereon at some future day of the Court
and on this the 11th day of March A.D. 1885 the Court in
open Court announced its decision in said cause and was
of the opinion that the plaintiff should have judgment as
prayed for in his petition and gave judgment accordingly
Whereupon it is ordered adjudged and decreed by the Court
that the plaintiff Jacob Klein do have and recover of
and from the defendant G. Grumich the sum of Four Hun-
dred and Twenty Eight Dollars and Sixty Five cents and
all costs of suit in this behalf expended and that said
sum of Four Hundred and Twenty Eight dollars and Sixty
Five Cents bear interest from this date at the rate of ten
per cent per annum and it further appearing to the Court
that the plaintiff Jacob Klein has a mortgage lien on Lot
Number (4) Four in Block Number Thirty Eight (38) in Division
E. of the City of Austin County of Travis and State of Texas
for the payment of the debt for which this judgment is given
it is therefore ordered, adjudged and decreed by the Court that
said mortgage lien be and is hereby foreclosed on said lot,
and said lot Number (4) Four in Block number (38) thirty
Eight in Division E. of the said City of Austin be and is
hereby ordered to be sold for the satisfaction of this said
judgment and order of sale issue to carry into effect this
judgment, that if said lot when sold under said order
of sale does not bring enough money to satisfy this judg-
ment & execution issue against said G. Grumich for the
balance - that if said lot at said sale brings more than
enough cash to pay the said judgment principal interest

This judgment having been signed on the 11th day of March A.D. 1885 was on file with the papers in the cause.
This cause by agreement in open Court on the 9th day of March A.D. 1886.
By G. Grumich and wife Johanna Grumich
Wallace Jackson
Jacob Klein

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and costs that the order after the payment of the same be paid over to said G. Gruenich or to his legal representatives and it is further ordered adjudged and decreed by this Court that the said lot Number (4) four in Block Number (38) thirty Eight of Division E. of said City of Austin is not the homestead of said G. Gruenich and his wife Johanna Gruenich and was not at the date of the execution of said Mortgage lien and that the plea of said defendants G. Gruenich and Johanna Gruenich his wife that it was their homestead and not subject to said Mortgage lien is not true in fact and that said defendants each and both take nothing by their said plea of homestead, and that said defendants each and both be and are hereby estopped, prohibited and enjoined from selling up any claim of homestead as to said lot Number 4 four in Block number (38) thirty Eight of Division E. of said City of Austin against the said mortgage lien and the purchaser of said lot under this order of Sale, and that of said lot Number (4) four in Block number (38) thirty Eight Division E of said City of Austin is sold under said order of sale writ of possession issue against both of defendants in favor of such purchaser to place him in possession of said property.

7142. The State of Texas vs Jno. R. Hand. Upon motion of the attorney General it is ordered by the Court that this case be passed to make parties.

Driskill & Brush vs D. K. Allison

7460. And now on this the 6th day of March 1885 came the plaintiffs John H. Driskill and W. B. Brush by their attorney of record, but the defendant the said D. K. Allison failed to appear and wholly made default although duly served with process, and the Court after hearing the pleadings and evidence submitted by the plaintiffs doth order adjudge and decree as follows:

First: that the plaintiffs do have and recover of the defendant D. K. Allison on the note sued on dated December 19th 1883. due twelve months after date the sum of ($280.15) Two hundred and eighty & 15/100 dollars, principal and interest to this date which shall bear interest at the rate of ten per cent per annum and all costs of this suit;

Second, and it further appearing to the Court that said defendant on the 19th day of December 1883. bought and

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purchased of one Wylie Strond and Elizabeth Strond certain lots situated in the City of Austin in Travis County Texas, towit: Lots Nos (1) one (2) two (3) three and number (4) four in Block No 2 of the subdivision of out lot No "37" in Division "B" of the out lots of said City of Austin, and that as a part of the purchase price of said lots said defendants executed and delivered to the said Wylie Strond and Elizabeth Strond his two certain promissory notes each dated December 19th 1883 each for the sum of two hundred and sixty dollars, each bearing interest from date at the rate of ten per cent per annum and each retaining the Vendors lien on said lots sold and conveyed by said Wylie Strond and Elizabeth Strond to defendant as aforesaid to secure the payment thereof; and that the first of said notes was made payable twelve months after date, and the second of said notes was made payable two years after date.

Third, And it further appearing to the Court that said Wylie Strond and Elizabeth Strond on the 24th day of December 1883 transferred and assigned both of said notes to the firm of Dikkill Turner and Brush Composed of plaintiffs and one F. W. Turner; and that afterwards on the day of 1884, and before this suit was brought said firm of Dikkill Turner and Brush transferred and assigned said notes to plaintiffs whereby plaintiffs became subrogated to all the rights &c. of the original owners and holders of the said two notes.

It is therefore ordered adjudged and decreed by the Court that the said Vendors lien be and the same is hereby foreclosed on said lots hereinbefore described and that an order of sale issue out of this Court directed to the Sheriff or any Constable of Travis County Commanding him to seize and sell said lots as under execution, and that the proceeds of such sale be applied as follows:

First- The costs of this suit and of said sale shall be paid -

Second- The sum of $280-15- the amount of the judgment aforesaid being the principal and interest due on said first note to date,

Third - The sum of Three hundred dollars, the amount of principal and interest due and to become due on said second note not maturing until December 19th 1885.

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shall be paid into Court to satisfy said second Note When the same shall become due and payable
Fourth, The balance of the proceeds of such sale (if any there be) to be paid over to the defendant,
Fifth, It is further ordered adjudged and decreed that this judgment of foreclosure and sale shall divest all right title claim and interest in said lots out of the defendants, and that the full title thereto shall be vested in the Purchaser or Purchasers at such sale.

Court adjourned till tomorrow morning 10 o'clock

Thursday March 12th 1885

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 o'clock

Friday March 13th 1885

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

75-08-

Ellis Manvel et al
vs
Austin McGary et al

} This cause being this day called for trial came the parties Plaintiff and defendant by their attorneys and both parties announced themselves ready - No jury having been demanded the cause was submitted to the Court both upon issues of law and fact, and the Court having heard the pleadings of the parties, the evidence in the cause and the argument of Counsel is of opinion that the law of the case is with the defendant McGary. It is therefore considered and ordered that the plaintiff take nothing by this suit. It further appearing to the Court that the title to the land and lot in this cause is in the defendant McGary and was in him on the 10th day of July 1884. the date when the same was levied on by M. M. Hornsby Sheriff &c. by virtue of an Execution issued to him out of the County Court of Travis County issued on a judgment in favor of Floyd Vaqu & Co vs C. H. Booth which judgment bears date May 19. 1880 - and by virtue of which Execution said Hornsby as Sheriff seized said property as the property of said C. H. Booth, and that said judgment did not have lien on said property, and further that

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by virtue of said execution said Sheriff did on the 1st Tuesday of August AD1884 sell said property to plaintiff and on to-wit the 6th day of August AD1884 executed to said plaintiff a deed purporting to convey said property to him which deed is recorded in pages 14-15 & 16 Book 2. of records of deeds of Travis County Texas, which said deed now constitutes a cloud on the title of said Austin McGary, it is ordered adjudged and decreed that said deed be cancelled and the same is hereby cancelled — ordered that plaintiff pay all costs in this behalf expended for which let execution issue

Court adjourned till tomorrow morning 10 o'clock

Saturday March 14th 1885

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

4473. Morgan C. Hamilton vs Geo W. Glascock et al — Upon motion it is ordered by the court that plaintiff have leave to file 3d amended original petition

7120 - Wallen & Field vs W. A Taylor et al. On the 9th day of March 1885 it was ordered by the court that defendants have leave to file 2d amended original answer —

7162. A & T. C. R. R. Co. vs T & P. Ry Co. On motion it is ordered by the court that the pltff have leave to file 1st amended original petition.

7465 Joel P. Smith vs R. H. Kirby et al. Upon motion of defendant which is ordered by the court that plaintiff be required to secure the costs in this cause and Clerk ordered to notify the plaintiff or his attorney of record of this order —

7253. A. S. Walton vs City of Austin — and now on this day came the parties by their attorneys and thereupon came on to be heard defendants motion for a new trial in this behalf and said motion having been submitted duly considered and fully understood was by the court overruled to which ruling of the court the defendants by attorney in open court excepts and gives notice of appeal to the Supreme Court —

7218 Jennie Trapnell vs David Trapnell } On this day the above cause coming on to be heard came the plaintiff in person and by attorney, and the defendant by Robt. S. Walk Esq an attorney of this court appointed

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by the Court to represent said defendant, and it appearing to the Court that the defendant was duly cited by publication and both parties having announced ready for trial the Court proceeded to hear said cause, and it appearing to the Court that the defendant Michael Cause abandoned the plaintiff on or about the first day of January 1881, with the intention of abandonment and has since remained separate and apart from her, and it further appearing to the Court that as the issue of the marriage between plaintiff and defendant there is now living a minor child named Percy Trafnell aged four years, and that the plaintiff is a proper and suitable person to have the custody and control of said child, It is therefore considered ordered adjudged and decreed by the Court that the bonds of Matrimony heretofore existing between plaintiff and defendant be and the same are hereby annulled and dissolved, and it is further ordered adjudged and decreed by the Court that the care custody and control of said minor child be and the same is hereby awarded to plaintiff.

7225 Dora Faish vs Vincent Faish } And now on this the 14th day of March A D 1884 this cause came on to be heard in its regular order for trial and the plaintiff appearing in person and by her attorney and the defendant appearing by his attorney Robert S. Wash who was appointed by the Court to represent defendant thereupon both parties announced ready for trial and a jury not having been demanded the cause was tried by the Court who after hearing the pleadings and evidence in the cause and argument of counsel thereon was of the opinion the facts stated in the petition of the plaintiff was true and correct as stated, Whereupon it is ordered, adjudged and decreed by the Court that the bonds of Matrimony now and heretofore existing between the plaintiff Dora Faish and Vincent Faish as husband and wife be and are hereby separated, and that they now and henceforth no longer sustain that relation to each other, and that the plaintiff pay all costs in this behalf expended for the collection of which let execution issue, It is further ordered adjudged and decreed by the Court that the plaintiff Dora Faish be and is hereby given the care and custody of the children of said plaintiff and defendant, viz: Antonio Faish a girl now four years old William

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Faith. a son now three years of age. and Emma Faith a son now one year of age, and that she have the custody of the persons and estate of said Children, and the said Vincent Faith he and is hereby enjoined, prohibited and restrained from interfering with or disturbing the the said Plaintiff Dora Faith in the care and custody of said children as to their person or estate.

7417 M. C. Harley. vs J. A. Rhineberger Garnishee. And now on this the 11th day of March 1885. came the parties by their attorneys and thereupon came on to be heard Plaintiffs application and affidavit for a continuance of this cause, and the same having been submitted was by the Court granted. and ordered by the Court that this cause be and the same is hereby continued on application of Plaintiff.

Court adjourned till Monday Morning 10 O'clock

Monday March 16th 1885

W. L. Davidson vs Anna E. Loth } And now on this the 14th day of March 1885, came the parties by their attorneys thereupon came on to be heard the motion

75 12. of the defendant Anna E. Loth to quash the Supersedeas Bond filed by the Plaintiff in this cause, and said motion having been argued was submitted to and taken under advisement by the Court; and on this the 16th day of March 1885 it is considered and ordered by the Court that said motion be and the same is hereby sustained, and said Supersedeas Bond quashed as prayed for: the Motion of the defendant to dismiss the appeal is overruled.

4320 A. G. Barragan vs A. T. & S. F. Ry Co. This cause being called for trial in its regular order, and no counsel appearing it is ordered by the Court that this cause be and the same is hereby continued

4473. Morgan & Hamilton vs Geo. W. Glascock et al — By agreement of counsel it is ordered by the Court that this cause be set for trial for March 24th 1885 after the Rock case.

4935 Carlin & Robinson vs B. Trigg. } And now on this the 6th day of March 1885 comes the Plaintiff by attorney and move the Court to dismiss this cause. by agreement the defendant to assume costs of suit. It is therefore ordered and adjudged by the Court that this

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Cause be and the same is hereby dismissed and that the defendant B. Trigg pay all costs of this suit for which execution may issue.

5521 John T. Allyn vs A. A. Pilot Co. Passed to end of action docket.

5530 D. The Ayres vs W. C. Walch Admr. Continued. No counsel appearing.

5684 Joe H. Newark vs A. A. Pilot Co. Passed to end of action docket.

7031 A. & T. C. R. R. Co. vs T. & P. Ry Co. Upon motion of plaintiffs attorney it is ordered by the Court that plaintiff have leave to file 1st Amended Original Petition as of date March 14th 1885 and cause set for trial for the 23rd inst.

7089 Wm Johnson vs I. G. N. R. R. Co. Passed to end of Criminal docket.

7233 L. A. Cantony vs I. G. N. R. Co. This cause being regularly called and no counsel appearing it is ordered by the Court that this cause be continued for the term.

7470 Estate of F. M. Noble, Deceased } In this cause it is ordered by the Court that J. K. Donnan A. J. Peeler and A. M. Mills be and they are hereby appointed Appraisers to appraise the estate in this cause. Court adjourned till tomorrow morning 10 o'clock.

March 17th 1885.

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

7449 James. R. Johnson vs Lilla. B. Rector and her husband James. E. Rector. } This cause coming on to be heard and the plaintiff and the defendant Lilla. B. Rector being represented by Counsel in open Court and the Court having heard and considered the pleadings evidence and argument of Counsel, it is ordered, adjudged and decreed that the plaintiff James. R. Johnson and the defendant Lilla. B. Rector in his own separate right, are, as joint owner of the premises herein after described and which are set out in plaintiffs petition in this suit, each entitled to one half undivided interest therein, and that the defendant James E. Rector, who has been duly served with citation in this cause and against whom a judgment by default has

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Thereupon Court rendered in this cause his finding in his own right thereon,

It is further ordered and decreed that the premises to-wit: Six hundred and twenty two and one half (622½) acres in the County of Williamson State of Texas on the waters of Brushy Creek about seven miles South 45° East from Georgetown being part of the land patented to the heirs of W. J. Gillespie, assignee of William Dunn, by virtue of Bounty Warrant No 1363 issued by B. E. Bee Secretary of War, for 960 acres to said William Dunn and transferred by said William Dunn to said W. J. Gillespie December 8th 1838.

Beginning at the most Northerly N.W. corner of the Robt McNutt league, thence N 14¾ W 915 varas to a stake in the South line of the Henry Millard survey 68 varas N 71 E. from the S.W. corner of said Millard survey. Thence N 71 E with said South line 25-36 varas to a stake marked the S.E. corner of said Millard survey, Thence S. 19 E with the West line of the Hiram Armstrong survey 1808 varas to a stake in the N line of the Robt McNutt league, Thence with said North line 2754 varas to the place of beginning and containing 622½ acres of land," to partition in accordance with the respective share and interest of the said plaintiff James R. Johnson and the said defendant Lilla B. Rector, That is, appertaining to the said James R. Johnson one half of the said premises and to the said defendant Lilla B. Rector one half of the said premises, and A. J. Nelson, John Olive and R. A. Montgomery who are competent and disinterested persons are hereby appointed Commissioners to make partition in accordance with this decree and the law, a majority of whom may act,

It is further ordered that all proper process authorized by law to be issued upon the rendition of this decree and all other steps as authorized by law necessary and proper to effectuate the same be issued and taken on application of the parties in interest.

It is further ordered that the Commissioners above appointed be and they are hereby directed to make a report as soon as practicable at the present term of this Court, and any writ of partition issued herein shall be returnable on or before the Sixth day of April 1885 of the present

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term of this court, said Commissioners shall in making said partition have due regard to the situation, quantity and advantages of each share, so that the shares may be equal in value as nearly as may be and in all other respects, shall be governed, in discharging their duties with the statute in such cases made and provided.

7120. Wallin & Hill vs M. A. Taylor et al } And now on this the 16th day of March 1885 Come the parties by their attorneys and it is ordered by the court that the plaintiffs have leave to file first supplemental petition, when the parties announced ready for trial, thereupon came on to be heard the demurrer and exceptions of defendants to plaintiffs petition which being considered now by the court overruled, to which ruling of the court the defendants except. When came a jury of twelve good and lawful men of Travis County consisting of W. L. Giles and seven others who were duly empanelled according to law to try this cause, heard the pleadings evidence and argument of counsel which was concluded on this the 17th day of March 1885. When said jury was duly charged by the court as to the law in this case and retired to consider of their verdict, and thereafter said jury returned into open court the following verdict towit: "We the jury find judgment for the plaintiffs in the sum of $750. Seven hundred and fifty dollars. W. L. Giles Foreman" said verdict was read in open court by the Clerk, and said jury being asked if this was their verdict answered in the affirmative. It is therefore considered ordered and decreed by the court that said plaintiffs Wallin & Hill a firm composed of Wm M. Wallin and R. J. Hill, do have and recover of and from the defendants M. A. Taylor and A. E. Carruthers and Carruthers and Searight a firm composed of W. S. Carruthers and Gilbert A. Searight the sum of ($750.00) Seven hundred and fifty dollars with interest thereon from this date until paid at the rate of 8% per annum and all costs of this suit for all which let execution issue.

3030. Giles A. Burdett Admr vs W. B. Burdett et al } And now on this the 16th day of March AD 1885 Came the Administrator and Commissioner of sale Giles A. Burdett in this cause, and by attorney moves the court to approve and

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Anfirm the report of sale made and filed by him on this the 14th day of March 1885. Which report is in words and figures as follows, viz:

"Hon A. S. Walker. Judge Distrch Court of Travis County Texas

Your petitioner, Admr. of Estate of Jesse Burdett dcd and Commissioner appointed at the term of your Hon Court, most respectfully reports: that pursuit of the J. W. Carpenter L. & L of land in Falls County Texas he has made contracts of sale of the following discribed tracts of land,

1st To Daniel M. Brown of Falls County Texas, 285 acres of land (more or less) being lot No 13 as set apart to the heirs of Jesse Burdett by the Commissioners appointed for the purpose of partition. for the sum of Nine hundred 900 Dollars. Five hundred 500 Dollars cash to be paid on confirmation of sale and Four hundred (400) Dollars to be paid on or before two (2) years, said deferred payment to bear interest at the rate of 10% per annum payable annually.

2. To W. A. Myatt of Falls County Texas 100 acres of land (more or less) being all of Lot No 1 (except 48 acres heretofore sold to W. A. Myatt) as set apart to the heirs of Jesse Burdett by the Commissioners appointed for the purpose of partition - for the sum of two hundred and sixteen (216) Dollars. One hundred Dollars cash to be paid on confirmation of sale and one hundred and sixteen 116 Dollars to be paid in one (1) year - said deferred payment to bear interest at the rate of (10%) per annum -

said sale your petitioner states was made at a fair and just price at private sale and he most respectfully asks that they be approved and confirmed

Austin Texas March 14th 1885 - G. A Burdett

Administrator & Commissioner.

Subscribed and sworn to before me this the 14th day of March A D 1885 -

Jas P Hart Clerk

Dist. Ct. Travis Co Tx.

W. H. Shelby Dep'ty "

And it appearing to the Court that said sale was made at a fair reasonable and just price - it is ordered by the Court that said report be in all things approved and said sale confirmed. and further ordered that

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upon the purchasers complying with the terms of said sales the said Commissioner is authorized and directed to make said purchasers deeds to the respective lands bought by them.

Court adjourned till tomorrow morning 10 o'clock

Wednesday March 18th 1885

Court met pursuant to adjournment, Present same as on first day, Nothing coming before the Court it is ordered that the Court now adjourn till tomorrow morning 10 o'clock.

Thursday March 19th 1885

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

Emma J. Hanna & R. J. Hanna vs Timothy Burns. 7469. } And now on this day comes the plaintiffs and states to the Court that this cause has been settled between the parties and asks that the same be dismissed at their cost. It is therefore ordered and decreed by the Court that this cause be and the same is hereby dismissed and that the plaintiffs Emma J. Hanna and R. J. Hanna and their sureties on their cost bond to wit: pay all costs in this behalf expended

for which let execution issue.

James Lloyd. vs I. & G. N. R. R. Co. 7247. } And now on this 19th day of March 1885 this cause came on for trial before the Court, which a jury, the demand therefor having before made by counsel of both parties being withdrawn. and thereupon the hearing of the cause continuing the Court after having heard the pleadings the evidence and the argument of counsel considered that the plaintiff Jas. Lloyd is entitled to recover of and from the defendant, The International and Great Northern Railroad Company the sum of ($150.00) One hundred and fifty dollars, it is therefore considered by the Court that the plaintiff Jas. Lloyd, do have and recover of and from the defendant, the International & Great Northern Railroad Company the sum of ($150.00) one hundred and fifty dollars with interest at the rate of (8%) eight per centum per annum and all costs of suit. Further it appearing to the Court that plaintiff

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Recd of Frederick & Mayer Attys for Pltff Judgment in favor of Pltff & against Deft for $150.00 and costs of suit in favor of Pltff & against Deft as rendered in this Court on the 25th day of March 1885 - Pltff's Atty's fee $7.50 Paid

72467 James Lloyd vs The Capital Compress Company.

Came this day Messrs Mayer & Frederick Attys for Pltff & Messrs Hutchings & Gregory Attys for Deft and announced ready for trial whereupon a jury of good and lawful men to-wit: Thos. Hall, Jno. Hall, Jno. Hall, Jr., Jno. Hall, Sr., Jno. Hall, Jr., Jno. Hall, Sr., Jno. Hall, Jr., Jno. Hall, Sr.,

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thereupon came a jury of twelve good and lawful men of Travis County consisting of C. A. Evans and eleven others who were duly empannelled to try this cause, heard the pleadings evidence and arguments of counsel, and being duly charged by the Court as to the law in this case retired to consider of their verdict. and thereafter said jury returned into open court the following verdict to wit: "We the jury find for the defendants C. A Evans. Foreman" It is therefore considered ordered and decreed by the Court that the plaintiff Jame Lloyd take nothing by this suit, and that the defendants the Capital Company go hence and recover of and from the plaintiff Jas Lloyd and sureties on his cost bond in this behalf expended for all which let execution issue.

Court adjourned till tomorrow morning 10 o'clock

Saturday March 21st 1885.

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

No 151.
Cr. No 7495.

The State of Texas
vs
C. W. Pierce -
W. L. Crawford &
L. F. Smith.

This cause having been set by agreement of the parties for trial for this day and now being regularly called, came the District Attorney in behalf of the State, and announced ready for trial, but the principal defendant C. W. Pierce whose appearance bond was forfeited and on which this cause is based failed to appear but again wholly made default, and the defendants W. L. Crawford and L. F. Smith sureties on said bond of said Pierce appeared by their attorneys and announced ready for trial, thereupon came on to be heard the exceptions of said defendants to the writs of Scire facias issued against and served upon them in this cause - which exceptions being argued and submitted and duly considered was by the Court overruled, to which ruling of the Court the defendants Crawford and Smith by attorneys excepted. And the Court having heard the pleadings evidence and argument of Counsel and having duly considered the same doth order adjudge and decree that the judgment nisi heretofore taken and entered in this cause

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It and the same is hereby made final and absolute, and that the plaintiff the State of Texas, do have and recover of and from the said defendants C. W. Pierce, W. L. Crawford and L. F. Smith the sum of ($1500.00) one thousand five hundred dollars and all costs of this suit for all which let execution issue.

F. No 152
Crim 7504.

The State of Texas
vs
C. W. Pierce
W. L. Crawford &
L. F. Smith

This cause having been set by agreement of the parties for trial for this day and now being regularly called. Came the District Attorney on behalf of the State and announced ready for trial, but the principal defendant C. W. Pierce whose appearance bond was forfeited and on which this cause is based failed to appear but again wholly made default. And the defendants W. L. Crawford and L. F. Smith sureties on said bond of said Pierce appeared by their attorneys and announced ready for trial, thereupon came on to be heard the exceptions of said defendants to the writ of Scire Facias issued against and served upon them in this cause, which exceptions being argued and submitted and duly considered was by the Court overruled to which ruling of the Court the defendants ~~Crawford~~ and Smith by their attorneys excepted -- and the Court having heard the pleadings evidence and argument of Counsel and having duly considered the same, doth order adjudge and decree that the judgment nisi heretofore entered in this cause be and the same is hereby made final and absolute, and that the plaintiff the State of Texas. do have and recover of and from the defendants. C. W. Pierce W. L. Crawford and L. F. Smith the sum of ($2500.00) Two thousand five hundred dollars and all costs of this suit for all which let execution issue.

7120.

Wallin & Hile
vs
W. A. Taylor et al

And now on this day came the parties by their attorneys, and thereupon came on to be heard the motion of the defendants for a new trial in this behalf, and said motion having been duly considered. 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.

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5695. W. H. Bell et al vs E. W. Shands

On this the 20th day of March 1885. this cause coming on for trial before the Court and it appearing to the Court that the defendant E. W. Shands has been duly served with process and that he has failed to answer in this behalf, and the cause of action herein being liquidated and proved by instruments of writing, it is considered by the Court that the plaintiff W H Bell and A A Calhoun should have and recover of the defendant Shands the sum of $860.00 on a note for $500.00 dated May 12. 1879. bearing interest at 12% per annum from date, and the sum of $660.00 on a note for $400.00 dated Oct 1st 1879 bearing interest at 12% per annum, and also the further sum of 152.00 atty's fees provided for in said notes, it is therefore considered by the Court. that the plaintiffs aforesaid do have and recover of the defendant E. W. Shands said sums of $860.00 and of $660.00 with interest on each of said sums from this date until paid at the rate of 12% per annum and all costs of suit, and also the further sum of $152.00 with interest thereon from this date at the rate of 8% per annum, and it appearing to the Court that said note for $500. was secured by a deed of trust executed by the said Shands May 12. 1879. on the following described real property, lying being and situate in the County of Travis State of Texas Lots numbered Six and seven and fifteen and Sixteen of Southside a subdivision of part of the Del Valle grant according to the plat of said subdivision of record in the office of the County Clerk Travis County, said lots containing five acres each. it is further ordered that the lien of the mortgage as it exists on the 12th day of May 1879. be and the same is hereby foreclosed, and the Clerk of this Court is hereby directed to issue an order conformably to law for the sale of said property in manner and form as prescribed by law - It is further ordered that the plaintiffs have execution for the said other sums for which judgment is rendered herein and execution for any balance of the judgment for $860. that may remain unsatisfied after the sale of the property aforesaid

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Monday the 23rd day of March 1885

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Court met pursuant to adjournment present Dames as on the first day of the Term whereupon the following proceedings were had towit

7519 Ex Parte } Be it remembered, that on the said day
Hugo Kliner } personally appeared in Open Court Hugo Kliner, 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 Declaration on oath of Frank Brown and John Hillebrand both citizens of the United States of America that the said Hugo Kliner 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 Hugo Kliner 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 Congress and is entitled to the benifits 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 Emperor of Germany of whom he was a subject. It was therefore ordered by the Court that the said Hugo Kliner be admitted and he was admitted to be a Citizen of the United States of America-

O F Zink } And now on this the 6th day of March 1885
vs } this cause being regularly called for
7471 A R Finlay } trial came the plaintiff in person and announced ready for trial but the said defendant although duly served with process herein failed to appear and answer but wholly made default Wherefore said plaintiff ought to recover his damages by occasion of the premises - And it appearing to the Court that said Pursuit of Notice is liquidated

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and proved by an instrument of writing to wit a promissory note of date Austin July 2nd 1884 for $95.00 bearing interest at the rate of 10% per annum from date and being given in part payment of purchase money for one acre of land with improvements thereon situated on West Pecan Street of the City of Austin and being part of Lot No one in Division "Z" in which note a lien is retained on said property - it is ordered by the Court that the clerk do assess the damages sustained by plaintiff herein and said clerk now here having assessed the damages aforesaid principal and interest to this date at the sum of $10.14 - It is therefore considered ordered and decreed by the Court that the plaintiff O. F. Zink do have and recover of the defendant A R Finlay said sum of one thousand and fourteen dollars to bear interest from this date until paid at the rate of 10% per annum - it is further ordered that plaintiffs Vendors lien upon the above described track of land be and the same is thereby foreclosed and that an order of sale do issue commanding the Sheriff or any Constable of Travis County to seize and sell said premises as under execution, and the proceeds thereof he apply 1st to the payment of the Costs of this suit and the remainder he apply to this judgment and if said property shall sell for more than Enough to Satisfy said judgment and Costs the balance thereof he will pay over to the defendant Finlay - but if said property shall not sell for Enough to Satisfy said judgment then plaintiff shall have his execution for the balance remaining unpaid against defendant

Court adjourned till 10 o'clock tomorrow morning

Tuesday March 24th 1885

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

C. E. Roth
vs
I. & G. N. R. R. Co

This case being this day regularly called for trial Came the parties by their attorneys and announced ready, thereupon came a jury of twelve good and lawful men of Travis County consisting of J. M. Swisher and eleven others who were duly

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selected and impannelled to try this cause, thereupon came on to be heard the exceptions of the defendants to Plaintiffs petition which having been submitted were by the Court overruled, to which ruling defendants except: thereupon the trial proceeded and said jury having heard the pleadings evidence and argument of Counsel and being duly charged by the Court as to the law retired to consider of their verdict: and thereafter said jury returned into open Court the following verdict, viz: "We the jury in the above entitled cause find for the defendant Jas. M. Smith Jr. Foreman" It is therefore ordered by the Court that the Plaintiff C. E. Rock take nothing by his said suit: and that the defendant the International and Great Northern Railroad Company go hence and recover of and from the Plaintiff its costs in this behalf expended for which execution may issue. It is further ordered by the Court that the officers of the Court have execution against the parties respectively for their costs in this behalf expended

Court adjourned till tomorrow morning 9½ Oclock.

March 25th 26th & 27th.

Court met each day pursuant to adjournment, Present same as on first day. and there being no civil minutes to be entered of date of the above dates Court adjourned on the evening of the 27th till tomorrow morning 9 o Clock

March 28th 1885.

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

1 / Df 151 ✓

The State of Texas vs. C. W. Pierce et al } And now on this day came the parties by their attorneys, and thereupon came on to be heard the motion of the defendants Crawford and Smith in arrest of judgment in this cause, and said motion having been submitted and duly considered was by the Court overruled. to which ruling defendants except

1 / Df 151 ✓

The State of Texas vs. C. W. Pierce et al } And now on this day came the parties by their attorneys and thereupon came on to be heard the motion of the defendants Crawford and Smith for a new trial in this behalf and said motion having been submitted and duly

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considered was by the Court overruled, to which ruling of the Court the defendants at the time excepted and in open Court gave notice of appeal to the Appellate Court.

No 152 — The State of Texas vs C W Pierce et al — And now on this day came the parties by their attorneys and thereupon came on to be heard the motion of the defendants Crawford and Smith in arrest of judgment in this cause, and said motion having been submitted was by the Court overruled, to which ruling of the Court the defendants excepted.

No 152. — The State of Texas vs C W. Pierce et al — And now on this day came the parties by their attorneys and thereupon came on to be heard the motion of the defendants Crawford and Smith for a new trial in this behalf, and said motion having been submitted and duly considered was by the Court overruled, to which ruling of the Court the defendants excepted and in open Court gave notice of appeal to the Supreme Court.

7437 — The State of Texas vs D. K. Bragiale et al — And now on this came the parties by their attorneys and thereupon came on to be heard the defendants motion to suppress the depositions of J. C. Fenner, Oliver Bland et al witnesses for the plaintiff in this cause. Which motion having been submitted and duly considered was by the Court overruled. to which ruling of the Court defendants by attorney excepted.

7277 — R J Laving vs W H Firebaugh — And now on this the 11th day of March 1885. Came the plaintiff and asked and obtained leave of the Court to file his first Supplemental petition in this cause which is accordingly done —

7277 — R J Laving vs W H Firebaugh — And now on this the 11th day of March 1885 this cause having been regularly docketed and called for trial, came both parties plaintiff and defendant and announced themselves ready for trial and neither party having demanded a Jury. the matters involved as well of fact as of law were submitted to the Court and the Court having heard the pleadings of both parties, proceeded during the said day and thereafter until the 14th day of said month to hear the evidence, and having heard all the evidence adduced

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by the parties together with the argument of Counsel upon the law and the Evidence took the Case under advisement for final decission and afterwards Towit on the 26th day of March 1885 in open Court announced its judgment and decission as follows. Towit; that the Court doth find that the defendant W.H. Fitzhugh is indebted unto the plaintiff R.J. Laving in the Sum of $403.79/100 as a balance on adjustment of the respective claims of the parties as set up in their pleadings And it appearing to the Court that and G.F. Millett furnished Material to plaintiff used in the construction of the House of defendant to the Amount of $132.44 and that said Millett has in the manner prescribed by law fixed a personal liability against said defendant for the payment of said Sum of $132.44 on the claim set up in defendants Amended answer. It is therefore ordered adjudged and decreed by the Court that plaintiff recover from defendant said Sum of $403.79/100 Dollars and that of said Sum of $403.79/100 Execution shall issue in favor of said plaintiff against defendant for the Sum of $271.35 to be paid over to said plaintiff or his attys when collected. And it is further ordered and adjudged by the Court that said defendant pay into Court said Sum of $132.44 owing to said Millett out of said Sum of $403.79/100 Dollars and that when the said Sum of $132.44/100 is paid into Court by said defendant, such payment shall be a satisfaction pro tanto on said Sum of $403.79 and when paid into Court the said Sum of $132.44/100 shall be paid over to said Millett. It is further ordered that plaintiff recover from Defts all costs for which Execution shall issue.

Whereupon Court adjourned until Monday morning March 30th 1885.

Monday March 30th 1885. Court met pursuant to adjournment. Present same as on first day of the term whereupon the following proceedings were had.

J R Robbins
as
M L Dimmitt

In this Cause the Hon A.S. Walker Judge of the 26th Judicial District of Texas being disqualified and having Certified his disqualification to the Governor and the Hon F.G. Morris Special Judge heretofore appointed and Commissioned by the Governor as Special

Rec'd Aug 1st 1885 of James D Hart & Co. Two Hundred & Thirty Two & 44/100 dollars in full of this suit
$232.44/100

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Judge to try this Cause being also disqualified the Hon A.H. Graham was duly Commissioned by the Governor as Special Judge to try said Cause and he having duly qualified as such Special Judge by taking and Subscribing the Constitutional oath of Office as required by law and now on this the 25th day of March 1885 the Hon A.H. Graham Special Judge presiding said above Styled Cause was regularly called for trial and thereupon it is ordered by the Court that Plaintiff have leave to file in lieu of his original Petition herein filed on the 9th day of August 1877 his first Amended Original Petition to be filed as of date March 16th 1885 and defendant has leave to file their first Supplemental answer, when both parties announced ready for trial - Thereupon came a jury of twelve good and lawful men of Travis County consisting of Joe B Rogers and Eleven others who were duly selected Empannelled and Sworn and said Jury having heard the pleadings, Evidence from day to day until this 27th day of March 1885 when the Evidence was concluded and argument of Counsel begun and continued until the Evening of the 28th March when Court adjourned till Monday Morning March 30th 1885 at 9½ o'Clock when Court met pursuant to adjournment and the Argument 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

"We the Jury find for the Plaintiff J R Robbins in the sum
"of twenty five hundred dollars and interest at 8% per
"annum from the time of first bringing suit Joe B Rogers
"Foreman" and said Jury stating to the Court that this was their verdict, it was approved and ordered recorded -

It is therefore Considered ordered and adjudged by the Court that the Plaintiff J. R. Robbins do have and recover of M.E. Dimmitt as Surviving wife of J J Dimmitt and as survivor of the Community Estate of said M E Dimmitt & J J Dimmitt deceased said Sum of twenty five hundred ($2500.00) dollars with interest thereon from the 9th day of August 1877 (the date of the filing of this suit) ~~and interest~~ at Eight per cent per annum and all Costs in this behalf Expended. Said interest amounting to this date to the sum of $1528.21 Principal and interest aggregating the sum of four thou

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Dand and twenty Eight & 21/100 ($4028 21/100) Dollars all of which is here and now adjudged to be a valid Claim against the Community Estate of Jno J. Dimmitt dec'd & W L Dimmitt and for which together with interest from this date at 8 p/c per annum & all costs of suit for which Execution may issue. A H Graham Special Judge.

Whereupon Court adjourned until tomorrow morning - 9 O'Clock

Court met pursuant to adjournment Mch 31st & April 1st 1885 and there being no Civil business Court again adjourned until Thursday Morning April 2nd 1885.

