

CIVIL MINUTES
DISTRICT COURT
MONTGOMERY COUNTY, TEXAS

BOOK B-2

PREFACE

Book B-2 is one of two books discovered in the basement of the present-day Montgomery County Courthouse. These books contain the early records of Montgomery County District Court during the period 1841 - 1848.

Texas won its independence from Mexico in 1836. Created by the First Congress on 14 December 1837, Montgomery County, named for the Town of Montgomery, was the third county to be created by the new Republic. When Texas became the 28th state in the Union in 1845, it was required to change the boundaries of its counties to make them smaller. As a result, Montgomery County was divided into six parts and became the parent county of GRIMES, MADISON, SAN JACINTO, WALLER AND WALKER Counties.

REPUBLIC OF TEXAS §
COUNTY OF MONTGOMERY §

Be it remembered that on the twenty fifth day of October in the Year of our Lord One Thousand Eight Hundred and Forty One, being the seventh Monday after the first Monday in September 1841, there was begun and held a District Court in and for said County at the Court House thereof in the Town of Montgomery.

Being present the Hon. Richard Morris, Judge of the First Judicial District; Peter W. Gray, Esqr., District Attorney; Charles B. Stewart, Clerk for Term of said Court; William H. Fowler, Deputy of Said Court; and Archibald McNeil, Sheriff of said County.

Court having been solemnly proclaimed to be opened and in session, the Sheriff returned the following Venire facias, to wit: Came to hand 1st September 1841, A. McNeil, Sheriff, and executed on the following Jurors, to wit: James W. Pankey, Joseph Strepwelter, Henry Smock, Joseph Nyman, Robert Smither, Geo W. Robinson, Lewis H. Ford, Thomas. P. Davey, Joseph R. Moore, James Andrews, Thos. Thompson, Luther M. P. Plummer, Wm. N. Ridgeway, John W. Fowler, Joseph Mangum, Wiley B. D. Smith, Wm. T. Evans, Edward Mickelboro, Thos. I. Parmer, James Pankey, Alex McGowan, James Skinner, E. M. Gray, George Sinclair, Elisha Floyd, E. C. Edinburg, Robert R. Graves, Thos. Scott, Jacob Shannon, E. B. Folsom, except John Moore, J. E. Fuller, Wm. Pearce, Jas. Scott, John Peterson, Thos. I. McCoburn , who were not found.

/s/ A. McNeil, Sheriff

Oct 25, 1841

And thereupon, the Court ordered the Sheriff to summon several good and proper men to serve as Jurors during the term of the Court, in place of these who were not found, and the Sheriff returned the following persons as good and proper men summoned in obedience to said Order, to wit: The Clerk and Sheriff proceeded to draw a Grand Jury among those present and attending, to wit: Thos Scott, Alexander McCowan, William F. Evans, Wiley B. D. Smith, Thos. Thompson, Christopher Edenburg, James W. Pankey, Geo W. Robinson, Thos. I. Parmer, Scott Shannon, Henry Smock, E. B. Folsom, John W. Fowler, Thos B. Daley, and Robert E. Gray, and therefrom the Court appointed Thomas Scott foreman, who being duly sworn and charged according to law, were committed to the custody of William Wood, Bailiff, he having been duly sworn in as such.

The following Jurors having failed to appear, they having been returned or duly summoned by the Sheriff, to wit: E. Meckelboro, Ephrain M. Gray, Geo. Sinclair, Joseph Strepwelter, Lewis W. Ford, Joseph Mangum, William M. Ridgeway and James Pankey, it is ordered by the Court that they be each and

severally fined the sum of Twenty Five Dollars for so failing to appear that Seine facias issue against each, returnable to the next term of this Court.

Joseph Moore and James Anders excused by the Court from serving on the jury for reasons sufficient, Joseph Nyman, Robert Smither and two others.

* *

And thereupon the Court adjourned until tomorrow morning at nine o'clock.

Monday October 25, 1841

Court met pursuant to adjournment. Present the Honorable Richard Morris, Judge, District Court. This day came the Petit Jury as yesterday empaneled and sworn, to wit: Joseph Nymand, James Skinner, Robert Smither, T. S. Plummer, Jesse Gray, Armsted Rogers, John Thomas, W. D. Patterson, Geo W. Strawther, Blake Brantley, R. E. Pace, and John Moore.

This day his Honor Richard Morris presents his commission of office for record being in the following words and figures, to wit:

"In the name and by the authority of the Republic of Texas, to all to whom these presents shall come or may concern,

"Greetings. Be it known that I, Mirabeau B. Lamar, President of said Republic of Texas, reposing special trust and full confidence in the honor, patriotism, fidelity, skill and capacity of Richard Morris, do by these presents constitute and appoint him the said Richard Morris to the Office of Judge to the First Judicial District, giving and hereby granting to him the said Richard Morris full power and authority as such to exercise and discharge all and singular the duties, obligations and trust to his said office in anywise appertaining to the constitution and Laws of the Republic.

To have to hold the same and all and every the honors, fees, perquisites and dues hereunto belonging for and during and until the full term of the said appointment.

Given under my hand and the great seal of the Republic at Austin City this 18th day of September 1841 and of the Independence of said Republic the sixth.

/s/ Mirabeau B. Lamar, by The President

/s/ Samuel A. Roberts, Secretary of State

* *

**SAMUEL MC GUFFIN, ADM OF W. MC GUFFIN,
DECEASED vs W. B. D. & R. SMITH**

#28

Pg 3

Upon motion of attorney for Defendant and it appearing to the satisfaction of the Court that the Plaintiff had not given security for costs of suit as required at a previous term of this Court, It is therefore considered by the Court that this cause be dismissed at the costs of the Plaintiff and that the Defendant have his execution for the same.

* *

CHARLES BAKER vs JAMES JONES

#36

Pg 3

The parties by their attorneys appear and on Affidavit of the Plaintiff, this cause is continued to the next term and that Plaintiff give security for costs of suit within sixty days.

* *

HENRY R. ALLEN vs JOHN & JOSHUA ROBBINS

#15

Pg 3

This day came the parties by their attorneys and Rule for Security of Costs of Suit being required, it is ordered by the Court that Plaintiffs give security for costs of suit within 60 days or dismissed.

* *

**S. M. ORTON FOR USE OF B. GILLESPIE vs
SIDNEY S. KING**

#45

Pg 4

The parties by their attorneys appear and agree to continue this cause and Rule for Security for Costs of Suit being demanded, it is therefore considered by the Court that the Plaintiff give security for costs of suit and that this cause be continued until next term and that said security be given within sixty days.

* *

GEO. W. GLENN vs JOHN ROBBINS

#48

Pg 4

The parties by their attorneys appear and agree to continue this cause. It is therefore considered by the Court that Plaintiff give security for costs of suit and this cause is continued to next term.

* *

JAMES W. PARKER vs BLEDSOE & GAY

Pg 4

The parties by their attorneys appear, and the Defendant assumes to pay the costs of suit. It is therefore considered by the Court that the Plaintiff recover of the Defendant costs in this cause by him expended.

* *

THOMAS I. MC COLLUM vs CREEL TAYLOR #61 Pg 4

The parties by their attorneys appear and agree to continue this cause, and on motion of attorney for Plaintiff and the same being agreed by counsel, it is considered by the Court that Plaintiff have leave to amend petition. Case continued.

* *

ELIZABETH H. & W. H. BOWEN vs E. M. GRAY #62 Pg 4

On motion of attorneys for Defendant and it appearing to the satisfaction of the Court that the Plaintiffs had not given security for costs of suit as required at a previous term of this Court, it is therefore considered by the Court that this cause be dismissed at the costs of the Plaintiffs and that Defendant have his execution for same.

* *

C. STERNE ET UX vs JOHN MARTIN #69 Pg 4

The parties by their attorneys appear and on affidavit of Plaintiff, it is considered by the Court that this cause be continued until next term.

* *

BAILEY & HOSCIE vs APPLETON GAY #79 Pg 4

The parties by their attorneys appear and agree to continue this cause. It is therefore ordered by the Court that this cause be continued to next term, and on Motion, it is further ordered by the Court that Plaintiffs give Security for costs of suit within sixty days.

* *

S. W. HALL, ASSIGNEE vs APPLETON GAY #89 Pg 5

The parties by their attorneys appear and agree to continue the cause and Rule for Security and Costs of Suit being now required. It is ordered by the Court that the Plaintiff give Security for costs of suit and that this cause be continued until next term and that said Security be given within sixty days.

* *

DAVID AYRES vs P. C. WHITTAKER #86 Pg 5

The parties by their attorneys appear and agree to continue this cause and Rule for Security of Costs of Suit being required. It is therefore ordered by the Court that Plaintiff give Security for costs of suit within sixty days. Cause is continued until next term.

* *

JAMES POWELL vs THOS. A. CRESSUP #86 Pg 5
& ALEX MC COWAN

This day came the parties by their attorney, and Rule for Additional Security of Costs of Suit being required, it is ordered by the Court that Plaintiff give further Security for costs of suit within sixty days. And, on motion of attorneys for Plaintiff, it is ordered by the Court that the Defendants have leave to amend their pleadings in this cause and that said security be given within sixty days.

* *

Ordered by the Court that Joseph Mangum be excused of his fine and that same stand remitted.

* *

For reasons appearing to the Court, it is ordered that the fine on yesterday entered against Ephrain M. Gray be remitted.

* *

CHARLES BAKER vs JAMES JONES #36 Pg 5

This day came William B. Paterson and David Arnold and each and severally under oath agree that if said Baker be cost in his said suit and does not pay the costs, they will and truly pay them for him.

* *

It appearing to the satisfaction of the Court that William Ridgeway could not attend as a Juror on the first day of term, he is excused of his fine and the same stands remitted.

* *

HUGH MC GUFFIN vs AMOS JOHNSON #92 Pg 6

In this case at last term of Court, it was suggested to the Court that Amos Johnson has died and that Caroline Johnson, his widow, has administered upon deceased's estate. It was therefore ordered that Scire facias should issue against said Caroline and show cause why she should not answer herein and be made a Defendant. And at this term, the parties appearing by their attorneys, the said Caroline Johnson, Administratrix by her counsel, Megginson & Goodrich, who say nothing "in bar" of Plaintiff's demand.

It is therefore considered by the Court that the Plaintiff recover of said Caroline Johnson, Administratrix of Estate of said Amos Johnson, Deceased, One Hundred Four Dollars debt and Nine Dollars and fifty four cents damage for the detention of same as in his petition prayed for and for his costs of suit

on his behalf expended, and execution issue for the same. Court determined that Plaintiff deliver to the Clerk the note upon which his action is founded, and the same be filed of record in the case. (Note filed 26 Jun 1841.)

**

ISAIAH PARKER vs LUCRETIA PARKER #297 Pg 6
DAVID G. HAMBLIN vs JAMES E. BURNELL

Bill in Chancery. The Complainants in this case filed their Bill and Exhibit in the above entitled case in open court, together with the Injunction and their bond, with the approved Security in conformity with the fiat of the Judge granting the Writ of Injunction.