Thursday April 2 1885. Court met pursuant to adjournment present same as on first day of the term whereupon the following proceedings were had towit

1144

The State of Texas
vs
Joseph Rosenthal George Bates
Robert Paige

} On this the 2nd day of April AD1885 this Cause by Consent of parties came on to be heard in the District Court of Travis Co Texas Came the State of Texas by her Attorney General and the defendants by Attorney and the Cause being submitted to the Court, no jury having been demanded by either party, Came on to be heard the pleadings and the Evidence and argument of Counsel which being duly considered by the Court - it is the judgment of the Court that the law and facts are with the defendants - It is therefore ordered adjudged and decreed that the State of Texas take nothing by her suit therein for the lands described in her petition situated in Haskell Co Texas Viz - Section No 74 Block No 1 Certificate No 592. Original Grantee H & T C RR Co
Section No 80 - Block No 1. Certificate No 595. Original Grantee H & T.C. RR Co
" " 82 " " " " " 596 " " "
" " 84 " " " " " 597 " " "
" " 54 " " " " " 947 " " "
" " 72 " " " " " 591 " " "
" " 76 " " " " " 593 " " "
" " 16 " " " " " 885 " " "
" " 52 " " " " " 946 " " "
" " 50 " " " " " 945 " " "
" " 38 " " " " " 849 " " "
" " 48 " " " " " 944 " " "
" " 18 " 2 " " " 759 " " "
" " 14 " " " " " 757 " " "

And that the defendants Joseph Rosenthal George Bates

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and Robert Feige aught and of right are Entitled to be quieted in their said title to said above described tracts of land acquired from the plaintiff by the purchase of the same that is sought to be annulled and Cancelled by the plaintiff in this action and it is so ordered adjudged and decreed - And the plaintiffs herein represented by their attorneys in open Court agreeing that the Costs of this Cause be taxed against the defendants - It is adjudged that the officers of this Court do have and recover of and from the defendants Joseph Rosenthal George Bates and Robert Feige all their Costs in this behalf incurred for which let Execution issue -

Whereupon Court adjourned from day to day until Saturday Morning April 4th 1885 - When Court met pursuant to adjournment present same as on first day of the term when the following proceedings were had to wit:

75-16 Ex Parte F W Robertson } The State of Texas County of Travis -
To all to whom these presents shall come Greeting
Know ye that F W Robertson hath this day applied to the Honorable A J Walker Judge of the 26th Judicial District of the State of Texas for a License to practice as an Attorney and Counsellor at law and having produced a Certificate from Hon'l B F Fulmore County Judge Travis County Texas that he is twenty one years of age, and of good moral Character and honorable deportment and having been examined touching his Knowledge of the Law in open Court by a Committee of Attorneys of good Standing and said Committee and the Court being satisfied with the legal qualifications of the applicant - These are therefore to License Authorize and Empower him the said F W Robertson to practice as an Attorney and Counsellor at Law in the several District and inferior Courts of the State -

75-15 Ex parte P B Ward } The State of Texas County of Travis - To all to whom
these presents shall come greeting -
Know ye that P. B. Ward hath this day applied to the Honorable A. J. Walker Judge of the 26th Judicial District of the State of Texas for a License to practice as an Attorney and Counsellor at Law and having produced a Certificate from Hon B F Fulmore County Judge of Travis Co Texas that he is twenty one years of age and of good moral character and honorable deportment and having been examined

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touching his Knowledge of the law in open Court by a Committee of Attorneys of good Standing -
Thereupon therefore to license authorize and Empower the said P B Ward to practice as an Attorney and Counsellor at Law in the Several District and inferior Courts of this State -

Whereupon Court adjourned until Monday Morning April 6, 1885
Monday April 6th 1885 Court met pursuant to adjournment present same as on first day of the terms when the following proceedings were had to wit -

7457

The State of Texas vs D K Breazeale et al

This day came the parties in the above stated cause and the defendant D K Breazeale having filed his answer confessing the truth of the allegations contained in plaintiffs petition and waiving time and service of process and confessing judgment for the amount claimed in said petition and the defendants Oliver Bland, A.M. Rogers R.F. Jett A. P. Harris and John. T. Stark having asked and obtained leave to withdraw their answers and pleas to the jurisdiction filed in said cause and permit judgment to go against them and each of them by default. And the Court having heard the evidence adduced in support of the judgment and it appearing to the Court that the said defendant D.K. Breazeale, as principal and Oliver Bland, A.M. Rogers R.F. Jett A.P. Harris and John T Stark are indebted to the said State of Texas in the full sum of ($3443.76) three thousand four hundred and forty three & 76/100 dollars, it is by the Court ordered adjudged and decreed that said plaintiff the State of Texas do have and recover of and from the said defendants D K Breazeale, Oliver Bland A.M. Rogers R F Jett A P Harris and John T Stark the sum of three thousand four hundred and forty three & 76/100 ($3443.76) dollars with interest thereon at the rate of 8 per cent per annum besides all costs in this behalf expended for all of which let Execution issue

Whereupon Court adjourned from day to day there being no Civil business, until Monday April 13th 1885. when Court met pursuant to adjournment present same as on first day of this Term when the following proceedings were had to wit

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7474 M J Smith as R G Smith — And now on this the 13th day of April AD1885 came the plaintiff and defendant and upon motion it is ordered by the Court that the Continuance heretofore entered in this Cause be and the same is hereby set aside and cause called for trial and the defendant having duly accepted Service herein and made his appearance and the Court having heard the pleadings and Evidence and being of the opinion that the material allegations contained in plaintiffs petition are true and that she ought to have her divorce It is therefore considered and ordered by the Court that the bonds of matrimony heretofore existing between the plaintiff M J Smith and the defendant R G. Smith be and the same are hereby forever dissolved and that the plaintiff have and recover of and from defendant all costs of this suit for which let Execution issue Whereupon Court adjourned until tomorrow morning April 14th 1885

Tuesday April 14th 1885 Court met pursuant to adjournment present same as on first day of the term when the following proceedings were had, towit,

7265 Julia Berry vs Louis Berry — And now on this the 14th day of April 1885 came the plaintiff in this Cause and moves the Court to set aside the order of Continuance heretofore Entered in this Cause and to grant her a trial herein and there being no objection thereto and it appearing to the Court that the defendant had duly accepted service herein and waived Service of Citation it is ordered that said order of Continuance be and the same is hereby set aside and said Cause came on for trial and the Court having heard the pleadings & Evidence and being of the opinion that the material allegations contained in plaintiffs petition are true it is therefore considered and ordered by the Court that the bonds of matrimony heretofore existing between the plaintiff Julia Berry and defendant Louis Berry be and the same are hereby forever dissolved and that said defendant pay all costs of this suit — And it further appearing to the Court that the plaintiff Julia Berry is the owner in her own separate right of the following described property, towit, Eleven twentieths (11/20) undivided interest of the following property, towit, Lot No (1) one in Block one hundred and Sixteen (116) of the City of Austin Travis County Texas also that certain tract of land situated in the City of San Antonio in Bexar County Texas on the East side of the San Antonio River bounded on the North by an old Camp road described in the originall deed from the Government to

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the Vendus of Labaume on the East by Lands sold by the City of San Antonio to B Callahans on the South by North 12th Street and on the West by Pecan Street said Street being laid out by the City of San Antonio - It is therefore further ordered by the Court that said property be and the same is hereby set apart to said Plaintiff and her title thereto quieted as against said defendant and that She have her Execution for the Costs of this suit - Whereupon Court adjourned from day to day until Friday the 17th April 1885

Friday April 17, 1885. Court met pursuant to adjournment present same as on first day of the Term whereupon the following proceedings were had towit,

7478 Frances A Barnes vs Ransom A Barnes } And now on this day this cause being regularly called for trial came the plaintiff by Attorney and the defendant although having duly accepted service herein and waived service of Citation herein, came not but wholly made default and no jury being demanded the matters were submitted to the Court and the Court having heard the pleadings and Evidence, and having duly considered the same is of the opinion that the material allegations in plaintiffs petition are true and that She ought to have her decree of divorce

It is therefore considered by the Court that the bands of Matrimony heretofore existing between the plaintiff Frances A Barnes and the defendant Ransom A Barnes, be and the same are hereby forever dissolved and that the plaintiff do have and recover of the defendant all costs in this behalf expended for which let Execution issue

Whereupon Court adjourned from day to day there being no Civil business to record until Saturday April 25th 1885 when Court again met pursuant to adjournment when the following proceedings were had towit

5600 J R Robbins vs W L Bennett } And now on this day the defendants motion for a new trial coming on to be heard before Hon A H Graham Special Judge in this cause - and the same having been heard and submitted, duly considered and fully understood was

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by the Court overruled - To which ruling of the Court the Defendant by Attorney Excepts and in open Court gives notice of Appeal to the Supreme Court.

A H Graham Special Judge

7418 Mary A & J R Smith vs Frances T Burlege Etal } And now on this day Came on to be heard the motion of Defendants Joseph Fishion George Holdstape and Robert G Sheldon for leave to Substitute last original answer in this Cause, which said motion was by the Court granted and ordered that said defendants have leave to file said Substituted answer -

Court adjourned till Monday Morning 10 Oclock.

April 27th 1885

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

April 28th 1885

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

1498 Jas A. Raymond & Co. vs T. J. Weir. } And now on this day comes the plaintiff by Attorney, and ask that this Cause be dismissed, and the Costs having been paid, it is ordered by the Court that this Cause be and the same is hereby dismissed at Plaintiffs Costs -

7432 Francis A Bennett vs Robert T Bennett } And now on this 25th day of April 1885 Comes the plaintiff by Attorney and moves the Court to set aside the Continuance heretofore Entered in this Cause which motion was by the Court granted and said Cause called for trial when upon Came the plaintiff by Attorney and announced ready for trial - And the defendant Robt T Bennett being called Came not but wholly made default. And it appearing to the Court that said defendant had been duly Served with process herein - and failing to answer - the Court proceeded to hear the pleadings and Evidence - And having duly Considered the Same is of the opinion that the material facts and allegations in plaintiffs petition set forth are

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are true and that plaintiff Frances A Bennett ought to have the relief prayed for and that she should have her divorce It is therefore ordered adjudged and decreed by the Court that the bonds of Matrimony heretofore Existing between the plaintiff Frances A Bennett and the Defendant Robert Bennett be and the same are hereby forever dissolved and that plaintiff have and recover of defendant all Costs in this behalf Expended for which let Execution issue

Whereupon Court adjourned till tomorrow morning 10 O'Clock

April 29th 1885

Court met pursuant to adjournment present same as on first day and there being no Civil business adjourned till 10 O'Clock tomorrow morning April 30th and there being no Civil minutes to Enter of this date again adjourned until tomorrow morning May 1st When there being no Civil minutes of this date to Entw again adjourned until Saturday morning May 2nd 1885

Saturday May 2nd 1885 Court met pursuant to adjournment present same as on first day when the following proceedings were had to wit

Rosa Calhoun vs Jas W Calhoun } 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 ordered that plaintiff have leave to file 1st Amended Original Petition and said Cause being Called for trial Came the plaintiff by attorney and the Defendant in person and by attorney when both parties announced ready for trial and the Court having heard the Evidence is of the opinion that the material allegations contained in plaintiffs Petition are true and that the parties ought to be divorced. It is therefore Considered and ordered by the Court that the bonds of Matrimony heretofore Existing between the plaintiff Rosa Calhoun and the defendant Jas W Calhoun be and the same are here by forever dissolved and that the defendant pay all Costs of this suit for which let Execution issue

Whereupon Court Adjourned until Monday Morning May 4 1885 When Court met present same as on 1st day of term pursuant to adjournment when the following proceedings were had

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Received May 26, 1885, from W. J. Wilkinson $5700/100 on this judgment.
Defendant's Attorneys, Atty's for State

Received June 11, 1885, from W. J. Wilkinson $4449.72/100
Defendant's Attys
Attys for State

Received June 23, 1885, from W. J. Wilkinson $2148.45
Defendant's Attys
Attys for State

The State of Texas
vs
H W Merrill Et al

This day came on to be heard the above entitled Cause, whereupon came the plaintiff, and by leave of the Court filed his first Supplemental Petition herein, and the defendants Oscar Splittgerber and W. J. Wilkinson, by their attorneys, and it appearing to the Court that the Citations issued to the said defendants J D Hill and H W Merrill, have been returned not served, and that said defendant H W Merrill is actually and notoriously insolvent and that his residence is unknown and cannot be ascertained by the use of reasonable diligence, said plaintiff says that it will no further prosecute its said Suit against said defendants; And the matters in Controversy as well of fact as of law, having been submitted to the Court, and the Evidence and argument of Counsel having been heard and fully understood, it is Considered by the Court that the said plaintiff, the State of Texas, do have and recover of and from the said defendants Oscar Splittgerber and W J Wilkinson the Sum of two thousand three hundred and Eighty dollars with interest thereon at the rate of Eight per Cent per annum, together with all Costs in this behalf Expended and that Execution do issue therefor. And it is further ordered and decreed that should either of said defendants O Splittgerber or W J Wilkinson who are Sureties for the principal defendant H W Merrill, pay or be Compelled to pay more than his Equal share of said judgment and Costs then said party so paying more than his share shall be entitled to Execution in the name of the plaintiff against the other defendant for such Excess over and above this proportionate share.

Whereupon Court adjourned until tomorrow morning May 5th 1885 and on the 5th Court having met pursuant to adjournment and there being no Civil minutes to Enter again adjourned until Wednesday Morning May 6th 1885 when Court met pursuant to adjournment present Same as on first day of term when the following proceedings were had towit.

7529 Ex Parte
Adolph Pferdner

Be it remembered that on this 6th day of May 1885 personally appeared in open Court Adolph Pferdner, 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

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to the Court the declarations, an oath, of A A Ruffini and J H Raymond Jr. both Citizens of the United States of America that said Adolph Pfordner 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 and well disposed to the good order and happiness of the same and the said Adolph Pfordner 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 Congress, and is entitled to the benefits of the same, and he 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 whatever, and particularly to the Emperor of Germany of Germany of whom he was a subject It is therefore ordered by the Court that the said Adolph Pfordner be admitted and he was admitted to be a Citizen of the United States of America

7263. Mary Jane McCorkle Etal vs Texas Benevolent Association } On the 28th day of March 1885 this cause being called for trial, came the parties by their attorneys, when it is ordered by the Court that Plaintiff have leave to file 1st Supplemental Petition and defendant leave to file 1st Supplemental answer whereupon both parties announced ready for trial and no jury having been demanded the matters as well of fact as of law to the Court and the Court having heard the pleadings Evidence and Arguments of Counsel thereon took the same under advisement And on this the 4th day of May 1885 it is the opinion of the Court that the law and facts are with the defendant - It is therefore considered ordered and decreed by the Court that the Plaintiffs take nothing by their said Suit and that the defendant go hence and recover of the Plaintiff Mary Jane McCorkle and as next friend of the Minors Samuel McCorkle Robert W McCorkle and Mary C McCorkle all Costs of this Suit for which let

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Execution issue. To which judgment of the Court the Plaintiffs except and in open Court give notice of Appeal to the Supreme Court and the Plaintiffs ask that the Judge file statement of findings of facts and law.

Whereupon Court adjourned until tomorrow morning May 7th 1885.

Thursday May 7. 1885

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

7328 Ex parte } Be it remembered on this day coming on
Jacob Louis Simon } to be heard the application of Jacob Louis Simon a minor to have his disabilities removed and it satisfactorily appearing to the Court that said Jacob Louis Simon is more than 19 years old but not yet 21 years of age and that it is advisable and will be advantageous to said minor to have his disabilities removed; it is therefore ordered adjudged and decreed that from and after the date of this decree the said Jacob Louis Simon shall be deemed and held for all legal purposes of full age and shall be held responsible and shall have all the privileges and advantages as if he were of full age. Saving only that he shall not vote until he arrives at the full age of 21 years.

7345 William Shappard
vs
Robert T. Hill Octavia Radford, Ellen Duval Radford Duval Radford R O & Radford Jr & R C M Radford Dr. (Adults) and W M Radford and O Lovey Radford Minors. And now on this day came the parties hereto, the adults by their Attorneys and the two minors Wm M and O Lovey Radford by their Guardian ad Litem A M Perrill Esq. duly qualified according to law, and announced themselves ready for trial before the Court on matters of law and fact no jury having been demanded by either plff or defendants thereupon came on to be heard the case on proofs after pleadings read; And the Court after argument and suggestion of Counsel, understanding the whole case doth order adjudge and decree as follows; 1. That the Plaintiff William Shappard and the Defendant Robert T. Hill are Entitled in law under the facts in Evidence jointly to one half of the land sought to be partitioned. And 2 That the other Defendants other than the said Robert T. Hill

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are jointly entitled to the other half of said track of land the Whole track being described as follows: "A track of 22 1/4 acres on the West side of the Colorado River about Seven miles below the City of Austin in Travis County Texas; Known as the half League Survey granted to Santiago del Valle under the application of his Attorney in fact Samuel M Williams and by said Attorney Samuel M Williams Conveyed to Thomas F McKinney and by said McKinney Conveyed to Henry H Williams and by him Conveyed to Marcellus Duval" 3. That John E Campbell County Surveyor of Travis County Texas. Dennis Corwin and Jas A Thompson be and they are hereby appointed Court Commissioners to make partition of the whole tract of land hereinbefore mentioned - and they will ascertain, as part of their duty, the Exact boundaries by metes and bounds of the said tract of 22 1/4 acres of land and partition the same in the following manner — 1. That said Commissioners will first divide said whole tract of land into two parts according to quantity and quality - the one half to be set aside to the said Plaintiff William Shapard and Defendant Robert T Hill and the other half to be set aside to and for the benifit jointly of all the defendants other than the said Robert T Hill —
2- That the one half of said Entire tract of land so set aside to and for the said Wm Shapard and Robert T Hill be divided between them in Equal proportions, Share and Share alike according to quantity and quality - 4. That the said Court Commissioners be and they are hereby directed and report in writing their action in the premises on or before the 1st day of June proxima — 5. That this Case be passed for the time being to await the action of the named Court Commissioners — 6. That the costs herein be taxed against the parties taking in this partition in proportion to the amount taken in this partition

No 7587

Jackson Eubanks vs D H Wheeler } Now on this 2nd day of May 1885 Came the parties by their respective attorneys and agree and consent that Judgment shall be entered herein in favor of the defendant and against the Plaintiff - It is therefore considered ordered and adjudged by the Court that all right title and interest

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be divested out of plaintiff and vested in defendant and that the right of defendant be quieted in and to the following described tract of land situate in Atkascosa County Texas and described as follows, to wit, Beginning at the E Corner of Survey No 1321 for James P Pittman a mesquite 4 in brs S 87½ E 35 varas do 4 in brs N 84½ E 35 Varas Thence N 40° W on the line of said Survey No 1320. 2887. varas to North Corner of same at a stake Thence N 50° E on the line of No 1322 for B Sanches 2887 Varas to the W Corner of a Survey for Thomas Flynn Mesquite 6 in brs at 84½ E 42 varas do 4 in N 22½ E 43 varas Thence S 40° E 2887 vrs to a stake a mesquite 8 in brs N 50½° W 7 Varas do 8 in S 88¼ W 8 varas - Thence S 50° W 2887 vrs to place of beginning Said tract of land having been patented to George Eubanks June 25th 1875 by Patent No 141 Vol 21 - Further ordered that Defendant have and recover of Plaintiff all Costs in this behalf expended and for which Execution may issue -

4073 R. N. Lane vs Geo. O. Evans. } Now A. M. Jackson Jr Special Judge presiding, And now on this the 7th day of May A D 1885- this cause being regularly called by the Hon A M Jackson Jr. Special Judge duly commissioned and qualified by taking the Constitutional oath prescribed by law, and the Deft defendant Geo O. Evans appearing by attorney to wit: John Dowell Esq and the Plaintiff failing to appear, upon motion of defendants attorney it is ordered by the Court that this cause be and the same is hereby dismissed for want of prosecution.

A. M. Jackson Jr.
Special Judge

3890 D. Jerrold vs Jas R Newcomb et al } It being suggested to the Court that this cause had been finally disposed of in the Supreme Court. it is ordered that it now be stricken from the docket of this Court -

5274 J. R. Ray et al vs Vincent Chambers et al - No Counsel appearing and case being regularly called - it is ordered that the same be continued for the term -

5021 J. B. Wygall vs The State of Texas No Counsel appearing and case regularly called it is ordered that said cause be continued.

5747 Mary A Irvin vs Jas M. Irvin et al Continued by consent.

5449 Thos T Kemp vs Geo King. No Counsel appearing. Continued

5452 Mary A Irvin vs Jas. M. Irvin et al. Continued by Consent

5692. J N Carey vs Augusta Carey. Continued by Consent -

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5769 Amarilla Brinn vs Henry Brinn, No Counsel appearing Continued
5867 M. W. Nunnelal vs Frank D Nunnelal No Counsel appearing Continued,
5984 J M. Sommers vs John Stringer & wife — Ck appearing to the Court that this cause has been affirmed and the mandate filed It is ordered that this cause be now dropped from the docket.
6001 Josephine B. Wynn vs T. L. Wynn et al — Ordered passed to and ck docket for 2d time
6064 James B. Goff vs Charles G. Jones et al. Set for May 8th 1885.
6077 John Orkney et al — vs Jennie W. Stull admx &c. This cause being this day called for trial, came the parties by their attorneys, and thereupon upon motion of plaintiff attorney it is ordered by the Court that this cause be and the same is hereby dismissed at plaintiffs cost — and the plaintiff John Orkney and pay all costs of this suit for which execution may issue —
6082 Mary E. Dart Wilson vs W. W. Nunnelly et al — Continued by Consent —
6098 W. B. Isham vs John A Webb — Continued by Consent —
7033 John Richards vs Jno. P. Kirk — Set for trial for May 15. inst.
7064 The State of Texas vs J A Rhomberg et al — Set for June 9th
7084 Winchester Partridge Mfg Co. vs W. Cutchens et al Set for June 16.
7097 Ellen D. Robinson et al vs F O Skidmore et al. Continued by Consent —
7098 H & T C. Ry Co. vs S A Bass. Passed to end of docket 2d time.
7099 H & T C Ry Co vs H. J. Quinlan Same order —
7100 H & T C Ry Co. vs J W Bubnage Same order —
7101 H & T C Ry Co. vs B. K. Durfee Same order —
7102 H & T C Ry Co vs J A Buckingham Same order —
7103 H & T C Ry Co. vs C F Emery Same order —
7104 H & T C Ry Co vs W. M. Boyd Same order —
7116 Winnie Ruder vs Wm Ruder — Continued
7119 T. L. Wynn vs Ed Cleary — Continued by Consent
7128 Jeff Brinn vs Mexico Cattle Co — No Counsel appearing, Continued
7133 Dorcathea Homburger vs Jacob Homburger — Passed to end of docket for appearance to be furnished —
7142 The State of Texas vs Jno. R. Ward — Ordered continued for want of pleadings —
7143 The State of Texas vs Caroutheus Searight Set for May 9th
7146 The State of Texas vs Arthur Richardson et al — No Counsel appearing Case continued —
7147 The State of Texas vs A. L. Rhomberg et al Set for June 9th

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7162 H & T.C. Ry vs T & P Ry Co. No Counsel appearing Continued.

7221. Henry St. Celler Adm vs. Unknown Heirs of T. P. Lawyer. It is ordered by the Court that Floyd McGown Esq be and he is hereby appointed Attorney to represent the absent defendants in this Cause, and Cause passed to end of docket.

7234 Sophia Krisch vs Ed Willkens. It is ordered by the Court that Jas. D. Sheets Esq be and he is hereby appointed attorney to represent the absent defendants and Cause passed until May 8th 1885.

7243. Jack Love vs Letitia Love. Set for May 9th 1885.

7262 Rebecca Byerly vs Elizabeth Espy et al. Set for June 3rd 1885.

7264 Martha A Chappell Exec. vs Jno A Blanton et al, Passed to end of docket.

7276. J. Newton Jackson vs W. B. Walker. Continued by Consent.

7285 F. Brigance Admrs. vs T O Ferguson et al } It is ordered by the Court that the Plaintiff have leave to file 1st amended original petition, and defendants Collett has leave to file 1st amended original answer. and Cause being regularly called for trial, when the Plaintiff by attorney announced ready. When the pleadings and evidence was heard and submitted to and taken under advisement by the Court.

7294 Isabella Manor vs Campbell Manor. No Counsel appearing Case continued by the Court.

7308 C R. Johns & Co vs Carmichael & Scarighth. Continued by Consent.

7418 Mary A. & S. R. Smith vs Francis T Burlage et al. Set for May 14.

7419 R. Birtram vs Frances B. Foster, Passed to end of docket.

7423. M. L. Ferguson et al vs Geo M. Stinson et al Set for June 2nd 1885.

7425 W A D Cannington vs J. B. Rhinehardt, Passed to end of docket.

7442. Blymyer Mfg Co vs Jno A Webb & Bro. Set for May 8th at 2 P.M.

7444 Evans A Morris vs H & T C Ry Co. Continued by Consent.

7461. The State of Texas vs J T Ingram et al Set for June 8th 1885.

7462 The State of Texas vs J B. Gorman et al Set for June 8th 1885.

7465 Joel. P. Smith vs R A Kirby et al Set for June 4th 1885.

7467 Elbert C Cooper vs Spence A Cooper Set for June 6th 1885.

7468 Mary J Allen vs Frank Allen Set for June 6th 1885.

7473 The State of Texas vs Jno. C. Montgomery et al. By Consent of the parties it is ordered by the Court on this the 25th day of March that this cause be set down for trial for May 12th 1885.

7475 T. O. Nisbet vs E Vogtsberger et al. Continued by Consent.

7476 A. P. Woodridge et al vs The Springfield Fire and Marine Insurance Co. By Consent set for trial for June 10th 1885.

7480 M. Olive Wilmore vs Elizabeth Steinzen et al, Passed to end of docket.

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7483 Waddox Bros & Anderson vs P. H Wendwich Jr. } And now on this the 15th day of April AD1885, upon motion of Plaintiffs attorney, it is ordered by the Court that the Plaintiff be and he is hereby granted leave to withdraw from the files in this cause the original note upon his leaving certified copy of the same on file. the original being withdrawn for the purpose of being returned to the Maker.

7487 H. M. Bryce etal. vs Anna Bryce, Passed by Consent to May 9th 1885.

7489 S. P. Cunningham vs I Fromholz etal. Passed by Consent to June 2nd 1885.

7492. Phil Abrahams vs Anny F. Fried & etal. Continued for service,

7495 James W Daughtly vs J W Hill & Barbary Hill. By Consent passed to May 9th 1885.

7503 First Nat Bank of Austin. vs Swancoat & Burns. By Consent passed to end of docket.

7504 1st Nat Bk of Austin vs R. J Swancoat. By Consent passed to end of docket.

7507. Georg Fanek vs Rosa Silva husband. By Consent passed continued,

7511 Germania Verein vs Julius Schully. By Consent set for June 8th 1885.

7512. W. L. Davidson vs Annie C. Lott. By Consent passed to end of docket.

7517. E. L. Martin & Co. } vs J. H F. Chapman } This day came the parties by their attorneys and thereupon the defendant says nothing in bar of plaintiffs action, and consents that judgment may be rendered against him for the amount claimed by plaintiff. Whereupon the said E L. Martin and C. G. Perrin comprising the firm of E L. Martin & Co might be aware of the said J H F. Chapman the defendant their damages by occasion of the premises, and it appearing to the Court that said cause of action is liquidated and proved by instruments of writing, it is ordered that the Clerk do assess the damages sustained by said plaintiffs and the said Clerk now thereupon assessed the damages aforesaid at the sum of $1706 65/100. It is therefore considered by the Court that the plaintiffs E. L. Martin and C. G. Perrin under their firm name and style of E. L. Martin & Co. do have and recover of and from the defendant J H F. Chapman said sum of Seventeen hundred & six 65/100 dollars with interest thereon from this date until paid at the rate of 8% per annum and all costs of suit. for all which let execution issue. Court adjourned till tomorrow morning 10 oclock.

Friday May 8th 1885.

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Court mek pursuank. Prosek same as on first day. Whereupon the following proceedings were had viz;

7442 Blymyer Mfg Co. vs Jno A Webb & Bro } By agreemnk of counsel it is ordered by the Court that this cause be and the same is hereby set for trial for the 16th day of May, 1885, and that plaintiff have leave to file 1st amended original petition.

Court adjourned till tomorrow morning 10 oclock.

Saturday. May 9th 1885.

Court mek pursuank to adjournmnk. Prosek same as on first day. Whereupon the following proceedings were had viz;

7143 The State of Texas vs Carruthers & Scanlyk. By consent set for trial for May 11th 1885.

7285 F. Brigance Admn. vs T. O. Ferguson et al } And now on this day comes the plaintiff by attorney and mek leave to withdraw this case from the consideration of the Court, the same having heretofore been submitted, and ordered by the Court that the plaintiff have leave to file 2d amended original petition.

7485 Caroline Chambus vs Lem Chambus. } And now on this day this cause being called for trial, having been set by agreemnk for trial for this day. Whereupon came the plaintiff by attorney and announced ready - and it appearing to the Court that the defendant had been duly served mek process herein, and had also filed his appearance the Court heard the pleadings evidence and argumnk of counsel. and being of opinion therefrom that the material allegations contained in plaintiffs petition are true. and that she ought to have the divorce. It is therefore considered ordered and adjudged by the Court that the bonds of matrimony now and heretofore existing between the plaintiff Caroline Chambus and the defendant Lem Chambus be and the same are hereby forever dissolved and they are forever severed as man and wife - And further ordered that the plaintiff Caroline Chambus be and she is hereby given the care and custody of the two children viz: Drene and Willie ——— the issue of their said marriage. subject to future orders of this Court on this subject -

District Court Minutes, March Term, 1885

Saturday the 9th day of May 1885

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

7499. Mary Ann Brown vs John D. Brown

On this 2nd day of May 1885 Came the plaintiff by attorney and announced ready for the hearing of the Motion heretofore filed by her in this cause asking that the judgment heretofore entered in this cause be reopened and that partition of the community property described be had between herself and the defendant Jno D Brown. and it appearing to the Court that a copy of said Motion had been served upon said defendant and that he had failed to appear and answer herein, the Court allowed the plaintiff to proceed and heard the testimony in her behalf, and postponed the further hearing of this cause until this the 9th day of May 1885; When it is considered and ordered by the Court that said Motion of Mary said judgment be and the same is hereby granted, and that said judgment be amended so as to include the partition as prayed for, It is therefore ordered and decreed by the Court that of said property now in the possession of the defendant there shall be allotted and set apart to said plaintiff Mary Ann Brown (3) three cows and calves, described as follows, one cow about 5 years old red and white spotted on the sides and neck and head branded B with calf nearly same color, one Red cow a little white in the flanks and branded same as the last with her red calf with White back, one brown cow about four or five years old branded as the other two with her red calf- and that the title to the same be divested out of Jno D Brown and be vested in her the said Mary Ann Brown. and that they be set apart and allotted to said defendant John. D. Brown the remainder of said property Viz: 1 Cow and calf all the hogs and the horse and wagon. and that the title to the same be divested out of the said Mary Ann Brown and be vested in him, and that the costs of this Motion be paid in equal proportion by plaintiff and defendant for which execution may issue against them respectively, And it is further ordered by the Court that the plaintiff have process at the ore tenus to issue in due course to place her in the possession of said three cows and calves as herein described.

7464 Charles A. Stenning vs Swancoat & Burns.

And now on this the 7th day of May 1885. this case came on for trial, and being regularly called. Whereupon came the

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Plaintiff and defendant R. J. Swancoat - the defendant Burne not having been served with process: thereupon plaintiff announced his case as to the said Burne, so far as the said Burne, has had, or owned an individual interest in the subject-matter involved in this suit, or otherwise than as a partner in the partnership of Swancoat and Burne. Thereupon Pepp and defendant R. J. Swancoat announced themselves ready for trial, the Comm of Swancoat and Burne having filed no answer, made no appearance, but wholly made default, having been duly served, by process served on the said R. J. Swancoat, and no jury having been demanded the cause, as well of law as of fact was submitted to the Court, and the Court having heard the pleadings on the part of plaintiff, and the disclaimer in writing by the said defendant R. J. Swancoat of any interest in the property described in plaintiffs petition, together with the evidence adduced and being fully advised in the premises doth ordain adjudge and decree as follows. —

1. That the plaintiff Charles A Stevens do have and recover of and from the said R. J. Swancoat on his said disclaimer and of the firm of Swancoat and Burne composed of R. J. Swancoat and Z. Burne as to any partnership interest all their right, title, claim and interest in and to the following described property viz: Sixty Six & 66/100 acres lying being and situate in the County of Travis Texas, and described as follows.- Part of the Isaac Decker league and being the balance of a tract of 118 6/10 acres conveyed by Jas. G. Swisher to Jno. M. Swisher on the 14th Oct 1859. and recorded page 179. Book R. Travis Co - fifty two acres of which, already has been conveyed by Jno. M. Swisher and wife to Plaintiff on the 6th Jan - 1885: off the West side of said 118 6/10 - the said 66 6/10 acres of land being by metes and bounds described as follows —

Beginning at a pinch which forms the N. E. Corner on Bonds Creek of the aforesaid 52. acres, conveyed as aforesaid - thence with the East line of said 52 acre tract; with of said 118 6/10 acre tract. S. 40° W. through said 118 6/10 acre tract to its Southern boundary line. to its S. E. Corner - that is S. E. Corner of the 52 acre tract - which is the S. W. Corner of this 66 6/10 acre tract now and for, thence S 45 1/2 E. with the Southern line of said 118 6/10 acre tract to corner in center of Forbes branch, a live oak 9 in dia: Brs S 6 1/2° E. 8 vrs - thence down said branch

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to its mouth, corner of Hugh Timmins track - thence with Timmins track N 30° E. 100 Vrs to the Colorado River, thence up said River N 36° W. 320 Vrs - N 57° W 150 Vrs, N 31¼° W 162 Vrs - to the lower corner on the Rim of track No 2. of 48 7/10 acres - an Elm 8 in dia Brs S. 39¼° W. 49 Vrs - a hackberry 11 in dia Brs S. 46½° W. 43 Vrs! thence S. 40° W. 340 Vrs to Bouldins Creek at mouth of a branch Thence down said Bouldins Creek, with its meandus to the place of beginning. Which Field the aforesaid conveyed 52 acres constituted and constitute the said 118 6/10 acres - conveyed by said Jas. H. Smith and Jno M Smith and recorded as aforesaid.

2 - That plaintiff have his writ of possession to issue in due course for all of the aforesaid described property and that he be placed in the possession thereof according to law. -

3. That plaintiff have his costs as against the firm of Brancoat and Burns.

4. That defendant R. J. Brancoat and the officers of Court have judgment against plaintiff for all costs in this case for all which execution may issue.

Whereupon Court adjourned until Monday morning May 11th 1885 - When Court met pursuant to adjournment and there being no Civil minutes to Enter of that date adjourned from day to day there still being no Civil minutes to Enter until Thursday morning May 14th 1885 - When Court met pursuant to adjournment. Present same as on first day - whereupon the following proceedings were had, towit

7116 ✓

T H Millir
vs
G M Brass Trustee
G W Brass Guardian ad Litem of
G W Brass Jr Matilda P Brass
Clara Brass Emma Brass Amelia
Brass Jr Pauline Brass and Ida Brass

And now on this 14th day of May AD 1885 Came on to be heard the motion of the plaintiff in this Cause to Enter Nunc pro tunc the judgment in this cause, because of the fact that the judgment heretofore entered was incorrect in this that said judgment in describing the property does so by stating that it is Lot No (7) Seven in Block No (60) Sixty of the City of Austin Texas when it should be Lot No (7) Seven in Block No (62) Sixty two of the said City of Austin and to grant an order correcting and reforming said judgment so that the said lot in said judgment shall read Lot No (7) Seven

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in Block No (62) Dixty two and that the Entry in said
original judgment of Block Dixty (60) instead of block
(62) Dixty two be taken out and it appearing to the Court that
all the parties both Plaintiff and Defendants appearing in open
Court and Consenting to said Motion and asking that said judg
ment be so Corrected and Changed the said Plaintiff ap
pearing by John Dowell his Attorney of Record and the
said Defendants G W Brass Trustee and Guardian ad litem
appearing for himself in person and as such guardian
for the minors G W Brass Jr Matilda P Brass Clara Brass
Emma Brass Amelia Brass Jr Pauline Brass and Ida Brass
and all of said defendants appearing by their attorneys
of Record Moore Rector and Thompson all parties announced
ready for trial on said motion and the Court after duly consid
ering the same and hearing the said motion and the Evidence
in Support thereof and the argument of Counsel was of the
opinion said Motion should be granted and said judgment
be so Corrected and Changed- It is therefore ordered
adjudged and decreed by the Court that the judgment
Entered in this Cause on the 5th day of October AD 1883
be Do Corrected and altered as to Stand and read and be in
words and figures as follows-viz - No 7115. F. H.
Miller Plaintiff vs G W Brass Trustee & G W Brass Guardian
ad Litem of G. W Brass Jr Matilda P Brass Clara Brass
Emma Brass Amelia Brass Jr Pauline Brass and Ida Brass.
Defendants
In District Court of Travis County - Texas -
And now on this the 5th day of October AD 1883 this
Cause coming on to be heard in its regular order for
trial, and the Plaintiff appearing in person and
by his Attorneys N. G. Shelby; John Dowell and H. B.
Barnhart and the Defendants G W Brass Trustee appear
ing in person and the defendants G W Brass Jr Matil
da P Brass Clara Brass, Emma Brass Amelia Brass
Jr Pauline Brass and Ida Brass minors as aforesaid
appearing by their guardian ad litem G W Brass who
was personally present and all of the Defendants app
earing by their Attorneys of record Rector and Thomson
both Parties Plaintiff and defendants announced ready
for trial and a jury not having been demanded the
Cause was submitted to the Court who after hearing

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the Pleadings Evidence and argument of Counsel in the Cause was of the opinion, the Law and the facts were with the Plaintiff and he aught to have the relief prayed for- Whereupon it is ordered adjudged and decreed by the Court that the Plaintiff in this Cause do have and recover of and from the defendants in this Cause G W Brass Sr as Trustee and of and from G W Brass guardian ad litem of the minors G W Brass Jr Matilda P Brass Clara Brass, Emma Brass, Amelia Brass Jr Pauline Brass and Ida Brass and of and from each and all of said minors individually the following described Real Estate viz - Lot Number (7) Seven in Block Number Sixty two (62) of the City of Austin County of Travis and State of Texas also (200 3/4) Two thousand and three and one half acres of land in Travis County Texas part of the Martha G Marrow Survey and described as follows Beginning at the South West Corner or South Corner of said League it being North West Corner of Dallas & Washita Ry Co Survey and N E Corner of Mary Briggs Survey Thence with the East line of said league N 30 E 3476 1/2 varas to the Centre of said line Thence N 60° W 3736 varas to the Center of the upper side of said Survey Thence S 30° W with said upper line 3476 1/2 varas to a Stake Thence S 60° E with W line to beginning together with all improvements thereon and together with all Costs of Suit- That he have his writ of possession against said defendants and those Claiming under or by them, to place him in possession of said lands and that Execution issue for the Collection of the Costs- That the said judgment of date the 5th day of October AD 1883 be Corrected and Changed by this judgment and that this judgment be now entered of record as of date the 5th Day of October AD 1883 and that this said judgment stand and be the only and true final judgment in the Cause and that this be and is the judgment upon which the rights of the parties vest-

7033. Jno Richards vs Jno. P. Kirk - It is ordered by the Court that Plaintiff have leave to file 1st Amended original Petition

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Thursday the 14th day of May 1885

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7418. Mary A. & S. R. Smith
vs
Francis T. Bullage et al

Upon motion of plaintiffs attorney it is ordered by the Court that plaintiff have leave to file Orginal Petition lost. this thing substituted for same.

Court adjourned till tomorrow morning 9 o'clock.

May 15th 1885

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

7533. Joel H. B. Miller
vs
Ex Party.

The State of Texas. County of Travis.