**

HENRY RAQUET vs W. MC DONALD #100 Pg 6

On motion of attorney for Defendant, it is ordered that the Plaintiff give Security for costs of suit within sixty days or case dismissed.

**

JOHN R. JONES vs ROBERT MARSH #102 Pg 6

On motion of counsel, the case stands continued.

**

FRANKLIN GREENWOOD vs AMOS JOHNSON #110 Pg 7

This day came the Plaintiff by his attorney and it appearing to the Court that Amos Johnson had died since the pendency of the suit and that Scire facias had been issued by order of the Court at last term against Caroline Johnson, the Administratrix of the Estate of Amos Johnson, Deceased, to show cause why she should not be made the Defendant herein. And, the said Caroline appearing by her attorneys Megginson and Goodrich who say nothing in bar of Plaintiff's demand, it is considered by the Court that said Franklin Greenwood recover of said Caroline Johnson as Administratrix aforesaid One Hundred and Eighty Seven Dollars debt and for damages as in the Plaintiff's petition prayed for together with his costs of suit by him in his behalf expended and that he have his execution.

**

NANCY B. IRION vs WM H. IRION #112 Pg 7

Petition for Divorce. This day Plaintiff came by her attorney and suggested the death of Defendant, whereupon it is ordered by the Court that this cause stands abated and be dismissed, and that the Plaintiff pay for her costs of suit in her behalf expended and that execution shall issue.

**

JAMES MC GOWAN vs AMANDA SMITH #117 Pg 7

In this case ordered by Court that Alias copy of petition and writ against said Amanda Smith so issued.

**

CHARLES M. CONROE vs WM. R. WILLIAMS #118 Pg 7

It being suggested to the Court that Defendant has died since the institution of this suit, It is ordered that Scire facias issue against Serilda Williams, Administratrix, to show why she should not be made a party Defendant and answer herein at next term of this Court.

**

THOMAS M. LEAGUE vs SHELBY SMITH #119 Pg 8

On motion of attorney for Plaintiff, ordered by the Court that case be continued.

**

ELISHA PERRY vs JOHN LOTT #120 Pg 8

On motion of counsel for Defendant, ordered by the Court that case be continued and Security for costs given in 60 days or case stands dismissed.

**

PLEASANT GRAY vs JOB S. COLLARD #122 Pg 8

On motion of counsel it is ordered by Court that this case be continued by consent of the parties with leave of the Court.

**

SHELBY TUNNAGE vs SHELBY SMITH #126 Pg 8

In this case the Rule for Security of Costs entered against Plaintiff not having been complied with, it is ordered that case stand dismissed and Defendant recover of Plaintiff his costs of suit by him in his behalf expended.

**

SAM F. SHAW vs JACOB H. SHEPPERD #127 Pg 8

The Rule for Costs in this case entered against Plaintiff at last term of Court not having been complied with, it is ordered by the Court that this case stand dismissed and that Defendant recover of Plaintiff his costs of suit by him in his behalf expended.

**

JOHN STUBBLEFIELD vs THOS SCOTT & #129 Pg 9
WILLIAM LITTLE

On motion of counsel, ordered by the Court that this case be continued and Security for Costs of suit, beginning within 60 days or cause dismissed.

**

JOHN M. GRAHAM vs JOHN H. PIERSON ET AL #137 Pg 9

Security for costs of suit not having been given by Plaintiff by Rule of Court at last term, as required, it is ordered by the Court that this case stand dismissed, and that Defendant recover of Plaintiff their costs of suit in their behalf expended and execution issue,

**

JOSEPH LINDLEY vs SIDNEY S. KING #136 Pg 9

On motion and affidavit of Plaintiff, Court ordered that case stand continued to next term.

**

J. G. W. PIERSON vs SIDNEY S. KING #142 Pg 9

Appeal From J.P. Court. This day this cause came on to be heard by appeal from the Justice Court to County Court and from County Court by the Statute sent up to the District Court, and it appearing to the satisfaction of the Court that there is no error in the Judgment of the Justice Court rendered herein, it is ordered, adjudged and decreed that the Judgment rendered herein be affirmed, and that Appellee recover of Appellant the amount due on the date of the rendition of the Judgment below, to wit, the sum of Fifty-Six Dollars and 25/100, principal and dollar interest being Seven and 72/100 dollars interest from the rendition of said Judgment to this date and also Five and 62/100 dollars, therein amounting in all to the sum of Sixty-nine Dollars and Fifty-nine cents, together with his full costs of suit by him in his behalf expended and execution may issue.

**

LEWIS B. JONES vs ZOROASTER ROBINSON #144 Pg 10

On motion of counsel, it is ordered by the Court that case be continued with Security for Costs given within sixty days or same stand dismissed.

**

W. R. HAMBLIN vs JASON WHITNEY #150 Pg 10

Appeal From J.P. Court. On motion and affidavit of the Defendant, case stands continued until next term of Court. It is ordered accordingly.

**

ISAAC TOUSEY vs E. M. GRAY #151 Pg 10

Appeal From J.P. Court. This day came the parties by their attorneys and Defendant agreed that this cause be dismissed at his costs, and he assuming to pay the same. It is ordered by the Court that Plaintiff recover of Defendant according to said agreement his costs of suit by him in his behalf expended for which execution will issue.

**

W. B. LOFTIN vs JESSE CLARY #163 Pg 11

[No disposition shown.]

**

BENJAMIN HARRISON vs ARMSTEAD ROGERS #165 Pg 11

In this case, it was ordered by the Court that Plaintiff give Security for Costs within sixty days or same stand dismissed.

**

SILAS GAMMON vs WM. N. MACK & JOHN COTTON #170 Pg 11

On motion of counsel for Defendant, ordered by the Court that Plaintiff gives Security for Costs within sixty days or that this cause stand dismissed. And further ordered that thereupon Alias copies (of Petition and Writ issue against Defendant.

**

JAS. W. ABBEY vs HENRY SHORE & DAVID M. CUMMINGS #176 Pg 11

In this cause, it appearing to the Court that sufficient service has not been made, it is ordered that Alias copies of Writ and Petition issue against Defendants and further ordered that Security for Costs be given by Plaintiff within sixty days or case dismissed.

**

PIERRE DENISE vs APPLETON GAY #181 Pg 11

In these cases ordered that Alias copies of Petition and Writ in each case against Defendant upon Plaintiff giving Security for Costs of suit, ordered that said Security be given within 60 days or case dismissed.

**

JOHN A. STAPLES vs APPLETON GAY #181 Pg 11

On motion of counsel for Defendant, ordered that Security for Costs be given within sixty days or cause stands dismissed.

**

JOHN A. STAPLES vs BENJAMIN JONES #179 Pg 12

On motion of counsel of Defendant, ordered by the Court that the Plaintiff give Security for Costs of suit within sixty days or case dismissed,

**

JAMES R. JENKINS vs JOHN & LUCY ROBBINS #180 Pg 12

Ordered that Alias copies of Writ and Petition issue against Defendants; case continued.

**

WM. ROBERTS vs C. B. CORLEY & THOMAS GIBBS #185 Pg 12

In this case sufficient service not having been made, it is ordered by the Court that Alias Writ and Petition issue to Defendants; case continued.

**

BAILEY AND HOXIE vs FRANCIS W. JOHNSON #201 Pg 12

Ordered by the Court that Alias writ and petition issue against said Defendant.

**

JAMES W. PARKER vs PLEASANT GRAY #202 Pg 12

No service having been made in case, it is ordered that same stand continued until next term of Court and process issue.

**

LUCINDA STROTHER vs THOMAS STROTHER #203 Pg 12

No service having been made in case, ordered by Court that same continued until next term of Court and process issue.

**

Tuesday October 26, 1841

FRANKLIN GREENWOOD vs AMOS JOHNSON Pg 13

Stated in error; entered in minutes.

**

JOHN A. STAPLES vs BENJAMIN JONES #179 Pg 13

This day came John A. Staples and proffered John Burt, Sr. as his Security for costs of suit by rules of Court required. And, said John Burt having qualified in open court as to his being worth the sum of Two Hundred Dollars after all

debts of his paid, he is accepted and said John Burt, Sr., undertook and agreed that if said John A. Staples does not pay costs of suit in this case, he will pay them for him.

* *

JOHN A. STAPLES vs JAMES JONES #181 Pg 13

In this case came John A. Staples and brought with him John Burt, Sr. who offers to become Security for costs of suit in this case, and said John Burt, Sr. having testified in open court that he is worth Two Hundred Dollars clear of all debt and agrees that if said John A. Staples does not pay costs, he will pay them for him.

* *

Wednesday October 27, 1841

FRANKLIN GREENWOOD vs AMOS JOHNSON #110 Pg 13

This day came the Plaintiff by his attorneys, Megginson & Goodrich, and move the Court to correct the entry made in this case yesterday and that same is stated in error, that they are therein made counsel for Defendant. And, also to amend the Judgment as to amount of Plaintiff's demand, the error being seen by the Court. It is ordered and the said Judgment so entered yesterday be set aside and the error be corrected in a new entry.

* *

FRANKLIN GREENWOOD vs AMOS JOHNSON #110 Pg 14

This day came the Plaintiff by his attorneys, Megginson & Goodrich, and moved for Judgment against Caroline Johnson, Administratrix upon Estate of said Amos Johnson, deceased since the commencement of this suit, and it appearing to the Court's satisfaction, that Scire facias against said Caroline as Administratrix of said Amos Johnson, deceased, to make her party Defendant by rule of Court at last term required, and that due service and return have been made on Scire facias. It is considered by the Court that Plaintiff recover of said Caroline, Administratrix of Amos Johnson, deceased, [blank]. And that [blank] dollars debt as in his petition prayed for, with [blank] dollars damages for the detention of the same, together with his costs of suit in this behalf expended.

* *

LOYAL CASE & CO. vs E.M. GRAY #42 Pg 14

This day came the parties by their attorneys. Loyal Case & Co. by L. W. Gray, Esqr., and on motion of counsel by Defendant, it was ordered that Security for Costs be given within 60 days or same dismissed.

* *

E. M. FULLER vs PHILLIP GOODBREAD

#76 Pg 14

In this case it appearing to the satisfaction of the Court that the Plaintiff's demurer was insufficient and that the same would be dismissed, Plaintiff agreed to take a non-suit. It was considered by the Court that Judgment on non-suit be entered against Plaintiff, and that Defendant recover costs of suit expended.

* *

REPUBLIC OF TEXAS vs JOHN A. STAPLES

Pg 14

Indictment for Murder. This day came the sheriff bringing with him the body of John A. Staples and it being ordered by Court that Staples be recognized for his appearance to answer above charge in the sum of Five Hundred Dollars and by Security of the sum of Five Hundred Dollars, and therefore Staples, in his proper person, and John Burt, Security in open court, each did severally acknowledge themselves as being indebted to Mirabeau B. Lamar, President of The Republic of Texas and his successor in office in the sum of Five Hundred Dollars each to be levied upon their goods and chattels respectively. And to be void upon condition that the said John A. Staples shall make his personal appearance at this and at every succeeding term of Court until the cause be finally disposed, and that he abide to and perform whatever may be decreed by this Honorable Court and not depart the same without leave of the Court.

* *

SHUBACH MARSH vs MARTIN B. LAWRENCE

#153 Pg 15

Appeal from Justice Court. This day this cause came on to be heard by appeal from the Justice to the County Court and then sent up to this Court at last term according to statute, and it appearing to the satisfaction of the Court that there is no error in the Judgment rendered herein in the Justice Court, it is ordered, adjudged, and decreed that Judgment rendered in the Justice Court for Forty Four Dollars and thirty seven cents be affirmed with ten per cent interest per annum from the date of the rendition of said Judgment, which amounts to Three Dollars and Thirty one cents together with ten per cent damages per month from rendition of Judgment in the Justice Court until paid. And that the Plaintiff recover of the Defendant his costs in said Justice Court, and in said County Court, and in this Court in his behalf expended and execution may issue.

* *

MARTHA THOMPSON vs DANIEL ARNOLD

#114 Pg 15

By agreement of parties with the consent of the Court, this cause stands continued.

* *

WILLIAM B. SOFTON vs JESSE CLARY #163 Pg 16

In this case it appearing to the Court that legal service had not been made herein, it is ordered by the Court that this case be continued and process issue, returnable to the next term of Court.

* *

DAN ARNOLD vs BENJAMIN RITCHIE #164 Pg 16

Appeal. In this case, the bond filed by Plaintiff as an Appellee, and being mislaid or lost, Plaintiff is allowed by the Court to file his bond of ownership, and the case stand continued until next term.

* *

WILLIAM SHEPPERD vs LEONARD GROCE #166 Pg 16

Injunction. Ordered by the Court that Alias copies of the Petition and Writ issue to Leonard Groce to answer County.

* *

S. W. PERKINS vs JOHN HUME #168 Pg 16

Appeal From Justice Court. This day came Plaintiff by his attorney and it appearing to the satisfaction of this Court that there is no error in the Judgment of the Justice Court as rendered in this case, it is ordered, adjudged and decreed that the Judgment rendered be affirmed in the sum of Eighty Eight Dollars and two cents and that the Plaintiff recover of the Defendant said sum of Eighty Eight Dollars and two cents Judgment in said Justice Court rendered together with interest of One Dollar and twenty three cents from the rendition of Judgment and Eight Dollars and eighty cents damages amounting in all to the sum of Ninety Eight Dollars and five cents, with costs in his behalf expended.

* *

THOMAS I. MC COBURN vs WM. GILMORE #138 Pg 17

Writ of Certiorari From Justice Court. This day came the parties by their attorneys and the Appellee, by his attorney moved to dismiss this suit for insufficiency of bond filed in this cause. Motion being made to quash this Certiorari for its insufficiency, which motion being sustained by the Court, it is ordered that said suit be discharged at the cost of the Appellant Gilmore. It is ordered, adjudged, and decreed that Appellee recover of Appellant, as well as his costs in the County Court and also in this Court expended, and execution

issue may issue, and further order that Clerk of this Court issue his Writ of Proceedings to Justice before whom this cause was tried to proceed upon his Judgment with execution.

* *

CHARLES RAY vs J. G. W. PIERSON #145 Pg 17

This day came the parties by their attorneys, and Plaintiff by his attorney moved the Court to dismiss the Petition for Certiorari in this case, which motion is sustained by the Court. It is ordered, adjudged and decreed that Plaintiff recover of Defendant as well his costs expended in the County Court and also his costs expended in Justice of Peace Court. Execution may issue.

* *

CHARLES B. STEWART vs JOHN PYLE #148 Pg 17

This day came the parties by their attorneys, and Plaintiff moves the Court by his attorney to quash the Certiorari in this case, which motion is sustained by the Court. It is ordered, adjudged and decreed that Plaintiff recover of the Defendant his costs expended in the County Court and also his costs expended in this Court in and about the prosecution of this suit, and he have his execution for the same.

And it is ordered and decreed by the Court that the Clerk of this County issue his Writ of Proceedings to the Justice of Peace by whom said suit was tried, and to proceed on this order with execution.

* *

ELIJAH COLLARD vs CASWELL BLEDSOE #169 Pg 18

In this case ordered by the Court that same stand dismissed at cost of Appellant, and that execution may issue for costs in his behalf expended.

* *

JOHN SMITHERS vs JAMES JORDAN #171 Pg 18

This day came the parties by their attorneys and thereupon a Jury of good and lawful men came, to wit: Joseph W. Nyman, James Skinner, S. P. Plummer, Jesse Gray, Armsted Rogers, John Thomas, W. B. Patterson, G. W. Stramble, Blake Brantley, Richard E. Pace, John Moore and Calvin McCormick, who being elected, tried and sworn the truth to speak upon the issues as between the parties, upon their oath, do say and find for the Plaintiff and assess damages of Twenty Dollars.

It is therefore considered by the Court that the Plaintiff recover of the Defendant, James Jordan, and his Security on the appeal bond filed in this

case, George R. Mercer, the sum of Twenty Dollars, his damages, as aforesaid by this Jury, and also full costs of suit by him in his behalf expended and execution may issue.

**

DANL W. MC GARY vs CASWELL BLEDSOE #172 Pg 18

On motion of counsel for Plaintiff in this case, the death of Caswell Bledsoe being suggested, it was ordered by the Court that Scire Facias issue against his executors and or Administrators to make them parties to this suit at next term of Court.

**

JOHN BURT vs RAWLEY DODSON #174 Pg 18

On motion of Plaintiff's Counsel, the Court gives leave for withdrawal of all papers filed in this case upon the payment of all costs accrued herein.

**

BAILEY & HOXIE vs FRANCIS W. JOHNSON #201 Pg 18

Ordered by Court on motion of Plaintiff's counsel that Alias writ and petition issue.

**

WILLIAM CURRY vs JAMES COX #205 Pg 19

On motion and by the leave of the Court, this case stands continued until next term.

**

On this day the Grand Jury came into Court and by Foreman presented Indictments against the following persons, to wit:

JOHN KIRKMAN	Accessory to Larceny
JOHN M. ROREX	Assault with Intent to Kill
JOSEPH MOORE	Selling Goods Without License
F. W .T. HARRISON	Riot & Assault
R. W. ROARK	Riot & Assault
STEWART FOREST	Riot & Assault
CORNER B. CORLEY	Swindling
WYLEY SMITH	Riot & Assault
NIMROD EDWARDS	Riot & Assault
ISAAC PARKER	Riot & Assault
JESSE JOHNSON	Riot & Assault
E. D. JOHNSON	Malconduct in Office
WM WHITE	Swindling

DANIEL MC GARY	Gaming
ABRAHAM TAYLOR	Gaming
LARKIN DAY	Gaming
I. I. CROSBY	Swindling
THOS. MC KEEVER	Gaming
JAMES H. NORTON	Swindling
JNO SMITH	Assault & Battery
JOHN SADLER	Affray
ABRAHAM TAYLOR	Affray
WM. HOWARD	Assault & Battery
ENGELBERT BADER	Assault & Battery
DAN MC GARY	Assault & Battery
NICHOLAS HANSON	Assault & Battery
ALANSON G. WYNNE	Assault & Battery
JOHN A. STAPLES	Assault & Battery
THOMAS KENNON	Larceny
PHILIP GOODBREAD	Altering Mark of Cattle
EDWARD FARIS	Assault & Battery

And, said Grand Jury having informed the Court that they had acted upon all matters presented to them during the present service, they are discharged by Court from their further service.

Ordered by the Court that Capias issue instanter against each of the above named persons, and further ordered that Subpoenas issue forthwith for the witnesses in each of the above returnable Indictments.

**

Ordered by the Court that the fines entered against James W. Parkey be remitted if good cause having been shown Court for non-attendance as a Juror.

**

SAM F. SHAW vs JACOB H. SHEPPARD #127 Pg 20

In this case by agreement and consent of Defendant with leave of the Court, the entry made on the first day of the term of dismissal of such for want of Rule for Security being complied with is set aside and case stands continued.

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**S. N. ORTON, USE OF BARRY GILLASPIE vs #45 Pg 20
SIDNEY S. KING**

This day came Barry Gillaspie and offered as his Security for costs of suit Robert Smithers and said Smithers appeared in open court and agreed and undertook that of said Gillaspie, should he fail to pay the costs of suit occurring herein, he would pay for him.

**

On motion of order by the Court that a committee of the members of the bar be appointed to inquire into conduct of Isaac J. Crosby against whom the Grand Jury of the County has found a Bill of Indictment for Swindling as appears on record, whereupon the Court appoints Barry Gillaspie and A. N. Tonkey, Benjamin C. Franklin and Thomas Johnson, Esqr., a committee of inquiry for purpose of the above named.

**

And thereupon, the Court adjourned until tomorrow morning, nine o'clock.

Thursday, October 28, 1841

Court met pursuant to adjournment, Honorable Philip Goodbread, Judge, with same Clerk and Sheriff as yesterday.

E. M. FULLER vs PHILIP GOODBREAD

#76 Pg 21

In this case it appearing to the satisfaction of the Court that Plaintiff's joinder with the Defendant's demurrer was insufficient and said demurrer being questioned by Court, Plaintiff by his attorney agrees to take a non-suit. It is therefore considered by the Court that Defendant go hence without day and receive of Plaintiff his costs of suit by him in his behalf expended.

**

WM. LLOYD, USE vs ELISHA FLOYD

#140 Pg 21

This day came the parties in their proper persons and the Plaintiff acknowledges that the Defendant paid and satisfied him in full of his demands on which this action was founded, with Defendant assuming to pay all costs. It is considered by Court that Plaintiff recover of Defendant according to agreement as well as his costs in the Justice Court when trial was first brought and also his costs in County Court and costs in this Court by him expended with execution to issue from this Court.

**

WM. LLOYD vs ELISHA FLOYD

#141 Pg 21

This day came the parties in their proper persons and the Plaintiff acknowledges that the Defendant paid and satisfied him in full of his demands

on which this action was founded, with Defendant assuming to pay all costs. It is considered by the Court that Plaintiff recover of Defendant according to agreement as well as his costs in the Justice Court when trial was first brought and also his costs in County Court and costs in this Court by him expended with execution to issue from this Court.

* *

WM. DUGAND MIMS vs WM. G. HALL #145 Pg 21

This day came the parties by their counsel and after argument had thereon, this case was submitted to the decision of the Court which case being seen and fully understood by the Court was dismissed at the cost of Plaintiff. Court held Defendant to go hence without day and recover of Plaintiff his costs of suit by him expended.