To all to whom these presents shall come, Greeting: In the District Court of Travis County. Held at the Court House in the City of Austin in said County. Joel Henry Berry Miller 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 from the Judge of the Circuit Court of the 2nd Judicial District and Judge of the Court of Appeals of Kentucky certifying that said Joel H. B. Miller was admitted as an Attorney and Counsellor at law of the Courts of said State, and he having been introduced to this Court by Hon.s H. G. Shelby and James H. Robinson 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 Joel H. B. Miller 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

7418. Mary A. & S. R. Smith
vs
Francis T. Bullage et al

Upon motion of plaintiff attorney it is ordered by the Court that plaintiffs have leave to file 1st Amended original petition and 1st supplemental petition

7285. T Borgiance Adm
vs
J Hackett Et al

Now on this the 9th day of May 1885. Came on to be heard the motion of plaintiff heretofore filed for an order of the Court granting the Clerk leave to amend the Citation in this Cause issued against the defendant J. M. Farmer and it appearing to the Court from said motion and plaintiffs 1st Amended Original Petition that said name should be J M Farmer and that said

District Court Minutes, March Term, 1885

Friday the 15 day of May 1885

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

Citation had been duly served upon the said J M Parmer the Garnishee defendant herein and duly returned into this Court. It is therefore ordered by the Court that the Clerk be and he is hereby ordered to amend said Citation in accordance with the facts as herein stated - that is to amend said Citation by changing the name J M Parmer to J M Palmer in the Citation herein -

7143

The State of Texas vs Carathers and Searight

And now on this 14th day of May AD 1885 Came the parties by their Attorneys and announced ready for trial of this Cause, and no jury having been demanded by either party The matters of fact as well as of law were submitted to the Court, and the Court having heard the pleadings and evidence is of the opinion that the law and the facts are with the defendants - It is therefore Considered and ordered by the Court that the Plaintiff the State of Texas take nothing by her said suit and that the defendants W D Carothers and G A Searight under their firm name of Carothers & Searight are bona fide purchasers in good faith and as such are the owners of the following Surveys of State School lands. Situated in Zavala County - State of Texas to wit;

Survey No 6, Certificate No 610 Original grantee A B & M -
" " 36 " " 1211 " " "
" " 4 " " 555 " " "
" " 2 " " 1223 " " " And that

they ought and are by right Entitled to be quieted in their title to said above described lands and it is so ordered adjudged and decreed by the Court.

Court adjourned till tomorrow morning 9 O'Clock

May 16th 1885

Court met pursuant to adjournment & there being no Civil minutes to Enter of this date adjourned until Monday Morning May 18th 1885 - When Court met pursuant to adjournment present same as on first day of the term when the following proceedings were had to wit,

7285

F Brigance Admr vs J H Callett T O Ferguson C A Grant John Reed Solomon Rowe & J M Parmer

And now on this the 18th day of May 1885 Came the Plaintiff F Brigance Administrator of the Estate of C A Bulkley dec'd by his attorneys Carleton & Morris and the Defendants J H Callett in his own proper

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Jenson and announced themselves ready for trial; but the defendants T O Ferguson C A Grant John Reed Salomon Rowe and J M Parmer though duly served with process failed to appear thereupon the Court proceeded to hear the pleadings the evidence and the argument of Counsel, Upon which it is ordered adjudged and decreed by the Court that the plaintiff F Brigance as administrator of the Estate of C A Bulkley deceased do have and recover in partition of and from the defendants J. H. Callett - T.O. Ferguson C. A. Grant - John Reed Salomon Rowe and J M Parmer one Equal undivided one half of that certain tract or parcel of land situated in the County of Jack and State of Texas being the same tract of land containing 640 acres which was patented to C A Bulkley assignee of W.E.P & P R R Co by Patent No 474 Vol 11 Certificate dated September 3rd 1883 - and which said tract of land is described by metes and bounds as follows: Beginning at mast S E W Corner of Patented Survey in the name of John W Rose Thence S 1900 varas a Stake in Prairie Thence W 1900 vrs a Stake in Prairie Thence N 1900 vrs a Stake in Prairie Thence E 1900 varas to the Beginning - It is further ordered adjudged and decreed by the Court that the defendant J. H. Callett do have and recover in partition of and from the plaintiff F Brigance as administrator of C A Bulkley deceased and of and from the defendants T.O. Ferguson C A Grant John Reed Salomon Rowe and J M Parmer one equal undivided one half of the aforesaid tract of land It is further ordered adjudged and decreed that R M. Thomson W Von Rosenberg Sr and Rhoads Fisher be and are hereby appointed Commissioners to divide and partition the aforesaid tract of land between the said F Brigance ~~as~~ administrator as aforesaid and J H Callett Setting apart to each one of said persons one equal undivided half in value of said tract of land and that they be directed to make report of their action to this Court at the earliest day possible and not later than the first day of the next term of this Court.

6064 James. B. Goff vs Charles G. Jones & Wife - Upon motion of Plaintiff it is ordered by the Court that he have leave to file 3d Amended original petition -

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Wednesday the 20th day of May 1885.

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

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

7418. Mary A. & S. R. Smith vs Francis A. Burlage et al } And now on this day came the parties by their attorneys and thereupon came on to be heard the application and affidavits of the plaintiffs by their attorney for a continuance of this cause, and the same having been submitted to, and deemed by the Court sufficient, it is ordered by the Court that this cause be and the same is hereby continued on application of the plaintiffs.

7462. The State of Texas vs J. B. Gorman et al and Thomas J. Bailey } Now comes the plaintiff by attorney and moves the Court for leave to withdraw the depositions of W. H. Spencer, E. S. Alley taken and filed in this cause in behalf of plaintiff, for the purpose of allowing the Clerk who took said depositions to amend his certificate thereto - Which motion is by the Court granted - and ordered by the Court that the plaintiff be and is hereby allowed to withdraw said depositions for that purpose -

7480 M. Olin Wilmas vs Elizabeth Heinzen et al. By agreement it is ordered by the Court that this cause be set for trial for June 4th

7442. Blymyer Manufacturing Company. vs John A. Webb & Bro. } This cause being regularly called for trial on this the 20th day of May 1885. the parties appeared by their respective attorneys, and announced ready for trial, and a jury not having been demanded by either party, the matters in issue were submitted to the Court, The Court after hearing the pleadings and evidence, and after fully considering the same, is of the opinion that the law is with the plaintiff, and that there is due the plaintiff at this date from the defendants in principal and interest on the notes sued on in this cause the sum of $1643.57.

And it appearing to the Court that the defendants have been served with Citation in this cause - it is considered and ordered by the Court that the plaintiff, the Blymyer Manufacturing Company do have and recover of and from the defendants John. A. Webb and Joseph. W. Webb, the members of the firm of John A Webb & Bro the sum of Sixteen hundred and forty three & 57/100 ($1643.57) dollars, with interest thereon from this date until paid at the rate of eight per cent

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per annum and all costs of suit. For all which execution may issue and be levied upon the property of said firm of John A. Webb & Bro. or upon the individual property of either said John A Webb or Joseph W Webb; to which judgment the defendants then and there in open Court excepted and gave notice of Appeal to the Supreme Court of State.

It is further ordered by the Court that the officers of Court have been him against the plaintiff the Blymyer Manufacturing Company and entitled in their costs herein. Walter Tipps for their costs incurred by plaintiff in this cause.

Court adjourned till tomorrow morning 9 o'clock

May 21st 1885

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

7098 H. & T. C. R. R. Co. vs A. A Bass. Ordered by the Court that plaintiff have leave to file 1st Amended original Petition

7099 H & T C R R Co vs W. J. Dunlap

7100 H & T C R R Co. vs I. N. Butman

7101 H & T. C. R R Co vs B. K. Durfee

7102 H & T. C. R R Co vs A. A Buckingham

7103 H & T. C. R R Co vs C. F. Emery.

7104 H & T C R R Co. vs W. M. Boyd

It is ordered by the Court in the above five cases that plaintiff have leave to file 1st amended original Petition.

Court adjourned till tomorrow morning 9 o'clock

May 22nd 1885

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

7149. James. R. Johnson vs Lilla. B. Rector & her husband James. E. Rector } This cause coming on to be further heard, the plaintiff James R. Johnson being represented by A. J. Peeler, his attorney, and the defendant Lilla. B. Rector, being represented by A. W. Troll Esq. her attorney, and it appearing to the Court that the Commissioners heretofore appointed viz: A. J. Nelson. John T. Olive and R. A. Montgomery, to make partition of the premises under and in pursuance of a decree heretofore entered in this cause on the day of March A D 1885 as appears by the records of this Court Book P pages 475. 476. 477. have in conformity with the said decree

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complied a partition of the lands and premises in said decree mentioned as therein directed and have filed their report in writing and under oath to this court, and it further appearing to the court that said report is in conformity to law and that neither party to this suit has filed any objections thereto- it is now therefore ordered, adjudged and decreed that the said report be and the same is in all things confirmed,

It is further decreed that there be and is hereby vested title in the defendant Lilla .B. Rector as her separate property to the following portion, share and parcel of the said land and premises in said decree mentioned to-wit:

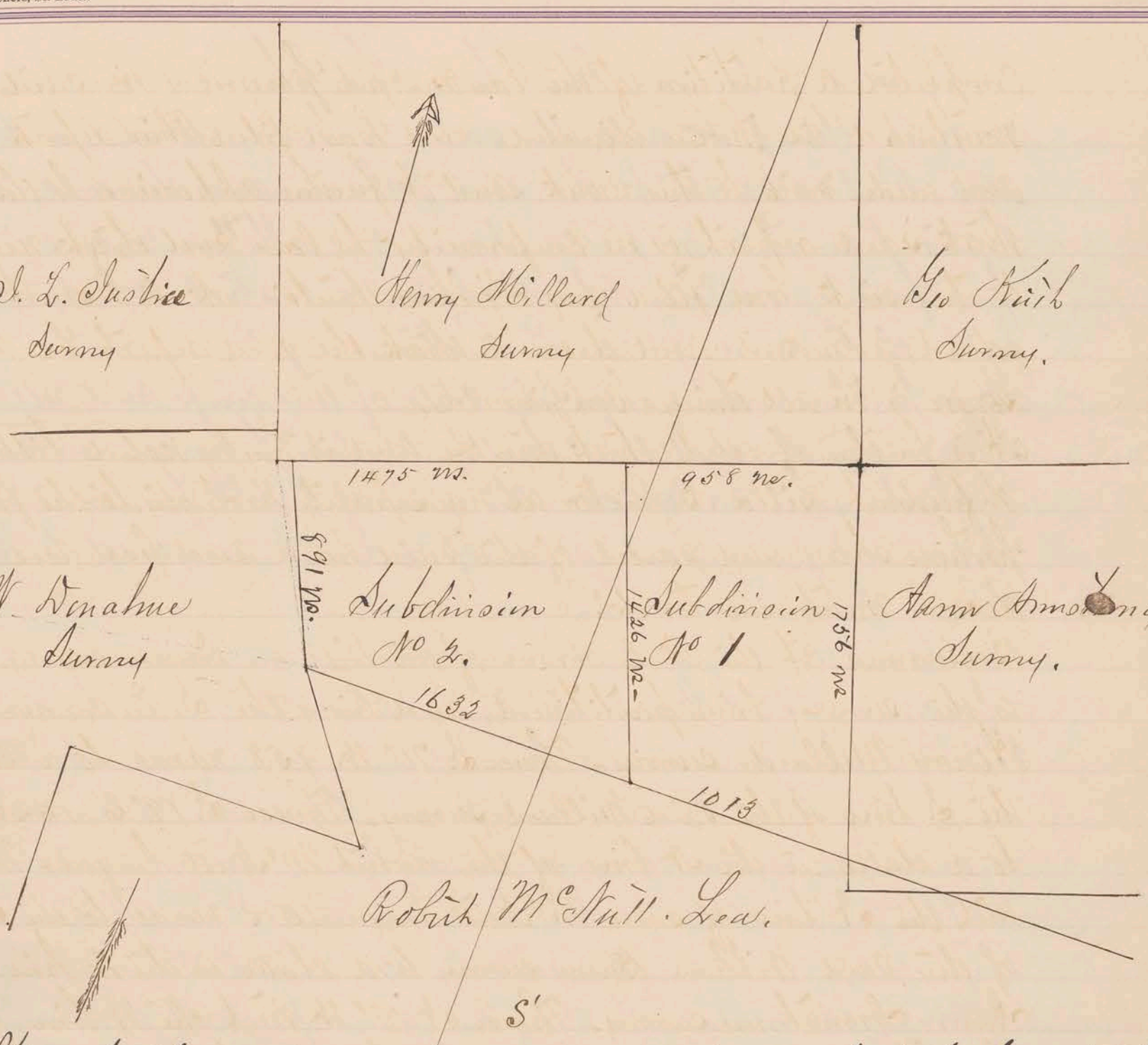
Beginning at the N.E. corner of the William Dunn survey, Which is the survey being partitioned, and being the S. E. corner of the Henry Millard survey- Thence S. 71° W. 958 varas to a stake in the S. line of the said Millard survey, Thence S. 19° E 1426 varas to a stake in the N line of the Robert McNutt league- Thence E. with the N line of said McNutt league 1013 varas to the S.E. corner of the said William Dunn survey to a stake in the W. line of the Nann Armstrong survey- Thence N 19° W with the W line of said Armstrong survey 1756 varas to the place of beginning, containing 270 acres of land more or less- being described on the plat accompanying said report as subdivision 1.

And it is further decreed that title be and the same is hereby vested in the plaintiff James .R. Johnson in and to the following portion, share and parcel of the said land and premises being partitioned viz: Beginning at the N.W. corner of said subdivision No 1. hereinbefore mentioned and designated on the said Plat, a stake in the S. line of the said Henry Millard survey. Thence S 71° W. with said S line of said Millard survey 1475 varas to the N.W. corner of the said William Dunn survey- Thence S 14 3/4° W. 981. varas to the most northerly N.W. corner of the said Robert McNutt League, a stone mound for corner- Thence E with the N line of the said McNutt League- 1632 varas to the S.W. corner of said subdivision No 1. Thence with the W line of said subdivision No 1. 1426 varas to the place of beginning containing 310 acres more or less- The part allotted to said Lilla B. Rector being designated on said plat as subdivision No 1.- said plat being as follows:-

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It is further ordered, adjudged and decreed that the title to that portion of the said premises partitioned and allotted to the plaintiff James. R. Johnson, shall vest in the said James R. Johnson as against the defendant Lilla. B. Rector, his heirs, Executors, administrators or assigns as fully as the deed of the said Lilla. B. Rector could vest the same, and this decree, as against the said, Lilla B. Rector, his heirs, Executors, administrators or assigns, shall have the same force and effect as a full warranty deed of conveyance from the said Lilla. B. Rector to the said James. R. Johnson.

It is further ordered adjudged and decreed that the title to that portion of the said premises partitioned and allotted to the defendant, Lilla B. Rector, shall vest in the said Lilla B. Rector as against the plaintiff James. R. Johnson, his heirs, Executors, administrators or assigns as fully as the deed of the said James. R. Johnson could vest the same, and this decree, as against the said James R. Johnson, his heirs, Executors, administrators or assigns, shall have the same force and effect as a full warranty deed of conveyance from the said James. R. Johnson to the said Lilla. B. Rector.

It is further ordered and decreed that all title, estate, claim or interest of every character whatever of the defendant James

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Rector in and to said land herein partitioned or in any portion or part thereof be and the same is hereby divested out of the said Rector so that the said Johnson and the said Lilla. B. Rector take their respective shares and allotments of said premises free from any estate, interest claim or control whatever on the part of the said James. E. Rector,

It is further ordered that the costs of this sup. and all the expenses thereof shall be equally divided between the said parties including in said costs the sum of $31.00 for services and expenses of Commissioners as of account annexed to their report which said sum is hereby allowed.

Court adjourned till tomorrow Morning 10 o'clock

Saturday May 23rd 1885.

Court met pursuant to adjournment present Same as on first day of term whereupon the following proceedings were had, towit,

7285. Mit. of possession 1-F.G. Morris - Jun 27/85

F. Brigance Admr vs J.H. Callett Et als Van Rosenburg

And now on this the 23rd day of May 1885 came on to be heard the motion of the plaintiff to confirm the report of the Commissioners R W Thomson and Rhoads Fisher who were by an order and decree of this Court on the 18th day of May 1885 appointed to divide and partition the tracts of land in controversy in this Cause and which said report is in the words and figures as follows, towit, "No 7285 F. Brigance adm vs J H Callett Et als - In District Court Travis Co Texas March Term 1885. To Hon A.J. Walker Judge of the District Court of the 26th Judicial District Holding Sessions in and for the County of Travis The undersigned R W Thomson W Van Rosenburg and Rhoads Fisher who were heretofore by an order and decree of an Honorable Court rendered in the above numbered and styled Cause dated May 18th 1885 Appointed as Commissioners to divide and partition between F Brigance administrator of C A Bickley decd and J H Callett Share and Share alike that certain tract or parcel of land situated in the County of Jack and State of Texas containing 6540 acres of land being the same tract of land patented on the 3rd day of September 1883. to C A Bickley assignee of W.B. & P. R.R.Co by Patent No 474 Vol 11 Survey and which tract of land is described by metes and bounds as follows: Beginning at mast O & W Corner of pt. 1 Survey in the name of Jno W Rose thence S 19 00 W 6 & 0 stakes in Prairie

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"Thence N 1900 vrs a stake in Prairie Thence N 1900 vrs a stake in
"Prairie Thence E 1900 vrs to the beginning: beg leave to report
"that in accordance with their said instructions they have divided
"said tract of land into two equal parts by running a line through
"the middle thereof from North to South - That they have set apart
"to F Briganca the Eastern half of said tract of land the said
"Eastern half of said tract being described by metes and bounds
"as follows: Beginning at most SW Cr of pt de Sur in the name
"of John W Rose it being the ~~North East~~ Cr of the original
"Survey patented to C A Buckley assignee of M & P & R R R Co by
"patent No 474 Vol 11 Scrip Thence South 1900 varas a stake
"in Prairie Thence West 950 varas with the south line of said
"last named Survey to a point therein Thence North 1900 varas
"to a point in the North line of said Survey Thence East 950
"varas to the place of beginning and Containing 320 acres
"That they have set apart to the said J H Callett the Western half of said
"tract of 640 acres of land the said Eastern half being des
"cribed by metes and bounds as follows - Beginning at the
"North West Corner of the said 640 acres of land patented to
"C A Buckley assignee of M & P & R R Co By patent No 474 Vol
"11 Scrip Thence South with the West line of said last named
"tract 1900 varas to a stake in Prairie Thence East with the
"South line of said last named tract 950 varas to a point
"in said line Thence North 1900 varas to a point in the North
"line of said last named tract Thence West 950 varas to the place
"of beginning Containing 320 acres of land - That they have
"ascertained from the Attorneys of the said F Briganca admt and
"the said J H Callett that the said 640 acre tract of land
"is all of about the same quality and is about the
"value of three dollars per acre - That Commissioners
"believe therefore that the division and partition of the said
"tract of land as made by them is fair just and equit
"able and they therefore recommend that it be adopted and
"approved By your Honor and that they be discharged
"from any further action in the matter R M Thomson W
"VanRensburg Rhoads Fisher - Sworn to and Subscribed
"before me this the 19th day of May 1885 -
"James P Hart Clk Dist Ct Travis Co "

And it appearing to the Satisfaction of the Court
after examining said report that the partition there

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in recommended is just fair and equitable and that the said partition has been made in accordance with the law, and is hereby approved. It is therefore ordered adjudged and decreed by the Court that all the right title interest and claim of the defendants J H Callett T O Ferguson & A Grant John Reed Salomon Rowe and J W Parmer in and to the following described tract of land be and the same is hereby divested out of them in partition and the same is hereby fully vested in F Brigance in his capacity as administrator of C A Bulkley deceased, which said tract of land is described as follows The East half of a tract of 640 acres of land patented on the 3rd day of September 1883 to C A Bulkley Assignee of M E P & P R R Co by Patent No 474 Vol 11 Scrip and which Eastern half is described by metes and bounds as follows: Beginning at the most S & W Cor of pt 4 Survey in the name of Jno W Rose being the North East Corner of the original Survey patented to C. A. Bulkley Assignee of M E P & P R R Co by Patent No 474 Vol 11 Scrip Thence South 1900 varas a Stake in Prairie Thence West 950 varas with the South line of said last named Survey to a point therein Thence North 1900 varas to a point in the North line of said Survey Thence East 950 varas to the place of beginning and containing 320 acres. It is further ordered adjudged and decreed by the Court that all the right title interest and claim of the Plaintiff F Brigance as Administrator of the Estate of C A Bulkley dec'd and of said Estate and of the defendants T O Ferguson & A Grant John Reed Salomon Rowe and J W Parmer in and to the following described tract of land be and the same is hereby divested out of them in partition and the same is hereby fully vested in the defendant J H Callett which said tract of land is described as follows The West half of a tract of land patented to C A Bulkley assignee of M E P & P R R Co by Patent No 474 Vol 11 * Thence South with the West line of said last named tract 1900 varas to a stake in Prairie Thence East with the South line of said last named tract 1900 varas to a Stake in Prairie Thence East with the South line of said last named tract 950 varas ~~950 varas~~ to a point in said line Thence North 1900 varas to a point in the North line of said tract Thence West 950 varas to the place of beginning

* Vol 11 Scrip- dated September 3rd 1883. and which Western half is described by metes and bounds as follows: Beginning at the S W Corner of the said Grantee's Survey No 474 Vol 11 Scrip

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Containing 320 acres of land. It is further ordered adjudged and decreed that the Plaintiff F Brigance as Administrator aforesaid and the Defendant J H Callett may have writs of possession for the tracts of land respectively set apart and decreed to them by the terms of this decree - It is further ordered adjudged and decreed that the Plaintiff F Brigance and the Defendant J H Callett do Each pay one half of all the Costs of this suit.

Court adjourned till Monday Morning 10 Oclock

May 25th 1885

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

7511. Germania Verein - Plaintiff
vs
Julius Schulze. Defendant.

And now on this the 25th day of May A D 1885. this cause came on to be heard in its regular order for trial and the Plaintiff appearing by their attorney John Dowell, and the defendant appearing in person, both parties announced ready for trial, and a jury not being demanded the cause was submitted to the Court. and Court after hearing the pleadings and evidence in the cause and argument of counsel therein was of the opinion that Plaintiff should have judgment as prayed for and it was so ordered, Whereupon it is ordered adjudged and decreed by the Court that the Plaintiff in this Cause the "Germania Verein" of the City of Austin. County of Travis and State of Texas, a Corporation, do have and recover of and from the defendant in this Cause Julius Schulze the following real estate viz: lot Number (6) Six in Block Number (114) one hundred and fourteen of the City of Austin. County of Travis and State of Texas, together with all improvements thereon, and that a writ of possession issue to place the said Plaintiff the "Germania Verein" in the possession of said property, and that Plaintiff recover of and from defendant all costs of suit in this behalf expended for collection of which execution issue, and it is further ordered that by the consent of the Plaintiff in this Cause that the issuance of the writ of possession is stayed for sixty days from this date. but after expiration of that time the said writ of possession may issue at any time -

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Monday the 25th day of May 1885

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

✓ 7234 Saphia Kriesle vs Ed Wilkerson et al

And now on this the 22nd day of may 1885 this Cause being Called for trial Came the Plaintiff Saphia Kriesle by her Attorney A H Graham Esqr and the defendant Ed Wilkerson Came not otherwise than by his attorney James D Shuks Esqr heretofore appointed by the Court to represent said defendant upon the failure of said defendant, when Plaintiff announced ready for trial and no showing for Continuance was made by defendant, And it appearing to the Court that the defendant James V Bergen had accepted service of process therein, which is filed among the papers of this Cause and that the defendant Ed Wilkerson had been duly served with Process by Publication, and no jury having been demanded the Court heard the pleadings and Evidence and the Same having been Submitted- It is Considered ordered and decreed by the Court that the defendant Edward Wilkerson is indebted to the plaintiff Saphia Kriesle in the Sum of $1775.00 principal and interest due to this date upon the Note sued on in this Cause and the further Sum of $177.50 attorneys fee as Stipulated in said Note- And it further appearing to the Court that said Note is Secured by deed of trust made and executed by said defendant with Jas V Bergen as trustee conveying the following described property towit. Part of Lot No (4) four in Block No (43) forty three in the City of Austin Travis County Texas- the part so conveyed being the Northern part of said lot fronting (30) thirty feet on Congress Avenue and running back the same width one hundred and Sixty feet to an Alley together with all the appurtenances and that plaintiff has a lien thereon for the payment of said Note and interest It is therefore Considered and ordered by the Court that the plaintiff Saphia Kriesle do have and recover of said defendant Ed Wilkerson said Sum of ($1775.00) one thousand Seven hundred and Seventy five dollars with interest thereon from this date at the rate of 12% per annum and the further Sum of ($177.50) one hundred and Seventy Seven 50/100 Dollars with interest thereon at the rate of 8 per Cent per annum until paid and all Costs of this suit together with the Sum of ($25.00) Twenty five Dollars as an attorneys fee for Jas D Shuks Esqr representing defendant said last named amount to be Taxed and Collected as Costs And it is further ordered adjudged and decreed by

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the Court that the Plaintiffs lein upon the property conveyed by said Trust deed above set out and discribed together with the appurtenances to the same belonging, be and the same is hereby foreclosed and that an order of Sale do issue out of this Court directed to the Sheriff or any Constable of Travis County Texas Commanding him to advertise and sell said property as under Execution- that the proceeds of such Sale be first applied to the payment of the Costs of this suit- 2nd To the payment and Satisfaction of this judgment Principal interest and Attorneys fees and that the remainder if any be paid over to the Defendant Ed Wilkerson or his legal representative but if said property fails to sell for a Sufficient Sum to pay off and Satisfy said Sums of money, then Plaintiff may have Execution for any balance remaining unpaid It is further ordered adjudged and decreed by the Court that all right title Claim or interest in said property vested in said defendant Ed Wilkerson shall by this decree and by such Sale to be made under this decree be forever divested out of said defendant and vested in the purchaser at such Sale

Court adjourned till tomorrow morning 9 Oclock

May 26th 1885.

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

6064.

James B. Goff. vs Charles G. Jones & Camonie A. Jones. } And now on this the 21st day of May 1885 this cause being regularly called for trial came the Pentis Plaintiff and defendants by their Attorneys Whereupon it is ordered by the Court that defendant have leave to file first amended original Answer- Thereupon came on to be heard the demurrer and Exceptions of the defendants to Plaintiffs first amended original petition, and the same having been submitted, it is considered and ordered by the Court that the demurrer of the defendants as to the bill to enforce Contract and for Specific performance be and the same are hereby sustained- to which ruling Plaintiff excepts. and overruled as to Claim for damages for breach of Contract- to said demurrer is overruled- to which ruling defendants excepts- Thereupon both Parties announced ready for trial - and the Court having

District Court Minutes, March Term, 1885

Tuesday the 26th day of May 1885

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heard the pleadings evidence and argument of Counsel thereon, on this the 26th day of May 1885. having had the same under advisement, doth now adjudge and decree that the plaintiff James. B. Goff do have and recover of the defendant Charles S. Jones the sum of ($215.00) Two hundred and fifteen dollars. and that plaintiff take nothing by reason of [illegible] in damages for the unlawful taking of said land viz: #1600.00 and all costs of this suit for which let execution issue. And that the defendant Caswell A Jones. recover his costs in suit to the amendations of law adjudged to plaintiff be taxed by the Court in this behalf expended. To which judgment the plaintiff excepts and in open Court gives notice of appeal to the Supreme Court

Court adjourned till tomorrow morning 9 O'clk.

Wednesday May 27th 1885

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.

Thursday May 28th 1885

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

W. L. Davidson et al
vs
Annie. E. Lott Et al

7512.

And now in this day this cause being by consent of the parties hereto, called for trial came the plaintiffs in this Court (defendants in the Court below) by attorney and submit their motion to suppress the depositions of Minerva Hatchett and Annie. E. Lott taken and filed in this cause - which motion was by the Court overruled, to which ruling plaintiffs excepts - said parties also submit their motion for rule for costs - which was by the Court overruled - thereupon came on to be heard the demurrer and exceptions of the appellants herein, defendants in the Court below to the judgment rendered against said W. L. Davidson and his sureties on his bond as guardian of the Estate of C. Billy Lott deceased to wit. Q Davidson John Scott and R. Sidle in the County Court of Travis County on the 5th day of February 1883; and said exceptions having been argued and submitted were by the Court sustained on the ground alone that the judgment of the County Court rendered at the January Term 1883 of said Court - against said guardian for the sum of $1084.00, rendered on the 3rd day of Feby 1883 is not such a judgment as would authorize the proceedings against the sureties on the bond of said Davidson as guardian and ordered that this cause against said sureties on guardian

bond above named be and the same is hereby dismissed, and that the appellants. W. L. Davidson, Q Davidson. John Scott and R. Sickel recover of the appellee Annie E. Loth all costs in this behalf expended for which execution may issue - and that this judgment be certified below for observance.

Court adjourned till tomorrow Morning 9 o'clock

May 29th 1885.

Court met pursuant to adjournment. Present same as on first day whereupon the following proceedings were had Viz: Thereupon no civil minutes to be recorded of this date. Court adjourned till tomorrow morning 9 o'clock

May 30th 1885.

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

1487 H. M. Boyce et al vs Adam Boyce - set for trial June 11th 1885.

7526 J. F. Dixman vs W. W. McLaughlin et al } And now on this day comes the defendants Saml. P. Hodgpeth and C. F. Millett file their cross bill against defendants W. W. McLaughlin and his wife Irene McLaughlin. and same ordered upon the docket by the Court.

7536 Kate Washington vs Benj F. Washington } And now on this day comes the parties by their attorneys - and by consent this cause is called for trial - the defendant having duly accepted service and being represented by attorney - the Court heard the pleadings & evidence - and being of the opinion that the material allegations contained in plaintiffs petition are true - and that she ought to have the decree of divorce - It is therefore considered and ordered by the Court that the bonds of matrimony now and heretofore existing between the plaintiff Kate Washington and the defendant Benj F. Washington be and they are hereby forever dissolved - and henceforth held for naught - and that they stand from now henceforth to bear the relationship of man and wife - and that plaintiff recover the costs - for which she may have execution -

7485 Caroline Chambers vs Lem Chambers } And now on this day comes the defendant by attorney and submits his motion for a new trial in this cause - which motion

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Saturday the 30th day of May 1885

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having been considered was by the Court overruled
Malvina Bahn } Came now the parties, the plaintiff and the de-
5986 vs } fendant, and it appearing to the Court that the
A Bahn } Commissioners heretofore appointed by the Court
have made and filed herein their report. Which is in words and figures as follows to-wit: " Bahn vs Bahn. To the Honorable A.S. Walker Judge of the District Court of Travis County Texas.
We the undersigned Commissioners appointed by the District Court of Travis County to make partition and division of the Community property. Also to ascertain the amount of the Community debts, to whom owing, and to make provision for the payment thereof out of said Community property, make the following report of their acts and doings in the case.
The Commissioners met and gave notice to the Attorneys for the Pltff and defendant that they would proceed with the duty allotted to them, and to produce what evidence they had in the subject of Community debts and Value of the property - The Attorney for Pltff filed an affidavit of Lina Bahn Schmidt marked "A" and the Atty for deft filed the affidavit of A Bahn which is marked "B" and both submitted with the report. -
The Commissioners also took the evidence of Wm. Brimond President of the State National Bank of Austin, in reference to the debt of Five thousand Dollars for which the lot and buildings thereon No 6. Block No 18 Austin City had been mortgaged - and also personally inspected the Austin City property and made inquiry in reference to the Blanco Co. lands and refered also to the tax rolls. -
Your Commissioners after due consideration find that the Community property to consist of the following lands and tenements and estimate their value at the amount placed opposite each seperate piece.

Austin City property

Lot one. Block No 30. with improvements one cement store Fronting Avenue - one Brick Cottage on East end of lot. $7500.00
Lot Two Block No 30. Avenue - 4000.00
Lot Three Block No 30 Avenue - 4000.00
Lot Four. Block No 30. Avenue - 4000.00
Part Lot Five Block No 70. 20 feet front on Avenue between Bois de Arc & Pecan Streets with frame store - 7500.00
Lot Four Block No 94. City Cottage 2500.00
The land in Blanco County known as Bahn's Ranche containing

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4408 Acres - 7500 00
640 acres in Blanco Co outside of Ranch 640.00
320 acres in Presidio Co 160.00
Lot Six Block No 18 City of Austin with the improvements
We value at $23000 00 but as this is a lease with unexpired term of two years to run at fifty dollars per
month given to Lena Bahn Schmidt, this daughter,
as a gift, to equal what had theretofore been given
the other children - We have deducted from the
valuation of the home the sum of $1500.00 and
therefore place the sum of $21500 00 as the value to
either party to whom this lot and improvements
may be allotted $21500.00
One Lot in Burnet We value at 50.00
One Note of Robt Anderson. Dec 15/82. payable in 1892.
Int at 6% - Interest payable annually. Vendors lien
1031 acres Blanco Co. 1031.00
One Note J. R. Fairchild Feby 15/83. payable in 3 years.
Int at 8% vendors lien on 1836 acres of land in Blanco
Co - with credits on note of $13.50 2295 00
Two Buggies and Horse - 200 00
540 Mining shares Mining Stock 540 00
8 shares Capital State Fair Association Stock 800 00
Two Vereins Bond for $150 00 000 00
We estimate the household and Kitchen furniture, Pictures
Clocks, Sewing machine etc etc. 300.00
Total Amount of Community property $63.716: 00
The evidence furnished the Commissioners in reference to the Community
debts is that the note of Five Thousand Dollars which with interest
now amounts to $6200 00 held by the State National Bank at Austin
constitutes and is a Community debt and arises from an original
debt which was secured by mortgage on Lot No 6. in Block No 18,
Mrs Schmidts affidavit charges that said debt was arranged to be
paid through other sources. Yet this is a matter which we deemed we
had no authority to inquire into -
Above mentioned Note due State National Bank - $6200.00
One Note in National Bank. 500.00
Debt due Von Rosenberg 132 00
Amount in the hands of A Bahn as Treasurer - San Saba -
Mining Company owned by him and payable on call 1100 00

Total Amount Community debts ——— $7,932 00

The Commissioners in course of examination of Mr. Bahn learned that he was willing to take the Ranch and outside lands assuming the community debts, or that Mrs. Bahn should do so if she desired - have set aside the Ranch with its improvements and all lands outside of Travis County, me lot in Town of Buraet to pay the community debts. On other motion also moved on of the Commissioners to do this.. The plaintiffs attorneys idea of the value of the Ranch was at least double the amount that we value the property and four times as much as it was assessed and taxes paid on - that we thought the arrangement above named be not only fair and equitable but one that would meet the views of both Plff and defendant.

It will be seen by reference to the statement made by Mr. Bahn of money received and paid out that the amount of money paid out by him amounted to $5596.85

add to which for things which amount is included

in suit in Blanco Co. 19.50

——— $5616,35

Deduct from above amount of money received for

rents interest &c. during same time ——— 5157.34

Excess of disbursements over receipts. to A Bahn ——— $ 459,01

In reference to the suit in Blanco. Co. the result of realizing anything from the same we have decided to let the matter remain as it is and whatever may be realized therefrom be equally divided and if nothing shall be collected then each party shall pay one half of the costs and attorneys fee -

Among the assets we found 570 shares of mining stock which we believe to be of the value of one dollar per share, this is very uncertain property and the Commissioners enquired Mrs Bahn as to which she would like to have one half of said stock then if any advantage shall arise she will be equally benefited - In dividing the estate the Commissioners have given most of the assets that would afford an income to Mrs. Bahn -

The Commissioners have already stated the reason for setting aside the outside lands and the Ranch to pay the community debts we believe this property can easily be sold and the amount realized and should both parties wish to take the property so set aside and pay the community debts, then the same shall be sold, and the surplus if any divided equally between the parties, and if a deficiency should exist such deficiency

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to be borne by each Party in equal proportions,
To Mrs Bahm we have allotted,
Lot No 6. Block No 18. Austin City Bahm Building- $21.500.00
Lot No 4 Block No 94 Do. Cottage 2500.00
2. Two Buggies and Horse- 200.00
Furniture Pine & bac. Clocks Silver & plated ware 300.00
J. R. Fairchild note dated Feby 5/83. payable in
3 years with 8% int. vendors lien as specified
in mortgage $2295.00 Less dated credit on account for
$13.50 reducing principal to $2281.50 to which is to
added accrued and unpaid interest to 13 Feby 1885
day $31.34 Making face value- $2312.84
270 Shares mining stock 270.00
Cash to be paid by Mr Bahm to equalize distribution 299.27
$27.382.11
Mrs Bahm shar
To Mr Bahm we have allotted- Homestead Lot No 1.
Block No 30 $7.500.00
Lots 3. 4 & 5. Block No 30 adjoining homestead 12.000.00
The State or Congress Avenue 20 feet front formerly 7500.00
occupied by A Bahm- 7.500.00
270 shares Mining stock 270.00
Note of Robt Anderson Dec 5/82 payable in 1892.
Int at 6% vendors lien as specified in mortgage $1031.00
Less to equalize the foregoing note which only draws 6%
with the Fairchild note which draws 8% & he carries.
due 15 Feby 86. Making a difference of 2% per annum
for 7 3/4 years. falling due in 1892. amounting to $160.61
Making face value of said note as compared to Fairchild
note allotted Mrs Bahm- 870.39
$28.140.39
Less difference between amount received and amount
paid out by Mr Bahm as per foregoing statement of receipts
and disbursements 459.01
$27.681.38
Less amount of cash to be paid Mrs Bahm
to equalize distribution 299.27
Mr Bahm. shar- $27382.11
In apportioning the large land note to Mrs Bahm of Fairchild dated
15 Feby 85 for $2295.00 less 13.50 endorsed as an error in face value
reducing the amt to $2281.50 which with accrued and unpaid

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inlerest to the 15th day of Feby 85. Day $31.34 makes face value of said note 15 Feby 85. $23.12½ which appears in the allotment to Mrs Bahn. at that value. The Henderson note due in 1892 for $1031.00 bearing only 6% and having 7 years 9 mos. & 18 days to run before maturity We have deducted from the face value Day $160.61 bring 2% per annum, Mrs Bahn will receive the cash for the note in Feby 1886. or receive the interest of 8% as the note calls for. Therefore We have allotted the Henderson note to Mr Bahn at $870.39

The documents filed with us by Pltff and defts marked A. & B. are herewith attached for the information of the Court.

The Court will please understand that considerable time and much trouble as well as manual labor was required before evidence could be obtained heard and an equitable division reached - some 10 or 12 Meetings were held and the Commissioners ask an compensation for this. trouble that the Court award them Fifty dollars each -

All of which is respectfully submitted -

Sworn to and subscribed before me by the above named Commissioners this the 1st day of April A.D. 1885 -

P. DeCordova
Wallis Tips
Jas B. Baron
Commissioners -

Jas B. Hail Clerk Dist. Ct. Travis Co. Texas

By the agreement of the parties in open Court the Court approves said report and confirms the same - in whole and in part, And by the agreement of the parties the Court orders, adjudges and decrees that the title to the following described property to-wit:

Homestead Lot No 1. Block No 30 -- Lots 3-4 & 5 Block No 30 - adjoining Homestead - The Store on Congress Avenue 20 feet front formerly occupied by A Bahn - 270 Shares Mining Stock - Note of Robert Anderson Dec 15/82 payable in 1892. Int at 6% per annum as specified in morgage & $1031.14 valuation $870.39.

and the same is vested in A Bahn, and all right title and interest that the said Malvina Bahn - heretofore had therein is hereby divested from her and vested in said A Bahn and his title thereto made absolute and vested in him as against the said Malvina Bahn -

And it is further ordered adjudged and decreed that the title to the following described property to-wit:

Lot No 6 Block No 18 - Austin City Bahn Building

Lot No 4 Block " 94 do - Cottage

2 his Buggies & Horses - Furniture Bric a brac - Clocks

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Silvr and plated ware-

J. R. Fairchild Note dated Feby 15/83 payable in 3 years with 8% inturist $229.50 Vendors lien as specified in warranty Deed dated and filed for Same for $135.00 - having for value $231.84.