* *

R. D. PARISH vs WM. ATKINS #139 Pg 22

This day came the parties by their attorneys and after they argued at length, the parties agreed to submit this case to the decision of the Court, it being fully seen and understood by this Court. It was the opinion of the Court that Plaintiff recover of Defendant the amount of the note on which suit was brought after deducting his credit thereon with all costs, damages, interest, etc., said note being for the sum of Thirteen Dollars and fifty cents, dated 26th of May 1840 with credits on same date of Four Dollars and twenty cents, reducing sum to Twenty Nine Dollars and thirty cents remainder. It was considered by the Court that R. D. Parish recover of Defendant the sum of Twenty Nine Dollars and 30 cents together with eight percent interest from date of note amounting to the sum of ninety cents and full cost of suit by him in his behalf expended as well as in the Justice Court where suit was brought and also his costs expended in the County Court as well as expended in this Court. Execution may issue.

* *

THOMAS KERNON vs ABSALOM LOTT #191 Pg 23

Appeal From Justice Court. This day came Appellee by his attorney and the Appellant not appearing to prosecute his appeal either in person or by counsel, Appellee's attorney moved the Court to dismiss the appeal, which motion being sustained by the Court, it is ordered, adjudged and decreed that Appellee recover of Appellant and his Security on the appeal bond filed in this case William C. Jones, his costs expended in this Court in and about the prosecution of this suit, and that he have his execution for same. And, it is ordered, adjudged and decreed by the Court that the Clerk of this Court issue

his Writ of Procedendo to the Justice of Peace before whom this suit was tried to proceed upon his Judgment, with execution.

* *

REPUBLIC OF TEXAS vs E. D. JOHNSON

Pg 23

This day came the Defendant, E. E. Johnson, in open court and acknowledged himself indebted to the President of Republic of Texas and his successor in office in the sum of One Thousand Dollars and at the same time came also Jacob H. Shepperd, his Security, who acknowledged himself also indebted in the same manner and form as his principal in the sum of One Thousand Dollars to be made and levied of their respective goods and chattels, lands and tenements for the use of the Republic of Texas, to be void upon condition that the said E. D. Johnson shall be and personally appear in open court from day to day and from time to time to answer the Republic of Texas on a charge of malconduct in office and he is not to depart the Court without leave.

* *

REPUBLIC OF TEXAS vs JOHN H. PIERSON

Pg 23

This day came the Republic of Texas by her District Attorney P. W. Gray, Esqr., and enters as Nolle prosequi as to two of Defendants, to wit: John F. McGuffin and Robert Ray. Thereupon on motion of District Attorney, it was ordered by Court that they in this case be each recognized for their appearance as witness on behalf of the Republic in sum of Five Hundred Dollars.

* *

REPUBLIC OF TEXAS vs JOHN H. PIERSON ET AL **Pg 23**

This day came John F. McGuffin, one of the witnesses on behalf of the Republic in this case in open court and acknowledged himself indebted to the President of the Republic of Texas and his successor in office in sum of Five Hundred Dollars to be made and levied? of their respective goods and chattels, lands and tenements for the use of the Republic of Texas, to be made upon condition that the said J. F. McGuffin shall be and personally appear in open court from day to day and from term to term until discharged in this cause.

* *

REPUBLIC OF TEXAS vs JONATHAN C. LOTT

#43 Pg 24

In this case, it appearing to the satisfaction of the Court that the Defendant is unable to attend Court for reason of sickness, it is ordered that the case be continued until next term.

**

ELISHA FLOYD vs JOHN PETERSON

It appearing to satisfaction of Court that E. Mikelboro could not attend as a Juror, his fine entered and remitted.

**

JAMES W. PARKER vs WILLIAM W. SHEPPERD

Slander. In this case Plaintiff at Fall Term 1840 obtained a change of Venue to Harris County, the record of which was not taken out by Plaintiff. It is now ordered by the Court that they be delivered to the attorney of said Plaintiff and the attorney accepts for the Clerk.

**

REPUBLIC OF TEXAS vs

CHARLES TEAS	Playing Cards	#53	Pg 24
J. H. PEARSON	Assault	#63	Pg 24
NIMROD EDWARDS	Perjury	#60	Pg 24
BENJAMIN JOHNSON	Assault	#63	Pg 24
JOHN GIBBONS	Gambling	#65	Pg 24
WILLIAM DAVIS	Assault	#66	Pg 24
IRA MILLIMAN	Gambling	#68	Pg 24
JACOB H. SHEPPERD	Assault with Intent to Kill	#69	Pg 24
R. B. MARTIN	Selling Liquor to Indians	#72	Pg 24

This day came the parties by their attorneys, the Republic of Texas by District Attorney, Peter M. Gray, Esqr., and Defendants by their several attorneys who moved the Court to quash the several Indictments found in the cases from Nos 53 to No. 72 inclusive found at Spring Term of this Court on the grounds that the Grand Jury at said term were informally and unlawfully chosen and empaneled, which being seen by the Court, the motion is sustained and the Court is of the opinion that the bills at said term herein named and numbered were not True Bills against the parties. It is therefore considered by the Court that each of the Defendants go hence without day, Republic to pay costs.

**

**REPUBLIC OF TEXAS vs ALEXANDER MC COWN
COTTON & MACK**

#49 Pg 25

This day came the Republic of Texas by Peter W. Gray, Esqr., the District Attorney, who moved the Court to forfeit the recognizance of William N. Mack, he having failed to appear and answer the Republic upon the Indictment filed in this Court against him, he having been solemnly called and he answered not but made default. It is therefore considered by the Court that said W. N. Mack and his Security forfeit his recognizance unless sufficient cause be shown at the next term of his inability, and it is ordered that Scire facias issue. It is further ordered upon Affidavit of Cotton that the absence of a witness is important, that the cause be continued until next term.

**

REPUBLIC OF TEXAS vs JOHN H. PIERSON ET AL#50 Pg 25

This day came the parties by their attorneys, the Republic of Texas by Peter W. Gray, Esqr., and Blake Brantley, one of the parties Defendant, upon whose Affidavit showed the absence of an important witness. It is ordered that case be continued to the next term.

**

REPUBLIC OF TEXAS vs THOMAS BOATWRIGHT

#59 Pg 25

This day came the parties by their attorneys, the Republic of Texas by Peter W. Gray, Esqr., and suggested to the Court the death of Thomas Boatwright. It is considered that suit abate. Republic pays costs.

**

REPUBLIC OF TEXAS vs JAMES B. HOGAN

#74 Pg 25

In this case, papers were sent up by the committing Justice, but no Indictment was found by Grand Jury. It is therefore ordered by Court that same be stricken from the docket as never having been in Court.

**

**REPUBLIC OF TEXAS vs J. F. CRAWFORD &
J. S. ROLAND**

#47 Pg 25

This day came the District Attorney, Peter W. Gray, Esqr., and also came the Defendants by their attorneys. It appeared to the Court that the Grand Jury who formed the indictment in this case were unlawfully chosen and elected. Also defects in the indictments.

**

REPUBLIC OF TEXAS vs JONATHAN C. LOTT

#43 Pg 24

In this case, it appearing to the satisfaction of the Court that the Defendant was unable to attend Court for reason of sickness, it is ordered that this case be continued until the next term.

**

ELISHA FLOYD vs JOHN PETERSON

It appearing to satisfaction of the Court that E. Mikelboro could not attend as a juror; his fine entered on first day of court is remitted.

**

JAMES W. PARKER vs WILLIAM W. SHEPPERD

Slander. In this case, Plaintiff at Fall Term 1840 obtained a change of Venue to Harris County, the record of which was not taken out by Plaintiff. Ordered by the Court that they be delivered to the attorney of said Plaintiff, and that he accept for the Clerk of County therefore.

**

REPUBLIC OF TEXAS vs

CHARLES TEAS	Playing Cards	#53	Pg 24
J. H. PIERSON	Assault	#63	Pg 24
NIMROD EDWARDS	Perjury	#60	Pg 24
BENJAMIN JOHNSON	Assault	#63	Pg 24
JOHN GIBBONS	Gambling	#65	Pg 24
WILLIAM DAVIS	Assault	#66	Pg 24
IRA MILLIMAN	Gambling	#68	Pg 24
JACOB H. SHEPPERD	Assault with Intent to Kill	#69	Pg 24
R. B. MARTIN	Selling Liquor to Indians	#72	Pg 24

This day came the parties by their attorneys, the Republic of Texas by District Attorney Peter M. Gray, Esqr., and Defendants by their several attorneys who moved the Court to quash the several Indictments found in the cases from Nos 53 to No. 72 inclusive found at Spring Term of this Court on the grounds that the Grand Jury at said term were informally and unlawfully chosen and empaneled which, seen by the Court, the motion is sustained and the Court is of the opinion that the bills at said term herein named and numbered were not True Bills against the parties. It is therefore considered by the Court that each Defendant go hence without day and costs be paid by Republic.

**

REPUBLIC OF TEXAS vs ALEXANDER MC GOWAN

#49 Pg 25

COTTON & MACK

This day came the Republic of Texas by Peter W. Gray, Esqr., the District Attorney, who moved the Court to forfeit the recognizance of Wm. N. Mack, he having failed to appear and answer the Republic upon the Indictment filed in this Court against him, he having been solemnly called and answered not but made default. It is therefore considered by the court that W. N. Mack and his Security forfeit his recognizance unless sufficient cause be shown at the next term of his inability, and it is ordered that Scire facias issue. It is further ordered, upon the affidavit of Cotton re absence of a witness important in his behalf, that the cause be continued.

**

REPUBLIC OF TEXAS vs JOHN H. PIERSON ET AL #50 Pg 25

This day came the parties by their attorneys, the Republic of Texas by Peter W. Gray, Esqr., and Blake Brantley, one of the parties Defendant, upon whose Affidavit showed the absence of an important witness, it is ordered that case be continued until the next term.

**

REPUBLIC OF TEXAS vs THOMAS BOATWRIGHT #59 Pg 25

This day came the parties by their attorneys, the Republic of Texas by Peter W. Gray, Esqr., and suggested to the Court the death of Thomas Boatwright. It is considered that the suit abate. Republic pays costs.

**

REPUBLIC OF TEXAS vs JAMES B. HOGAN #74 Pg 25

In this case, papers were sent up by the committing Justice, but no Indictment was found by Grand Jury. It is therefore ordered by Court that the same be stricken from the docket as never having been in Court.

**

REPUBLIC OF TEXAS vs J. F. CRAWFORD & J. S. ROLAND #47 Pg 25

Assault & Battery. This day came the District Attorney, Peter W. Gray, Esqr., and also came the Defendants, and it appearing to the satisfaction of the Court that the Grand Jury who found this Indictment in this case were unlawfully chosen and elected.

**

**REPUBLIC OF TEXAS vs J. F. CRAWFORD &
J. S. ROLAND**

#47 Pg 26

In this case the parties appeared by their attorneys, Peter W. Gray, Esqr., for the Republic of Texas, and it appearing to the satisfaction of the Court upon motion of Counsel for the Defendants to quash the Indictment, and after arguments being heard as well in favor of said motion, and as well as against, that the motion of Defendants by their attorneys be sustained. It is therefore ordered by the Court that the Indictment be quashed and that the Republic of Texas pay the costs of suit.

* *

THOMAS B. BOND vs ELISHA FLOYD

#157 Pg 26

This day came the parties by their attorneys, and upon the hearing of this cause, the attorneys for the parties agreed in writing to waive their respective rights of a trial by jury and submit the facts as well as the matter of law involved to the decision of the Judge. And, whereupon, it is considered by the Court that the Plaintiff be allowed the amount of the Note declared after deducting the credit endorsed on the same, with five per cent interest on the said Note from the 25th of December 1838 to this date, amounting in the aggregate to the sum of Five Hundred Fifty Nine Dollars and ninety eight cents, and it is further considered by the Court that Defendant be allowed the aggregate amount of his accounts set off (except for Item #120 endorsed on and deducted from the amount out of the said note) without interest amounting in the aggregate to the sum of One Thousand Twenty Dollars, from which the amount allowed to the Plaintiff is to be deducted; and, it is further considered by Court that Defendant recover against the Plaintiff under his plea in reconvention upon the balance amounting to the sum of Two Hundred Sixty Dollars and two cents and his costs about his suit in his behalf expended, for which execution may issue.

* *

REPUBLIC OF TEXAS vs JOHN H. NORTON

#79 Pg 26

Swindling. This day came the Republic of Texas by Peter W. Gray and the person in his own proper person who being arraigned to the charge alleged against him and he pleads "Not Guilty," and for trial puts himself upon the County and therefore came a Jury of good and lawful men who being elected, tried and sworn the truth to speak well and truly. Defendant denies charge. Republic of Texas is Plaintiff and John H. Norton is the Defendant, and a true verdict is rendered according to the evidence. And, it appearing to the District Attorney that the proof is insufficient to convict the Defendant of the offense alleged, he moves the Court to enter a Nolle prosequi. Whereupon the facts

being seen by the Court, it was considered by the Court that Defendant go hence without day and Republic pay costs.

**

And thereupon the Court adjourned until tomorrow morning at nine o'clock .

Friday, October 29, 1841

Court met pursuant to adjournment and present were Honorable Richard Morris, Judge, same Clerk and Sheriff.

JOHN A. STAPLES vs BENJAMIN JONES #179 Pg 27

JOHN A. STAPLES vs JAMES JONES #181 Pg 27

In this case on motion of counsel and Affidavit of Defendants it is ordered that they be continued until the next term of the Court.

**

WILLIAMSON B. LOFTON vs EDWARD BAILEY #184 Pg 27

By agreement of counsel with leave of the Court, this case stands continued until next term. It is ordered accordingly.

**

PHILIP GOODBREAD vs REPUBLIC OF TEXAS #189 Pg 27

By permission of the Court, this case is continued until next term. It is ordered accordingly.

**

JAMES E. BURRELL vs ISAIAH PARKER ET AL #182 Pg 27

On motion of Clerk, it is ordered by the Court that Security for Costs be given by Plaintiff within 60 days or cause stands dismissed at his cost. It is further ordered that Defendant have leave to amend his pleadings and case to be continued to next term and further ordered that Plaintiff may have leave to amend his petition.

**

PIERRE BLANCHETT vs JOHN N. SPRINGER #150 Pg 27

By agreement of counsel, this case with leave of the Court, is continued until the next term.

**

**REPUBLIC OF TEXAS vs JAMES H. PIERSON
AND ELEVEN OTHERS**

#50 Pg 28

This day came Robert Ray, one of the witnesses on behalf of Plaintiff in open court and acknowledged himself indebted to the President of the Republic of Texas, and his successor in office, in the sum of Five Hundred Dollars, to be made and levied of his goods and chattels, lands and tenements for the use of the Republic of Texas, to be void upon condition that the said Robert Ray shall be and personally appear in open court from day to day and from time to time to give evidence on behalf of the Republic of Texas in the above suit until discharged and not depart the Court without leave.

* *

**REPUBLIC OF TEXAS vs ISAIAH PARKER,
W. B. D. SMITH ET AL**

#82 Pg 28

This day came one of the Defendants, Nimrod Edwards in open court and acknowledged himself indebted to the President of the Republic of Texas, and his successor in office, in the sum of One Thousand Dollars, and at the same time came also James Edwards, his Security, who acknowledged himself to be indebted in the sum of One Thousand Dollars to be made and levied of his goods and chattels, lands and tenements for the use of the Republic of Texas, to be void upon condition that the said Nimrod Edwards shall be and he personally appear in open court from day to day and from time to time to answer the Republic of Texas on a charge for an Assault and Riot; and, that he will not depart the Court without leave or the permission of said Court.

* *

**REPUBLIC OF TEXAS vs ISAIAH PARKER,
W. B. D SMITH ET AL**

#82 Pg 28

This day came the Defendants W.B.D. Smith and Jesse Johnson in open court and acknowledged themselves, each and severally indebted to the President of the Republic of Texas, and his successor in office, in the sum of One Thousand Dollars each and at the same time came also Gwyn Morrison, Security for Wiley B. D. Smith and John Peaveyhouse, the Security for Jesse Johnson, aforesaid, who each of the Securities acknowledged themselves indebted each and severally as aforesaid in same manner and form as their principals, in sum of One Thousand Dollars each, to be made and levied of their respective goods and chattels, lands and tenements for the use of the Republic of Texas, to be void upon condition that the said Wiley B. D. Smith and Jesse Johnson shall be and personally appear in the open court from day to day and from time to time to answer the Republic on a charge of Riot and Assault and that they do not depart without leave.

* *

**REPUBLIC OF TEXAS vs ISAAH PARKER,
W. B. E. SMITH, JESSE JOHNSON &
NIMROD EDWARDS**

#82 Pg 29

This day came the above parties by their attorneys, and by the permission of the Court, this case is continued until the next term.

* *

ALEXANDER BRYAN vs MILTON S. KELTON

#206 Pg 29

This day came the parties by their attorneys and thereupon a Jury of good and lawful men came, to wit: Joseph Nayman, Jas. Skinner, Robert Smithers, Jesse Gray, John Thomas, Calvin McCormack, William Marsh, Alexander McGowan, F. I. Cook, John Peterson, William Burney and T. Brown, who being elected and tried and sworn a true verdict to render upon the issues as joined on their oath, do say that the Defendant has not paid the debt in Plaintiff's petition mentioned and they find for Plaintiff One Thousand Eighty Dollars and fifty three cents debt, and they assess the Plaintiff's damage by reason of detention thereof, One Hundred Forty Five Dollars and sixty seven cents damages. It is therefore considered by the Court that said Plaintiff recover of the Defendant his debt aforesaid and the damages by the Jury in form aforesaid assessed and his costs by him expended and execution may issue.

* *

H. R. ALLEN & CO. vs E. M. GRAY

#33 Pg 29

This day came the parties by their attorneys and agree that the following Judgment be entered in this case with consent of the Court, that Judgment be given in favor of Plaintiff for the sum of Six Hundred Twelve Dollars and ninety seven cents and the execution upon said Judgment be stayed six, twelve and eighteen months and at the expiration of each of which periods of six, twelve and eighteen months, execution issue for one third of the entire Judgment and that said execution will not issue until the notes upon which this same action is founded be filed with the Clerk and that the Defendant pay all costs in his behalf expended, for which execution may now issue.

It is therefore considered by the Court that the Plaintiff recover of the Defendant the aforesaid sum of Six Hundred and Twelve Dollars and ninety seven cents according to the agreement in manner and form as agreed on, that execution issue for the same agreed on and the Plaintiff recover of Defendant his costs of suit for which execution may issue.

* *

JAMES E. PARKER vs PLEASANT GRAY

#202 Pg 30

On motion, it is ordered by the Court that the Plaintiff give Security for costs of suit in sixty days or same stands dismissed at Plaintiff's cost.

**

LUCINDA STRAWTHER vs THOMAS STRAWTHER #203 Pg 30

On motion, it is ordered by the Court that the Plaintiff give Security for costs of suit within sixty days or suit will be dismissed at Plaintiff's costs.

**

SAMUEL SMITH vs REPUBLIC OF TEXAS #187 Pg 30

By permission of the Court, this cause is continued to next term. So ordered.

**

WILLIAM BOWEN vs REPUBLIC OF TEXAS #188 Pg 30

GWYN MORRISON vs REPUBLIC OF TEXAS #190 Pg 30

JEFFERSON RICHARDS vs REPUBLIC OF TEXAS #193 Pg 30

MATHEW CARTWRIGHT vs REPUBLIC OF TEXAS #194 Pg 30

E. I. ARNOLD, ADM vs REPUBLIC OF TEXAS #195 Pg 30

This day came the parties by their attorneys, the Republic of Texas by The District Attorney Barry Gillaspie, Esqr., who the Court appointed to aid in the defense of the Republic and the Plaintiffs by their attorneys, and by permission of the Court agree to continue until next term the said cases #188, 190, 193, 194, 195 and on motion of attorneys for Plaintiff, leave is granted to amend.

**

DANIEL ARNOLD vs BENJAMIN RICHIE #192 Pg 30

By permission of the Court, this case is continued until the next term. So ordered.

**

W. S. TAYLOR vs JACOB SHANNON & #196 Pg 31
M. SHANNON ET AL

By permission of the Court, case is continued to next term.

**

**WM. S. TAYLOR vs JACOB SHANNON &
W. BURNEY ET AL**

#197 Pg 31

By permission of Court, this case is continued to next term. So ordered.

* *

WM. S. TAYLOR vs SARAH H. TAYLOR ET AL

#197 Pg 31

By permission of the Court, this cause is continued until the next term. So ordered.

* *

PIERRE BLANCHETT vs WM. C. WINTERS & WIFE

#131 Pg 31

For sufficient cause appearing to the satisfaction of Court, it is ordered that this cause be continued until next term.

* *

PIERRE BLANCHETT vs JAMES EDWARDS

#132 Pg 31

For sufficient cause appearing to the satisfaction of Court, it is ordered that this cause be continued until next term.

* *

PIERRE BLANCHETT vs A. W. SPRINGER

#133 Pg 31

For sufficient cause appearing to the satisfaction of Court, it is ordered that this case be continued until next term.

* *

PIERRE BLANCHETT vs JOHN WINTERS & WIFE

#135 Pg 31

For sufficient cause appearing to the Court, it is so ordered case continued to next term.

* *

The Court adjourned until tomorrow morning at nine o'clock.

Saturday, October 30, 1841

The Court met pursuant to adjournment. Present were Honorable Richard Morris, Judge and same Clerk and Sheriff as yesterday.

C. STERNE vs JOHN MARLIN #69

Pg 32

On motion of Clerk it was ordered by the Court that Plaintiff give Security for costs within sixty days or the cause stands dismissed at Plaintiff's cost.

* *

MARTHA THOMPSON vs DANIEL ARNOLD

#144 Pg 32

Ordered by the Court, on motion of the Clerk, that Plaintiff give Security for costs within sixty days or cause dismissed at Plaintiff's costs.