270 shares mining stock - Cash to be paid by Mr Bahn to equalize distribution. Be and the same is vested in the said Malvina Bahn and all right title and inturist that the said A Bahn heretofore had therein is hereby divested from him and vested in the said Malvina Bahn and her title therein made absolute and forever quieted in her as against the said A Bahn -

It is further ordered that the said Malvina shall have and recover the one half of the proceeds of the suit now pending in Blanco County by A Bahn against E. R. & Wm Van Pelt, and that she shall pay one half the costs of said suit not heretofore paid by and allowed to the said A Bahn - And it appearing to the Court from the report of said Commissioners that in order to equalize the partition of said property between the said A Bahn and Malvina - the said A Bahn - must pay to the said Malvina the sum of $299.27, it is ordered adjudged and decreed that the said Malvina Bahn do have and recover from the said A Bahn the sum of $299.27 with inturist thereon at the rate of 8 per cent per annum from this date for which she may have her execution - And by agreement in open Court by the parties it is further ordered that Wm Von Rosenberg Esq be and he is hereby appointed a Commissioner to sell the following described property viz: 640 acres B. S. & F. Certificate Presidio Co. Abs 35 survey 1. Lot No 1 Block 35 in the town of Burnett. J Hamilton Grantee Abs 405 - 320 acres Blanco Co. Abs 79 survey 47 - B. S. & F. Cert -
640 acres Blanco Co. Abs 114 survey 411. Jesse R. Davis
320 " " " " 76 " 37. B. S. & F. Cert -
80 " " " " 709 34/223. " 321 C J Longino
320 " " " " 757 1/397 " 99 G W T & P R R Co.
160 " " " " 554 " 601 R B. Smith
160 " " " " 551 " A Stockman
320 " " " " 857. " 22. Cert 968 a B. & M.
320 " " " " 73. " 25 B S & F.
320 " " " " 15 " 23. A B. & M.
320 " " " " 878 " 201. Jno Gibson
88 Certificate 22 - A Bahn -
320 " " 160

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320 Certificate 26- B. S. & F.
400 acres in Blanco. I R. R. Cert-
2 tracts 320 acres each Blanco Co. " "
the same being in Blanco Presidio and Bexar Counties.
And in making sale thereof he shall proceed as follows- He
shall advertise the same for sale at least twenty days prior
to the first Tuesday in July 1885 to be sold to the highest
bidder for Cash before the door of the Court House of Travis County
Texas between the hours of 12 o'clock M & 2 o'clock. P. M. -
In the meantime however- that is between this date and the
said hour of sale the said Commissioner is hereby invested with
power to sell said property or any part thereof- provided he
shall sell what he does sell for at least an amount sufficient
-ient to pay all the Community debts as reported by the Com-
-missioners principal and interest and costs incurred in making
the sale including the Commissions herein provided for the said
sale Commissioner, and such Commissions is hereby fixed at
5% on the proceeds of sale- In the event of a failure to make
sale at private sale as herein provided- then the said public
sale of said property shall take place as advertised —
After said sale and after the payment of the purchase money
the said Commissioner shall make to the purchaser or pur-
-chasers of said property a good and sufficient conveyance
for said property vesting in him her or them all the title
that now vests in the said A Bahn and M Bahn - The
said Commissioner shall distribute the proceeds of said sale
as follows -- 1st To the payment of the costs and expenses
of partition sale- 2d shall pay the said Community debts
in full if the said proceeds shall be sufficient, if not
sufficient to pay in full, then they shall be paid pro rata
3d The balance if any shall be equally divided between the
said A Bahn and M. Bahn- Should the said proceeds
of sale not be sufficient to pay the said Community debts
in full- then the remainder thereof shall be paid in equal
parts by the said A Bahn and M. Bahn
It is further ordered that each one of said Commissioners viz
P. DeCordova Wallis Tips and James. B. Barron each be
allowed fifty dollars ~~each~~ to be taxed as part of the costs of this
partition- It is further ordered that the Plaintiff have and
recover all of the costs in this cause incurred in the said

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District. Court Minutes, March Term, 1885.

Saturday the 30 day of May 1885.

for divorce prayed from the said A Bahn for which reasons may seem —

Court adjourned till Monday Morning —

Monday June 1st 1885.

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

7033. John Richards vs Jno. P. Kirk } On the 15th day of May 1885 came the parties by their attorney and announced ready for trial and a jury not having been demanded by either party submit the matters of fact as well as of law to the Court, and the Court after hearing the pleadings and evidence and argument of Counsel in this the 21st day of May took the same under advisement and afterwards on this June 1st 1885 rendered in open court this findings of law and fact and decision in this cause which is in words and figures as follows:

" John Richards vs Jno P. Kirk } 7033 In District Court Travis County May 1885.

The Court finds the facts from the testimony as follows.

1. July 10 - 1832 by regular title a grant for seven leagues of land was granted to Jose Antonio Navarro on right bank of Colorado River and described in the grant as follows. - Beginning on the mouth of Onion Creek - Thence down the river with its meandres to the mouth of Cedar Creek: Thence on a straight line S. 30° W. at 9340 vs crosses Walnut Creek at 11170 vs with stake in mound for 3d corner. Thence on a straight line S 60° W. and crossing several small branches of the last mentioned creek until intersecting with the first mentioned Creek (Onion) where another stake was set in a mound on S W. bank or right margin of the said Creek X X.

Thence following on the said margin of the aforesaid creek with its meandres down to the place of beginning:

2. The plaintiff exhibits regular chain of title down to him from Navarro - and owns the land sued for if it is included in the Navarro grant,

3 - The testimony sufficiently establishes a survey of the Navarro grant with marked lines on the East and South sides of the grant - The E. line extends South 30° W. on the marked

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line from mouth of Cedar Creek crossing (Mahard) Walnut Creek to a corner near a marked gum elashe tree three standing. The S. line runs N 60° W from said corner near the marked Gum elashe tree and thence to Onion Creek a marked corner common with the Navarro survey and the survey in name of S M. Bain. The S. E. corner of the Navarro grant is the intersection of these marked lines.

4. The Navarro grant fixed by these boundary lines in the East and South includes the land sued for -

5. The defendant claims the land under patent of date Oct 12 - 1882 - in conflict with the Navarro grant included in above lines

The Court upon said facts holds and decides that Plaintiff has the superior title to the land sued for -

Judgment will be rendered for the Plff for the land sued for and for costs of suit. A. J. Walker Judge, D C"

It is therefore considered by the Court that the Plaintiff John Richards do have and recover of the defendant Jno P Kirk the following described tract of land in Travis County Texas, being part of the Antonio Navarro grant and part of what is known as the A D Hamelton tract of land out of said Navarro grant particularly described as follows. - Beginning at a point in the West boundary line of the tract of land conveyed to Plaintiff Richards by Jacob Walden and his wife Ada Walden by deed bearing date the 10th of June 1878 and recorded in Travis County in Book 41. pages 129 & 130 - Fifteen hundred and fifty-six varas (1556) South 30 W. from its upper corner on the South bank of Dry Creek - Thence S. 60 E. 2157. varas to the East boundary of said Walden survey - Thence S. 30 West 810 varas to the South East corner of said Walden survey - Thence N 60 W. 2157 varas to the S. W. corner of said Walden survey Thence N 30 E. 834 varas to the place of beginning -

It is therefore ordered that said Richards have his writ of possession - and that he recover of the defendant all costs in this behalf expended for which he may have his execution.

To which judgment of the Court the defendant Kirk by his counsel in open Court excepts and gave notice of appeal then and there to the Supreme Court of Texas -

District Court Minutes, March Term, 1885

Monday the 1st day of June 1885

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744 7

William F Bengener
vs
Mary E Chenat &
Joseph Chenat

And now on this 1st day of June 1885 this cause coming on for trial, the same having been set for trial on this day by agreement of parties. both parties appeared and announced ready for trial; and no jury being demanded the cause was submitted to the Court and the Court after hearing the evidence and duly considering the same is of opinion that plaintiff is entitled to recover the Lot sued for: It is therefore ordered adjudged and decreed by the Court that the plaintiff W F Bengener do have and recover of and from the defendants Mary E Chenat and Joseph Chenat the Lot sued for to wit. All that certain lot or parcel of land known as Lot No (1) one in Block No (1) one of the subdivision of Out Lot No (3) three in Division "A" of the Austin City Out Lots Said property contains forty seven and one half (47½) feet fronting on Bois de Arc Street and extends back one hundred and thirty five feet (135) to an alley. Said Lot being situated in Austin City in Travis County Texas and that plaintiff be forever quieted in his right title and possession of said Lot as against said defendants; that a writ of possession issue to place plaintiff in possession of the same pursuant to law and that the plaintiff recover from defendants all the costs in this cause expended for which execution shall issue —

* And the general demurrer of Plaintiff to the answer of defts was overruled and the Special Exceptions No 1- No 2. No 3. No 4 & No 5 to the plea setting up Parol Contract of sale being paragraph III of answer, by the Court was taimed and said plea was by the Court Stricken out to which ruling the defts by their Counsel excepts

7111

The State of Texas To the District Court of Travis County, Greeting
Before our Supreme Court on the 15th day of May AD 1885 the Cause upon Writ of Error to revise or reverse your judgment between F. R. Shipman Plff in Error No 5506 and Mrs E A Mitchell Defts in Error was determined; and therein our Supreme Court made its order in these words: "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 no Error in the judgment - it is therefore considered adjudged and ordered that the judgment of the Court below, be in all things affirmed; that the Plaintiff in Error F R Shipman and his sureties W J Johnson and L. A. Kinsle pay all costs in this behalf expended and this decision certified below for observance — Wherefore we Command you to observe the order of our said Supreme Court and in all things to have it duly recognized obeyed and Executed. Witness the Hon A. W. Willie Chief Justice of our Said Supreme Court with the Seal thereof annexed at the City of Austin this 30th day of May AD 1885 -

Chas S Moran Clerk
By J D Money Deputy

Dis'tict Court Minutes, March Term, 1885

Tuesday the 2. day of June 1885

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

7489. L. P. Cunningham vs L. Fernhold et al } And now on this day come the parties by their attorneys and it is ordered by the Court that the defendants have leave to file 1st amended original answer and plaintiff 2d amended original petition, and the cause being regularly called for trial, plaintiff announced ready. When came on to be heard the affidavit of the defendants for a continuance of this cause. Which the Court deeming sufficient. It is ordered by the Court that this cause be and the same is hereby continued on affidavit of defendants.

Court adjourned till tomorrow morning 9 o'clock

Wednesday June 3d 1885

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

7262. Rebecca Byerly vs Elizabeth M. Doty et al } Upon motion of plaintiff attorney it is ordered by the Court that plff have leave to file 1st amended original petition and 1st supplemental petition - and leave granted defts Martin to file 1st amended original answer, and said cause being regularly called for trial plaintiff by attorney announced ready. When came on to be heard the affidavits of the defts Martin for a continuance of this cause. Which being deemed sufficient. It is ordered by the Court that this cause be and the same is hereby continued on affidavit of defendant Martin.

7423. M. L. Furguson et al vs. Geo. M. Nelson et al - ordered mutt for June 4th

Court adjourned till tomorrow 9 o'clock. A.M.

Thursday June 4th 1885

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

7447. W. F. Burgner vs Joseph Church & Mary E. Church } And now on this day came the parties by their attorneys and thereupon came on to be heard the motion of the defendants for a new trial in this behalf - and said motion having been submitted, was by the Court overruled. To which ruling of the Court the defendants in open Court excepted and in open Court gave notice of appeal to the Supreme Court

Dietrich Court Minutes, March Term, 1885

Friday the 5th day of June 1885

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

7501 ✓

Austin Savings & Loan Association
vs
Louis E. Daniell &
Marcella E. Daniell his wife -

And now on this 5th day of June AD 1885, this cause being regularly reached and called for trial, came the plaintiff, the Austin Savings and Loan Association, by its attorneys Robinson and Williams and announced ready for trial, but the said defendants Louis E. Daniell and Marcella E. Daniell, though duly cited, failed to appear and defend said cause, but wholly made default - And the Court after fully hearing the pleadings and evidence, doth order, adjudge and decree as follows:

1st, That the said plaintiff do have and recover, of and from the said defendants the sum of Five hundred and ninety five dollars and ten cents ($595.10) principal and interest due to this date on their obligation to said plaintiff, and the further sum of Fifty-two dollars and fifty cents ($52.50) attorneys fee - all of which shall bear interest from this date at the rate of ten per cent per annum; And also the further sum of Fifty eight dollars and fifty eight cents ($58.58) due plaintiff from defendants for money advanced for them by plaintiff to relieve the property hereinafter described of a prexisting judgment lien, with interest at the rate of eight per centum per annum -

2nd It is further considered, ordered, adjudged and decreed by the Court that the plaintiff has a specific lien on lot No (6) six (6) in Block No two (2) of subdivision of out lot No 1. Division A. of the out lots of the city of Austin, County of Travis and State of Texas, by reason of their contract and Mechanics lien dated in favor of L. W. Fomch & Co. dated Feby 8th 1884, and duly & correctly acknowledged and recorded, said contract and lien having been by said L. W. Fomch & Co. for value transferred and assigned to plaintiff April 9th 1884. And also by reason of the certain mortgage with power of sale, or deed of trust, and contract executed, acknowledged and delivered by said defendants to plaintiff in aid of said Mechanics lien dated April 3rd 1884 and duly recorded in Travis County Book 34, page 157, to secure said sum of $525.10, and $52.50 attorneys fee - and interest - And the Court further orders adjudges and decrees that said plaintiff has a further valid and equitable lien on said lot and real estate to secure said sum of Fifty

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Eight dollars and fifty eight cents and interest as aforesaid by reason of the payment by plaintiff on Sept 10th 1864, to N. G. Shelley T. H. Miller, Jno Donell, Wm Eliga Holland and Jno Holland defendants request, of said sum of $58.58 in satisfaction of a pre existing valid judgment lien on said property

3rd It is further ordered adjudged and decreed by the Court that the liens aforesaid on said lot and the improvements thereon to and the same are hereby foreclosed, and that an execution and order of sale be issued by the Clerk of this Court, conformed and returnable according to law, directed to the Sheriff or any Constable of Travis County, commanding him to levy upon, seize and sell said lot No 16 - Block No 2. of the subdivision of out lot No one (1) Division "A" of the out lots of the City of Austin Travis County Texas, as under execution, as the property of the defendants, to satisfy the lien and judgment aforesaid, and that the proceeds of said sale be appropriated as follows:

1st To the payment of the costs of this suit -

2nd To the satisfaction in full of this judgment and the interest thereon -

3rd The remainder if any to be paid to the said defendants,

4th It is further ordered, adjudged and decreed by the Court that said officer executing said order of sale shall execute to the purchaser of said property a sufficient deed of conveyance thereof, and such sale and conveyance shall vest in such purchaser the absolute indefeasible fee simple title to said property, and said order of sale shall have the force and effect of a writ of possession in behalf of such purchaser, - and the officer executing the same, shall forthwith after making such sale, eject the defendants from said premises and place the purchaser in peaceable possession thereof -

5th If said property shall not sell for a sufficient amount to satisfy this judgment then the plaintiff shall have his execution for any balance remaining then against said defendants M. Daniell alone -

6th This decree shall not be construed as a personal judgment against said Marcella E. Daniell, but only as a decree of foreclosure as to her -

Court adjourned till tomorrow morning 9 o'clock

Dis'trict Court Minutes, March Term, 1885

Saturday the 6th day of June 1885

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4
5986

Malvina Bahn
vs
A Bahn

And now on this day comes the parties by their attorneys. Whereupon comes on to be heard the following motion presented by the plaintiff herein, viz: "Bahn vs Bahn, Now comes the plff herein and moves the Court to amend the decree herein as follows to wit: That the name of Wm Von Rosenberg who is therein chosen and selected as Commissioner to sell the property set apart to pay the community debts may be stricken out and P. De-Cordova and Sam De Cordova selected and named in lieu thereof to perform the duties provided in said decree. This motion being made for the reason that said Von Rosenberg is now unwell and unable to leave his home, and therefore unable to use the expedition necessary herein.
Plaintiff further move the Court to amend said decree as by the agreement between the parties hereto. said decree being erroneous in the description of the lands set apart to pay the community debts of the parties hereto. said amendment being essential and necessary to the interests of both parties to this suit. Shuks & Sneed Attys for Mrs A Bahn.
Because of the sickness of Mr. Von Rosenberg we do not oppose the change by substituting P. De Cordova and Sam De Cordova, as Commissioners. Hancock & Shelley
Walton & Hill for A Bahn"
and it appearing to the Court that there is no objection to said Motion, it is therefore considered and ordered by the Court that said Motion be and the same is hereby granted. in so far as the same substitutes P. De Cordova Commissioner, (the Court deeming no Commissioner sufficient) in the place and stead of Wm Von Rosenberg for the reason assigned in the foregoing Motion, and it is hereby ordered by the Court that said P. De Cordova be and he is hereby appointed Commissioner to do and perform any and all the duties imposed upon said Commissioner in the original and final decree in this cause of date May 30th 1885. And it is further ordered by the Court in accordance with the agreement of the parties that said final decree be and the same is hereby amended so that the erroneous description of the land at set out in said decree, set apart to pay the Community debts be amended and corrected so as to show the true description of the same as follows to wit: Lot No 1. Block 35. in the town of Burnett. J Hamilton Grantee

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Abst 405- 640 acres Presidio Co. Survey No 1. Abs No 35 B. S & F. Coll
320 acres Blanco County Survey No 47- abst 79- B. S & F Coll
640 " " " " " 411. " 164. Jesse K Davis.
320 " " " " " 37. " 76. B. S. & F. Coll.
80 " " " " " 321. " 767. C. S. Longcope.
320 " " " " " 99. " 756. G. W. T. & P. R. R. Co.
160 " " " " " 601 " 554. R. B. Smith
160 " " " " " " 651. N. Moellman
320 " " " " " 22 " 851. A Bahn-
320 " " " " " 25 " 73. B. S. & F.
320 " " " " " 23 " 15 A. B. & M.
320 " " " " " 201. " 878. John Gibson
88. " " " " " 22. " 925 A Bahn-
320. " " " " " 100 " 931. A Bahn
320 " " " " " 26. A Bahn-
400 " " " " " 603. " 316. I & G. N R R Co.
320. " " " " " 602. " 318 I & G. N R R. Co.
320 " " " " " 601. " 319. I & G. N R R Co

and that said commissioner be quieted in his actions accordingly

7216 F. G. Morris vs A. E Habichk & T. M. Gill } And now on this day come F. G. Morris and A. E. Habichk, and present to the court their motion and affidavit thereing and asking of the court to grant them their writ of possession for the respective lands set apart to them in partition by decree of this court in this cause made and entered of record at the October term A.D. 1884 of this court- and said motion having been submitted and duly considered by the court- and it appearing to the court that said parties F. G. Morris and A. E. Habichk are entitled to the relief sought- It is therefore ordered by the court that the Clerk of this court do and he is hereby ordered to issue to said parties a writ or writs of possession to the lands set apart to them by decree of this court in the above numbered and styled cause-

7467 Celeste C. Cooper vs Symen H. Cooper } And now on this day this cause being regularly called for trial came the plaintiff by her attorney and announced ready for trial- and it appearing to the court that the defendant had been duly served with citation

but failed to appear and answer, and no jury having been demanded the Court heard the pleadings and evidence of plaintiff and being of opinion therefrom that the material allegations contained in plaintiff petition are true and that she ought to have the divorce. It is therefore considered and ordered by the Court that the bonds of Matrimony heretofore and now existing between the plaintiff Celeste C. Cooper and the defendant Spencer H. Cooper be and the same are hereby forever dissolved, and that from now and henceforth they cease to occupy the relationship of man and wife — And it further appearing to the Court that there are four children the issue of said Marriage of plaintiff and defendant to-wit: James Spencer, Edward Henry, Minnie and Charles Cooper - and that the plaintiff is the proper person to have the care and custody of the same - it is therefore ordered by the Court that the plaintiff Celeste C. Cooper have and retain the custody of said minor children above named free from all interference or molestation on the part of defendant - It is further ordered that defendant pay all costs of this suit for which execution may issue —

Court adjourned till Monday Morning 10 o'clock.

Monday the 8th day of June 1885.

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

7462.

The State of Texas
vs
John B. Gorman et al

} And now on this 8th day of June 1885. Came the State of Texas by her District Attorney J.H. Robinson and her attorneys Robinson & Williams and by leave of the Court filed a trial amendment, and thereupon the said plaintiff dismissed her said cause without prejudice as against said John B. Gorman, and the defendants W.F. Gorman, J.D. Pepper and Wm. R. McKay, and prosecutes said cause against the defendants W.F. Gilliland, Hugh J. Langshaw, Sidney Thomas, B.F. Pepper and Frank Cloudt, who have been duly served with process and who appear and answer by their Attorney Ford Carleton - And said cause coming on to be heard in its due order and no jury having been demanded the said parties submit the matters of fact as well as of law to the Court, and the Court after hearing

District Court Minutes, March Term, 1885

Monday the 8 day of June 1885

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the Pleadings and Evidence doth find as follows
1 That the said John B Gorman as Sheriff and Tax Collector for Kimble County State of Texas on December 4th 1882 with the defendants W.F. Gilliland Hugh J Langshaw Sidney Thomas B F Pepper Frank Cloudt W T Gorman J D Pepper and Wm R McKee as his Sureties executed and delivered to plaintiff his certain official bond as Tax Collector of Kimble County in the sum of $4500 - conditioned and approved as the law provides
2- That afterwards to wit on December 8 1883. additional security being required of said John B Gorman as Tax Collector as aforesaid by the Comptroller of the State said John B Gorman as principal and said defendants Frank Cloudt & W.T. Gorman and B F Pepper as sureties executed and delivered to plff their certain other official Bond as additional security for the faithful performance of his duties as such Tax Collector in the additional sum of $4500 - conditioned and approved as the law provides - 3- That said John B Gorman has failed to pay over to the plaintiff the taxes Collected by him for plaintiff in the sum of $3201 which sum bears interest from July 1 1884 at the rate of 8 per cent per annum amounting to the further sum of $381 50 total amount due $5582 56 for which sum the said John B Gorman and his said sureties are indebted and liable to plaintiff on the bonds aforesaid. 3. It was proved to the Court that said John B Gorman the principal is and was wholly insolvent, whereupon plaintiff was permitted to dismiss said cause as to said John B Gorman - 4. The premises considered it is ordered adjudged and decreed by the Court that the State of Texas do have and recover of and from the said defendants Frank Cloudt and B F Pepper the said sum of $5582 56 the full amount due upon both of said bonds, and that the said State of Texas do have and recover of and from the said defendants W. F. Gilliland H J Langshaw Frank Cloudt B. F. Pepper and Sidney Thomas who are liable on said first bond the full sum of $4500 - The said W F Gilliland and H J Langshaw and Sidney ~~Jones~~ Thomas are liable only for the said sum of $4500 - and interest and the said Frank Cloudt and B F Pepper are

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liable for the full amount of this judgment $5582.56 and interest and that this judgment as against all parties bear interest at rate of Eight per Cent per annum from this date .5. It is further ordered that Plaintiff recover of said defendants all costs in this behalf expended and that Plaintiff have Executions according to the terms of this judgment -

7543. Johnathan W. Rogue vs Et Ux } And now in this day this Cause on to be heard the petition of Johnathan W. Rogue to have his disabilities as a minor removed; and it appearing to the Court that said minor is over the age of twenty years, and that he has a father living who resides in Hood County Texas, and that his said father (Johnathan Rogue) accepted service of all needful process in this proceeding and has received a copy of said petition being served on him: and it further appearing to the satisfaction of the Court that it is advisable and will be advantageous to said Minor in person and properly to have his disabilities as a Minor removed: It is therefore ordered adjudged and decreed by the Court that the disabilities of said Johnathan W. Rogue as a minor be and the same are hereby removed and that said minor shall from this date, June 8th 1885. be deemed and held for all legal purposes, of full age, and shall be held responsible and shall have all the privileges and advantages as if he were of full age, saving only that he shall not vote until he arrives at the full age of twenty one years - It is further ordered that Johnathan W. Rogue pay the costs of this proceeding for which execution shall issue,

7465 Joel P. Smith et al. vs Sam Richards } And now on this the 4th day of June 1885 came on to be heard the above numbered and styled cause, whereupon came the plaintiff Joel P. Smith by his attorneys Carlton & Morris and asks leave to file 1st amended original petition. Which is granted by the Court, and by Court the plaintiff is allowed to dismiss his suit as to the defendant R. A Kirby, and he the said Kirby joins as plaintiff and is made a party plaintiff herein, thereupon the defendant Saml. Richards in open Court withdraws his plea to the jurisdiction of this Court, and was leave to file an amended answer of this date pleading to the merits of the case - Whereupon the plaintiffs Joel P. Smith and R. A Kirby by their attorney

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Myers Carlton & Morris. and the defendant Sam Richards by his attorneys Myers Walton Hill and Walton announced themselves ready for trial, and the Court after hearing the pleadings evidence and argument of Counsel thereon took this cause under advisement. and on this the 8th day of June 1885. it appearing to the Satisfaction of the Court from hearing the pleading evidence and argument of Counsel that the defendant Sam Richards disclaims as to all of the tract of land in litigation in this cause save and except 735 acres of land out of the West portion thereof - It is therefore ordered adjudged and decreed by the Court that the plaintiffs Joel P. Smith and R. A. Kirby do have and recover of and from the defendant Sam Richards all of that certain tract or parcel of land situated in the County of Llano and State of Texas, patented to John T Bush assignee of Charles M. Gallaghan. by patent No 711. Vol 9. 1st Class, dated July 25th 1853. Beginning at a stake the S. E. corner of survey No 4 of 320 acres in the name of Eli Mercer. from which a Post oak marked X brans East 30 varas, another brans N 80° E 23 varas marked X. Thence South with the West line of survey No 4 2888 varas to a stake. Thence West 2888 varas to a stone mound, Thence North at 2888 varas the South line of survey No 6 of 320 acres in the name of John Pickering, a stone mound, Thence East with the South lines of survey No 6. No 5 and No 4 at 2888 varas to the place of beginning, hereby a tract of 735 acres of land out of said tract described as follows, Beginning at the South West corner of the original survey - Thence East - Thence North - Thence West - Thence South so as to include 735 acres in lines so run off of the West end of the said survey (1476) Charles M. Gallaghan, and that the Plaintiffs do have this writ of possession for said tract of land - It is further ordered adjudged and decreed by the Court that the plaintiffs Joel P. Smith and R. A. Kirby do have and recover of and from the defendant Sam Richards the title and possession of that certain tract of land containing 735 acres out of the 1476 acre tract of land patented to John T. Bush assignee of Chas. M. Gallaghan by patent No 711 Vol 9. 1st Class dated July 25th 1853. said tract of 735 acres of land being described by Miles and bounds as follows. Beginning at the South West corner of the original survey - Thence East - Thence North - Thence West - Thence South so as to include 735 acres.

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in lieu so sum off of the West end of said survey in name of Chas. M. Gallaghu—

July 14/85. Rec'd of R. A Kirby on of plaintiff's $287.30 amt of judgment favor of defts D. Richards for im-provements & C. Fee in lieu to date. Dan Hastings Clerk

It is further ordered adjudged and decreed that the defendant Sam Richards do have and recover of and from the plaintiffs Joel P. Smith and R. A Kirby the sum of two hundred and Eighty Five dollars or the value of permanent and valuable improvements placed by him upon the said track of 735 acres of land in good faith

It is further ordered adjudged and decreed that the plaintiffs Joel P. Smith and R. A Kirby have a writ of possession for the said track of 735 acres of land so soon as they shall pay to the said Sam Richards the sum of two hundred and eighty five dollars hereinbefore awarded to him for the value of improvements placed upon said track of 735 acres of land; provided however that if they shall fail to pay over said amount within twelve months from the date of this judgment, then the said defendant Sam Richards shall have the right at any time within Six months from the expiration of said twelve months to pay to the Clerk of the District Court of Travis County Texas the value of said track of 735 acres, which value is hereby fixed at two dollars and fifty cents per acre, or in the aggregate the sum of $1837.50/100 dollars and upon such payment by said defendant Richards for the use of the plaintiffs Joel P. Smith and R. A Kirby, the said Smith and Kirby shall be barred and precluded from ever obtaining any writ of possession for said track of 735 acres of land, or ever having or maintaining any action whatever against the defendant Samuel Richards for the same—

Aug 10th 1885. Judgment superseded & the above sum of $287.30 returned to R. A. Kirby of this date Dan Hastings Clerk

It is further ordered adjudged and decreed that the plaintiffs Joel P. Smith and R. A. Kirby and sureties on their cost bond twice pay all the costs of this cause incurred up to the 4th day of June 1885; and that the defendant Samuel Richards pay all the costs accrued in this cause on and after the 4th day of June 1885— To which judgment of the Court both parties excepted and in open Court gave notice for Appeal to the Supreme Court—

Court adjourned till tomorrow morning 9 o'clock.

1473

The State of Texas vs John C. Smith

Tuesday June 9th 1885

Dis'hict Court Minutes, March Term, 1885.

Tuesday the 9th day of June 1885.

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

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

7473 / The State of Texas } And now on this the 9th day of
vs } June A.D. 1885. this cause being
John C. Montgomery et al } duly reached and called for trial
came the State by Jas A. Robinson the Dist. Attorney and the defendants by attorney and announced ready for trial. and no jury having been demanded the said parties submit the matters in controversy as well of fact as of law to the court, and the court after hearing the pleadings and evidence doth find that the defendants John C. Montgomery, Thomas E. Davidson N. Dennis and Jasper N. Ennis are indebted to the plaintiff the State of Texas in the sum of Three hundred and twenty two 2/100 dollars principal and the further sum of Fifty six 24/100 dollars interest thereon and in the full sum of $378.26/100 for which amount the plaintiff should have judgment. It is therefore considered ordered and adjudged by the court that the plaintiff the State of Texas do have and recover of and from the said defendants before named the sum of three hundred and seventy eight & 26/100 dollars and costs of suit; for all of which let execution issue. that this judgment bear interest from date at the rate of 8% per annum.

7544. Peyton Brown } The State of Texas County of Travis
Exparte } To all to whom these presents shall come, Greeting!
In the District Court of Travis County, March Term.
At a District Court in and for the County of Travis held at the court House in the City of Austin in said County Peyton Brown 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 the Certificate of the Clerk of the Court of Appeals of Maryland Certifying that said Peyton Brown was admitted as an Attorney and Counsellor at law of the said Court of said State and he having been introduced to this court by Jos A. B. Miller and S. R. Fisher 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 Peyton Brown Esq. be and he is hereby admitted and authorized to appear plead and practice as an attorney

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and Counselor at law, in the District and all inferior Courts of the State of Texas. for which this shall be his sufficient license.

7064. The State of Texas } And now on this day come the parties
vs } to this cause by their attorneys, thereupon
J. A. Rhumberg et al } the defendants by attorney suggests to
the Court the death of F. M. Robertson one of the defendants
herein- and ordered by the Court that this cause be and the same
is hereby passed to make parties.

7147. The State of Texas vs A. L. Rhumberg et al. By consent set for June
17th 1885.

Court adjourned till tomorrow morning 9 o'clock

Wednesday the 10th day of June 1885.

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

7461. The State of Texas } And now on this day it is ordered by
vs } the Court upon motion of plaintiffs
J. T. Ingram et al } attorney that alias Citations issue
against the defendants who have not already been served
in this cause and that this cause stand continued for the
term.

7476 A. P. Woolridge et al vs The Springfield Fire and Marine Insurance
Company. By consent cause set for June 17th 1885.

7487 H. M. Boyce et al vs Hanna Boyce. It is ordered by the Court
that Plaintiff have leave to file 1st Supplemental Petition.

F. 92. The State of Texas } And now on this day this cause being
vs } called for trial came the State by the
John G. Gates et al } District Attorney, and suggests to the
Court the death of R. M. Gibson, and W. M. Gibson, parties
in the mind of the defendant Gates in this cause and asks
that this suit abate as to said parties, It is therefore or-
dered by the Court that this suit be and the same is hereby
dismissed as to the said defendants R. M. & W. M. Gibson
and no answer having been filed for the defendant Gates
the Court after hearing the pleadings and evidence doth
ordain adjudge and decree that the judgment nisi
heretofore entered against the defendant John G. Gates
be and the same is hereby made final and absolute
as to him - and that the State of Texas, do have and
recover of and from the defendant John G. Gates the sum

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of ($500.00) Five hundred dollars, and all costs of this suit for all of which let execution issue.

Df 136 ✓

The State of Texas vs Henry Arnill etal } And now in this day this cause coming on for trial, come the State by the District Attorney, and announced ready, and the defendants Robert Crawford and J. M. McManus appeared by their counsel filed herein, - the Court heard the pleadings and evidence and having duly considered the same, doth order adjudge and decree that the judgment nisi heretofore entered in this cause be and the same is hereby made final and absolute for the sum of ($1.00) one dollar and all costs. It is therefore ordered and decreed by the Court that the State of Texas do have and recover of and from the defendants Henry Arnill, Robert Crawford and J. M. McManus the sum of ($1.00) one dollar and all costs of this suit for all which let execution issue.