* *

HENRY R. ALLEN & CO. vs E. W. GRAY

#34 Pg 32

In this case, Judgment should have been entered yesterday; it is entered now for then. This day came parties by their attorneys and agree that the following Judgment be entered with the consent of the Court, to wit:

That Judgment be entered in favor of Plaintiff for the sum of Six Hundred and Twenty-Six Dollars and eighty eight cents with stay of the execution on said Judgment for six, twelve and eighteen months and that execution issue at each of the periods of six, twelve and eighteen months from the rendition of the Judgment, for one-third of the entire Judgment and that said execution will not issue until the Plaintiff files the note upon which said Judgment is founded and E. W. Gray pays all costs.

It is therefore considered by the Court that Plaintiff is to recover of Defendant the aforesaid sum of Six Hundred and Twenty-Six Dollars and 88 cents according to agreement, in the manner and form agreed on, that execution may issue as agreed on for the principal of said Judgment and that the Plaintiff recover of Defendant his costs of suit by him in his behalf expended for which execution may issue.

* *

SAMUEL WOLFENBARGER vs ISAAC DECKER

#18 Pg 33

This day came the Defendant by his attorney and moved the Court to dismiss this suit, and said Plaintiff having failed to appear by himself or counsel, the motion is sustained and suit dismissed at costs for Plaintiff. Therefore, it is thus considered by the Court that Defendant go hence without day and recover of Plaintiff and his Security Moses Gordon McGuffin (as appears of record) his costs by him in this behalf expended for which execution may issue.

* *

**HENRY R. ALLEN & CO. vs JOHN &
JOSHUA ROBBINS**

#15 Pg 33

This day came the parties by their attorneys and with consent of the Court agree to enter the following Judgment, to wit: That the Plaintiff recover of the Defendant Five Hundred and Ninety Four Dollars. [This case annotated *Stated in Error* with comment "There was no agreement between the Counsels."]

* *

**HENRY R. ALLEN & CO. vs JOHN &
JOSHUA ROBBINS**

#15 Pg 33

This day came the parties by their attorneys and submit the case for the decision of the Court, and which being seen and fully understood by this Court, it is of opinion that said Plaintiff recover of Defendant a sum of Five Hundred Dollars and ninety four cents as principal and Two Hundred and Thirty Six Dollars as interest together with costs of suit by him in this behalf expended and execution may issue for the same. It is therefore considered by the Court that Plaintiff recover of Defendant. So ordered.

* *

Ordered by the Court that the account of Charles B. Stewart, Clerk of this County for office rent, stationery, etc., be allowed in the sum of Five Hundred and Thirty Nine Dollars and the Treasury of the County of Montgomery is ordered to pay the same to the said Charles B. Stewart or to his order.

* *

**HENRY R. ALLEN & CO. vs JOHN &
JOSHUA ROBBINS**

#15 Pg 34

In this case the Defendant John Robbins offered in evidence a receipt which was subsequently filed with the papers of this cause and marked (AB), to the admittance of which the Court refused and to which overruling of the Court, Defendant did mention exception and prays that this Bill of Exception be signed and filed with the papers of the cause.

/s/ R. C. MORRIS, Judge of First Judicial District

* *

WM. R. HAMBLIN vs JASON WHITNEY

#150 Pg 34

In this case ordered the Court on motion of the Clerk that W. R. Hamblin give Security of costs within sixty days or the same stand dismissed at his cost.

* *

**WILLIAM W. SHEPPERD vs PIERRE
BLANCHETT**

#161-162

Pg 34

By consent of parties with permission of the Court. the cases stand continued until next term.

* *

**WILLIAM S. TAYLOR vs JACOB &
M. SHANNON ET AL**

#196

Pg 34

On motion of counsel for Plaintiff, Court ordered that Notice of the Pendency of this suit be issued to each of the parties Defendants.

* *

**WM. S. TAYLOR vs JACOB SHANNON &
WM. BURNET ET AL**

#197

Pg 34

On motion of counsel for Plaintiff, ordered by the Court that publication of the pendency of this suit in the *Houstonian* for 3 months previous to the next term of Court, requiring the parties to plead answer or demurrer to the matter and the things set forth and alleged in Plaintiff's petition or Bill or the same will be set for hearing ex parte, it appearing to the satisfaction of the Court that the parties Defendants are nonresident.

* *

WILLIAM S. TAYLOR vs JESSE B. MC NEALY

#59

Pg 35

In this case, leave is granted by the Court to the Plaintiff to amend his original bill as filed in this case and also to amend his supplemental bill.

* *

MC KENNY & WILLIAMS vs W. W. SHEPPERD

#167

Pg 35

This day came the parties by their attorneys and after they had argument thereon, they agreed to submit the case to the decision of the Court as to facts and law, and it appearing to the Court's satisfaction that the accounts of Shepperd did offset Plaintiff's demand and should be allowed and half of the amount of same (according to an original appeal of the parties filed in this case) to-wit: in sum of Seven Hundred Seventy Five Dollars - and Plaintiff's demand being for sum of Eight Hundred and Eighty Six Dollars and fifty cents, with interest at the rate of 10% per annum from the date of said Plaintiff's demand on the amount wherein the same includes the Defendant's allowed account.

It is therefore considered by the Court that said Plaintiff recover of said Defendant the excess of note over offset as aforesaid in the sum of One Hundred Eleven Dollars and fifty cents together with the sum of Twenty Six

Dollars interest thereon, in all sum of One Hundred and Thirty Eight Dollars and fifty cents plus costs of suit in this behalf expended.

**

EDWARD BAILEY vs ROBERT GRAVES

#67 Pg 35

By consent of parties with leave of the Court, case continued until the next term.

**

MAY MANNING vs HULDAH MANNING

#207 Pg 36

Petition for Divorce. In this case ordered by the Court that publication in the *Houstonian* for [blank] weeks next preceding the next term of Court citing the Defendant to appear and answer the matters and things set forth and alleged in Plaintiff's petition, it appearing to the Court that said Defendant has abandoned the country.

**

JAMES EDWARD vs GEORGE YOUNG

#107 Pg 36

Parties came by their attorneys and agree to continue cause until the next term of the Court. So ordered.

**

THOMAS T. BAILEY vs BENJAMIN HATCH

#204 Pg 36

Parties came by their attorneys and agree to continue this case until the next term.

**

JAMES N. GRAY

ERROR

**

JAMES THOMAS vs E. M. GRAY

#155 Pg 36

By agreement of parties with the consent of the Court, case continued to next term.

**

CHRISTIAN WERTNER vs D. B. FRYAR & CO.

#84 Pg 36

Ordered by the Court that this case be continued until next term and Pluries issue to Defendant at Gonzales County.

**

ISAAC PARKER vs JOHN H. PIERSON

#66 Pg 36

By consent of the parties with leave of the Court, this case stands continued.

* *

CLOW & CO vs GEO. WEEDON

#39 Pg 37

This day came the parties by their attorneys and on motion of counsel for [blank] the case stands continued until next term.

* *

**JAMES POWELL vs THOMAS A. CRESUP
& ALEX MC COWN**

#75 Pg 37

By leave of Court and on motion of counsel for Plaintiff, the case stands continued until next term.

* *

Ordered by the Court that Indictment found at this term of Court be continued until the next term of Court and copies issue in each case. Court ordered that the fine of Twenty Dollars inflicted upon Augustine Tomkins for contempt of Court be remitted.

* *

Committee appointed by the Court on [blank] to investigate and inquire into conduct of said Col. Crosby under indictment of swindling Alexander McCown made report as follows, to wit:

Montgomery County, Texas

October 29, 1841

**TO THE HONORABLE RICHARD MORRIS §
JUDGE OF FIRST JUDICIAL DISTRICT §**

The undersigned committee of the Bar appointed by Your Honor to investigate certain charges against Col. Isaiah Crosby, do report that from examination of the facts related to contract entered into by Mr. A. McCown and Col. Crosby, as follows:

That the contract was entered into as your committee believes with the full intention of complying and with the belief of his ability to comply with this contract. That unavoidable circumstances prevented Col. Crosby from complying with this contract which he is now liable for the breach thereof as any other citizen. Your committee deems that Col. Crosby in this matter is reprehensible for not communicating at the earliest period of time to McCown

that there were circumstances which could have prevented his compliance with his contract.

Your committee can see nothing to warrant the charges in this indictment and believes that the position at the Bar should be the same as though no indictment had been proffered. Signed B. Gillaspie, A. Tomkins, Benjamin C. Franklin, James W. Henderson, Thomas Johnson.

Whereupon Court endorsed upon the report as follows, to wit:

"Read and examined by me in open court October 30th, 1841."

/s/ R. Morris, Judge of First Judicial District

* *

REPUBLIC OF TEXAS vs JOSIAH I. CROSBY

#80

Pg 38

Swindling. This day came the Republic of Texas by Peter W. Gray, Esqr. and moved the Court to dismiss this Indictment in this case for insufficiency of grounds for the foundation of the same. And thereupon with leave of the Court, a Nolle prosequi is issued. It is therefore considered by the Court that the Defendant go hence without day and the Republic pays costs.

* *

JOSEPH S. BENNETT vs W. W. SHEPPERD

Pg 38

Adm. De bonis non. This day this cause came on to be heard and the parties by counsel having filed a written agreement to protect their respective rights for a trial by jury, do submit the facts as well as the law, to the decision of the Court. The Court considered that the Plaintiff be allowed the amount of the note filed in the case with interest at the rate of five per cent per annum on Five Hundred Eighty Seven Dollars and eight cents part of said amount for one year. Further considered by the Court that the Defendant be allowed to audit the several sums endorsed as such on said notes and secured and [illegible] in his account of offsets filed that the aggregate of the same be deducted from the aggregate amount allowed the Plaintiff and that the said Plaintiff recover from the Defendant the balance amounting to the sum of Eighty Nine Dollars and thirty nine cents and his costs of suit in his behalf expended, for which execution shall issue.

* *

At a meeting of the members of the Bar attending the District Court of Montgomery County, Barry Gillespie, Esqr. having explained the object of meeting, Benjamin C. Franklin, Esqr., was called to the Chair and James C. Megginson, Esqr., was appointed Secretary. On motion of A. M. Tompkins, Esqr., it was resolved that the Chairman appoint a committee of three to draw

up a suitable resolution, whereupon chair appoints: A. M. Tompkins, Barry Gillespie, Esqr., N. Hart Davis, Esqr., and the said committee who after retiring reported through their Chairman the following Resolution which was unanimously adopted:

BE IT RESOLVED that the members of the Bar who have been in attendance upon the various counts in said First Judicial District have remarked with pleasure the course pursued by the Hon. Richard Morris, Judge of said District both on the bench and in his private conversations with them and in association also with them, and that they take great pleasure in testifying to the able, impartial and prompt manner in his discharge of his duties as the Judge of said District; and, that while they congratulate people of the First District in having upon the bench so able an officer of government, they take pride in recommending him as a lawyer and as a gentleman in every way capable of filling this important station of the District Judge of said District.