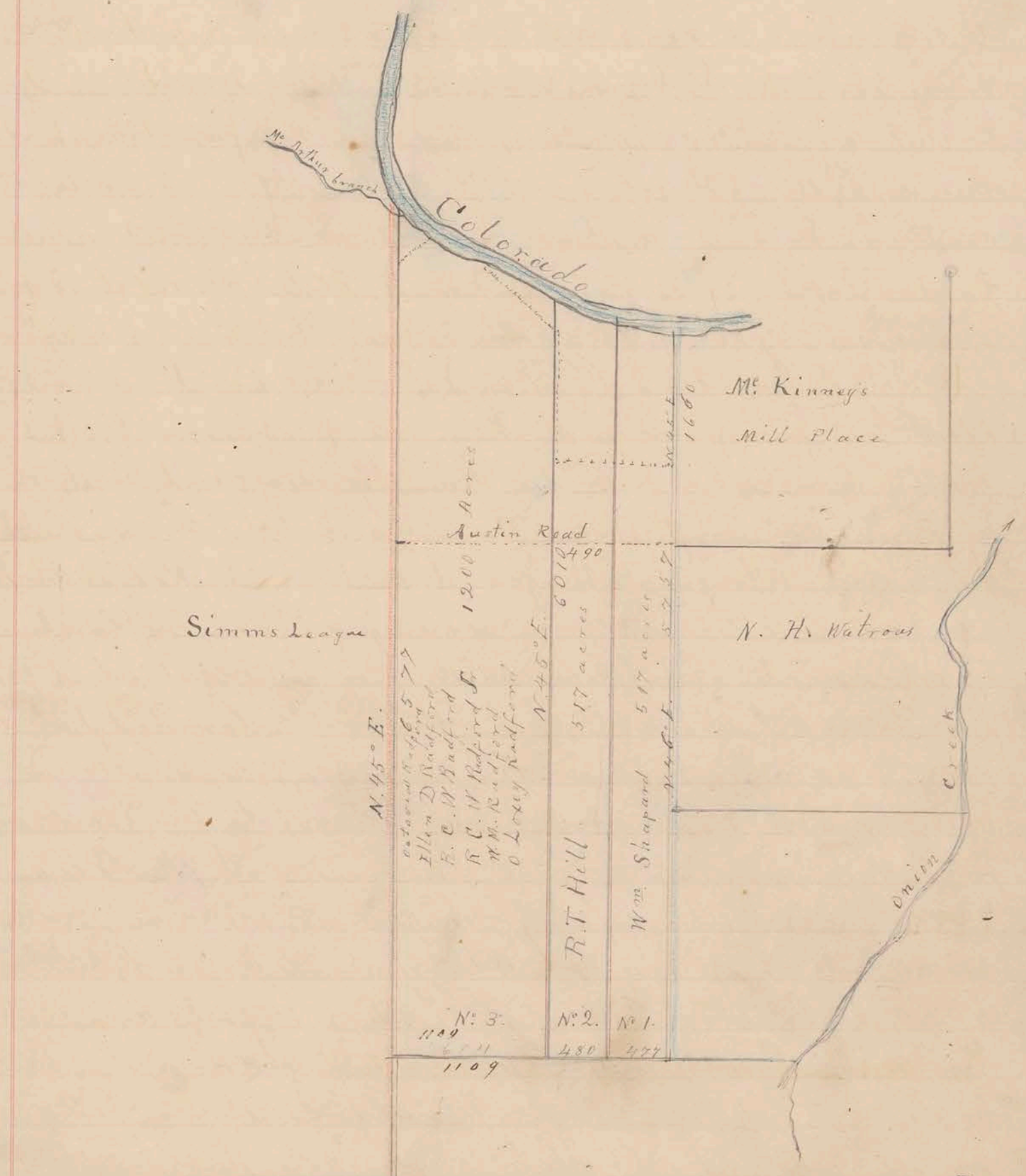
7245 ✓

William Shapard vs Ralph T Hill etal } And now on this 4th day of June this cause coming on for a further hearing appeared all adult parties by their attorneys and the two minors M M Radford & O Lasley Radford by their Atty and Guardian ad Litem A W Terrell and it appearing to the Court that the Commissioners of partition - Viz Campbell, Corrin and Thompson have performed the duties devolved on them and made report as follows of their action in the premises - Viz - "No 7245. Wm Shapard vs Ralph Hill etal - To Hon A J Walker Judge of the 26th Judicial District Travis County Texas - The undersigned Commissioners appointed by your Honorable Court to make partition of certain land in the above styled and numbered cause as set forth in the order of said Court a copy of which has been directed to us by Jas P Hart Clerk, have made said partition and now submit this our Report. 1st We made a survey of the tract by running its exterior lines to ascertain its boundaries and area as follows - beginning on the West bank of the Colorado River on the upper corner of what is known as the "McKinney Mill tract" on "Castle tract" a stone set in the ground on top of high Bluff bank of said River - Thence up the River with its meanders

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"N 35¾ W 810 vrs; W 34 W 468 vrs N 30¼ W 464; N 6° W 258
"vrs; N 9¼ E 395 vrs to the mouth of McArthurs Spring branch
"which is the lower Corner on the Colorado River of the old
"Sims League - Thence S 45° W 6577 varas to a rock set
"in the ground for Corner Thence S 45° E 2064 vrs to the
"Corner of John Clouds tract and which is made for the
"original Corner of the N H Watrous tract as set up
"in the Partition between Watrous Norton & Thomas H
"McKinney - Thence N 46 E 4097 varas to the intersection
"of the Austin road at Sivins Ford Thence N 45 E 1660
"vrs to the beginning Containing 2234 acres of land of
"which about 160 acres on the bank of the River as
"represented by the accompanying Sketch is enclosed
"by Cedar Rail fence and - Some part of it in a poor
"State of Cultivation - 2nd We divided the Entire tract
"into two ~~equal~~ parts by Setting a Stone in the ground
"1109 vrs S 45° E from the West Corner and running a
"line thence N 45° E to the bank of the Colorado River
"Set a Stake on high bluff bank from which Stake
"a Huckberry marked X Stands 6 varas up the River on the
"margin of said bluff - Thence up the River with its meanders
"to the Corner of the Entire tract and with its lines to the
"beginning - Making in the upper tract 1200 acres which
"We Consider Equal in Value to the lower tract of 1034
"acres, In the quality of land in the lower half that
"is Lots 1 and 2 We find but little difference between
"the upper and lower halves, that is between lots 1 & 2 -
"3rd We then divided the lower or S E tract by Setting
"a Stone 480 varas S 45 E. from the East Corner of
"Lot No 3 and run a line N 45¼ E to the Austin Road
"at del Valle and thence to the Bank of the Colorado
"N 45° E all of which appears on the Sketch which is
"made part of this report - Our Charges for personal
"Service and Expense paid by us is $60.00 which we
"think is reasonable and ask the Court to allow - In
"this partition we have Set off and designated the dif
"ferent lots to the Parties as follows No 1 to William Shap
"and No 2 to Robt T Hill and No 3 to the other defendants
"in this Cause May 30 1885 Jno E Campbell Dennis Corwin
"Sworn to before me by Dennis Corwin & Jno E Campbell this 30th Day May 1885 James A Thompson"
Das P Hunt Clk

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And the said report not being objected to nor exception taken thereto and it appearing therefrom to be fair and just the same is hereby confirmed by the Court - It is therefore and now ordered adjudged and decreed by the Court as follows - That the title to the following tract of land set apart by the said partition Commissioners to the defendants Octavia Derval Radford Ellen Derval Radford Derval Radford R. C. W. Radford Jr and R. C. W. Radford Sr adults and to the minors William Mc. Radford and O Lexey Radford viz - We divide the Entire tract into two parts by setting a Stone in the ground 1109 varas S 45° E from the West Corner and running a line thence N 45° E to the bank of the Colorado River Set a Stake on high bluff bank from which Stake a Hackberry marked X Stands 6 varas up the river right bon

No 3 To Defts Radfords

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the margin of said bluff - Thence up the River with its meanders to the Corner of the Entire tract. and with its lines to the beginning making in the aforesaid tract 1200 acres be and the same is hereby divested out of the said William Shapard and Robert T Hill and vested in the said defendants Octavia D'val Radford Ellen D'val Radford D'Val Radford R & W Radford Jr. R & W Radford Der Wm M. Radford and O Savey Radford in undivided interests in proportion to their respective inherited interests to have and to hold unto them forever and that they and each of them be quieted in their said title as against the said William Shapard and and Robert T Hill -

No 2 To Robt T Hill

2. That the title to the following tract of land set aside to the said Robert T Hill - Viz - Beginning at a Stone 480 varas S 45 E from the E Corner of Lot No 3. set apart to the said defendants Radfords. Thence N 45 1/4 E to the Austin Road at DelValle - Thence to the Bank of the Colorado N 45 E. Thence up the River with its Meanders to a Stake the N.E. Corner of Lot No 3. Thence with the E line of said Lot No 3 1010 varas S 45 W to the S E Corner of Lot No 3. Thence S 45 E 480 varas to the Beginning containing 517 acres. be and the same is divested out of the said Octavia D'Val Radford, Ellen D'Val Radford D'Val Radford R & W Radford Jr R. & W. Radford Jr William M. Radford and O Savey Radford and of the Plaintiff William Shapard and vested in the said Robert T Hill to have and to hold unto himself forever and that he be quieted in his said title as to the said Octavia D'Val Radford, Ellen D'val Radford D'Val Radford, R & W Radford Jr R & W Radford Jr Wm. M. Radford O Savey Radford and William Shapard -

No 1 To Wm Shapard

3. Beginning 480 varas S 45 E from the E Cor of Lot No 3. and the beginning Corner of No 2. Thence N 45 1/4 E to the Austin Road at DelValle thence N 45 E to the banks of the Colorado River. Thence down the River with its meanders to the N.E. Corner of Original Survey Thence with the East line of the Original Survey 5757 varas to the S E Corner of said original Survey. Thence N 45 W 477 varas to the beginning Containing 517 acres

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4 It is further ordered by the Court that there be allowed to said Commissioners Campbell Corwin and Thompson the sum of Sixty Dollars as compensation for their services and Expenses incurred in making said partition to be charged as part of the Costs in this Case-

5. It is yet further ordered that the Costs in this Case be apportioned among the parties to it in proportion to their respective interests - that is to say one half of all Costs is apportioned to the defendants Octavia & Aural Radford Elmer Aural Radford, Aural Radford R W Radford Jr R W Radford Der O Lorey Radford and Wm W Radford to be paid by them; one fourth of the Cost apportioned to Seth Ratt Hill to be paid by him and one fourth is apportioned to plaintiff William Shapard to be paid by him - It is further ordered and adjudged that the officers of Court and the said Partition Commissioners Campbell Corwin and Thompson have and recover judgment for the Costs against the parties as herein apportioned for all which Execution may issue

7480 M. Olin Wilmore vs Elizabeth Heinzen et al } On this the fourth day of June 1885 came the plaintiff by attorney and dismiss the said cause as against the defendant J. A Keith, and continues the same as against the defendant Elizabeth Heinzen N. C. McKee and Augusta E. McKee his wife - the said defendants making no objection to said dismissal,

And defendants thereupon waived their plea to the jurisdiction of the Court - And plaintiff upon motion was granted leave to file a first supplemental petition

7133. Dorothea Hornberger vs Jacob Hornberger } Come now on this the 6th day of June 1885 the parties Dorothea Hornberger the plaintiff and Jacob Hornberger the defendant and they come to the Court that they have agreed upon a division of the property to them as follows to-wit: They agree that the plaintiff shall have one half of the Cemetery lot owned by them; Everything that belongs to their daughter Lina; one Red Speckled cow and Calf of said cow; all of her clothing and wearing apparel; one double bedstead, with feather bed, bolster and sheets and cover - the said bedstead being the one that she left in the house at their former residence;

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one sewing machine: one Wash Stand with marble top: one New Wardrobe; one safe: one cooking stove with the vessels belonging thereto: one half of the crockery, and Table and glassware: one small Alarm Clock: one Commode, or bureau: and 12 dozen silver Tea Spoons. And the South half of lot number 3. in Block No 97. in the City of Austin Travis County Texas.

And said parties further agree that the defendant shall have all of the other property owned by them Plff and defendant including the saddle of their son Jacob in plaintiffs possession. in consideration of which the defendant agrees to pay all the community debts and obligations so as to let the Plff have the property above described and set apart to her absolutely free and clear of all liens incumbrances or charges down to the present time & expt taxes not due. And it is further agreed and admitted by the deft that there is due from him to Plff the sum of $35.00 for alimony which was due on the 1st day of May 1885 and which is unpaid, And it is further agreed that the defendant having collected $60.00 suit for the said half lot 3. in Block No 97. on the 1st day of June. which belonged to the plaintiff, thirty five dollars of which he has paid leaving a balance of $25.00 due to Plff from him. And they agree that the Court may make a decree fixing and securing the rights of the parties according to the terms of their said agreement—

Whereupon it is ordered adjudged and decreed by the Court that the plaintiff Dorcha Hornburger do have and recover from the defendant Jacob Hornburger the following described property to wit: one half of the Community lot now owned by Plff and deft: Everything that belongs to their daughter Lina: one red speckled cow and the calf of said cow: - All of plaintiffs clothing and wearing apparel - one double bedstead, with bedding belonging thereto and chairs and cane the said bedstead being the one that she left in the house at their former homestead: one sewing machine; one wash stand with marble top: One new wardrobe: - one safe: one cook stove, with the vessels belonging thereto: - one half of the crockery - and table and glassware one small alarm clock: one Commode or bureau - 12 dozen silver Tea Spoons - and the South half of lot No 3. in Block No 97 - in the City of Austin Travis County Texas. And that all right title and interest that the said Jacob Hornburger therefore had therein is divested from him and vested in the said Dorcha Hornburger forever and the title thereto is made absolute and forever quieted

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in favor as against the said Jacob Hornburger
It is further ordered adjudged and decreed by the court that the said defendant Jacob Hornburger do have and recover from the said Donatha Hornburger the following described property towit: one half the cooking stove and table and glass ware - out lots 53-54.59- in Division "A" and 14 in Division "B" of the out lots of the City of Austin - lose 32½ acres out of them heretofore sold to Wm Rabam, and the South half of lot 3. in Block 70 in the city of Austin Travis County Texas, and that all right title and interest that the said Donatha Hornburger heretofore had therein is divested from her and vested in the said Jacob Hornburger and his title thereto is made absolute and forever quieted as against her the said Donatha Hornburger: but it is adjudged and decreed further that the said defendant Jacob Hornburger shall pay all of the community debts of him and the said Donatha Hornburger; saving such: if any contracted by her the said Donatha since the 31st day of March 1884. and if he fail to pay the same and the Plaintiff Donatha Hornburger shall be compelled to pay any part thereof she shall have and hold a lien on all of the property above adjudged to the defendant to secure the payment to her of the sum of money so paid by her -

It is further ordered adjudged and decreed by the court that the plaintiff Donatha Hornburger do have and recover from the defendant Jacob Hornburger - the sum of thirty five dollars the sum due to her for alimony for may 1885 - and twenty five dollars with making $60.00 in all - with interest thereon at the rate of 8 per cent per annum from date together with all the costs of this suit - for which execution may issue —

M. Olive Wilson
vs
Elizabeth Heinzen et al

} And now on this fourth day of June A. D. 1885, this cause being regularly called for trial, came the plaintiff M. Olive Wilson by her attorneys Robertson & Williams, and the defendant Elizabeth Heinzen in her own proper person, and by her answer filed, and the defendants K. C. McKee and Augusta E. McKee his wife by their attorneys Hogsett, Booty and Green and John Dowell, and announced 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

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Arahmunk of Counsel, in this day takes said cause under advizemunk to be decided at some future day of this term.

And now on this the Eighth day of June A.D. 1885. the Court having duly considered said cause, and being fully advised therein, files his findings of fact and of law, as part of the record therein, and, thereupon, renders the judgonmk and decree of the Court as follows:

1. It is ordered, adjudged and decreed by the Court, that the plaintiff M. Oliver Wilmore and the defendants Elizabeth Steinger and K. C. McKee and Augusta E. McKee, his wife, as joint owners and tenants in Common of the following described tract of land, lying and being situate in the County of Tarrant, and State of Texas, on Sycamore Creek, about four and one half miles S. E. from Fort Worth, and being a part of the preemption survey of three hundred and twenty (320) acres patented to Louis Wilmore February 18th 1858. by Patent No 702 Vol 16. to-wit: Beginning at the S. E. corner of Wm R. Driggs survey, a stone in Prairie, which is also the N. E. corner of the said Louis Wilmore survey. Thence South 890 varas, to a stone mound in prairie in E. Rogers N line. which is also the S. E. corner of the said Louis Wilmore survey— Thence West with said Rogers N line and Louis Cohen's survey, crossing Creek at 900 varas, 2028 varas to a stone mound in prairie, which is also the S. W. corner of said Louis Wilmore survey— Thence North with the West line of the said Louis Wilmore survey 424½ varas to the S W. corner of a tract of Forty (40) acres, a part of said Louis Wilmore survey sold by said Louis Wilmore to Francis Knear, July 26. 1861. and now owned by J A Gantt— Thence East with the South line of said Forty (40) acre tract 484 varas to the S. E. corner of said Forty (40) acre tract— Thence North with the E line of said Forty acre tract 465½ varas to the North line of said Louis Wilmore survey, being the N. E. corner of said Forty (40) acre tract. Thence East with the North line of said Louis Wilmore survey 1544 varas to the place of beginning, containing Two hundred and Eighty (280) acres, more or less, and being all of said Louis Wilmore survey Except the Forty (40) acres aforesaid out of the North West corner thereof sold to the said Knear and now owned by said Gantt— said plaintiff and said defendants owning the same in the following proportions to-wit: said plaintiff M. Oliver Wilmore, Thirty five acres, or one Eighth part thereof. of which three and two third acres or one third thereof is incumbered with the lien

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estate of the defendants Elizabeth Heingus: the defendants K.C. McKee and Augusta E. McKee, his wife. Two hundred forty five acres (245) of which Thirty five (35) acres or one eighth is encumbered with the life estate of said Elizabeth Heingus: said Elizabeth Heingus a life estate in Forty six and two thirds acres or one sixth of said tract to be distributed as aforesaid, three and two third acres, or one fourth of said life estate, upon the interest of said plaintiff, and thirty five acres or three fourths of said life estate, upon the interest of said defendants K.C. McKee & wife.

2. It is therefore ordered, adjudged and decreed by the Court that said tract of land be and the same is hereby partitioned between the plaintiff and the defendants as follows: To the plaintiff M. Olive Mimms Thirty five (35) acres or one eighth of said 280 acre tract, more or less: to the defendants K. C. McKee and Augusta McKee Two hundred and forty five (245) acres or seven eighths of said 280 acre tract, more or less: to the defendant Elizabeth Heingus a life estate in Forty six and two thirds acres or one sixth of said 280 acre tract, of which three and two third acres or one fourth part of said life estate shall be taken from the part to be allotted to the plaintiff, and thirty five acres or three fourths of said life estate shall be taken from the part to be allotted to the defendants K. C. McKee and Augusta E McKee, his wife

3. It is further ordered, adjudged and decreed that said tract of land shall be so divided and partitioned that the part allotted to plaintiff shall be set apart upon one end or side of said tract and the part allotted to the defendants McKee and wife upon the other end or side, as the case may be - and so that the life estate of the defendant Elizabeth Heingus, shall be set apart in one tract, one fourth thereof in the part to be allotted to plaintiff and three fourths thereof adjoining the same in the part to be allotted to the defendants McKee and wife, and so as to be of proportionate value to the remainder of the tract -

4- said tract of land shall be divided and partitioned in the proportions aforesaid and according to the quality and intrinsic value of the land -

5. The following persons, citizens of Tarrant County are hereby appointed Commissioners to make partition of said tract of land in accordance with law and

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this decree forth: G. M. Williams. Henry Frick and S. L. Early

6 It is further ordered that said Commissioners report their action to this Court in writing and under oath on or before the first day of the October term A D 1885, at which time further action may be had thereon.

7. It is further ordered that the costs of this suit be apportioned as follows: The plaintiff shall pay one twelfth part thereof, the defendants McKee and Wife, shall pay nine twelfths thereof, and the defendant Elizabeth Heinzen shall pay two twelfths thereof, and that said costs in the proportions aforesaid shall be a charge in the respective interests of the parties aforesaid until the same are paid -

8- All necessary writs shall be issued by the Clerk of this Court, and this cause will be continued on the docket for further orders.

Whereupon Court adjourned until to-morrow Morning June 11th 10 o'clock. Friday June 12th 1885.

Court met pursuant to adjournment present same as on first day of Term whereupon the following proceedings were had to-wit:

7423

W L Ferguson et al
vs
George W Heisner et al

And now on this 11th day of June in this Cause came the Plaintiffs W L Ferguson J. Ferguson Ann E Moorman Martha R McAnulty Dan McAnulty and E C Moorman by their Attorney's Moss Carleton & Morris and the Defendants George W Heisner Andrew J Heisner J C Miller and Hugh McClure by their Attorneys of Record Moss Hancock & Shelley and announced themselves ready for trial whereupon the Court proceeded to hear the pleadings the Evidence and the argument of Counsel upon which (this June 12th 1885) it is ordered adjudged and decreed by the Court that the defendant J C Miller recover of and from all the plaintiffs and all the other defendants herein, and be forever quieted in his title and possession in and to that certain tract or parcel of land situated in the County of Travis and State of Texas, being a part of a tract of land patented to the heirs of H. L. Morgan assignee of Corbit Sherman by patent No 277. Vol 1. Bounty dated Oct 5th 1841. Which said tract of land so recovered by said J. C. Miller is des-

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-cribed by Miles and bounds as follows: Beginning at the
most Northern corner of the original Corbit Stiness survey-
Thence South 30° West 1344 varas with the West line of said survey
to a point in said line. Thence South 60 East 557 varas to a
corner of said original survey. Thence S. 30° E. 1344 Varas to a
corner of said original survey. Thence North 60° West 557 varas
to the place of beginning,
It is further ordered adjudged and decreed by the Court that
the defendants Andrew J Hinson do have and recover of and
from the plaintiffs. M. L. Ferguson Ann. E. Norman, Martha
R. McAnnelly and E. C. Norman, nine equal undivided
tenths of that certain tract of land situated in Travis
County Texas. being part of the Corbit Stephens survey, the said
part of said tract being described by Miles and bounds as
follows:: Beginning at the S. W. corner of survey No 75 made
for William Rayhurn, a stake from which a Live Oak brears
North 44° W. 10 varas marked X.- Thence South 30° West with
the W. boundary line of survey No 62. 3300 varas to a stake
in the S. boundary line of survey No 7. from which a black
Jack brears North 40° East 12 varas - Thence West 1250 varas
to a stone mound for the S. W. corner of sur No 7. in the East
boundary line of sur No 35. Thence North 1600 varas to a stone
mound for the S. W. cor of this survey - Thence North 30° East
2656 varas to a point in the line of said original survey.
Thence S. 60°. E. 1891 varas to the place of beginning,
It is further ordered adjudged and decreed by the Court that
the plaintiff Mrs M. L. Ferguson do have and recover of and
from the plaintiffs Ann E. Norroman, E. C. Norroman and
Mrs Martha R. McAnnelly. the defendants George M. Hinson
Andrew J. Hinson. J. C. Miller and Hugh McClure twenty two
equal undivided hundredths (22/100) of the tract of land last
herein before described. It is further ordered adjudged and
decreed by the Court that the plaintiff Ann. E. Norroman
do have and recover of and from the plaintiffs Mrs M. L.
Ferguson. E. C. Norroman and Mrs Martha. R. McAnnelly
and from the defendants George M. Hinson. Andrew J Hinson
J. C. Miller and Hugh McClure eleven equal undivided
one hundredths (11/100) of the tract of land hereinbefore des-
-cribed -
It is further ordered adjudged and decreed by the Court

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that the plaintiff E. C. Norman do have and recover of and from the plaintiff Mrs M. L. Ferguson, Ann E. Norman and Mrs Martha R. McAnelly and from the defendants George M. Nisonn, Andrew J. Nisonn, J. C. Miller and Hugh McClure three equal undivided hundredths of the tract of land last aforesaid.

It is further ordered adjudged and decreed by the Court that the plaintiff Mrs Martha R. McAnelly do have and recover of and from the plaintiffs Mrs M. L. Ferguson, Ann E. Norman and E. C. Norman and the defendants George M. Nisonn, Andrew J. Nisonn, J. C. Miller and Hugh McClure three equal undivided hundredths (3/100) of the tract of land last hereinbefore described.

It is further ordered adjudged and decreed by the Court that John E. Campbell Dennis Cronin and C. E. Rose be and they are hereby appointed Commissioners to divide and partition the tract of land last aforesaid between the said Andrew J. Nisonn, M. L. Ferguson Ann E. Norman, E. C. Norman and Mrs Martha R. McAnelly setting apart to each one of said parties such portions of same as is designated in this judgment of decree, they being instructed in making such partition to give to said A. J. Nisonn so far as practicable all improvements which may be found on said land, and placing the shares of said M. L. Ferguson Ann E. Norman E. C. Norman and Martha R. McAnelly together as near as possible and that they be directed to make report of their action to this Court at the earliest day possible, and not later than the first day of the next term of this Court.

It is further adjudged and decreed that the defendants George M. Nisonn, J. C. Miller and Hugh McClure do have and recover of and from the defendant Andrew J. Nisonn all their costs in this behalf expended.

It is further ordered adjudged and decreed by the Court that the plaintiffs M. L. Ferguson Ann E. Norman, E. C. Norman and Martha R. McAnelly do have and recover of and from the defendant Andrew J. Nisonn all their costs in this behalf expended up to the rendition of this decree.

It is further ordered adjudged and decreed by the Court that the plaintiffs M. L. Ferguson, Ann E. Norman, E. C. Norman and Martha R. McAnelly and the defendants Andrew J. Nisonn pay all costs in this cause hereafter incurred

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in the same proportion as they own the land hereinbefore described.

7487 A. M. Boyce et al vs Aaron Boyce } And now on this the 11th day of June A.D. 1885. comes the defendant by attorney and asks leave of the Court to file 1st Amended original answer, and thereupon it is ordered by the Court that this cause be and the same is continued by operation of law to make parties. defendant on application of plaintiffs, and ordered by the Court that the costs of this term of Court be and the same is hereby taxed against the plaintiffs herein, by consent of the parties the continuance herein to be charged against plaintiff.

Court adjourned till tomorrow morning 9 o'clock

Saturday June 13th 1885

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

7419 R. Bertram vs F. B. Forbis } And now on this day come the parties to this cause and file the following agreement in writing viz: "R. Bertram vs Francis B. Forbis - No 7419. In District Court of Travis County Texas. This cause having been compromised and settled, it is agreed that the same be dismissed at the costs of the defendant and that judgment be accordingly entered. June 12th 1885.

A. B. Baronk attly for Pltff.
Shultz & Smith attys for Defts"

It is therefore ordered by the Court that this cause be and the same is hereby dismissed, and that the defendant Francis B. Forbis pay all costs in this behalf expended for which let execution issue -

It is further ordered by the Court that the officers of Court have execution against the plaintiff R. Bertram and sureties on his attachment bond viz: J. T. Brackenridge & Frank Hamilton for all costs incurred by said plaintiff -

4320 A. K. Baroque vs A. & T. C. R. R. Co } By agreement in writing filed among the papers of this cause. Plaintiff's counsel having notice thereof - It is ordered by the Court that the name of Geo Goldthwaite Esq whose name appears as attorney for the defendant in this cause be and the same is hereby stricken from the docket as counsel - he having owned his

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District Court Minutes, March Term, 1885

Saturday the 13th day of June 1885.

connection with said defendant-

Lumania Vrion
vs
Julius Schultz

7511

And now on this day came on to be heard defendants motion for a new trial in this behalf - and the same having been considered was by the Court overruled. to which ruling of the Court defts excepts.

R. A. Gillson
vs
Joseph. W. Gillson

7500

On the 21st day of March AD1885 this Cause was regularly called for trial. When came the plaintiff by attorney and the defendant in person - and then being no motion for a Continuance the trial proceeded and part of the testimony was heard. When the further hearing of the cause was postponed until a future day of the term - and on this the 13th day of June 1885. said trial having been resumed - and the Court having heard the pleadings and evidence 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 and now existing between the plaintiff R. A. Gillson and the defendant Joseph. W. Gillson be and they are hereby set aside and forever dissolved and that they cease from now and henceforth to occupy the relationship of man and wife - and that plaintiff recover of and from said defendant all Costs of this suit for which let execution issue —

Court adjourned till Monday Morning 9 oclock.

Monday June 15th 1885

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

Jury Court

And now on this day came into open Court, Jno W. Brown G. W Walling and Geo Loiser. Jury Commissioners appointed by the Court to select jurors for the October term of this Court - Who were duly sworn by the Court - and instructed as to their duties - and ordered by the Court to action in the discharge of the same -

Order of Court setting docket for Oct term 1885

Ordered -

1. - Civil non jury docket will be called Tuesday October 6th. and Case will be continued hereto -

2. - Civil Jury docket will be called October 19th 1885.

District Court Minutes, March Term, 1885

Monday the 15th day of June 1885

No 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

3. Criminal docket will be taken up October 26th and call continued until disposed of.

4. Civil docket. Jury and Non jury resumed after Criminal docket.

5. Motions on Saturday.

Court adjourned till tomorrow Morning 9 oclock

Tuesday the 16th June 1885.

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 tomorrow morning 9 oclock

Widnesday the 17th June 1885.

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

7263. Mary Jane McCollum et al vs Free Benevolent Association } It is ordered by the Court that the parties to this cause be and they are hereby allowed ten days after the adjournment of this term of the Court in which to file a statement of facts in this cause.

7499. Mary Ann Brown vs Jno W. Brown } And now on this day came on to be heard the motion of the defendant Jno. W. Brown to set aside the order of partition heretofore entered in this cause, which motion being duly considered is by the Court overruled.

7480. M. Olive Wilmore vs Elizabeth Heinzman et al } And now on this day came on to be heard the motion of the defendants herein, for a new trial in this behalf - and the same having been duly considered was by the Court overruled.

7465 Joel P. Smith et al vs Samuel Richard et al } And now on this day came on to be heard the defendants motion for a new trial in this behalf - and said motion having been submitted to, and duly considered 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 by Counsel in open Court excepts. and in open Court gives notice of appeal to the Supreme Court -

Order of Court - And now on this the 16th day of June AD 1885 Came into open Court

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District Court Minutes, March Term, 1885.

Wednesday the 17th day of June 1885.

Jno M. Brown. G. W. Walling and Geo. Crier the Jury Commissioners heretofore appointed and qualified, and returned in to open Court the names selected for the October term 1885 of this Court. Sealed and directed as required by law. And the Court after the Administering to the Clerks of the District and County Courts the oath required by law, delivered to them the lists belonging to each Court respectively, and finally discharged said Commissioners and ordered that the Clerk of this Court issue to each of said Commissioners a certificate for two days service.

72 21. Henry S. Askew et al. vs Unknown heirs of T. P. Sawyer. Continued by Consent.

7476. A. P. Woolridge et al. vs The Springfield Fire and Marine Insurance Company. Continued by Consent. — June 18th 1885.

7438. A. B. Bunam et al vs A. W. Bunam et al } This day came the plaintiffs by their Attorneys and the said defendants J. C Kirby Mrs. M. M. Kirby. W. O. Shands and Mary A Bunam having failed to appear and answer in this behalf although duly served with citation, but Wholly made default. Whereon the said plaintiffs A. B. Bunam. Carl P. Bunam. Charlotte A. Schroeder, George C. Schroeder, Anna C. E Scharff and Heinrich Geo. C. Scharff ought to recover against the said. J. C. Kirby Mrs M. M. Kirby. W. O. Shands and Mary A Bunam - their damages by occasion of the premises: And it appearing to the Court that the cause of action is unliquidated, it is ordered that writ of inquiry to awarded to be rendered at some future day, and that this cause be continued for service on defendants not served with citation

7541. The City National Bank of Austin. vs Jno Thompson & Co. } And now on this the 18th day of June A D 1885 comes the plaintiff by attorneys and file their motion and application supported by the certificate of M. M. Johnson deputy Sheriff of Travis County as to the property levied on under attachment in this County, and his affidavit as to necessity of selling the property levied upon under attachment in the County of Caldwell Texas, and the Court being satisfied that the facts authorizing the making of this order exist: it is now ordered that an order of sale issue to the Sheriffs of the respective counties above named directing and

commanding said officer to sell the attached goods mentioned and referred in said application and scheduled in the respective returns of said officers to the writs of attachment issued in said cause and fully set out as follows: viz -

Travis County;

3. No 2. Charter Oak Cane Mills.	2 1/2	Rolls.	8 inch	Belting	(Rubber)	
3 No 1 " " " "	2 1/2	"	10 "	"	"	
2. Road Scrapers.	3/4	"	12 "	"	"	
1. 2 1/2 Army Wagon	1/2	"	3 "	"	Leather	
1. 2 3/4 " "	1/2	"	4 "	"	"	
1 Jno Deere Cultivator & Planter.	2 1/2	"	Cloth Belting -			
8 Axes.	1	Pair	Scales			
8 1/2 Rolls Belting Nice	1	Lot	Hardware Bolts Locks &c.			
5 Doz. Boxes Axle Grease -	16	chains in	pair of	oxen -		
5 Eagle Vises	70	Plow	Points			
1 Linkman Mill	3/4	Roll	Hemp	Packing		
2 Marcher Steam Engines	5	boxes	Scale	Beam		
1 Fish Bro 4 Spring Hack.	1	Box	Axes			
1 Brewer & Skinner Hack	35	lengths	of Steam	pipe		
34 Wagon Shoes.	2	Jno Moore	double	shovels		
2 Standard Buggies	1	3	Wagon	Skeins		
1 Jackson Cart	1	lot	Forkes.			
1 Royal Pump.	15	Scythe	Blades			
40 Mill Pulleys	200	lengths	Steam	pipe		
1 Roll Rubber packing	1	lot	pieces	pipe		
1 Dirby Corn Sheller.	53.	Buggy	tops			
1 Bale Twine	4	Army	Wagons			
1 Whitman Sad Cutter	3	Moline	"			
51 Cotton Scrapers	8	Walking	Plows.			
28 Shovel Plows.	1	Creole	rake			
3 Mule Scraps	1	Jno Moore	Double	Shovel		
12 Land Sides	13	Bundles	Hay	Forks		
8 Double Shovel Blades	11	"	Hoes			
1 H Davis & Co Buggy	3	Garden	Rakes			
1 Buggy Top	4	Doz Long	Handled	Shovels		
1 Shovel Plow Complete	3	Sad	Cutters			
1/2 Roll 2 inch Belting (Rubber)	1	Lot	Hoe	Handles		
1 " 2 1/2 " " "	3	Buggy	Irons			
1/2 " 5 " " "	1	Lot	Spokes			
1/2 " 6 " " "	11	Buggy	Dashes -			

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Thursday the 18 day of June 1885

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1 Damaged Plantr
1 Buffalo platform Scales.
1 Boss Collar Press.
1 Lot Iron
1 2 3/4 Fish Bro Wagon
10 Moline Wagons.
14 Army Wagons
1 Iowa Collar Press.
4 Eagle Grips
1 Lot Plow Steel
1 " Iron & Steel mixed
6 Fair Banks Wagon Scales
6 Pecos Gimble Lifting
9 Pivoting Hay rakes
3 Black Cultrs.
17 Jno Moore Double shovels
12 Walking Plows.
6 Malta Double shovels.
9 Moline " "
2 Moline Walking Cultivators
1 3/4 Mud Axle White Water Wagon
Caldwell County -
1 3 inch Moline Wagon. Complete except check.
1 2 3/4 in Fish Bro. " " "
1 60 Gal Gin Complete.
1 Walter A Wood New enclosed Gear Mower.
1 Richardson Army Sulky Plow 16 in Cast Complete.
1 Eureka Stock Cutter
1 Corn Mill & Vat Complete
1 Extra Wagon Tongue.
2 Sets Buggy Thills.
1 Fairbanks County Scales
1 Extra swinging Beam to Buck Eye Cult.
4 No 62. X Solid Steel Beam Army Plow with Extra Pt.
1 Army Expanding Cultivator
6 Peoria Army Plows with Extra Pt.
4 No A.O. " "
4 " B.O. " "
1 Extra Point for Richardson Army Plow
1 284 Moline Peoria Plow with Extra Pt.

2 Jno Moore Walking Plows.
28 " " Improved Stock
7 Evaporators -
1 Banner Planter damaged
27 Double Shovel Beams
19 Single Trees -
1 Black Hawk Cultivator
10 Army Wagon Axles -
4 Sand Bolsters
18 Sets Wagon Bows.
11 Walking Plows -
4 Buggy Tongues
30 Dog Chains
1 Hay Rake -
1 Lot Wood Work in Wagon worn up Stairs
1 Lot Side Springs
1 " Spring Wagon Axles
1 " Points (Plow) and Screws
12 Jno Moore Turning Plows.
1 Pr. Trucks -
1 B. J. Moline Peoria Plow with Extra Pt.
1 No 1 Cast Army Plow -
1 " 1/2 " " "
1 " 100. Steel " "
1 " 105 Cast Army "
1 " 102 Steel " "
1 " 101 " " "
4 " 80 Texas Clipper
4 " 96 " "
1 " P. Army Cast
1 " 1/2 " "
3 " 62. X Wooden Beam
1 No 4. Jno Moore Turning Extra Pt.
1 No 79. Jno Moore Turning Extra Pt.
1 No 96 " " " " " "
1 " 93. " " " " " "
12 Army Peoria complete Stock
1 No 64. X Army Wooden Beam
1 " CO. " " "

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Thursday the 18 day of June 1885

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

1 № 16 Avery Chilled Plow.
1 14 in Conchi
1 15 " "
8 Jno Moore & Sons Double Shovels.
4 Molines " " Mch Heads
1 Sam Flenn. " "
6 Avery Wooden " "
1 Harrow Double Tree
1 Ht Plain to Buck Eye Cultivator
1 Ht Pump.
6 Steel Crowbars.
7 Scoop Shovels
3 Ames Spades
2 Long handled Shovels
10 Hay Chains
22 Pr trace chains
18 " Braid chains.
2 Post Augurs.
5 Mattocks
4 Picks
4 Avery Iron Beam Double shov.
604# Mixed Swedes
36 Ball Tongues.
22 Double Shovel Blades
22 Single Trees.
26 Double Trees.
55 Wagon Spokes.
26 Buggy Spokes.
2 Car Coupling Tongues.
5 Cross bars to Buggy Tongues
6 " " " " Shafts
3 Wagon Single Trees.
4 " Braid Yokes.
6. 1 Horse Molines Plow Beam Points
5. 2 " " " " "
4. " " " " " mpainia
6. 1 " " " " "
1 Wagon Double Tree
1 Set Iron Buggy Lines
8 Wagon Spokes

5 Buggy Shafts
2 Extra Fed Troughs
62 Wagon Felloes.
1 Pr. 4. Swedes to Cultr.
4 Buggy Mast Yokes.
4 Pick Handles.
2 Hoe Handles
2 Hoes Mch Handles.
6 Wagon Thimbles
5 Grind Stone Cranks & Fixt.
1 Spring for Wagon seat
3 Gage Rules.
4 Mule Rigs.
2 Small foot Tubs.
16 Mule Buckets
33. 12 in Bolts.
2½ feet 2 in fishing & cupt
1 doz Swivels.
½ " Braid Yoke Tips.
½ " Pat Single Tree "
5 № 1. Swingling Hatchets
4 Braces.
5 Auger Bits
5 Wood Rasps.
1½ doz Lash Lines
8. 1 Horse Clevises
4 2 " "
4. Pkg. 1¾ in Flat Head Bgy. Screws
2. " 1½ " " " " " "
1 " ⅞ " " " " " "
2 " 1½ Mors Co. Screws.
4 " " Wood " "
3. " Large Tubs
2 " Small "
9 " Carriage Bolts mixed
5. Match Boxes
7 Stuck Mcg Gravers.
8 Pepper Boxes
2½ doz Baby Rattles
2 " Tin cups

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Printers, Lithographers and Stationers, St. Louis.

3 ats Silvr Plate Buggy Hub Tops.
2 " Iron " " " "
6- 2¾ in locks.
7 2½ " "
1 Pr strap Hinges
4 Claw Hammers.
2 Clothes lines
5 Sausage Mills
Lot of Ex. Castings for Buggies.
13 Coffee Mills.
" ½ doz Horse Brushes.
½ " Curry Combs
7- ½ Bus Measures
4 Bridles -
2 Meat Forks.
3 Sausage Baffles.
2- 2 Gal Walnut Pails.
2 Bull Eye Lanterns
5 Small Lanterns.
10 ½ Gal Cups
183. Tin Plates.
6 Large Tin Buckets.
5 Tin Buckets
2 " "
3 " "
2 Strainers
10 ½ Pint Cups.
20 " " "
———
———
———

5 2k Tin Cups.
2 Coffee Pots
2½ Gal oil Cans
5 Dough Trays.
5 200# Scale Beams
11 250# " "
9 Ey. Hoes
9 Wash Boards.
3 Pair Dashes for Buggy
1 Doz Hatchet Handles
6 Small Tubs.
1 Pr Stair Trays.
63 lbs. Mixed Nails
23 " Gal. Staples
65 " Mule "
19. Finished Plow Handles
1½ Doz Pr Hames.
13. Duck Collars -
57 Back Bands with Buckles
2 Ox Chains
1 Pr Stretch Chains
6 Pony Army Plow points
6- 62. X Plow "
2 O. B. " "
3- 61 X. " "
3 Land sides for B. & Plow.
5 " " Moline "
10 B. T. Moline points
2 A - T. " "
2 Pony - " "
10 Buggy Rims —

It is further ordered that said property be sold at auction after giving 10 days Notice as required by law. and that said Sheriff may if he thinks the interest of all parties will be subserved thereby sell said goods in Lots as a block instead of by the piece, and that he make his return as required by law to this Court.