BE IT FURTHER RESOLVED that we return to the Hon. Richard Morris our sincere thanks for his dignified, courteous and able manner in which he has discharged his difficult tasks.

BE IT FURTHER RESOLVED that Peter W. Gray, Esqr. as the solicitor for the District by his vigilant, faithful and efficient discharge of his official duties has entitled him to the confidence of the Bar and the people.

ON MOTION, it was resolved that the proceedings of the said meeting by the Secretary would be sent for publication in the *Houstonian* in the City of Houston, the *Galveston Civilian*, and *Austin City Gazette*. The meeting was adjourned and B.C. Franklin moved the same be placed upon the Court minutes.

[Abstracter's note: Resolutions have been abstracted but the originals were signed by B. C. Franklin, Chairman and Jas. C. Megginson, Secretary. Some of the words have been changed to clarify the meaning and/or those illegible words.]

* *

JOHN W. OVERLY vs JAMES EDWARDS

#199 Pg 40

Bill For Injunction and Specific Performance. This case coming on to be heard upon the Bill and answer, the finding of the Jury, and other evidence an argument submitted to the Court. In consideration thereof, the equity and the evidence, it is ordered, adjudged and decreed by the Court that the Plaintiff John W. Overly recover the land mentioned in the petition and that James Edwards make, execute and deliver to the Clerk of this Court within thirty

days for the use of John Overly a full and sufficient Deed for One Hundred Acres of Land, part of his Headright League of Land, with the survey to begin at the point where Elijah Collard's South line is crossed by the Creek known as Edwards Creek, the line to run down the creek with said line of Collard's survey so as to contain One Hundred Acres including the improvements of said John Overly, and that in case the said James Edwards shall fail to file the Deed as ordered, then the Clerk of Court is authorized to execute and deliver to the said Overly a deed in the name of said James Edwards for lands specified.

It is further ordered, adjudged and decreed that John overly in compliance with his contract and in virtue of the authority conferred upon him by Mary Overly, his wife, to make, execute and to deliver to the Clerk of this Court, for use of said James Edwards, a good, sufficient Warranty Deed for One Hundred Acres of Land, an undivided part and parcel of the League of Land granted to James Buchanan (the farm being land of said Mary Overly) by the Commissioner, Robert Peeples, on the Twenty Seventh day of October AD 1835 and to which the said Mary Overly, late wife of the said Buchanan, deceased, is entitled, the said land being Community Property and it is further ordered, adjudged and decreed that all and singular the said James Edwards, his agent and attorneys and all and every officer and officers of the Law be perpetually enjoined and prohibited from or in anywise or in any manner proceeding against the said Overly, to get possession of the said premises under or by virtue of the proceedings that were instituted before the Magistrate and for collecting for all or any costs arising from or originating in consequence of said proceeding before the Justice of Peace. It is further ordered, adjudged and decreed that Plaintiff, John W. Overly, recover all costs in this suit expended as well as in the Justice Court and that execution issue.

Whereupon, N. Hart Davis, the attorney for Defendant comes and excepts to the Judgment and prays for an appeal to the Supreme Court, which is granted.

/s/ Judge R. Morris, Judge of First Judicial District

Attest: Chas. B. Stewart, Clerk.

* *

And thereupon the Court adjourned until next Court in course.

Monday April 25 , 1842
Spring Term

COUNTY OF MONTGOMERY §

BE IT REMEMBERED that on the 25th day of April in the Year of our Lord One Thousand Eight Hundred and Forty Two, there was begun and held a District Court in and for the County and Republic aforesaid at the Court House in town of Montgomery.

Being present and presiding the Hon. Richard Morris, Judge of the First Judicial District, Peter W. Gray, District Attorney, Archibald McNeil, Sheriff, and Charles B. Stewart, Clerk.

The Court having been solemnly proclaimed to be open and in session, the Clerk produced the minutes of the drawing of a Jury made in recess of the Court, agreeing to the provision of the act which was ordered by the Court to be entered on the minutes, as follows, to wit:

REPUBLIC OF TEXAS §
COUNTY OF MONTGOMERY §

Pg 42

BE IT REMEMBERED that on the Seventh Day of March in the year of Our Lord One Thousand Eight Hundred and Forty Two at the Court House in the County of Montgomery and Republic of Texas aforesaid, Charles B. Stewart, Clerk of the District Court of said County, and Edmond W. Cawthorn, Deputy Sheriff of the same, proceeded in the presence of Elisha Uzzell, Esqr., an acting Justice of the Peace and one of the Associate Justices of said County, to draw a Jury to serve at the Spring Term of the District Court to be holden in and for said County on the 7th Monday after the First Monday in March instant when the following names were drawn of good and lawful men who are resident citizens of the said County of Montgomery, to wit:

Lemuel Smith, William Robinson, William Hulon, Isaac Sutton, Charles M. Cannon, Frederick Elim, David T. Dunham, Isaac Tabor, Sr., William Atkins, Harbor Elijah, William Little, Wilson O'Banion, H. W. Watkins, Sherman Drury, R. H. Fuller, Jno. T. Eubanks, James Powell, John F. Martin, Ephrain Fuqua, Wm. H. Boggass, John Wells, Jacob Shepperd, James Spiller, Arnold E. J., Dan'l Ford, William Lindley, Allen C. Jones, William Townsend, Peterson Lloyd, Charles Langhorn, Drury McMillan, N. W. Travis, Womack McGary, Robert McIntire, Ammon Mason, and Silas Morgan.

To which I certify, for under my hand and private seal for want of a seal of the Court at the Court House for the said County this Seventh of March AD 1842.

(SEAL) /s/ Charles B. Stewart, Clerk District Court, Montgomery County

And to which I also certify, witness my hand,
/s/ E. W. Cawthorn, Deputy Clerk

Done in my presence this the 7th day of March AD 1842. Witness my hand and seal.

(SEAL) /s/ E. Uzzell, J. P.

And on the same was made the following endorsement, to wit:

Issued on March 7, 1842.

(SEAL) Charles B. Stewart, Clerk, District Court, Montgomery County.

And thereupon was issued as above stated the following Venire facias, to wit:

REPUBLIC OF TEXAS, MONTGOMERY COUNTY

To the Sheriff, Greetings:

You are hereby commanded to summon thirty six good and lawful men to serve as Jurors at the next term of the said honorable District Court to be held in and for County of Montgomery at the court house of said County on the seventh Monday after the first Monday of March of present year of our Lord 1842.

To wit: Lemuel Smith, William Robinson, William Hulon, Isaac Sutton, Charles M. Cannon, Frederick Elim, David T. Dunham, Isaac Tabor, William Atkins, Elijah Harbor, William Little, Wilson O'Banion, H. W. Watkins, Sherman Drury, R. H. Fuller, Jno. T. Eubanks, James Powell, John F. Martin, Ephraim Fuqua, W. H. Boggass, John Wells, Jacob H. Shepperd, James Spiller, E. J. Arnold, Dave Ford, William Lindley, Allen C. Jones, William Townsend, Peterson Lloyd, Charles Langham, Drury McMillan, N. W. Travis, Warwick McGary, Robert McIntire, Ammon Mason, and Silas Morgan.

Herein fail not under the penalty of the Law and have you then and there this Writ with your return there showing you have executed the same.

Given under my hand and seal for want of a seal for the said District at the Clerk's Office in County of Montgomery on 7th day of March AD 1842.

(SEAL) /s/ Charles B. Stewart, Clerk District Court, Montgomery County

* *

And the said Venire facias being returned by the Sheriff on the first day of the term with following endorsement to wit: E. W. Cawthorn, Deputy Sheriff, came to hand and made following return that following named Jurors were summoned: Lemuel Smith, William Robinson, William Hulon, Isaac Sutton, Charles M. Cannon, Frederick Elim, David T. Dunham, Isaac Tabor, William Atkins, Elijah Harbor, Wm. Little, Wilson O'Banion, H. W. Watkins, Sherman Drury, E. M. Fuller, Jno. T. Eubanks, James Powell, John F. Martin, Ephrain Fuqua, W. H. Boggass, John Wells, Jacob H. Shepperd, James Spiller, E. J. Arnold, Dan'l Ford, William Lindley, Allen C. Jones, William Townsend, Peterson Lloyd, Charles Langham, Drury McMillan, N. W. Travis, Warwick McGary, Robert McIntire, Ammon Mason, and Silas Morgan. The other six were not summoned.

/s/ E. W. Cawthorn, Deputy Sheriff

Then thereupon the Court ordered the Clerk and Sheriff to draw from among the Jurors returned and summoned to be fourteen Jurors to serve as a Grand Jury at this term of the Court.

The following names were drawn, to wit: Frederick Elms, Jno Spillers, Wilson O'Banion, Ephrain Fuqua, Wm Robinson, Peterson Lloyd, Lemuel Smith, E. J. Arnold, Ammon H. Mason, John F. Martin, Dave J. Dunham, James Powell, William Little, Dan'l Ford, and thereupon the Court ordered E. J. Arnold, Foreman.

The foreman of the Jury and each of the Grand Jury being sworn as them being freeholders, were accepted as competent and lawful Grand Jurors by the Court, and being sworn and charged as such according to law, were committed to the custody of John McGuffin, he having been duly sworn as the Bailiff.

The original Venire being incomplete from want of service being made upon Isaac Sutton, W. H. Boggass, Allen C. Jones, Warwick McGary, and Silas Morgan, the Court then ordered the Sheriff to summon four Jurors from among the bystanders and Corner B. Corley, Wm McDonald and John Thomas were summoned to fill the Venire and were sworn in as Jurors for term. For reasons appearing to the Court, Charles M. Canover was then excused.

* *

John O. Hightower, Esqr., applies for admission to the Bar as an attorney at law and counselor in equity, whereupon the Court appointed Thos. W. Garrett,

James S. Jones and Thomas Johnson as a committee to examine Mr. Hightower and make a report as follows, to wit:

To the Honorable Richard Morris §
Judge of First Judicial District, § Spring Term 1842
Montgomery County §

We the undersigned, a Committee appointed for that purpose, have examined John P. Hightower, Esqr., to assay his legal knowledge and recommend him to the Court as duly qualified to practice law in the Courts of the Republic.

/s/ Thomas W. Garrett, James S. Jones, Thomas Johnson

John O. Hightower having filed his Declaration of Intention to become a citizen of the Republic and taken the oath to support the Constitution of the same as well as the oath prescribed for attorneys and counselors at law, it is ordered by the Court that he be admitted as attorney and counselor at law to practice in the several courts of law and equity of this Republic, and that a license be issued to him in conformity with the statute.

* *

JOHN BURCH vs GEO. W. BEARD #20 Pg 45

By order of Court the case stands continued until next term.

* *

CHARLES BAKER vs JAMES JONES #36 Pg 45

By order of Court the case stands continued until next term.

* *

GEORGE R. GLENN vs JNO. JOSHUA ROBBINS #48 Pg 45

By order of Court the case stands continued until next term.