District Court Minutes, March Term, 1885

Thursday the 18th day of June 1885

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

7542 Charles Walf vs John Thomson & Co

7545 Baird-Manour & Co vs John Thomson & Co

And now on this day come the plaintiffs Charles Walf in Cause 7542 and Baird Manour & Co in Cause 7545 by their respective Attorneys and file their motion and application in writing supported by the Certificate of W M Johnson Deputy Sheriff of Travis County as to the property levied on under attachment in this County and his affidavit as to the necessity of selling the property levied upon under attachment in Caldwell County Texas and the Court being satisfied that the facts authorizing the making of this order Exist. It is now ordered that an order of sale issue to the Sheriff of the respective Counties above named directing and commanding said officer to sell the attached goods mentioned and referred to in said applications and Schedules in the respective returns of said officers to the writs of attachment issued in said Causes and fully set out as follows - Viz -

Travis County

3 No 2 Chanter Oak Cane Mills - 3 No 1 Do - 2 Road Scrapers - 1 3/2 Avery Wagon - 1 2 3/4 Avery Wagon - 1 John Deere Cultivator & Planter - 8 Boxes Axes 8 1/2 Rolls Baling Wire - 5 Doz Box Axle grease - 5 Eagle Gins - 1 Quitman Mill 2 Warden Steam Engines - 1 Fish Bros & Spring Hack - 1 Boomer & Stumpf Hack 34 Wagon Shuts - 2 Standard Buggies. 1 Jackson Cart - 1 Royal Pump 40 Mill Pulleys 1 Roll Rubber Packing, 1 Dunlap Corn Sheller 1 Bait Engine 1 Whitman Feed Cutter. 5 1 Cotton Scraps. 28 Shovel plows. 3 Steel Scraps 12 Land Sides. 8 Double Shovel blades 1 H Davis & Co Buggy - 1 Buggy tops 1 Shovel Plow complete 1/3 Race 2 inch Belting Rubber 1 Roll 2 1/2 inch belting rubber 1/2 Roll 5 in do - 2 1/2 .. 8 " " " 2 1/2 " 10 " " " 3/4 12 12 " " 1/2 3 " " (Leather) 1/2 " 4 " " Leather - 2 1/2 Rolls Cloth belting 1 Pr Scales 1 Sat Hardware bolts Locks &c in Shelves in front of Store) 70 Plow points 3/4 Roll Hemp packing 5 Boxes Scale beams - 1 Box Axes - 35 Lengths Steam pipe 2 Jo Deere Double Shovels - 1 3 Wagon Skeins - 1 Sat Fellies - 15 Scythe blades 200 Lengths Steam pipe 1 Sat pieces pipe 5 3. Buggy Tops - 4 Avery Wagons 3 Moline Wagons 8 Walking Plows. 1 Dulky Rake - 1 Jno Moore Double Shovel - 1 3 Bundles Hay forks 11 bundles Hoes 3 garden rakes 4 Doz L Handle Shovels 3 Feed Cutters 1 Sat Hoe handles 3 Buggy Tongues 1 Sat Spokes 11 Buggy Dashes 1 Damaged Planter 1 Buffalo Platform Scales 1 Box Cotton Screws. 1 Sat Iron 12 3/4 Fish Bros Wagon 10 Moline Wagons 14 Avery Wagons

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1 Doz Cotton Pross 4 Eagle Gins 1 Set Plow Steel 1 Set Iron & Steel mixed 6 Fairbanks Wagon Scales 6 Spices Thimble Shafting 12 Walking Plows 9 Revolving Hay Rakes 3 Stack Cutters 17 Jno Moore Double Shovels 6 Malta Double Shovels 9 Molins Double Shovels 2 Molins Walking Cultivators 1 3/4 Steel axles to White Water Wagon - 2 Jno Moore Walking Plows 28 Jno Moore Scrap Stocks 7 Evaporators 1 Banner Planter damaged 27 Double Shovel Beams 19 Single trees 1 Black Hawk Cultivator 10 Avery Wagon Axles 4 Sand Bolsters 18 Sets Wagon bows 11 Walking Plows 4 Buggy Tongues 30 doz Hames 1 Hay Rake 1 Set Wood work in Ware room up Stairs 1 Set Side Springs 1 Set Spring Wagon Axles 1 Set Plow Points & Scraps. 12 Jno Moore Turning Plows - 1 Pair Trucks -

Caldwell County - 1 3 in Molin Wagon Comp Except Skein 12 3/4 Fish Bros Wagon - 1.60 Saw Gin - 1 Walter A Woods new Enclosed Gear Mower 1 Richardson Avery Sulky plow 16 in Cut Comp - 1 Eureka Stalk Cutter 1 Cane Mill & Vat Complete 1 Extra Wagon Brake 2 Sets Buggy wheels 1 Fairbanks Counter Scale 1 Ex Swinging Beam to Buck Eye Cult. 4 No 62 x Solid Steel Beam Avery Plow with Ex Point. 1 Avery Expanding Cultivator 6 Poney Avery Plows Ex point 4 No A O do - 4 No B.O. do - 1 Extra Point for Richardson Avery plow - 1.28 4 Molin Poney Plow Ex point 1 137 Molin Plow - 1 No 1 Cast Avery Plow - 1 No 1/2 Cast Avery Plow 1 No 10 " Steel Avery Plow - 1 No 105 Cast " " 1 " 102 Steel " "
1 " 101 " " " 4 " 80 Texas Clipper 4 " 96 Texas Clipper 1 " P Cast " " 1 " 1/2 Avery Cast Plow 3 No 62 x Wooden beam 1 " 4 Jno Moore & Sons Ex point 1 No 79 Jno Moore & Sons Expt. 1 No 96 do 1 " 93 " " " " " 12 Avery Georgia Scrap Stocks 1 No 64 Avery Wooden Beam 1 B.O. Avery Wooden Beam 1 - 16. Avery Chilled Plow 1.14 in Coulter - 1.15 in Coulter 8 Jno Moore & Sons Double Shovels 4 Molin Double Shovels 1 Sun Flower do - 1 Avery Wooden " " 1 Harrow Double tree - 1 Ex Planter to Buck Eye Cultivator 1 Set Pumps - 6 Steel Crow bars - 7 Scrap Shovels - 3 Ames Spades 2 Long handle Shovels 10 Trace Chains 22 Prs Trace Chains 18 prs Breast Chains 2 Post Augers 5 Mattocks 4 Picks 4 Avery Iron Beam Double Shovel 604 lbs Mis. Scraps 36 lbs Bull Tongues 22 Double Shovel blades 22 Single trees 20 Double trees 55 Wagon Spokes 26 Buggy Spokes 2 Oak Coupling Tongues 5 x bars to Buggy Tongues Ex Bars to Shafts 3 Wagon Single trees 4 Wagon Breast Yokes 6 1 Horse Molin Plow Beams Painted - 5 2 Horse Molin Plow Beams painted 4 2 " do unpainted - 6 1 Horse do unpainted 1 Wagon Double tree 1 Set Iron Buggy Tires 8 Wagon hounds - 5 Buggy Shafts 2 Extra

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

Tud troughs 62 Wagon Fellows 1 Pr Fenders 6 Bolts 4 Buggy Breast Yokes 4 Pick handles 2 Axe Handles 2 Axes with handles 6 Wagon Thimbles 5 Grind Stone Cranks &c 1 Spring for Wagon Seat 3 gage Wheels 4 Water Kegs 2 Small Foot Tubs. 16 Water Buckets 33 12 in Butts 2½ ft 2 in piping stuff 1 Doz Swivels ½ Doz Breast Yoke Tips ½ Doz Pat Dingle tow tips 5 No 1 Shingle Hatchets 4 Braces 5 Auger Bits. 5 Wood Rasps 1½ Doz Sash locks 8-1 horse Chains - 4. 2 Horse Chains 4 Pkgs 1¾ in F.H. Screws - 2 pkgs 1½ in do 1 pkg 1 in do 2 " 1½ " Mach Sc Screws - 4 - 1 in Wood do - 3 Large Butts 2 " Small Butts - 9 " Large Carriage Bolts - Mixed - 5 Match Boxes 7 Nut Meg Graters 8 Pepper Boxes 2½ Doz Baby Rattles 2 Doz Tin Cups 3 Setts plated Buggy Tips 2 Setts Brass do - 5 - 2¾ in Locks - 7. 2½ in do. 1 Pr Straps Hinges 4 Claw Hammers 2 Claths Saws 5 Sausage Mills Sat &c Castings for Buggy 13 Coffee Mills ½ Doz Horse Brushes ½ Doz Curry Combs - 7½ Bu Measures 4 Graters 2 Meat Forks 3 Sausage Stuffers 2 - 2 Gall Water pots 2 Bull Eye Lanterns 5 Small Lanterns 10½ Gal Cups 183 Tin Plates 6 large tin buckets 5 Tin Buckets 2 Tin Buckets 3 Tin Buckets 2 Strainers 10½ pt Cups 20 pt Cups 5 ~~pt~~ Cups 2 Coffee Pots 2½ Gal Oil Cans 5 Soup Ladles 5 - 200 lbs Scale beams - 11 - 350 lbs Scale Beams 9 Eye Hoes 9 Wash Boards 3 Potato Diggers for Buggy 1 Doz Hatchet handles 6 Small Tubs 1 Pr Nail Tongs 63 lbs Mens Nails 23 lbs Gal. Staples. 65 lbs Wire Staples 19 finished Plow handles 1½ Doz prs Hames 13 Buck Collars 57 Buck bands with Buckles 2 Ox Chains 1 Pr Stretcher Chains 6 Pony Avery Plow points 6 - 62 x Plow points 2 OB plow points 3 61 x " " " 3 Sand Slides to B.S plow 5 Sand Slides Moline 10. B.7 Moline Points. 2. A.7 Moline Points 2 Pony Moline Points 11 Buggy Rims —

It is further ordered that said property be sold as under Execution after giving ten days notice as required by law and that said Sheriffs may if they think the interests of all parties will be subserved thereby sell said goods in Bulk as a Stock instead of by the piece and that they make their return as required by law to this Court

7147

The State of Texas vs A L Rhomberg Et al

On this 18th day of June, 1885, came the State of Texas, by her Attorney General, Hon John D Templeton, and the Defendants A L Rhomberg and J. A Rhomberg, by their attorneys Roberts & Williams and the plaintiff thereupon dismisses this suit in so far as the same sucks a

District Court Minutes, March Term, 1885

Thursday the 18th day of June 1885

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recovery of Certain Lands in Haskell County and Continue to the same only as to the said lands in Nolan County. and then came on to be heard the general demurrer and Special Exceptions of the defendants to the plaintiffs petition, filed March 6. 1885. and argument being heard thereon, and the same being fully understood it is Considered, ordered and adjudged by the Court that the said defendants' general demurrer and Special Exceptions numbers two (2), three (3) four (4) five (5) and Six (6), be and the same are hereby overruled, to which ruling defendants excepted — It is further Considered ordered and adjudged by the Court that the said Defendants first (1) Seventh (7) and Eighth (8) Special Exceptions be and the same are hereby sustained, And the said Plaintiff now here in Open Court declines to amend and elects to abide by this said pleadings, Wherefore it is Considered ordered and adjudged by the Court that said Cause be and the same is hereby dismissed and that the said defendants go hence without day and that they recover of the said plaintiff all costs in this behalf Expended — And thereupon, the said plaintiff, in open Court, gave notice of Appeal to the Supreme Court —

7434

The State of Texas } On this 18th day of June 1885 came the State
vs } of Texas by their Attorney General, Hon Jno D Templeton
J A Rhomberg } and the defendant J A Rhomberg, by his attorneys Robert
Dow & Williams and then came on to be heard the general demurrer and
Special Exceptions of the defendant to the plaintiffs petition, filed
March 6. 1885. and argument of Counsel being heard thereon
and the same being by the Court fully understood, it is Considered ordered and adjudged that the said defendants, general demurrer and Special Exceptions Numbers one (1) four (4) Six (6) Seven (7) and Nine (9) be and the same are hereby overruled to which ruling defendant excepts — It is further Considered ordered and adjudged by the Court that the defendants said Special Excepting Number two (2) three (3) five (5) and Eight (8) be and the same are hereby sustained — And the said plaintiff now here in Open Court declines to amend and elects to abide by its said pleadings — It is therefore Considered, ordered and adjudged by the Court that said Cause be and the same is hereby dismissed, and that the said defendant go hence without day, and recover of said plaintiff all Costs in this behalf expended. And, thereupon the said plaintiff in open Court gave notice of Appeal to the Supreme Court —

District Court Minutes, March Term, 1885.

Friday the 19th day of June 1885.

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers, Printers

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

/7129/ The State of Texas vs A. A. Talmage and James M. O'Donnell

On this day the above entitled cause being duly called for trial came the State of Texas by her atty; and the defendants by their respective attorneys. And it is ordered that the defendants, the attorneys for plaintiff agreeing and consenting thereto, have leave to file motion to reconsider former ruling of the Court and also to file amended demurrer and exceptions, and both parties announcing ready on questions of law raised by the pleadings and the demurrers and exceptions of defendants to plaintiffs petition having been read and fully understood and the argument of counsel thereon being heard and fully considered. It is ordered adjudged and decreed that the judgment heretofore rendered in this cause on to wit: the 13th December 1884. overruling defendants exceptions and demurrer be and the same is hereby vacated and set aside. And upon further consideration of legal questions arising upon the pleadings, It is ordered adjudged and decreed by the Court that the exceptions numbered 2-3-4, of defendants filed this the 19th day of June, 1885. be and the same are hereby in all things sustained, and the remaining exceptions of said defendants are overruled, Thereupon the Court granted leave to the plaintiff to amend the pleadings. And the plaintiff by her atty declining to amend. It is further ordered adjudged and decreed that the plaintiff take nothing by the said suit: that the petition of plaintiff be dismissed and that judgment final be rendered, that defendant go hence without day and that they have judgment for all costs in this behalf expended. To which ruling of the Court the plaintiff by the attorneys then and there excepted and in open Court gave notice of appeal to the Supreme Court.

/7184/ Winchester Partridge Manufacturing Co vs John Thompson & J. L. McCutchen

And now on this day this cause coming on for trial in its regular order the parties appeared the plff by attys and the Defendants in person and by attys and announced themselves ready for trial and no jury being demanded the cause was submitted

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to the Court both as to law and facts and the Court having heard the pleadings and the Evidence and duly considering the same is of opinion that plaintiff is entitled to recover from defendants the sum of $1116.00 - It is therefore ordered adjudged and decreed by the Court that the plaintiff Winchester & Partridge Manufacturing Company do have and recover of and from the defendants - the sum of one thousand one hundred and sixteen (1116) Dollars with interest at Eight per Cent per annum thereon from this date together with all the costs of this suit for all of which Execution shall issue - To which findings of the Court and judgment defendants Except.

R A Aiton vs John Petty

And now on this day came the plaintiff by his attorneys Miss Carleton & Morris and the Defendant John Petty by his attorney Miss Walton Hill & Walton and announced themselves ready for trial Whereupon the Court after hearing the pleading Evidence and Argument of Counsel did order adjudge and decree as follows Viz: That the plaintiff R A Aiton do have and recover of and from the defendant John Petty that certain tract or parcel of land situated in the County of Travis and State of Texas being 321½ acres of land part of a tract of land originally granted to Elijah Cupples bounded as follows On the North by the South west line of the Del Valle grant of land on the West by a tract which on the 8th day of September 1883 belongs to John D McClintock On the South by the North East line of a tract of land originally granted to W P Corbin and on the East by a tract of land owned by R A Aiton on the 8th day of September 1883 and that the plaintiff have writ of possession for the same but that said writ do not issue until the 1st day of January 1886,

Record. It appearing to the satisfaction of the Court that the defendant John Petty went into possession of the said tract of land under a Contract made in good faith with one James S. Hickam made at a time when said Hickam had a right to possess and Control of said land by the terms of which said Contract said Petty was to have the use and possession

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of said land until January 1st 1886. in consideration of the sum of five hundred Dollars to be paid to said Hickam as rent less the value of Certain improvements to the placed on said land by Defendant Petty=

It is therefore ordered adjudged and decreed by the Court that the Defendant Petty- be quieted in his possession of said land until the 1st day of January 1886.

Third: It is further ordered adjudged and decreed by the Court that the plaintiff R A Aiton be and is thereby subrogated to the rights of the said Jas. S. Hickam in and to the aforesaid Contract between the Defendant Petty and said Hickam and that he the said R A Aiton do have and recover of and from the said Defendant John Petty the sum of four hundred thirteen 44/100 Dollars for rent of said tract of land for the year 1885 together with interest thereon from December 25th 1885 for which said sum of money it is hereby decreed that said Aiton shall and does have a lien on all the Crops raised during the year 1885 on said land- none of which are to be removed from said land without the Consent of said Aiton until the said sum of $413 44/100 dollars is paid and that no execution shall issue to enforce the collection of the said sum until the said 25th day of December 1885-

Fourth- It is further ordered adjudged and decreed by the Court that the aforesaid John Petty do have and recover from the plaintiff R A Aiton all his costs in this behalf expended for which execution may issue

7465 Jos. P. Smith et al vs Dora Richards } Upon motion of defendant by attorney it is ordered by the Court that the parties to this suit be and they are hereby allowed ten days from and after the adjournment of this term of the Court in which to file a statement of facts in this cause-

5749. T. T. Knight et al vs Geo King } And now comes H. J. Montgomery and D. W. Doom, Executor of the last will and testament of M. C. Moulton deceased and Lucinda G. Moulton. Alice Gray C. Moulton and Mary E. Ayers. Who is joined by her husband Chas. S. Ayers, Cora M. Odell who is joined by her husband Edward V. Odell and Hattie G. Moulton a minor by her next friend and guardian ad-

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Silas D W. Doom and by leave of the Court file their petition of intervention, and thereupon the intervenors and plaintiffs to the original petition appear by their respective attys and submit the matters embraced in said petition of intervention to the Court, and it appearing to the Court from the deeds and transfers submitted to the Court and by the consent of the parties thereto that said W. J. Montgomery and the other intervenors named above own the owners of the several tracts of land described in said original decree of partition as shown by said deeds and transfers to the said Montgomery and Moulton and to the said Moulton severally and that there was no longer a necessity for a partition between and among the original plaintiffs. it is ordered adjudged and decreed by the Court that the title to the lands described in the original petition and in said decree be vested in said intervenors in the proportions shown by their deeds and the deed of partition between M. C. Moulton and W. J. Montgomery of Oct 23rd 1882 and recorded in Travis Co Book 53 pages 400 & 401.

And it further appearing to the Court that the objects for which this suit was instituted was accomplished and determined. and all the matters in controversy decided, it is ordered that this cause be dropped from the docket leaving in full force and effect the judgment heretofore entered against the defendant, and that intervenors pay all costs accruing since said judgment was entered for which execution may issue.

7245 Wm Shapard vs Robt T Hill et al — And now on this the 18th day of June 1885. came on to be heard the motion to set aside the report of the Commissioners and judgment thereon entered in this cause, and N. G. Shelby Esq having read said motion to the Court submitted the same without argument. asking and being granted leave by the Court to submit testimony any time till 4 oclock P.M. of the 19th inst: and on this the 19th June 1885. the Court having duly considered said motion. orders and decrees that the same be and is hereby overruled.

Hon Thomas E. Sneed
Special Judge presiding

5955 Estate of Benj F. Thompson died — By agreement of the counsel for the parties filed in this cause agreeing upon the Hon Thomas E. Sneed as Special

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No 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers, Printers

Judge to try the case, and he having qualified as such Special Judge by taking the Constitutional oath of office as required by law - Which appears on file with the papers of this Cause. And now proceeding. the following proceedings were had: And now on this the 7th day of May AD1885 came the parties in interest by their attorneys and main a jury and submit the matters in controversy as well of fact as of law to the Court and the evidence and argument of Counsel having been heard the case is taken under advisement by the Court - And now on this the 19th day of June AD1885 the Court being fully advised as to the facts and the law it is ordered adjudged and decreed by the Court that the Motion of L. A. Rogers formerly L. A. Thompson surviving wife of Ben A. Thompson deceased to tax the costs in the estate of said Ben A. Thompson deceased which up by the Clerk of the County Court of Travis County and to discharge the said L. A. Rogers from payment of the item of Eighty Eight + 40/100 dollars Commissions taxed as fees of the County Judge for services rendered be and the same is hereby overruled. and it is ordered adjudged and decreed that the said item of Eighty Eight + 40/100 dollars Commissions of the County Judge remain taxed as a part of the costs in said estate and that the same be paid with all costs of said Motion in the County Court incurred by the said L. A Rogers and the sureties on his appeal bond James A. Thompson R. J. Hill and W. M. Walton and that execution issue against them for the same, and that a certified copy of this judgment be forthwith transmitted by the Clerk of this Court to the Clerk of the County Court of Travis county for the observance of said Court - It is further ordered that execution issue in behalf of fees of this Court against the said L. A. Rogers and the said sureties James A Thompson R. J Hill and W. M. Walton for all costs in this behalf expended in this Court To which judgment of the Court the said L. A Rogers by his attorney excepted and in open court gave notice of appeal to the Supreme Court

Examined in Open Court and approved June 20 1885

Thos. E. Sneed Special Judge

Dis'trict Court Minutes, March Term, 1885.

Friday the 19th day of June 1885.

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#795 ✓

John C. Duval
Florida G. Howard
George W. Sampson
C. R. Johns
Flavius Ernest &
W. Von Rosenberg.
vs.
Robert Coughran.

And now on this the 19th day of June 1885. Came on to be heard the application of Wm Von Rosenberg Trustee in this cause for a supplemental decree divesting legal title in the lands herein after described out of Florida G. Howard as devisee and assignee of Wallis M. Booth = present: And the Court having considered said application and the reply and answer to made by Florida G. Howard. And it appearing to the Court that all the legal title right and interest vested in the said Florida G. Howard by virtue of Patent No 223. Vol 45 issued by the State of Texas Feby 17. 1881. to and in the name of Jno B. Jones for 640 acres of land in Archer County Texas located by virtue of duplicate unconditional Headright Certificate No 34/33 issued by Rhoades Fisher Chief Clerk and Acting Commissioner General Land Office Sept 1st 1876, and by virtue of a certain transfer of said Certificate from said Jones to W M. Booth of record in Lib 114 & 115 in Book J of the records of deeds for said County of Archer in the office of the Clerk of the County Court of said County, is and of right and justice ought to be subject to the superior equitable title and right thereto and thereto vested in said Wm Von Rosenberg as Trustee under the decree in this cause rendered on the 5th day of June 1880. and it is accordingly ordered adjudged and decreed that all the legal right title and interest of the said Florida G. Howard in and to the above described 640 acres of land & and the same is hereby divested out of said Florida G. Howard and is vested in the said W Von Rosenberg Trustee to be by him owned held and disposed of as trustee under the said decree of June 5th 1880 for settlement and partition among the parties to this cause—

#795—

John C. Duval. Florida G. Howard—
George W. Sampson. C R. Johns.
Flavius Ernest & W. Von Rosenberg.
vs.
Robert Coughran—

And now on this the 19th day of June 1885, came on to be heard the application of W Von Rosenberg

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the Court heretofore appointed by this decree in this cause entered June 5th 1880, to make partition between the parties hereto of certain property in suit, said application being for a decree supplemental to said decree of June 5th 1880 divesting title to the lands hereinafter described out of Florida G. Howard and investing legal title thereto in said Court for the purpose of this suit, and the parties being all present by their attorneys, and said application together with the answer thereto by the said Florida G. Howard having been considered by the Court: and because it appears to the Court that the legal title vested in said Florida G. Howard by virtue of Patent No 340 Vol 16. issued by the State of Texas on the 27th day of Sept 1884, to Walter M. Booth Assignee of Ty. C. Davis for 1280 acres of land in Colorado County Texas known as survey No 848. by virtue of Duplicate Bly Warrant No 32/225 & issued to Ty. C. Davis by the Commissioner of the General Land Office Oct 17th 1874, the original Warrant was transferred to G. A Imo July 29th 1853. and by said Imo transferred to said Booth Oct 18th 1853. said Florida G. Howard being the owner and Assignee of said patent and also the legal title vested in said Florida G. Howard by virtue of Patent No 264 Vol 24. issued by the State of Texas on the 26th day of September 1884. in the name of said Walter M. Booth Assignee of Mary Hawley for 6.204.063 square varas of land in Colorado County Texas known as survey No 849 in the Walnes of the Colorado River and Eagle Lake about 15 Miles S. 40° E of the town of Columbus by virtue of the U.S. H R. certificate No $\frac{2683}{2484}$ issued to Mary Hawley by the Commissioner General Land office June 7th 1853, and transferred to said Booth June 23rd 1853. is and of right ought and right ought to be subject to the equitable estate and rights uses and trusts vested in said Wm Von Rosenberg as trustee in this cause, in reference to said land under said decree of June 5th 1880, and it is therefore ordered adjudged and decreed that all the legal estate right in title and title of said Florida G. Howard in and to said two tracts of land patented as aforesaid be and the same is hereby divested out of the said Florida G. Howard and the same is vested in the said

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Wm Van Rosenberg, Trustee &c by him sworn & filed and presented and disposed of in Court for the purposes of making settlement and partition between the parties to this cause according to the terms of said decree of Jan 5th 1880, ordered herein.

And it is further ordered and decreed that said Van-Rosenberg have and he is hereby given the right and directed to bring any necessary suit or suits or defend any suit or suits in any Court in his own name, to recover or defend the possession of the above described lands or any part thereof, and to this end he is authorized to retain and employ such counsel and attorneys as he may deem proper and contract for the payment of reasonable compensation to such counsel or attorneys subject to the approval of this Court as to the amount of compensation.

7033 — John Richards vs Jno. P. Kirk — And now on this day comes the defendant by attorneys and move the Court for an order allowing ten days time in which to prepare and file a statement of facts in this cause. Which Motion is granted by the Court and ordered that the parties be and they are hereby allowed ten days from and after the adjournment of this term of the Court in which to file a statement of facts in this case.

7120 — Walsh & Hill vs M. A Taylor et al — And now on this day comes the defendants by attorney and move the Court for an order allowing the parties in this cause ten days time after adjournment in which to prepare and file a statement of facts in this cause. Which is granted by the Court and ordered that the parties be and they are hereby granted ten days from and after the adjournment of this term of this Court in which to file a statement of facts in this cause.

7084 — Winchester & Partridge Mfg Co. vs Thurston & McCutcheon — Dismissed at cost of plaintiff.

Court adjourned till tomorrow 9 Am.

June 20th 1885.

District Court Minutes, March Term, 1885.

Saturday the 20th day of June 1885.

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

7084. Winchester & Partridge Mfg Co. vs Thompson & McCutcheon } And now on this the 20th day of June 1885 came the parties by their attorneys when came on to be heard the defendants motion for a new trial in this behalf and said motion having been submitted and duly considered was by the Court overruled. To which ruling of the Court the defendants in open Court excepted and in open Court gave notice of appeal to the Supreme Court.

7084 Winchester & Partridge Mfg Co. vs Thompson & McCutcheon } On motion of the defendants it is ordered by the Court that the parties to this cause be and they are hereby allowed ten days from and after the adjournment of this term of this Court in which to form and file a statement of facts in this cause.

7245. Wm Shapard vs Robt T Hill et al } And now on this day came the defendants by attorneys and in open Court excepted to the ruling of the Court on their motion to set aside the report of the Commissioners and judgment of the Court heretofore entered in this cause and in open Court gave notice of appeal to the Supreme Court.

7462. The State of Texas vs John B. Gorman et al } And now on this the 20th day of June 1885. it being called to the attention of the Court that there is a clerical error in the entry of the judgment therein on the third line from the bottom of page 542. of this Minute Book in writing the name of "Jones" instead of Thomas, It is ordered that the Clerk do correct the same thus ~~Jones~~ Thomas - and said entry is hereby corrected in accordance with this order.

7423. M. L. Ferguson et al vs Geo. M. Hiona et al } And now at this day came on to be heard the motion of plaintiffs asking that the report of the Commissioners appointed to divide and partition the land in controversy in this suit which report is filed in this cause on June 20- 1885. be in all things approved. Which said report is in words and figures as follows:

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M. L. Ferguson et al. vs. No. 7423. George M. Hunnicutt et al. } To A. J. Walker Judge of the District Court, Travis Co. Texas,

The undersigned Commissioners appointed by your honorable Court in the above styled and numbered Cause and directed to partition the tract of land as set forth and described in the order and decree of the Court a certified copy of which has been directed to us by Jas P. Smith Clerk- did proceed on the 18th June 1885. to make said partition and now submit this our report of same,

By actual survey made on the ground we found the metes and bounds of that part of the Corbyt Hennis survey, which we are ordered and directed to partition- to be as follows. Beginning at the S. E. corner of survey No 75 made for William Rayburn, Thence S. 30° W 3125 Varas, Thence West 1468 Varas - Thence North 1236 Varas- Thence N 30 E. 2790 Varas; Thence S. 60 E. 1889. Vs. to the beginning. Containing 1150 acres of land as shown by the accompanying plat - Which is made part of this report- We then surveyed and set off for Andrew J. Neiderer Lot No 1. as follows:

Beginning on the aforesaid S. E. corner of the William Rayburn survey- Thence S 30 W 1547 Varas - Thence N 60 W. 1889 Vs. Thence N 30 E. 1547- Thence S. 60. E. 1889 Vrs to the place of beginning, Containing five hundred and seventeen 1/2 acres.-

For M. L. Ferguson lot- No 2. as follows- Beginning on the S. W- corner of No 1. made for A. J. Neiderer- Thence S 30 W 756 Varas- Thence N 60 W. 1889. Vs.- Thence N 30. E. 756 Vs. Thence S. 60. E. 1889 Vs. to the place of beginning- Containing two hundred and fifty three acres of land -

For A. L. Moorman Lot No 3. as follows- Beginning on the S E. corner of No 2. for M. L. Ferguson Thence S. 30 W 378 Varas- Thence N 60 W. 1889. Varas- Thence N 30. E. 378. Varas- Thence S. 60 E. 1889. to the place of beginning. Containing one hundred and twenty six 1/2 acres of land -

For E. C. Moorman Lot No 4. as follows: Beginning on the S. E. Corner of No 3 for A. L. Moorman Thence S. 30 W. 391. Varas; Thence N 60 W- 1727 Varas to the East line of the Haby league - Thence North with the said league line 339 Varas - Thence N 30 E. 109 Varas to the S. E. Corner of No 3. made for A. L. Moorman- Thence S. 60 E. with the line of No 3.

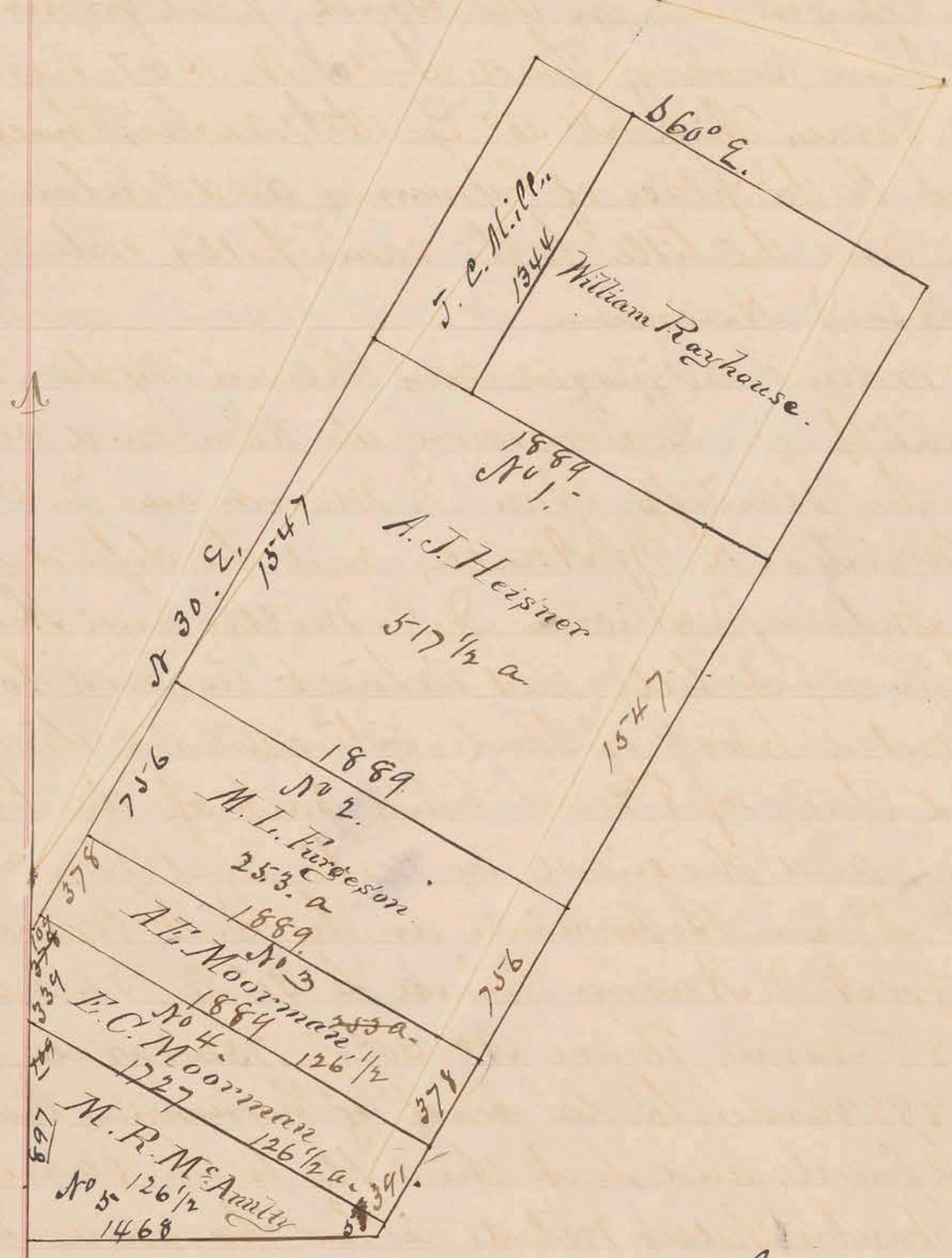
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1889 varas to the place of beginning, containing one hundred ninety six 1/2 acres -

For M. R. McAnally Lot 5. as follows. to wit: Beginning on the S. E. corner of No 4 made for E. C. Moorman - Thence S 30 W. 53 varas - Thence West 1468 varas to the East line of the Haley league - Thence with the said league line North 897 varas to the S. W. corner of No 4. Thence S. 60 E. 1727 varas to the place of beginning - Containing one hundred ninety six 1/2 acres of land.



We Quarles in making the partition including surveying and all expenses of chain carrying we think is justly worth thirty dollars and we respectfully ask that the Court allow that -

Sworn to before me by Dennis Cronin & Jno. Q. Campbell. June 20-1885 -

Dennis Cronin
Jno. Q. Campbell
C. Q. Rose -
Commissioners

Jas P Stait Clerk

And it appearing to the satisfaction of the Court that said partition has been in all respects fairly made

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the same is hereby fully approved.

It is therefore ordered adjudged and decreed by the Court that the defendants Andrew J. Hutson do have and recover of and from the plaintiffs M. L. Ferguson L. C. Moorman, Ann L. Moorman and Martha R. McAnnelly, and of and from the defendants Geo. M. Hutson. A. McClure and J. C. Miller all of the following described tract of land. part of the Corbit Davis survey situated in Travis County Texas, the said tract being known in the report of said Commissioners as lot No 1.- Beginning on the South East corner of the William Rayhouse survey, Thence S 30° W. 1547. varas. Thence N 60° W. 1889 varas. Thence N 30° E 1547. varas. Thence S 60° E. 1889. varas to the place of beginning and containing 517½ acres of land and the title to the same fully vested in him the said Andrew J. Hutson -

It is further ordered adjudged and decreed by the Court that the plaintiff M. L. Ferguson do have and recover of and from the plaintiff Ann L. Moorman. L. C Moorman and Martha. R. McAnnelly and the defendants Geo. M. Hutson. Andrew. J. Hutson. J. C. Miller and Hugh McClure all their right title and interest in and to the following described tract of land situated in the County of Travis and State of Texas being part of the Corbit Davis survey, and described by Metes and bounds as follows: Lot No 2.- Beginning in the S. W. corner of Lot No 1 made for A. J. Hutson - Thence S 30° W 756 varas. Thence N 60° W. 1889 varas. Thence N 30° E. 756 varas - Thence S. 60° E. 1889 varas to the place of beginning, containing 25.3 acres of land, and that the title to the same be and the same is hereby fully vested in him the said M. L. Ferguson -

It is further ordered adjudged and decreed by the Court that the plaintiff Ann L Moorman do have and recover of and from the plaintiff M. L. Ferguson. L. C. Moorman and Martha R. McAnnelly and the defendants Geo. M. Hutson. Andrew J. Hutson. J. C. Miller and Hugh McClure all of the following described tract of land situated in the County of Travis and State of Texas being part of the Corbit Davis survey and being lot No 3. described by Metes and bounds as follows.- Beginning on the S. E.

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Corner of lot No 2. for M. L. Ferguson. Thence S. 30° W 378 varas. Thence N 60° W. 1889 varas - Thence N 30° E. 378 varas - Thence S. 60° E. 1889. varas to the place of beginning Containing 126½ acres of land. the title to which said tract of land is hereby fully vested in the the said Ann E. Moorman -

It is further ordered adjudged and decreed by the Court that the plaintiff E. C. Moorman do have and recover of and from the plaintiff M. L. Ferguson. Ann E. Moorman and Martha R. McAnelly and the defendants Geo M. Hutson. Andrew J. Hutson. J. C Miller and Hugh McClure, all of the following described tract of land. known as lot No 4. part of the Corbit Sterns survey situated in Travis County Texas. Beginning in S. E. Corner of No 3. for Ann. E. Moorman - Thence S 30° W. 391 varas. Thence N 60° W. 1727 varas to the East line of the Haby league - Thence North with the said league line 339 varas - Thence N 30° E. 169 varas to the S E. Corner of No 3 made for Ann. E. Moorman - Thence S 60° E. with the line of No 3. 1889 varas to the place of beginning - Containing 126½ acres of land. and the title to the same is hereby fully vested in the said E. C. Moorman

It is further ordered adjudged and decreed by the Court that the plaintiff Martha R. McAnelly do have and recover of and from the plaintiffs M. L. Ferguson Ann E. Moorman and E. C. Moorman and the defendants Geo M. Hutson - Andrew J. Hutson. J. C. Miller and Hugh McClure all of the following described tract of land called Lot No 5 out of the Corbit Sterns survey situated in Travis County Texas Beginning on the S. E. Corner of No 4. Made for E. C. Moorman. Thence S. 30° W 53 varas - Thence West 1468 varas to the East line of the Haby league - Thence with the said league line North 897 varas to the S W Corner of No 4. Thence S. 60° E. 1727 varas to the place of beginning Containing 126½ acres of land, the title to which said tract of land is hereby fully vested in Said the said Martha R. McAnely

And further ordered by the Court that the Commissioners

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Herein it and they are hereby allowed the sum of $30.00 thirty dollars to be taxed against the parties in the proportion therein adjudged in the decree of partition

The State of Texas } The foregoing minutes having
County of Travis } been examined in open Court
and found correct are hereby approved and ordered
that the same stand as part of the minutes of this
Court and that this Court hold stand adjourned
until the next regular term thereof —
June 20th 1885

A. S. Walker,
Judge 26th Judicial Dist. &c.

District Court Minutes, October Term, 1885

Monday the 5th day of October 1885

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

State of Texas }
Travis County. }

Be it remembered that at a term of the Hon. District Court of Travis County begun and holden at the Court House in the City of Austin, on the 5th day of October A.D. 1885. that being the first Monday in said month, and the day fixed by law for the holding of said Court, the Hon A. J. Walker Judge of the 26th Judicial District presiding, the Hon James H. Robertson. District Atty, Jas. P. Hart Clerk of said Court, and M. M. Horne by Sheriff of said County, being present, the following Proceedings were had. Viz,

6531 Jno. P. Allen. Vs. A. H Belo & Co. By consent Set after the Criminal Docket,

6584 Jo. H Stewart. Vs. A. H Belo & Co, By consent set after the Criminal Docket.

7450 John. Edwards. - Vs. - H. & G. N. R. R. Co, Passed to the End of Criminal Docket.

4370 A. J. Barringer. Vs. H. & G. N. R. Co. Continued by Consent.

7445. Kittie. Porter. - Vs. - Scott. Porter, On motion of Alff. cause dismissed.

7476. A. P. Wooldridge Eral, Vs The. Springfield. Fire & marine. Insurance Co, On motion of Defts atty - ordered that defts have leave to file. 1st Amended Original Answer.

7496 Florence. Simpson by her next friend. Lula. George Vs. T. & G. N. R. R. Co. By consent set for trial. Friday October 23rd 1885.

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District Court Minutes, October Term, 1885

Monday the 5th day of October 1885

7509. Kate Moore. Et al. Vs. Jas. Wagner. Et al, On motion it is ordered by the Court that Jas. R. Davis. Esq. an attorney of this Court be and is hereby appointed Guardian. ad-liten, to represent the minor Defendants, Mary, Kate, and. Willie John.

7579. Wm Walsh & Co. Vs. J. F. Barrick, Upon motion of plaintiffs atty. and it appearing to the Court that the Costs have been paid by the defendant it is ordered by the Court that this Cause be and the same is Hereby Dismissed.

7591. I. G. Speed. Vs. D. W. Chandler. Upon motion it is ordered by the Court that the Plaintiff have leave to file 1st amended original Pet.

7594 Mrs. E. H. E. Barrett. Vs. Mrs. Corrine. Folman, Et al, . Upon motion it is ordered by the Court that R. G. West. Esq. an attorney of this Court be, and he is hereby appointed, Guardian. Ad-litem to represent the minor defendants, John. Charles, Wm H, and. Thos. D. Folman.

7605, Sallie King. Husband. Vs. Jno. M. Gandy. Et al, Upon motion, it is ordered by the Court that D. W. Newlett. Esq. an attorney of this Bar. be and he is hereby appointed Guardian. Ad-litem, to represent the minor defendants. Arthur. C, Jef. F. and. Robert. H Gandy.

7614. Rachel. Abrahams. Vs. Ahlch Abrahams,. By agreement of the parties, it is ordered by the Court the alimony be and the same is hereby. fixed. for the term (2) months. from the filing of this suit. at One hundred. dollars. ($100.) per months and time extended to deft of ten (10) days in which he shall file Inventory. and Case set for. trial for October 17th 1885.

District Court Minutes, October Term, 1885

Monday the 5th day of October 1885

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers.

7619 Mattingly & Zimpleman,
vs.
The Corry City Iron Works.

And now on this day comes the defendant by attorny and presents to the Court his petition and bond for the removal of this cause to the United States Circuit Court for the Western District of Texas at Austin, alleging that the amount in dispute exceeds the sum of - Five hundred dollars, and that this controversy is between citizens of different States, and it appearing to the Court that said allegations are true, the bond is accepted and approved, and ordered by the Court that further proceedings herein in this Court be suspended.

Court adjourned until to-morrow morning at 9 O'Clock.

October 6th 1885-

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

2955 Abbey Thompson, Admx.
vs.
R. H Barnes & A. Merrell,

And now on this day this cause being regularly called for trial, and the parties failing to appear, either in person or by counsel, it is ordered by the Court that this cause be and the same is hereby dismissed for the want of prosecution, that the plaintiff and her sureties on her cost bond, to wit:
pay all costs in this behalf expended, for which let execution issue,

2958 Abbey Thompson
vs.
George Sanders.

And now on this day this cause being regularly called for trial, and the parties failing to appear -

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either in person or by Counsel, it is ordered by the Court that this Cause be and the same is hereby dismissed for the want of prosecution, that the Plaintiff and her sureties, or her Cost Bond. to wit;
pay all Costs in this behalf expended. for which let execution issue.

3030 Giles H Burdett. Admr.
Vs. Passed to End of Docket
W B. Burdett. Et al.

4472, Jas. H Raymond.
Vs.
Geo. W. Glascock. It being suggested to the Court, that this Case has been Confirmed in the Supreme Court it is now ordered. that it be stricken from the Docket.

4795, Jno. C. Neal. Et al,
Vs, Continued by Consent.
Robt. Pennybacker.

5031. J. B. Wygall. Et al,
Vs. Continued by Consent.
Ple. State of Texas.

5274 J. R. Rhea, Vs. Vincent Chambers. Et al, Continued.

5447 Mary. A. Swisher, Vs. James M. Swisher Et al,
Continued by Consent.

5482 Mary. A. Swisher. Vs. James. M. Swisher. Et al,
Continued by Consent.

5530. D. Ple. Ayers, Vs. W. C. Walsh. Com^r. - Continued
by Consent.

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Tuesday the 6th day of October 188 6.

No. 114. 3-83-2. Geo. D. Barnard & Co., Blank Book Manufacturers, Printers

5697, J.N. Casey. Vs. Augusta Casey. Passed to end of Docket.

5769, Henretta. Brown. Vs. Henry. Brown, Passed by request of Judge. Sheek. end of Docket.

5867. M.N. Henry. Et al. Vs- Frank. O'Henry. Et al, Continued by consent.

6001 Josephine. D. Wren, Vs. T.L. Wren. Et al, Passed to be called by consent.

6071. Lydia. Thompson Vs. Jobe. Thompson, Demurrer by Plaintiff and at her cost. for which let execution issue.

6082, Mary. A. D.M. Wilson, Vs. M.M. Horne by. Et al, Passed to end. of Docket.

6098. W.B. Isham, Vs. Jno. A. Webb. Continued by consent.

7031 H. & T. C. R.R. Co. Vs. T. & P. R.R. Co. Set for trial for October 31st.

7053. H. & T. C. R.R. Co. Vs. T. & P. R.R. Co., Set for trial for Octs. 27th.

7072 T.L. Wren, Vs. Jno. R. Peel. It being suggested to the Court that this case had been affirmed in the Supreme Court. ordered. stricken from the Docket.

Removed & Reinstated see mandate

7116 Minnie Reeder. Vs. Wm Reeder. Upon motion of Plaintiffs atty it is ordered by the Court that this case be and the same is hereby dismissed at plaintiffs cost. for which let execution issue.

7119. T.L. Wren. Vs. Ed. Creary. Et al, Passed to the end of Criminal Docket.

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7128 Jeff. Brown, Vs. Mexico Cattle Co. Passed to the end of Docket

7162 H. & T. C. R. R. Co. Vs. T. & P. R. R. Co. Passed to the end of Docket

7221 Henry T. Askew. Extr. Etc, Vs. Unknown Heirs of T. O. Sawyer. Set for trial for Octo. 16th

7236. Virginia Nelson. Et al. Vs. D. J. Wheeler. Et al, Continued for service,

7243. Zack. Love. Vs. Letetia Love, Passed to the end of Docket.

7262 Rebecca Byerly Vs. Elizabeth M. Espy Et al, By Consent passed to the end of Criminal Docket

7264 Martha K. Chappell Et al, Vs. Jno. A. Blanton Et al. Passed,

7267 Sawanta Palm, Vs. J. H. Wells. Et als. - Set for trial for Octo. 13th

7275. Maria Scott. Vs. Anderson. Scott. Passed. by request of Plff.

7276 J. Newton Jackson. Vs. W. B. Walker. Passed by request of Dfr for settlement

7278 N. G. Skelley. Et al. Vs. J. W. McLaughlin Et al. Passed by consent for settlement

7290 Mary R. Cummings. Vs. Jas. R. Cummings. Upon motion of Plaintiffs attorney it is ordered by the Court, that this case be dismissed, at Plffs cost. for which let execution issue,

7292, Ellen. Martin, Vs. Ja. M. Martin, Dismissed

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7394. Isabella Manor Vs Campbell Manor, &c. Upon motion of Plffs. atty it is ordered by the Court that this Case be and the Same is hereby dismissed and that Plaintiff pay all costs in this behalf. for which let execution issue.

7308, C. R. Johns & Co. Vs Carruthers & Seawright. Passed to end of Criminal Docket.

7435. W. H. O Carrington -Vs- J. B. Reinhardt, It is ordered by the Court that Plff have leave to file. 1st Supplemental petition, and Case passed.

7444. Evans. A. Morris. Vs. Md. I. C. R. R. Co, Continued by consent.

7446 Frank. Rainey, Vs. W. O Morton Exal, Set for trial for 7th Octo.

7453 Hugh. F. Sanders. Vs E. C. Dewey. Exal, 3. It is ordered by the Court this Case be passed until 1 Oblock P. M. by which time plaintiff can comply with the rule for costs. further ordered that Jno. R. Peel. Esq. an attorney of this Court be and he is hereby allowed to go upon Cost bond in the absence of the Plaintiff. and now at this 1 - P. M. it appearing to the Court that the Cost Bond had been filed, by consent Case set for Octo. 15th

7468, Mary. J. Allen. Vs. Frank. Allen, Passed to the end of Docket

7476 A. P. Waldridge. Exal Vs- The Springfield Fire and Marine Insurance Co. Co. Passed to the end of the Docket.

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7480, M. Rose. Wetmore. VS. Elizabeth. Kinsey Et al, Passed for. action on motion and exceptions to report of Comm'rs.

7487 H M Boyce Et al-VS- Aaron Boyce, By consent passed to the end of the Docket.

7489. J. P. Cunningham. VS. J. Formhaltz Et al, Upon motion of Deft's atty case continued, Plaintiffs atty not appearing on call, and leave given to make J. W. Newlett. party plaintiff herein.

7493. W. W. Moore Extr, VS- A. J. Fisher & Jonas-Lendell, Upon motion of. Plffs. attorney, it appearing to the Court that the Costs had been paid, it is ordered by the Court that this Case be and the same is hereby dismissed, without prejudice to the present holders of the notes, sued on in this Case.

7495. Jas. W. Daugherty. VS- J. W. Hill Et al, Passed for decree and settlement.

7504. First Natl Bank of Austin. VS. R. J. Swancoat. Passed until the 7th Inst.

7506. M. Paggi. -vs- Jas. Nalle. Et al. Set for. 14th Inst.

7507. Geo. Faulk. VS. Rosa. Silva. Hus band. Passed. - until after Criminal Docket

7513. Jno. Morgan. Dorick -VS. Ja. Jackson. Upon motion of Plff. case dismissed at plaintiffs costs.

7514. Capital Gas. Light Co. VS. F. B. Forster. Upon motion of. Plff. cause dismissed at plaintiffs cost.

7520. J. W. Smith Admr. VS. W. B. Sullivan, Upon motion of. Plff. Cause dismissed. at. plaintiff cost.

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7525 Lois Gateward Overall. V. Edwin E. Overall. Dismissed for want of prosecution.

7531 Emma L. Howell. V. Edward H. Howell. Continued to perfect service.

7532 Delia Clark Husband. V. Phoenix Insurance Co. Dismissed at Plaintiffs Cost.

Court adjourned until tomorrow morning at 9. O'Clock.

October. 7th 1885.

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

7504 First Natl Bank of Austin Texas, V. No. 7504. R. J. Swancoat. — And now on this the 7th day of October A.D. 1885, this cause having been set for trial. for this day, and now being regularly called, came the parties by their attorneys and announced ready for trial - and the Court having heard the pleadings, and evidence, finds that the Defendant. R. J. Swancoat. is indebted upon a promissory note to the Plaintiff, the First National Bank of Austin, in the sum of $1892.66 principal and interest to this date, to bear interest from this date at the rate of 12% per Annum, and the further sum of $170.00 attorneys fees. stipulated in said note. to bear interest from this date at the rate of 8% per Annum, The Court further finds. that said Plaintiff sued out a writ of Attachment in this cau which was levied upon the following described property. to Wit: 1 Engine & Boiler, 2 Dry Press Brick Machines, 1 Ext. Auger, and Elevator, 4 Wheelbarrows, 2 Mules, 2 Carts and harness, 7 Shovels. 58 Grate, 6 Wheelbarrows, 18 Brick Moulds, 1 Eagle Steam Power. Brick Machine, 2 Oil barrels & Contents, and all the Lumber and Buildings used on or about the Austin Brick Co. yard., Also all the Brick in said yard, Also. all the right. Title and interest.

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of. R. J. Swancoat. in and to the following described Lands. to Wit, all those certain lots, pieces or parcels. of ground. situated in Travis County. Texas and described as follows. : all lands belonging to Jno. M. Swisher, and by him leased. on January. 10.th 1884 to R. J. Swancoat. and. J. Burns, Situated in the valley of the Colorado. River, opposite the City of Austin, along and on both sides of. Bouldins Creek, between what is known as the Bluff. and the Colorado. River. containing ten acres. more or less, together with all the improvements thereon, and on the 25th day of Feby. 1885. I levied on all the right. title and interest of R. J. Swancoat. in and to the following described land in Travis County Texas, to wit, part of the Isaac. Decker. league, beginning on the S. E. Corner. of the 1/2 acre lot claimed by H. G. Williams in the centre of Bouldins branch,. Thence. N. with E. fence of said lot. 20 feet. an Elm or line, 5 ft. in Diameter 185 feet to N. E. Corner of said lot. Thence N. 60° W. 98 ft. to the N. W. Corner. of said 1/2 acre lot. on the E. line. of J. E. Bouldins. tract of land. Thence with said Bouldin line, N. 30° E. 400 feet. to a Corner on the South boundary. of Bridge Co's right of way, Thence N. 76° E. Conforming with Course of said Bridge. Co's fence, and dyke 565 feet. to a Corner. Thence. S. 30° W. 728 feet. to. a Corner in Center of. Bouldins branch, aforesaid. a Pecan. 12 inches in Diameter brs N. 66° E 52. feet., and an Elm. 5 feet. in Diameter brs. S. 40° W. 15 feet, Thence up the center of Bouldins branch, with its meanderings to the beginning, Containing 5 6/10 Acres more or less.

It is therefore considered, ordered, & adjudged by the Court that the Plaintiff- "First National Bank. of Austin Texas," do have and recover of. and from. the Defendant R. J. Swancoat. said sum of. $1892.66 with interest thereon from this date. until paid at the rate of. 12 o/o per Annum. and the further sum of $170.00 with interest thereon from this date. until paid at the rate. of 8 o/o. per annum

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and all costs of this suit. for which let execution issue, and further ordered that the attachment lien as it existed on the 24th day of February 1885. in the above described property, be and the same is hereby foreclosed. and it further appearing to the Court that said property has already been sold under a former judgment of foreclosure in this Court in favor of this Plaintiff. and the proceeds of said sale applied to a judgment in plaintiffs favor. and no residue remaining in hands of sheriff. it is therefore ordered that no order of sale, issue upon this judgment but that Plaintiff have his execution.

7446. Frank. Rainey – Vs. – W. F. Morton, M. F. Beeson, Mary. O Badger. and her husband. Wallace. Badger, and. Jas. H. Stewart.

This cause coming on this day to be heard in its regular order. on the Docket upon the pleadings. and evidence, and no jury having been demanded. by either party. and the matters of fact. as well as of law. being submitted to the Court. and it appearing to the Court that all the defendants. have been duly served with process. and have filed answers herein. and the plaintiffs cause of action. being a liquidated Demand. proved by two promissory notes, held and produced by plaintiff. the principal of which amounts to ($866.00) Eight hundred. and. sixty dollars, and. the interest ($233.83) Two hundred. and thirty nine dollars and Eighty three cents. making in the aggregate. the sum of. ($1099.83) One hundred. and ninety nine dollars and Eighty three cents. and it further appearing to the Court that a vendors. lien was expressly reserved and retained, in favor of the holder or owner of said notes, to secure the principal and interest thereof on the hereinafter described premises. And it further appearing to the Court that the defendant Jo. H Stewarth, is as to the defendants, Morton. and. Beeson, a surety on said notes. It is –

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therefore ordered, adjudged and decreed, as follows; that the said Plaintiff do have and recover of the defendants, W. F. Morton, M. E. Beeson, and Jo. H. Stewart, the sum of ($1099.83) One hundred and ninety nine dollars and Eighty three cents, with interest on said sum from the date of said judgment at the rate of ten per centum per annum. It is further adjudged and decreed that the Vendors lien to secure the amount of said judgment and interest in behalf of plaintiff be and the same is hereby foreclosed on the (369) three hundred and sixty nine acres of land situated in Wise County State of Texas, about (14) fourteen miles southwest from Decatur, and being the South half of the J. N. Barnhill survey (738) Acre survey and being the same premises conveyed to the 23rd day of December 1882, by Jos. H Stewart attorney in fact for defendants Mary D. and Walldee Badger, to defendants Morton and Beeson, and that upon failure of defendants Morton and Beeson to pay the principal and interest of said judgment and the costs of this suit within thirty days from the date of this judgment, then the sheriff of said County of Wise, be and he is hereby ordered and authorized, to sell the above described premises at public outcry conforming with the respect to precints notice, time and place of sale and in other material particulars to the law governing sales of Real Estate under executions. If the proceeds of said sale be not sufficient to fully pay and discharge the amounts of this judgment and both, then upon the return of the execution and order of sale issued hereon showing a deficiency, the sheriff of Travis County shall levy execution upon any property liable to execution situated in Travis County, Texas, of the said defendants,

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W. F. Morton, M. F. Beeson, & Jo. N. Stewart, or either of them, but the said sheriff is herby directed to levy said execution first upon the property of the principal defendants. Morton and Beeson, subject to execution and situated in the said County of Travis. before he shall levy on the property of the said defendant, Jo. N. Stewart, if so much property of said principal defendants, or either of them can be found as will in the opinion of said sheriff be sufficient to make the amount of the execution, otherwise the levy to be made, on so much property of the principal defendants, Morton & Beeson as may be found if any, and upon so much of the property of the said defendant Stewart, as surety as may be necessary to make the amount of said Execution, and the Clerk of this Court is hereby directed to make a memorandum of this order on said execution. It is further ordered and adjudged, that if the said defendant Stewart surety aforesaid shall be compelled to pay this judgment or any part thereof or shall make any payment which is applied to this judgment by reason of his suretyship, this judgment shall not be discharged, by such payment, but shall remain in force for the use of said Stewart, and may be used and enforced by him against the principal debtors according to the Statute in such case made & provided. It is further ordered and adjudged that if the Plaintiff fails to realize the principal, interest and costs of this judgment by the foreclosure of the Vendors lien on the hereinbefore described premises, or out of property of said defendants in said County of Travis, then the plaintiff may have his execution or Executions to any County in the State as in other cases. It is further ordered that plaintiff do have and recover of the said defendants Morton, Beeson and Stewart, all costs of suit

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in this behalf expended. and no judgment herein being rendered. against Mary O Badger or her husband. Wallace Badger. it is ordered. that they go hence without day.

Court adjourned. until tomorrow at 9. O'clock,

October. 8th 1885,

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

7574 1st Natl. Bank of Austin
vs.
Stone Cattle Pasture Co & al,

Ordered by the Court that Plff. have leave to file 1st amended origenal petition,
Court adjourned until tomorrow morning at 9 Oblock.

October 9th 1885.

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

7574 First Natl Bank of Austin,
vs.
Stone Cattle Pasture Co & al. } And now on this day came the Plaintiffs by its attorney, and the defendants came not. - though all of them except the defendant. J.A. McAdams had been duly cited to answer hereto. Whereupon. plaintiff discontinued as to said defendant. J.A. McAdams and demanded judgment, and no jury being demanded, the matters of fact as well as of law were submitted to the Court - and it appearing to the Court that the defendants are justly indebted to the plaintiff in the sum of 11.084 70/100

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dollars. principal, and the further sum of 1186 9/100 dollars as attorneys fees, it is therefore considered, ordered. & adjudged and decreed by the Court. that the plaintiff Pla 1st Nat'l Bank of Austin" - do have and recover of and from the defendants, Stone Cattle and Pasture Company" J.H. Nelson, Jno. Attore, J.H. Saera, H. Hasler, D.K. Phillips, F.M. Ralls, and F.J. Hall. the sum of Fifteen Thousand and Seventy One and 12/100 dollars, with interest thereon. at the rate of 12 p/c Twelve per Cent. per annum. - together with all costs. in this behalf incurred for which execution shall issue.

7535 A.J. Jernigan
Vs.
J.A. Carr.

This 9th day of Oct. 1885.

This day came the plaintiff by attorney, and the said defendant having failed to appear. and answer. in this behalf, but wholly. made default, wherefore the said A.J. Jernigan ought to recover against the said J.A. Carr, his damages. by reason of the premises; 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 One Thousand. two hundred. and twenty two dollars. and the further sum of One Hundred and twenty two dollars & twenty cents, attorneys fees. thereon, it is therefore considered by the Court, that the said A.J. Jernigan. Plaintiff, do have and recover of and from the said J.A. Carr. defendant, the sum of One Thousand. two hundred and twenty two dollars, together with the further sum. of One-hundred and twenty two dollars. and twenty cents, attorneys fees thereon, with interest on

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both of said sums, at the rate of ten per cent. per Annum, and all costs in this behalf expended. and that he have his execution. It is further ordered that execution issue for the use of the officers of this Court, against each party for the cost incurred by him in this behalf.

7556. Jas. H. Raymond & Company.
vs.
Chas. Horst & Ed. Christian

In District Court
Travis County, Texas,
Oct. Term A. D. 1885.

This day came the Plaintiffs, by their attorney and it appearing to the Court that the citation issued to the defendant Chas. Horst, has been returned not served., the plaintiffs say they they will no further prosecute their said suit, against said defendant Horst, - and the said Ed. Christian, having failed to appear and answer in this behalf - and it appearing to the Court that the said Christian has been duly served with process and that the cause of action is liquidated and proved by note sued and produced by said plaintiffs, against said defendants, 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, to wit. —

The principal and interest of said note at ($1689 62/100) Sixteen hundred and Eighty Nine 62/100 Dollars, and the attorneys fee, stipulated in said note at ($168 96/100) One hundred and sixty Eight 96/100 Dollars, making in the aggregate the sum of ($1858 58/100) Eighteen hundred and fifty Eight and 58/100 Dollars, - It is therefore considered by the Court that the defendant Chas. Horst go hence without day, and the plaintiffs, Jas. H. Raymond, Frank. Hamilton, and Jas. R. Johnson, composing the banking firm of Jas. H. Raymond and Company, recover of defendant, Ed. Christian the said sum of ($1858 58/100) —

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Eighteen hundred and fifty Eight & 58/100 Dollars, with interest on the said amount at the rate of twelve per cent per annum, and all cost of suit, and that the said plaintiffs have their Execution, Etc, Etc,

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7538. J. F. Human, - Plaintiff
VS.
Matilda J. Human. - Deft.

In District Court - Travis County. Texas. :-

Now on this 9th day of - October. A. D 1885, this cause came on to be heard in its regular order for trial, the plaintiff appearing in person and by his Attorneys, and the Defendant failing to appear, although duly cited as required by law and wholly made default and the plaintiff demanding a trial and there being no reason why a trial should not be had, the Court ordered that a trial be had. Whereupon the Court after hearing the pleadings and evidence in the cause, and argument of counsel, was of the opinion the allegations in the Plaintiffs petition were true and that Plaintiff should be granted a decree of divorce as prayed for. — Whereupon it is ordered, adjudged and decreed, by the Court that the bonds of matrimony now and heretofore existing between J. F. Human the Plaintiff in this cause, and Matilda J. Human the Defendant be and the same is hereby dissolved and separated and this decree of Divorce be and is hereby granted and it is hereby ordered and decreed that the said Plaintiff and Defendant no longer sustain the relation of husband wife to Each other.

7545. Christina, Ottenhausen. Et. al.
VS.
C. Dmschke, -.

And now on this day this cause being regularly called for trial the plaintiffs appeared by attys. and announced ready for trial - but the defendant though duly

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cited, came not but wholly made default, and no jury being demanded, the cause was submitted to the Court - and after hearing the evidence, the Court, being satisfied that the allegations in the petition are true, and that plaintiffs are entitled to the relief prayed for; It is therefore ordered, adjudged and decreed by the Court that the plaintiff, Christina Otterhausen, Henry Otterhausen, and William Otterhausen do have and recover of and from the defendant C. Dinschke, the sum of Two hundred and forty two dollars and fifty cents, ($242.50) with interest thereon at 10% per cent per annum from date hereof, and all the costs of this suit; and it appearing that said plffs have a lien to secure the payment of said sum on Lots Nos 11 and 12 in Block No 22 of the Jenkins Bros subdivision of Out Lot No 13 in division "O" of the Out Lots adjoining the city of Austin, in Travis County Texas, - It is therefore further ordered, adjudged and decreed by the Court that said lien be foreclosed and that an order of sale issue for the sale of said Lots Nos 11 and 12 as under execution, and that the proceeds of such sale be applied to the payment of said sum, and costs herein adjudged to said plaintiffs, and that should said Lots sell for more than sufficient to satisfy said sum and costs, the excess shall be paid over to said defendant, - but in case said Lots shall not sell for a sufficient amount to satisfy the sum herein adjudged to said plaintiff and costs, then execution shall issue against said defendant for the collection of such unsatisfied balance, -

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7620 David Sheeks Et al,
vs.
John M. Castley Et al, } And now on this 9th day of October 1885, this cause being regularly called for trial, the plaintiffs appeared in person

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and by Attys, and announced ready for trial, but the defendants came not, though duly cited and wholly made default: and the cause being submitted to the Court, without a jury, and after hearing the evidence, the Court being satisfied that Plaintiffs are entitled to recover from defendants, as sought in their petition, It is therefore ordered, adjudged and decreed by the Court that the plaintiffs David Sheek, Thos E Sneed, and James O Sheek, do have and recover of and from the defendants, John M, Costley, and Marcellus Costley the sum of Six hundred and sixty one dollars ($661 00/100) with interest thereon from the date hereof at the rate of Eight per cent per Annum, together with all the costs of this suit for all of which execution shall issue.

7628. Martin McCarty
vs.
W J Brennan,

9th day of October A D 1885.

This day came the Plaintiff by atty, and the said defendant having failed to appear and answer in this behalf but wholly made default, wherefore the said plaintiff Martin McCarty ought to have and recover of and from the said defendant, W J Brennan, his damages by reason of the premises: And thereupon on the same day, said cause came on for trial, and the evidence having been heard by the Court, it is ordered by the Court that the said Martin McCarty, plaintiff, do have and recover of and from, the said W J Brennan, defendant, the sum of Seven hundred and fifty nine dollars and four cents, and all costs in this behalf expended, and that he have his execution therefor. It is further ordered that executions do issue for the use of the officers of this Court against each party respectively for the costs by him incurred in and about herein.

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7617 Hurlbut. Paper. Co,
vs.
E W. Swindell,

And. now on this day came the pleintiff by attorney, but the Defendant came not although, having duly accepted service in writing of proces in this case, but wholly made default- Whereupon. pleintiff demanded judgment, and no. jury having been demanded the matters of fact as well as of law were submitted to the Court, and it appearing to the Court that the Defendant is justly indebted to the plaintiff, Hurlbut. Paper Company" in the sum of $107,58/xx - principal and interest to this date.
It is therefore considered. ordered and decreed by the Court, that the "Hurlbut Paper Co. plaintiff, do have and recover of and from, the defendant, Eugene. W. Swindell, the aforesaid sum of. One Thousand and seventy One $ 58/100 dollars, with interest thereon from this date until paid at the rate. of 8% per annum, and all costs of suit, for which let execution issue.

7524. Francis. B. Forster,
vs.
Burhans. Von. Steinburgh.

And now on this day came the plaintiff by attorney, and the defendant came not, though duly cited to answer. hereto and wholly made default. Whereupon. plaintiff demanded judgment, and no jury having been demanded the matters of fact, as well as of law. were submitted to the Court, and it appearing to the Court that the defendant is justly indebted to the plaintiff in the sum of $1151 00 principal and interest to this date, It is therfore considered, ordered, adjudged and decreed by the Court. that the Plaintiff. Francis. B. Forster do have and recover of and from, the defendant

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Burhans Vor. Steenburgh. the sum of One Thousand. One hundred and fifty one. ½ 50/100 dollars, - with interest thereon from this date until paid at the rate of 8% per annum, and all costs of suit. for all which let execution issue.

7546 Edward. Christian
Vs.
J. E. Miller -

On this 9th day of October. A. D. 1885, came the plaintiff Edward. Christian, surviving partner of the firm of. Loomis & Christian, by D. H. Dom. his attorney, and the defendant J. E. Miller. who has been duly served. with process as required by law. having failed to appear and answer in this behalf. but wholly made default, Wherefore it is considered by the Court that the said plaintiff ought to recover against the said defendant his damages. occasioned by the premises, 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 plaintiff Edward. Christian surviving partner of the firm of Loomis & Christian. do have and recover of the defendant J. E. Miller the sum of. Eleven. hundred and twenty six ½ 54/100 Dollars. principal, and. interest to this date. due on the two promissory notes sued on, and the further sum of. One Hundred. Twelve. ½ 60/100 Dollars for attys fee in all Twelve hundred and thirty nine. & 19/100 with interest thereon from this date. until paid at the rate of twelve per cent per annum. together with all costs. in this behalf incurred for all of which plaintiff shall have his execution. It is further ordered that execution issue in favor of the officers of the Court against each party respectively. for all costs by them in this behalf incurred.

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1608 State Natl. Bank,

vs.

Jno. R. Rice. Et al. ?. On this 9th day of Octo-
ber A. D. 1885. this cause being regularly—
reached and called for trial, came the—
plaintiff by attorney, and also came the de-
fendant Houghton. Robinson by their answer on
file, but the defendant. Jno. R. Rice and C. G.
Pride, though duly served with process,—
came not, but wholly made default. Where-
fore the said plaintiff should recover its
damages by reason of the premises. And the
Court after hearing the pleadings, and
evidence, doth consider, adjudge and order,
that the plaintiff, "The State National Bank",
do have and recover from and of the de-
fendants, Jno. R. Rice. and C. G. Prude. as—
principals and makers of the note sued on,
and of the defendants. Houghton & Robinson, a firm
composed of J. H. Houghton and J. H. Robinson, as
endorsers of said note, the sum of Fifteen hun-
dred dollars, and fifty cents. ($1500 50/100) prin-
cipal and interest, due to date, and the fur-
ther sum of One hundred and fifty dollars and
five cents, ($150 05/100) attorneys fees as provided
in said note, making a total of. Sixteen hun-
dred fifty dollars and fifty five cents ($1655 55/100),
all to bear interest at the rate of twelve per-
cent per annum, from this date. And also the
further sum of Four dollars ($4 00/100) as fees.
for protest of said note, which last sum
shall bear interest at rate of Eight per cent
per annum, and also all its costs in this
behalf expended. For all of which said plain-
tiff may have its execution, And it appearing
to the Court that the said Houghton & Robin-
son, are liable only as endorsers of said note.
And upon this answer to prayer to that Ef-
fect, it is considered, adjudged, and ordered.
by the Court, that the said Houghton & Robinson,—

This judgment transferred to
Houghton & Robinson for a valuable
consideration as per transfer filed with
Jas. A. Allen clerk
On 3rd day Sept 1888 Ostrich Court

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as such endorsers, have judgment over against the said Jno N. Rice, and C.G. Brudo, jointly & severally for so much of said judgment as hereinbefore recited, as they, the said Houghton & Robinson, may be compelled to pay under the terms of this judgment, and for any and all such amounts the said Houghton & Robinson, shall have their Execution.

7616 C. R. Johns, vs. Lewis Robertson. F. W. Chandler. H E. Shelly.

9th day of October A.D. 1885.

This day came the plaintiff by his attorney, and the defendant Lewis Robertson having failed to appear and answer in this behalf, but wholly made default, and the plaintiff admitting the truth of the matters plead by the defendants F.W. Chandler and H.E. Shelley, Wherefore the said C.R. Johns plaintiff ought to recover against the said Lewis Robertson, defendant, his damages by occasion of the premises, and of the defendants F.W. Chandler and H.E. Shelley in the capacity as set up by their answer which is admitted by the plaintiff and in which plaintiff in his petition asks to do and said defendants in open Court consenting thereto, And it appearing to the Court that the cause of action is liquidated and proved by an instrument of writing it is ordered that the Clerk do assess the damages sustained by said plaintiff, and the said Clerk now here having assessed the damages aforesaid at the sum of Four hundred and forty two 69/100 Dollars ($442.69), it is therefore considered by the Court that the plaintiff C.R. Johns do have and recover of the defendant, Lewis Robertson said sum of Four hundred and forty-two 69/100 dollars principal and interest, with interest thereon at the rate of ten per cent per annum together with his costs, And it further appearing to the Court that said note was executed on the 3rd day of February A.D. 1883, to secure the payment of the purchase money for the following described tract of land, to wit: A certain tract of land sold Lewis-

Nov. 24/88. Satisfied in full, See Execution Docket No 5. f. 157. By Judgment.

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Robertson by. R. A. Rutherford of sixty acres off of Jno Applegates, and. Crooks. surveys. in Travis County, Texas. Fifty acres off of first, and ten aff. of second surveys, lying west of Austin & Georgetown road and bounded by same, East of Mrs. Ambercrombie's and adjoining and north of a track sold by said Rutherford to George, Saunders,
It is ordered, adjudged and decreed by the Court that the lien as it existed upon the 3rd day of. February. A.D. 1885 upon the above described tract of land. 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 Texas. Commanding him to seize and sell, the above described track of land as under execution, and that he apply the proceeds. thereof to the payment and satisfaction of the said sum of. Four hundred and forty two & 69/100 dollars. ($442.69), together with all interest that may be due thereon, and the cost of this suit, and if said land shall sell for more, than sufficient to pay off and satisfy said sums. of money, then the said officer is hereby directed to pay over the excess to the Defendant, but if said land shall not sell for Enough to pay off and satisfy this judgment, then said officer shall make the balance due as under execution,
And it further appearing to the Court that the defendants, F.H. Chandler, and. H.E. Skelly. as is pleaded by them, and admitted by the plaintiff herein, all. jointly and severally liable to pay unto plaintiff the sums money that may be and remain due upon this judgment after the sale of said land. as is herein ordered should the proceed. of such sale. be insufficient to satisfy the same, It is therefore adjudged and ordered by the Court that the plaintiff C.R. Johns. do have and recover of and from. F.H. Chandler. and. H.E. Skelly jointly and severally any and all sums of money. principal and interest Costs of

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suit, that may be or remain due on the judgment herein rendered against Lewis Robertson in favor of plaintiff, after sale of land as is herein ordered, and that upon satisfaction of the same, by them the said F H Chandler, and H E Shelley, shall be and stand in all things subrogated to the rights of the plaintiff, have against the said Lewis Robertson, for all of which let execution issue

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7539 Dennis Corwin Aff.-

vs.

Jno. H Stone Deft.- 1. On this the 9th day of October A.D. 1885, came the plaintiff by his attorney, but defendant though duly served with Citation and copy of petition, came not but made default, and defendant having failed to answer, herein judgment is rendered by default in favor of plaintiff against defendant as follows, to wit:

It appearing to the Court that the defendant, John H Stone, is indebted to the plaintiff Dennis Corwin, as evidenced by two promissory notes executed by defendant, and made payable to plaintiff at the City of Austin, State of Texas, and both overdue, in the sum of One Thousand nine hundred, and fifty three dollars and Eighty four cents. ($1953.$^{84}_{xx}$) and One-hundred and ninety five dollars and thirty Eight cents. (195^{38}_{xx}$) as attorneys fees, the said attorneys fees being stipulated in the face of said notes: It also appearing that the said notes herein sued on bear interest at the rate of ten per centum per annum: It also appearing that said notes, were executed on the sixth day of September A.D. 1884, to secure the payment of part of the purchase money for the following described tract of land, to-wit, Seven tracts of land containing, - three hundred and twenty acres each, and each situated in the County of Archer, and State of Texas, and each tract patented to Harry Connelly, Assignee, of McKinney & Williams, the said patents being numbered respectively as follows, to-wit, 235, 236, 238, 248;

This Judgment is by Agreement of Attorneys & Parties - This Sept 16th 1886 Geo. C. Pendleton Clk

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249, 250, and 251, and described by metes & bounds in said patent. It is therefore considered, and ordered by the Court, that the plaintiff Dennis Corwin, do have and recover of the said defendant Jno. H Stone, said sum of Nineteen hundred and fifty three dollars, and Eighty four cents. ($1953.84/100), same being principal and interest on said notes, and also the said sum of One hundred and Ninety five dollars, and thirty Eight cents. ($195.38), as attorneys fees, with interest on each of said sums at the rate of ten (10) per cent, from the date of this judgment, together with all his costs in this behalf expended, and for all of which let execution issue, and it is further ordered, adjudged and decreed by the Court that the lien as it existed upon the 6th day of September A.D. 1882, upon the above described tracts of land be and the same is hereby foreclosed; and the Clerk of this Court do issue an order of sale, directed to the Sheriff or any Constable of Archer County, Texas, commanding him to seize & sell, the above described tracts of land; and that he apply the proceeds thereof to the payment & satisfaction of the said sums of money, together with all interest that may be due thereon, and the costs of this suit; and if the said lands shall sell for more than sufficient to pay off and satisfy said sums of money, then the said officer is hereby directed to pay the excess to the defendant; 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 under execution.

7540 Dennis Corwin. Plff. -
vs.
John H Stone. Dfr. } On this the 9th day of October. A.D. 1885 came the plaintiff by his attorney, but defendant though duly served, with

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citation, and copy of petition came not but made default. And defendant having failed to answer herein. judgment is rendered by default in favor of Plaintiff and against defendant. as follows, to-wit: It appearing to the Court that the defendant John. W. Stone, is indebted to the plaintiff, Denis Corwin, as evidenced by two promissory notes executed by defendant and made payable to plaintiff at the City of Austin, State of Texas, and both over due in the sum of. Two hundred. Seventy Eight & 20/100 dollars ($278 20) and. Twenty seven and, 82/100 dollars, as-attorneys fees. the said attorneys fees. being stipulated in the face of said notes.: It also appearing that the said notes herein sued on. bear interest at the rate of ten (10) per centum per annum,: It also appearing that said notes were executed on the ninth day of October. A.D. 1884, to secure the payment of part of the purchase money for the following described tract of land. to-wit, 320 acres in Archer County, Texas. known as survey No 44 in the name of James. Hughes. patented November 8th. 1875 to the heirs of J. P. Henderson, Assignee, by patent No 371. Volume. 15. and described by metes & bounds, in said patent, It is therefore considered and ordered by the Court, that the plaintiff Denis, Corwin, do have and recover of the said defendant, Jno. W. Stone, said sum of Two hundred and Seventy Eight- & 20/100 dollars. ($278 20) same being principal and interest on said notes, and also the said sum of. Twenty seven. & 82/100 dollars. ($27. 82) as attorneys fees, with interest on each of said sums. at the rate of ten (10) per cent from the date of this judgment, together with all his costs in this behalf. Expended. And for all of which let execution issue, And it is further ordered, adjudged, and decreed by the Court, that the lien, as it existed upon the 9th day of October. A.D. 1884, upon the above described tract of land, be and the same is hereby foreclosed; and the Clerk of this Court do issue an order of sale directed, to the Sheriff or any Con-

This Judgment is hereby satisfied as fully as if Released of Record this June 15th 1886.
Scott & Kenard
Att'y Pltff.

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stable of Archer County, Texas, 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 sums of money, 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 said officer shall make the balance due as under execution.

7098 The Houston & Texas Central Ry Co.

vs.

N. A. Dass,

9th day of October A.D. 1885,

This cause coming on to be heard came the plaintiff by its Attorney and announced ready for trial, and it appearing to the Court that the defendant N. A. Dass, had at a former day, to wit, the 28th day of May filed herein a disclaimer of all title to or interest in the land described in plaintiffs petition. It is therefore considered by the Court, that the plaintiff The Houston & Texas Central Railway Company" recover of the defendant, N. A. Dass, his disclaimer as aforesaid, the land and premises, described and bounded as follows: Lying and situate in Childress County, Texas, in Block "H" of surveys in said County, made for The Houston & Texas Central Railway Company." viz.

Survey No. 633, surveyed by Witte Scrip No. 7/317.
" " 647. " " " " " 7/324.
" " 609. " " " " " 7/305.

For which the plaintiff may have its writ of possession, And that the Plaintiff should and of right ought to be quieted in its title to said land against the said defendant. It is therefore adjudged

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and decreed, that any and all claims of title, right, or interest, and all instruments purporting to evidence such title, right or interest, that the defendant N.O Bass, or those claiming or holding under him, has had, sued as asserted, since the date of the institution of this suit, viz: 22nd day of May A.D 1885. be and the same is hereby divested out of the defendant N.A Bass, and vested in the plaintiff, Ple Houston & Texas Central Railway Company, and any and all instruments, patents, deeds, or other purporting to evidence such title, right or interest in the defendant N.A.Bass. or those claiming or holding under him, be and the same are hereby annulled and cancelled, as constituting a cloud upon title of plaintiff to the lands herein described. It is further adjudged that the defendant N. A Bass do recover of and from the plaintiff Ple Houston & Texas Central Railway Company in this behalf encurred, for which he may have execution. It is further adjudged that the officers of this Court do have and recover of and from the plaintiff. Ple Houston & Texas Central. Railway Co. all their costs in this behalf. for which Execution may issue.

4497. Geo. H. Sampson,

vs.

Jno. Mayo. } And now on this day this cause, being regularly called for trial, came the plaintiff by his attorney but the defendant came not though duly served with process herein, but wholly made default. Whereupon plaintiff demanded judgment, and no jury having been demanded the matter of fact as well as of law was submitted and tried by the Court, and it appearing to the Court from the pleadings and evidence that said defendant Jno. Mayo is justly indebted to the plaintiff in the sum of $494 65/100 - principal and interest to this date, and the further sum of $38 67 attorneys fees. as stipulated in the note sued on in this case. It is therefore considered, ordered,

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adjudged & decreed, by the Court that the plaintiff, George. W. Sampson. do have and recover of the defendant. John. Mayo said sum of Four.- hundred & ninety four & 67/100 dollars. with interest thereon from this date, at the rate of 10 o/o per annum, and the further sum of Thirty. Eight & 67/100 dollars, with interest thereon at the rate, of 8 o/o per annum, and costs of this suit for which let execution issue. And it further appearing to the Court that the note sued on in this case was given in part payment of purchase money and lien retained therein for the following described property, to wit: 400 Acres of the O.W. Owen survey of land in Hill County. Texas, and bounded as follows, Beginning at the N.E. Cor of said Owen survey a stake from which a P.O. brs N. 45. W. 4 3/10 vrs. & B.J. brs N. 86. W. 3 3/10 vrs-, Thence. S. 60 W. 444 vrs. to a stake on the N. line of said Owen survey, Whence a B.J. brs. N. 5. W. 1/5 vrs - a P.O. N. 17. E. 7 3/4 vrs. Thence S. 30 E. 580 vrs to a stake, from which a P.O. brs. N. 64. E. 4 1/2 vrs - another. brs. S. 46. W. 9 1/2 vrs. Thence. S. 60. W. 587 vrs to a stake, from which a P.O. brs. N. 58, E. 3 vrs. - Another bears S. 5- E. 7 vrs - Thence. S. 30 E. 1941 vrs to a stake, in the S. line of said Owen. survey - from which a P.O. N. 39. E. 11 vrs. - another bears N. 1 1/2 W. 10 1/5 vrs - Thence N. 60. E. 1031 vrs to the S.E. Corner. of said Owen survey. - Thence. N. 30. W. 2521 vrs to the beginning, It is therefore ordered, that said Vendors. lien be and the same is hereby foreclosed, and that plaintiff have his order of sale, and said property sold as under execution, and proceeds applied on this judgment, and any balance after satisfying the judgments herein and interest & cost be paid over to said defendant.

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4618 E. G. Senter
vs
J. C. DeGress. This case being regularly called for trial, came the plaintiff by his attorney, but the defendant came not. though duly served with process, herein failed to appear or answer. but wholly made default. Whereupon plaintiff demanded judgment- and it appearing to the Court from the pleadings and evidence that the defendant. J. C. DeGress. is justly indebted on a promissory note to the plaintiff E. G. Senter. in the sum of ($384.35/100) Three hundred & Eighty four. & 35/100 dollars, principal and interest to this date, and the further sum of Fifty Eight & 43/100 dollars. attorneys fees,. in all Six hundred. and forty two & 78/100 dollars,
It is therefore considered, ordered. adjudged and decreed by the Court. that the plaintiff E. G. Senter have and recover of the defendant the said sum of Six hundred. and forty two & 78/100 dollars, with interest thereon from this date at the rate of ten per cent per Annum. until paid,- and all costs. And it further appearing to the Court, that the note sued on in this case was given for the purchase money, and lien retained for the following described tract of land. in Pecos. County. Texas. conveyed. to defendant by plaintiff on the 26th day of November. 1884. to wit: All that certain tract of land. situated in the County. of Pecos. and. State of Texas, being survey No. 79. Block B2, patented to J. J. and. A. J. Dill. Assee of the G. C. S. D. and. R. G. N. G. R. R. Co. by patent. No 122- Vol 65. Serip No 1069.- issued March. 15th 1881. It is therefore ordered. and decreed by the Court, that the Vendors. lien retained in said note. upon said described tract of land be and the same is hereby foreclosed- and that an order of sale issue. and said land sold as under Execution- and proceeds applied to the satisfaction of this judgment, interest and costs.- and if said property

Jan. 7/86. Received of J. C. DeGress the sum of Five and 25/100 dollars in full of all costs herein, including Attorneys fees. This 7th day Jan. 1886.

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shall sell for more than sufficient to satisfy said amounts, the balance thereof be paid over to said defendant.

7064 The State of Texas. vs. J. A. Rhomberg, Et al } Passed to end of Criminal Docket to be taken up by consent.

7099 H. & G. C. R. R. Co, vs - W. J. Quinlan,
7100 Same, vs W. J. Putman,
7101 Same. " B. K. Durfee,
7102 Same, " J. A. Buckingham,
7103 Same. " C. F. Emery.
7104 Same. " W. M. Boyd.

By consent it is ordered that the above six (6) cases be passed until after the Criminal Docket.

7142. The State of Texas, vs. Jno. R. Ward, Et al, Passed to end of Docket to be taken up by consent.

7146 The State of Texas. - vs - Arthur. Richardson. Et al. Passed to end of Docket to be taken up by consent.

7148 The State of Texas. vs - Edward. Buckley. Et al. Continued. by consent.

7243 Zack. Love, - vs - Letitia Love, Set for trial for Octo- 15th " 1885.

7257 Olive. Fair - vs - Wallis Fair, Ordered by the Court that Floyd. McGown Esq., be and is hereby appointed to represent the absent Defendant in this cause,

7454 Jno. O. Holmes wife, vs. - Abner Taylor. Set for October. 15th 1885.

7472 W. T. Carruthers. vs Lette. Mabry. Garnishee, Set for October 12th 1885,

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7492, Phil. Abrahams. -vs- Henry. F. Fisher. Etal. - Passed to the end of Docket -

7509. Kate. Moser. Etal. -vs- Jas. Wagner. Etal, Continued to perfect service,

7510 Rebecca. E Moore - vs. - H. G. Moore, Passed to the end of Docket,

7521 Leon & H Blum, vs. - Newman. & Co. Etal, Passed to end of Docket,

7523, Henrietta. R. Hays Etal, - vs - Delka. Eastham. Etal, - Ordered by the Court that J. W. Robertson, Esq be and he is hereby appointed guardian ad-litem, of the minor defendants,

7523. Henrietta. R. Hays. - vs. Delka. Eastham. Passed to the end of the Docket.

7526 J. F. Dignon - vs. W. W. McLaughlin. Etal. - This cause being regularly called for trial, came the plaintiff by attorney, but the defendants. W. W. McLaughlin. and Irene McLaughlin. although duly served with process, failed to appear or answer in this behalf but wholly made default. Wherefore plaintiff ought to recover his damages, and the other defendants having answered herein, this cause is set for trial for October 15th 1885,

7520 Alexander Johnson. -vs- Nora Johnson. - Passed to the end of the Docket and C.

7534 J. E. Hill,
vs.
The. Mo. Pacific. Ry. Co. And now on this day comes the defendant by attorney and presents to the Court his petition and bond for the removal of this cause to the United States Circuit Court for the Western District of Texas. at Austin, alleging that the amount in dispute exceeds the sum of. Five hundred dollars

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and that this controversy is between citizens of different States, and it appearing to the Court that said allegations are true, the Bond is accepted and approved, and ordered by the Court that further proceedings in this Court be suspended.

7541 City Natl. Bank of Austin, Vs- John. Thompson & Co. Passed to the end of the docket-

7542 Chas. Walf. Vs- Jno. Thompson & Co. Passed to the end of the Docket,

7545 Dere, Mansur & Co.- vs- Jno. Thompson, & Co, Passed to the end of Docket,

7548 Winchester, Partridge Mfg Co.-vs- Jno. Thompson & Co, Etals. Garnishees, Passed to be called up at a future day of the term,

7549 H.B. Barnhart. vs. Sam. Hopkins Etal, Passed to the end of the Docket. -

7551 Dere, Mansur & Co.-vs- Jno. Thompson & Co, -City Natl Bank, Garnishee, - Passed by consent—

7552 T.P. Cunningham.- vs.- P.G. Lane. Et al, - By agreement on file in this cause, it is ordered by the Court that this cause be, and the same is hereby dismissed, at Plaintiffs cost for which let execution issue,

7553 Wm M. Hurd, - vs- Ellis. Monroe. Et al. - It is ordered by the Court that Plaintiff have leave to file 1st amended original Petition.

7554 W.J. Montgomery. vs- A.J. Gibson - Continued to perfect service. -

7555. Fairbanks & Co- vs.- Wm Tyson, Passed until after Criminal Docket.

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7557 A. M. Brooks, -vs.- Z. P. Fulmore. Exh &c, Passed to the end of Comercial Docket.

7559 Mrs. L. W. Caldwell.-vs- John. P Kirk. Continued on applecation of defendant, for want of testimony of John. E Wallace,

7560 Jno. Richard - vs. - Jno. P Kirk - Continued on application of defendant for want of testimony of John E Wallace,

7561 Mrs. Ann E Doris. - vs - Chas. North - Continued to perfect service,

7564 Sarah. Keenan. - vs. Frank. Keenan, Passed to the end of Docket,

7565. Helena. Krause. - vs - Rudalph. Krause, Set for trial for Octo. 17th 1885.

7567 Emanual. Williams - vs. - Elora. Williams, Continued to perfect service.

7568 Margaret. Douglas. -vs - Geo. Douglas. Passed to the end of the Docket.

7569 Martha. Perry. - vs - Alfred. Perry - Continued to perfect service,

7570 Sarah T. A. ~~Adams~~ - vs. John. T. Adams ~~Continued~~ to perfect service,

7571 A. Neal. Ramey - for herself and by her next friend, vs - I. N. Doake, Continued to perfect service.

7577 Caroline Morehead. - vs. - R. B Lery Et al, Continued to perfect service.

7580 Geo. Manning - vs - Caroline Manning. - Set for Octo. 17th 1885.

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7581 A. H. Newton -vs- W. W. Calhoun. Et al, Set for Octo. 14th 1885.

7582 Austin Gas. Light. & Coal Co -vs. City of Austin & Fred. Sterzing - Passed to end of Criminal Docket.

7584 The State of Texas -vs- B L. Temple Et al. Set for the 10th inst. for hearing on plea to jurisdiction.

7587 Caroline Rose. by. Etc, -vs- Thos. Bratton. Set for 13th inst.

7590 Sallie B. Welton. Et al. -vs. Jennie Smith & Husband. Set for trial for 17th Octo. 1885.

7591 David Friedman. -vs. - Jennie. Greenberg Et al. Continued to perfect service.

7592 T. J. Speed. -vs. - F. H. Chandler. Set for Oct. 15th.

7594 Mrs. E H E. Barrett. -vs- Mrs. Corinne Tolman. Et al, Set for Octo 12th 1885.

7595 J. R. Sprinkle - vs- W. C. Roy- Continued for. service

7596 H. E. Skelley. - vs. - O. C. Beatty - Set for Octo. 14th 1885.

7597 H E. Skelley. - vs. Jackson Hammett. Et al. Set. for. 14th

7598 P. M. Dodd. - vs. Jno. O. Dodd. Continued for service. -

7601 C. Aultman & Co. - vs - Jno. A. Webb & Bro. - Set for End of Criminal Docket.

7602 J. P. & R. T. Trent. - vs - J. A. Rhomberg. Set for 13th Octo.

7603 Henry & M. E. Overby. - vs - J. A. Rhomberg. Et al, Set for Octo. 13th 1885.

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7604 Martin McCarty -vs- Wm R. Mills. Passed at request of Plaintiff.

7606 E O Lynch. Guard.
vs.
E S Jemison } And now on this day comes the defendant by attorney, and presents to the Court his petition and bond for the removal of this cause to the United States Circuit Court for the Western Destrich of Texas. at Austin, alleging that the amount in dispute exceeds in value the sum of Five hundred dollars, and that this controversy is between citizens of different States, And it appearing to the Court that said allegations are true, the Bond is accepted and approved, and ordered by the Court that further proceedings herein in this Court be suspended.

7607 Margaret Hart -vs- David Hart. Passed to the end of the Docket.

7610 Harry Oatman by his Guard. -vs- Mary J. Oatman. Set for Octo. 12th 1885.

7611 John Jasper Sparks -vs- W J Bell Et al. Continued by agreement.

7612 J C De Berry Et al -vs- M M Hornsby. Passed by Consent -

7613 Ex Parte - Chas Hutten. It is ordered by the Court, that W H Dom Esq be appointed Special Guardian and Case passed.

7615 A Thompson & Co -vs- R Bertram, Passed until after the Criminal Docket,

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7623. C.B. Stoddard -vs- W.J. Leader. - Upon motion it is ordered by the Court that Kate Smith and husband, J.F. Smith, of Marion County - be and they are hereby allowed to intervene in this cause,

7626 Daniel Miller Et al.

vs.

W.B. Blocker. 3. It is ordered by the Court in this cause, that Mrs. Oleka Eastham be and she is hereby allowed, to make herself party defendant as landlord of defendant Blocker - and ordered that Citations issue to her minor children, Helen M, Byrd, Braxton A, W.D, Duncan, and Luther Eastham, also made party defendants herein, they being minors and part owners with the defendant Mrs. Oleka Eastham, of the interest claimed,

Court adjourned until tomorrow morning at 9 O'Clock. -

October 10th 1885.

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

7584. The State of Texas.

vs.

B.L. Temple Adm. Et al. On this the 10th day of October, the plea of the defendants in the above entitled to the jurisdiction of the Court coming on to be heard, the Court after hearing and considering the same, overruled the said plea, to which ruling of the Court, the defendants then and there excepted by their Attorney. And on the same day the defendants general demurrer to plaintiffs motion coming on to be heard. - the Court after hearing the same, overruled it to which

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ruling the defendants. thereto and there excepted.

7489. T. O. Cunningham - Vs. S. Formhalty Et al. - Ordered by the Court that the plaintiff have leave to file 2nd Amended Original Petition, and defendants leave to file 2nd Amended Original Answer,

7572. Lizzie McArthur, Vs. Lewis McArthur. 1. And now on this day this cause being called for trial came the plaintiff by her attorney. and announced ready, but the said defendant although duly cited by personal service. failed to appear and answer, - whereupon the trial proceeded, - And the Court having heard the pleadings, and Evidence and being of the opinion, that the material allegations contained in plaintiffs petition are true, it is considered, ordered. and adjudged, that the bonds of matrimony, heretofore existing - between the plaintiff, Lizzie. McArthur, and the defendant Lewis McArthur, be and the same are hereby dissolved, and that the plaintiff recover of the defendant all costs in this behalf expended. for all of which let execution issue.

7553, W. M. Hurd, vs. - Ellis Monroe, Et al,
7557 A. M. Brooks. " Z. P. Fulmore. Exr. &c,
7558 Jno. R. Reed. " H. C. Freeman,
7562. A. R. Ritz " City of Austin,
7581 A. H. Newton " W. W. Calhoun. Et al.
7590 Sallie B. Welton. Et al. " Jennie. Smith & Hus.
7602, J. O. & R. V. Trent. Vs - J. A. Rhomberg. Et al.
7603. Mary M. E. Ownby. " Same,
7611 John. Jackson. Sparks " W. J. Bell. Et al.
7612 J. C. & Berry. Et al. " M. M. Hornsby.
7523. Horatio Hoyo. Et al " Otha. Earthan Et al.

On Motion of the Clerk. in the above Eleven (11) causes, it is ordered by the Court that the

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plaintiffs in Each of said causes, be and they are hereby required to give securities for costs, and the Clerk is ordered, to notify the respective attorneys of the plaintiffs in said causes, that such rule has been granted.

7489 S. P. Cunningham - vs. J. Fornholtz Et al,
And now on this day came on to be heard the motion of plaintiff to set aside the continuance, heretofore at this term entered in this cause, and said motion having been argued & submitted, duly considered, & fully understood, was by the Court granted & ordered that said continuance be and the same is hereby set asides, and that this cause stand for trial on the second call of the Docket of this Court. It is further ordered, that plaintiff pay all costs of this term up to this date, for which execution may issue.

7582. Jos N. Stewart - vs. Victor Rodriguez Et al,
And now on this day came on to be heard the motion of the defendant Rodriguez, to quash the service of citation on him in this cause, and said motion having been submitted, duly considered, and fully understood, was by the Court granted. It is therefore considered and ordered by the Court that said service of citation be and the same is hereby quashed.

7605. Sallie King Et al,
vs.
John M. Gandy Et al, } And now on this day this cause coming on to be heard, the plaintiffs appeared by Counsel, and also appeared the minor defendants, herein to wit: Arthur C. Gandy, Jef. F. Gandy, and Ross H Gandy, by their Guardian Ad Litem David H Hewlett Esq heretofore duly appointed by this Court to represent the interest of said minors in this suit, and the adult defendants,

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to wit, John. M. Gaudy. Wm L. Gaudy. and Alvin, B. Gaudy, though duly cited came not but wholly made default, and said plaintiffs and said minors by their said Guardian, having announced ready for trial and no jury being demanded, the cause was submitted to the Court, and after hearing the pleadings and evidence. and duly considering the same, the Court finds that the plaintiff Sallie King, is the owner of, and seized in fee of one undivided interest of one-half of the tract of land described in the petition, to-wit, One hundred acres of land in Travis County, part of the T. V. R. Eggleston league, on the waters of Onion Creek, beginning on the Original N. E. Corner of said Eggleston league No 3, Thence West 1000 varas with the South line of Walker Wilsons league No 2 a stake from which is a Post Oak 10 in dia mkd X" brs N. 38° W. 9 varas, another 12 in dia marked —— bears S. 35° E. 27 varas. - Thence S. 564 7/10 varas, to a Stake in a drain from which a Spanish Oak 6 in dia mkd X" bears North 46½° E. 5 varas, another 8 in dia marked X" bears North 82° E. 6 varas - Thence E. 1000 varas. crossing Onion Creek to a stake, in the East boundary line of said league - No 3, Thence - North with the said line crossing Onion Creek 564 7/10 varas. to the place of beginning, This tract being known as the plat of the division of said league No 3. as lot one (1): and that said six (6) adult and minor defendants, are each the owners of an undivided interest of one twelfth of said tract of land, and that partition should be had accordingly. It is therefore ordered, adjudged and decreed by the Court that said plaintiff Sallie King, and that she have decreed to her, said interest of an undivided one-half of said tract of land. and that each of said defendants recover from said plaintiff Sallie King and the other defendants, one twelfth interest undivided in said tract of land, and that partition be made of said land accordingly between the parties hereto,

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And it is further ordered that Felix E. Smith, John J. McAlister, and James A. Howell, be and they are hereby appointed Commissioners to partition and divide said land between said plaintiff, Sallie King, and said defendants, in making which partition due regard being had to quantity, quality and value of said tract of land, said Commissioners will by metes and bounds allot and set apart to said plaintiffs Sallie King one half thereof, and to Each of said defendants, John M. Gandy, Wm L. Gandy, Alvin B. Gandy, Arthur C. Gandy, Jef. F. Gandy, and Rass H. Gandy, one twelfth thereof, and that said commissioners are required to report their action at the present term of the Dist. Court of Travis County, under this decree, and that they also report the value of said tract of land. It is further ordered that this cause stand on the Docket to await said report for further orders herein.

Court adjourned until Monday morning at 9 O'Clock —

October 12th 1885

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

7586 J. E. Whittle Et al,
vs.
F. O. Turner Et al, } And now on this the 9th day of October A.D. 1885. this cause being regularly called for trial, came the plaintiffs by attorney, but the defendants although duly served with process failed to appear and answer - but wholly made default - Wherefore the Plaintiffs ought to recover their damages by occasion of the premises, and the Court proceeding to hear the pleadings and evidence and it appearing therefrom that plaintiffs cause of action is liquidated & proven by an instrument of

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writing, to wit: a promissory note, and that defendants are justly indebted to the plaintiffs, T.E. Whittle and W.G. Whittle in the sum of $211.40/xx principal and interest to this date, and the further sum of $211.11/xx Attorneys fees stipulated in said note. It is therefore considered, ordered, adjudged and decreed, by the Court that the plaintiffs. T.E. Whittle, and W.G. Whittle, have, and recover of and from the defendants. F. D. & W.C. Turner (Turner) the sum of Two thousand one hundred and Eleven $7/100 dollars, with interest thereon from this date, until paid, at the rate of ten (10) per cent per Annum, and all costs of suit - and the further sum of Two hundred and Eleven $11/100 dollars. Attorneys fees with interest thereon at the rate of 10% per annum, - the whole of said recovery aggregating the sum of ($2322.37/) Two thousand three hundred and twenty two $37/100, and cost of suit for all which let execution issue. And it further appearing to the Court that said Note was given as purchase money & secured by a Chattle Mortgage on the following described property, to wit, a Flock of Sheep now in the County of Hays, about four (4) mile East of Kyle, on what is generally known as Turners Ranche, and on a tract of land owned by Judge E.B. Turner, said flock of sheep consisting of about 610 head of sheep with their increase, said stock being all Merino, said flock of sheep being the same sheep bought by the defendants from the said W.G. Whittle, October 27th 1884. It is therefore further considered and ordered by the Court that said Mortgage lien as it existed on the 27th day of October, 1884, be and the same is hereby foreclosed, and that plaintiffs have their Order of Sale, and that said property be sold as under execution, and the proceeds thereof applied on this judgment - and that if said flock of sheep and their increase sell for more than enough to satisfy this judgment, interest & cost, the residue thereof be paid over to the defendants F. D. Turner, but if said property shall not sell for enough to satisfy the same, then let Execution

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vision for any balance, remaining unpaid.

7564. Sarah Keenan,
Vs.
Frank Keenan ? And now on this the 12th day of Oct. A.D. 1885, this cause being called for trial came the plaintiff by her attorney, and announced ready for trial, but the said defendant though duly served personally with process, failed to appear and answer. Whereupon the trial of this cause proceeded — and the Court having heard the pleadings and Evidence, and being of the opinion that the material allegations contained in plaintiffs petition to be true, it is considered, ordered, and decreed by the Court, that the bonds of Matrimony heretofore existing between the plaintiff, Sarah Keenan, and the defendant Frank Keenan, be and the same are hereby forever dissolved, and that plaintiff recover her costs for which let execution issue.

7472 W. T. Carruthers,
Vs.
Seth Mabry, Garnishee ? On this the 12th day of October A.D. 1885, came on to be heard the plaintiffs exceptions herein filed to garnishees plea, to the jurisdiction, and the same having been considered, it is ordered by the Court, that said exceptions be sustained, to which ruling of the Court, the garnishee now here in open Court excepts And thereupon the garnishee under protest files his answer herein. And it further appearing to the Court that since the service of writ of garnishment herein, to wit: On the 20th day of June A.D. 1885, writ of Error was sued out in the certain Cause in this Court numbered 5431 on the docket of said Court and entitled W. T. Carruthers vs R. W. Crawford, and that Supersedeas Bond was filed therein and that writ of garnishment herein was issued on the judgment theretofore rendered,

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in said cause, it is ordered that this cause be continued for the term.

✓ 7594 Mrs. E H E Barrett -vs- Corrine Tolman, John. Charles. Tolman, Wm Murray. Tolman. & Thomas. Barrett Tolman; -

And now on this the 12th day of October A.D. 1885, this cause coming on to be tried, the parties appeared by their attorneys. the plaintiff by her attorneys Hancock & Shelley. the defendant Corinne Tolman. in proper person; and the minor defendants, John. C. Tolman, & Wm Murray. Tolman. and Thomas. Barrett. Tolman, by their guardian ad litem B. T. West. Esq. heretofore duly appointed by the Court; and announced themselves ready for trial, neither party having demanded a jury; the cause was submitted and tried by the Court. And the Court having heard the pleadings and Evidence, and having duly considered the same; the following facts are found by the Court, from the evidence,

1st. That a certificate for three hundred and twenty acres of land as a head right as a single man. in the year 1844 was granted to Thomas. C Barrett,

2nd. That on the following year, 1845, the said Thomas. C Barrett. intermarried with the plaintiff. E H E. Barrett. in Wackaydoche. County Texas.

3rd. That Thomas. C. Barrett. died in the year 1853. leaving three children, issue of the marriage with plaintiff, viz; Charles. Leigh. Barrett, Thomas. A. Barrett, and Corrine. Barrett. now Corrine. Tolman. Defendant.

4th That Charles Leigh. and. Thomas. A. Barrett. have departed this life without having issue, and never having married and without leaving a will.

5th - That the Certificate for three hundred and twenty acres of land, was at the date of the death of. Thos. C. Barrett. a chattel. and after his death for a number of years remained as part of the personal property of his estate.

6th. That the deed executed by the plaintiff E. H. E. - Barrett and her son Thomas. A. Barrett to Thomas.

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M. Dolman. on the 13th day of January. 1877. was without consideration passing from the said Dolman. and was made only for the purpose of convenience, in. making sale and. conveyance of the land. described therein, being the same land described in plaintiffs petition; and that the title so placed in said Thomas M. Dolman, was held by him in trust for the plaintiff and her children by the said Thomas C. Barrett. It is therefore ordered. adjudged and decreed by the Court. that the title to the land described in plaintiffs petition as follows, to wit: Said land is located in Cooke County, on the waters of Clear Creek, a tributary of Trinity River, about twenty miles South West of Gainesville, and described by metes and bounds as follows, to wit; - Beginning at the S.W. corner of a 320 Acre survey for Sarah Daley.- Thence. East 232 varas the N.W. Corner of a 640 Acre survey for the. B.B.B. and C. R.R.R. Co.- Thence. South 641 varas a stake on its West line. Thence. West 1761 varas. a mound for corner. Thence. North at 85 varas pass the S.W. Corner of a 160 Acre survey for J. Gorham. at 1035 varas. pass his N.E. corner at 1158 varas - a stake and pile of stone, on the N. side of a prairie branch. Thence. East 589. varas a stake on the W. B line of W.P. Lorings 160 Acre survey. near the Gainesville and Decatur road. Thence South 123 varas said Lorings S.W. Corner, a stake in the prairie, where the 21 Mile peach on the Gainesville and Decatur road bears N. 15° E 190 varas. Thence. E. 950 varas. said Lorings S.E. corner on said Daleys line, - Thence. South 894 varas to the beginning- be and the same. is hereby vested in the plaintiff, E.H.E. Barrett. and the defendant Mrs. Corrine. Dolman, in the following proportions, to wit: in the plaintiff. E.H.E. Barrett. an undivided five-ninths (5/9) of said tract of land, and in the defendant. Corrine. Dolman. an undivided four-ninths (4/9) of said tract. And the said plaintiff, and defendant Corrine Dolman. being feme sole. and capable of conveying said. land; by attorney and in person, waive

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the prayer for partition of said land.
It is further ordered and decreed by the Court that the title hereby vested in plaintiff, and the said Corinne. Talman. be free and unencumbered by any claim of the minor defendants herein. It is further ordered. that the plaintiff and defendant Corinne Talman. pay all costs in this behalf Expended, in proportion to their respective interests in said land under this decree, It is further ordered, and decreed by the Court, that the sum of Twenty dollars. be and the same is hereby allowed. Robt J West. Esq- as guardian ad-litem in this Case. & that the same be taxed as cost of the case,

7453 Hugh. T. Saunders. -vs- E. C Dewey Et al. By consent Case reset to be taken up after the Criminal-Docket and defendants have leave to file First amended original answer,

7562. A. R. Ritz. -vs- City of Austin. It is ordered by the Court that defts have leave to file 1st Amended Original answer,

7623 C. B. Stoddard. -vs- H. Y. Leader. Passed.

7627 Ida. B. Reynolds Et al. -vs- John. H Hansen. Et al. Passed to the end of the Docket

7629 Jas. M. Robinson -vs- James. Wilkins. Passed.

7630 Dan. Kornsby -vs. A. A. Curfew, Continued by consent, the debt sued for not yet being due.

7599 R. H. Peck. -vs- J. P. Adams. Et al. - On motion of Plaintiffs atty', it is ordered by the Court that the judgment finial by default taken, but not entered on the minutes on the 9th day of Octo. of this term of this Court against the defendants in this cause, be and the same is hereby set aside,

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✓7600 F. W. Chandler. -vs- J. F. Adams. & Co. - On motion of - Plaintiffs atty. it is ordered by the Court that the judgment finial by default taken, but not entered on the Minutes, on the 9th day of Oct. of this term of this Court, against the defendants in this cause, be and the same is hereby set aside,

✓7461 The State of Texas.
vs.
Jno. T. Ingram. Et al. } And now on this the 10th day of October, 1885, came on to be heard the motions of the defendants, O. R. Britt, J. W. Stevens, T. K. Spawer. and B. Brookin to Quash. the service of process served upon them in this Cause - and said motions having been argued and submitted were taken under advisement by the Court, and on this the 12th day of October A. D. 1885, said motions having been duly considered and fully understood were by the Court sustained, and ordered that service of citation on the above named defendants be and the same is hereby quashed and held for naught.

✓Sp. 153 The State of Texas. - vs - Herman. Kalm. Alias Charles Smith, principal, and Emilei Ranzan. and C. Brandt. Sureties;
And now on this the 10th day of October A. D. 1885 this cause being regularly called for trial, came the State by her District attorney, Jas. H. Robertson. Esq. but the defendants failed to appear and answer in this behalf. but wholly made default. Wherefore the plaintiff The State of Texas. ought to recover her damages by occasion of the premises, and the Court having heard the pleadings and evidence and it appearing therefrom that Emilei Ranzan, and C. Brandt, are sureties on the appearance Bond. of the defendant. Herman. Kalm. alias — Charles Smith in the sum of ($300.00) Three hundred dollars, which said bond was forfeited, at the March. term A. D. 1885, and judgment nisi. —

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entered of record against said defendants, and it further appearing to the Court that said surety defendants, were duly and legally served with writs of Scire facias to appear, and answer at the present term of this Court. It is therefore considered and ordered by the Court, that said judgment Nisi heretofore entered in this cause against said defendants, be and the same is hereby made final and absolute, and that the State of Texas, do have and recover of and from the defendants Herman Kalm alias Charles Smith Emilei Razzan and C. Brandt jointly & severally the sum of ($300.00) Three hundred dollars, and all costs in this behalf expended for which let execution issue.

Court adjourned until tomorrow morning at 9 O.Clock

October 13th 1885.

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

7267 Swarte. Palm. -vs- Jas. H. Wells. Et al, Passed by consent.

7585 Eugene C. Bartholomew

From Sale Iss Dec 9. Et Rock 5-154

vs.

M. C. Murphy. Et al. ? On this 9th day of October A.D. 1885. came the plaintiff Eugene C. Bartholomew by his attorney W.W. Doom, and this cause being called for trial in regular order and the defendants M. C. Murphy and his wife, Mrs. J.E. Murphy having been duly served with process, and having filed their answer herein, but now failing to appear either in person or by attorney, 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 under-

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stood by the Court, and it appearing to the Court that the three promissory notes set out and described in plaintiff original petition, were made, executed and delivered by said defendants, to one Wm Bruggerhoff, on the 14th day of December, A.D. 1882, for a part of the purchase money of all that certain track or parcel of land lying and being situate in the City of Austin, Travis County, Texas, and fully described as follows, to-wit; A part of Lot No 6, in Block No. 123, fronting 130 feet on Mulberry Street and the width of said lot on the alley (the portion of said lot here described is the whole thereof, except that portion conveyed to the Anheuser-Brewing Association by the said Wm Bruggerhoff and Mary Bruggerhoff his wife, which is described as fronting East on Brazos Street 42 feet and 8 inches (42. 8 ins) and forty feet on Mulberry Street) together with all the improvements thereon situate; that said track or parcel of land, was on to-wit; the 14th day of December, A.D. 1882, conveyed by the said William Bruggerhoff and his wife Mary Bruggerhoff by their deed of conveyance, of that date to the said defendants who are husband & wife, in consideration among other things of the three said promissory notes and that in said deed of conveyance the vendors lien was retained on the said track or parcel of land to secure the payment of the three said promissory notes, and that plaintiff is the legal and Equitable owner and holder of the three said promissory notes and of the vendors lien on the said track or parcel of land to secure the payment thereof. It is considered, ordered, adjudged and decreed by the Court that the plaintiff, Eugene C. Bartholomew do have and recover of the defendants, M. C. Murphy, and his wife Mrs. S. E. Murphy, the sum of Six hundred dollars, the principal of the note past due, and the further sum of One hundred and sixteen 77/100 dollars, the interest due on said note,

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to this date, and the further sum of. One hundred and forty nine ^ 44/100 dollars. the interest due up to the 14th day of June. A.D. 1885. on the two notes not yet due. in all. Eight hundred and sixty six ^ 49/100 Dollars, 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. And it is further ordered, adjudged and decreed by the Court that the said vendors lien in favor of plaintiff as it existed upon the 14th day of December. A.D. 1882. and still exists upon the above described tract or parcel of land, with all improvements thereon, 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 tract or parcel of land with all improvements thereon as under execution: and that he apply the proceeds thereof to the payment and satisfaction of the said sum of Eight hundred and Sixty six ^ 49/100 dollars, together with all interest that may be due thereon and the costs of this suit; and next to the payment of the two said promissory notes not yet due, with interest thereon from the 14th day of June, A.D. 1885. upto the time of payment at the rate of ten per cent per annum; 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 said defendants: but if the said tract or parcel of land and improvements thereon shall not sell for enough to pay off and satisfy the said sum of Eight Hundred and Sixty six ^ 49/100 Dollars. together with all interest that may be due thereon and the costs of this suit, then said officer shall make the balance due as under execution, out of the property of the said M. C. Murphy; and in case the whole or any part of the two said promissory notes not yet due with interest thereon from the 14th day of.

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June A.D. 1885. shall remain unpaid after the sale of the said tract or parcel of land, with improvements thereon ~~shall not sell for enough to pay off and satisfy the said sum of Eight hundred sixty six & 49/100 Dollars, together with all interest that may be due thereon, and the costs of this suit, then said officer shall make the balance due as under execution, out of the property of the said M.C. Murphy, and in case the whole or any part of the two said promissory notes, not yet due with interest thereon from the 14th day of June A.D. 1885, shall remain unpaid after the sale of the said tract or parcel of land with improvements thereon,~~ and the application of the proceeds of said sale as aforesaid, then the said plaintiff shall still have his right of action against the said defendants for the balance unpaid on the two said promissory notes as they severally become due and payable.

And it is further ordered and decreed that in case the judgment herein rendered for the sum of Eight hundred and sixty six & 49/100 dollars, together with all interest that may be due thereon and the costs of this suit shall be paid before the sale of the said tract or parcel of land with improvements thereon, as herein directed take place then no sale shall be made; and in that case the said plaintiff shall still have his right of action against the said defendants for the amount of the balance of the principal of the two said promissory notes, not yet due, with interest thereon from the 14th day of June A.D. 1885 according to the tenor and effect of said promissory notes as the same severally become due and payable and also to foreclose his said vendors lien on said tract or parcel of land and improvements thereon, to secure the payment of the said two promissory notes. It is further ordered, adjudged and decreed that the order of sale herein directed to be issued shall have the force & effect of a writ of possession, to place

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the purchaser of the said track or parcel of land with improvements thereon in possession thereof against the said defendants, and any person claiming under them by any right acquired pending this suit, and the officer executing such order of sale shall proceed by virtue of said order of sale to place the purchaser of the property said under the same in possession thereof within thirty days after the day of sale.

It is further ordered, adjudged and decreed, that for any balance remaining uncollected of the judgment herein rendered after the execution and return of the said order of sale the said plaintiff shall have his execution against the said M. C. Murphy, but no execution except the said order of sale shall be issued on the said judgment against the said Mrs. S. E. Murphy or her property.

7610 Harry Oatman, by E. F. Washington Guardian -vs- Mary J. Oatman.

On this 12th day of October A.D. 1885, came the plaintiff Harry Oatman, a minor by his regularly appointed Guardian, E. F. Washington, represented by W. M. Coom, and T. A. Posey, attorneys and the defendant Mary J. Oatman by her attorneys, Robertson & Williams, and announced ready for trial, 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 by the Court, and it appearing to the Court that the plaintiff Harry Oatman, a minor, and the defendant Mary J. Oatman, are each the owner of in fee simple of an undivided one half interest in the real estate sought to be divided, and that the said parties are entitled to have partition.

It is therefore considered, ordered, adjudged and decreed by the Court that the said real Estate, Viz: Lot no five in Block no ninety-six in the City

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of Austin. Travis County, Texas. together with the improvements thereon, be partitioned between the said Harry Oatman and the said Mary J. Oatman, giving to Each of them one-half there of in value, and that Dennis Corwin, Tom. Murrah and H. M. Metz, who are competent and disinterested persons be and they are hereby appointed Commissioners to make such partition in accordance with this decree and the law, a majority of which Commissioners may act. And it is further ordered that the Clerk issue a writ of partition directed as required by law, and accompanying such writ with a certified copy of this decree. and that said writ of partition be made returnable on the 19th day of October A.D. 1885 during the present term of the Court, and that said Commissioners make their report to the present term of this Court. And the adjudgment of costs is reserved until the final decree.

Approved

A. S. Walker

Judge 26th Dist.

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the day of 188

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