* *

Tuesday, April 26, 1842

H. CLOW vs GEO. WEEDON #39 Pg 46

The death of George Weedon being suggested to the Court, it is ordered that Scire facias issue against Isaac Tonsey, the Administrator of the Estate of Geo. Weedon and show cause why Judgment should be rendered against him in this case.

* *

LOYAL CASE & CO. vs E. M. GRAY #42 Pg 46
It appearing to the satisfaction of the Court that the Rule for Security of Costs at last term of Court granted in the case not having been complied with, it is ordered that same stand dismissed at cost of Plaintiff.

**

WILLIAM S. TAYLOR vs JESSE B. MC NEALY #59 Pg 46
By order of Court the case stands continued until next term.

**

EDWARD BAILEY vs R. R. GRAVE #67 Pg 46
By order of Court the case stands continued until next term.

**

HUGH MC GUFFIN vs AMOS JOHNSON #92 Pg 46
By order of Court the case stands continued until next term.

**

HENRY RAQUET vs WM. MC DONALD #100 Pg 46
By order of Court the case stands continued until next term.

**

JOHN R. JONES vs ROBERT MARSH #103 Pg 46
By order of Court the case stands continued until next term.

**

BAILEY, GAY & HOXIE vs APPLETON GAY #79 Pg 47
JOHN W. HALL vs APPLETON GAY #80 Pg 47

On these cases, the Rules for Security of Costs at last term of Court as required, not having been complied with, it is ordered by the Court that each of the cases stand dismissed and that the Plaintiffs pay the costs severally in each case, to wit: Bailey, Gay & Hoxie vs A. Gary and John W. Hall vs A. Gay.

**

CHRISTIAN WERTZNER vs D. B. FRYAR #84 Pg 47
By order of Court the case stands continued until next term.

**

DAVID AYRES vs P. C. WHITAKER #86 Pg 47
By order of Court the case stands continued until next term.

**

JAMES MC COWN vs AMASA SMITH

#117 Pg 47

With service not having been made, Court ordered Pluries copy of petition to be issued against the Defendant.

* *

**C. M. CONROW vs WILLIAM R. WILLIAMS,
DEC'D & ZOULDA WILLIAMS, ADMX**

#118 Pg 47

This day came the parties by their attorneys and Plaintiff by his attorney says he will no longer prosecute this cause and attorney for Defendant assumes to pay costs. Therefore it is considered by the Court that Plaintiff recover of Defendant his costs of suit by him in his behalf expended, but that the Plaintiff remain bound for the costs; execution may issue.

* *

WILLIAM BOWEN vs REPUBLIC OF TEXAS

#186 Pg 50

This day came the parties by their attorneys, the Republic by Peter W. Gray, Esqr., District Attorney, also Thomas Johnson, Esqr., appointed by the Court as Assistant Counsel for said Republic, and thereupon came a Jury of good and lawful men, to wit: William Hulon, Wm. Atkins, H. W. Watkins, Sherman Drury, John Wells, Charles Langham, Robert McIntire, William Townsend, Corner B. Corley, William McDonald, William Ware and John Thomas who being elected, tried and sworn the truth to speak upon the issues found between the parties and a true verdict given according to the evidence, upon their oath do say they find for the Plaintiff justly entitled to his certificate for one third league of land as by him on his petition prayed for and, it is therefore considered by the Court, that William R. Bowen, the Plaintiff, recover of the Republic of Texas his head right to one third league of land for which a certificate issue from this tribune and that the Republic pay the costs.

* *

MATHEW W. CARTWRIGHT vs REPUBLIC OF TEXAS #194 Pg 51

Continued until next term.

**

E. J. ARNOLD, ADM OF ESTATE OF C. VAN DEVENTER vs REPUBLIC OF TEXAS #195 Pg 51

Continued until next term.

**

WILLIAM J. TAYLOR vs JACOB SHANNON #196 Pg 51

Continued until next term.

**

WILLIAM J. TAYLOR vs JACOB SHANNON & WM. BERRY, ADM #197 Pg 51

Continued until next term.

**

WILLIAM J. TAYLOR vs SARAH H. TAYLOR, HEIRS OF THOMAS TAYLOR #198 Pg 51

Continued, ordered for publication in the *Houstonian*.

**

BAILEY & HOXIE vs FRANCIS W. JOHNSON #201 Pg 51

In this case the Rule for Security for Costs of suit at last term required, and not having been complied with, it was ordered by the Court that the same stands dismissed and that Plaintiff pays the costs.

**

JAMES N. PARKER vs PLEASANT GRAY #202 Pg 52

In this case the Rule for Security of Costs of suit was at last term of Court required, but not having being complied with, it is ordered by Court that case be continued with the Plaintiff giving Security of Costs at this term.

**

LUCINDA STRAWTHER vs THOMAS STRAWTHER #203 Pg 52

Case continued under same order of Court as in the preceding case.

**

THOMAS F. BAILEY vs BENJAMIN HATCH #204 Pg 52

Continued to next term.

**

HENRY ALLEN & CO. vs E. M. GRAY #33-#34 Pg 52

Continued until notes filed per Judgment as ordered.

**

WILLIAM CURRY vs JOHN FOX #205 Pg 52

Continued until next term.

**

JAMES LEE vs W. W. SHEPHERD #205 Pg 52

Continued until next term.

**

MARGARET MC INTIRE vs ROBERT HUDNALL #213 Pg 52

Continued until next term.

**

THOMAS HOBBS vs HOLLY ARNOLD #215 Pg 52

Continued until next term.

**

JAMES KNIGHT vs W. J. C. PIERCE #216 Pg 53

Continued until next term and Alias copies of petition and writ to issue.

**

LEONARD W. GROSS vs W. R. BOWEN #218 Pg 53

Continued and Alias copies of petition and writ to issue.

**

W. P. HUFF vs SAM FULTON HEIRS #219 Pg 53

This cause is continued until the next term of Court because the service had not been made.

**

GWYN MORRISON vs REPUBLIC OF TEXAS #190 Pg 53

This day came the parties by their attorneys, the Republic of Texas by Peter W. Gray, Esqr., as the District Attorney, with Thomas Johnson, Esqr., appointed Assistant Counsel on the part of the Republic and thereupon came a Jury of good and lawful men, to wit: William Hulon, Wm Atkins, H. W. Watkins, Sherman Drury, John Wells, C. Langham, Robert McIntire, Wm. Townsend, C. B. Corley, Wm. McDonald, Wm. Ware and John Thomas who

being then empaneled, tried and sworn the truth to speak upon the issues found between the parties and a true verdict to render upon and according to law and the evidence, upon their oath do say they find for Plaintiff entitled to two thirds of a League and one Labor of land. It is therefore ordered, adjudged and decreed by the Court that the Plaintiff recover of the Republic of Texas two thirds of a League and One Labor of land and that a certificate issue from this tribunal in favor of Gwyn Morrison for his said land. Costs to be paid by Republic.

* *

MAY MANNING vs HULDAH MANNING

#207 Pg 53

Divorce. This day came the Plaintiff by his attorney and it appearing to the satisfaction of the Court that publication of pendency of the suit had been made pursuant to the order of the Court made at the last term, the same stand for trial and thereupon came a Jury of good and lawful men, to wit: Wm Hulon, W, Atkins, H. W. Watkins, Sherman Drury, John Wells C. Langham, Robert McIntire, Wm Townsend, C. B. Corley, Wm McDonald, W. Ware and John Thomas who being then empaneled, tried and sworn the truth to speak upon this issue, do upon their oaths say they found for the Plaintiff. It is therefor ordered, adjudged and decreed by the Court that the bonds of matrimony heretofore existing between them, the said May and said Huldah Manning be and they are hereby and henceforth, forever dissolved and that the Plaintiff pay the costs and that execution issue for the same.

* *

And thereupon the Court adjourned until tomorrow morning at nine o'clock.

Wednesday, April 27, 1842

Court met pursuant to adjournment and present were Honorable Richard Morris, Judge, same Sheriff and Clerk as yesterday. It was ordered by the Court that the several Judgments as entered for costs of suit be brought forward and entered anew.

LOYAL CASE & COMPANY vs E. M. GRAY

#42 Pg 54

In this case Security for costs of suit not having been given as by Rule of Court at last term required, it is ordered by the Court that the same stand dismissed and that Defendant recover of the Plaintiff for use of its officers of the Court the costs of suit in his behalf expended and that execution for same shall issue.

* *

BAILEY & HOXIE vs APPLETON GAY

#79 Pg 54

In this case Security for costs of suit not having been given as at last term of Court required, it is ordered by the Court that the same stand dismissed and that Defendant recover of the Plaintiff for use of its officers of the Court the costs of suit in his behalf expended and execution shall issue.

* *

JOHN W. HALL vs APPLETON GAY

#80 Pg 54

In this case the Rule for Security for Costs of suit not having been complied with, it is ordered by the Court that the same stand dismissed and that Defendant recover of the Plaintiff his costs of suit in his behalf expended for the use of officers of the Court, and that execution issue for same.

* *

BENJAMIN W. HARRISON vs AMSTEAD ROGERS

#185 Pg 55

In this case, the Security for costs of suit not having been given as by Rule of the Court at last term required, it is ordered by the Court that the same stands dismissed and that the Defendant recover of Plaintiff, for the use of the officers of the Court, his costs of suit in his behalf expended and that execution shall issue.

* *

ROBERT H. PORTER vs RICHARD C. PACE

#175 Pg 55

In this case, it appearing to the satisfaction of the Court that the Rule for Security for Costs of suit not having been complied with, it is ordered by the Court that the same stand dismissed and that the Defendant recover of the Plaintiff the costs of suit by him expended and that execution shall issue.

* *

BAILEY & HOXIE vs FRANCIS W. JOHNSON

#201 Pg 55

In this case the Rule for Security for Costs of suit not having been complied with, it is ordered by Court that the same stands dismissed and the Defendant recover of the Plaintiff costs of suit by him expended and execution issue for same.

* *

LUCINDA STRAWTHER vs THOMAS STRAWTHER

#203 Pg 55

Divorce. This day into open court came Lucinda Strawther and with her came Frederick Elm who undertakes and agrees that if Lucinda Strawther does not pay costs of suit, he will pay.

* *

JAMES W. PARKER vs PLEASANT GRAY

#202 Pg 56

This day came James W. Parker and with him came Frederick Elm into open court who undertakes and agrees that if James W. Parker does not pay for costs of this law suit, he will pay.

**

C. CHEVALIER vs STEVEN MC IVER

#154 Pg 56

In this case brought up from the Justice Court and dismissed at cost of Plaintiff at Spring Term of District Court 1841, it is ordered by this Court that the Plaintiff have leave to withdraw his notes on which his action is founded.

**

ISAAC PARKER vs JOHN H. PIERSON

#66 Pg 56

Continued until next term.

**

**CHRISTOPHER STERNER & WIFE vs
JOHN MARLIN**

#69 Pg 56

Continued until next term.

**

**JAMES POWELL vs THOMAS A. CRESUP &
ALEXANDER MC COWAN**

#75 Pg 56

This day came the parties in suit by their attorneys and the Plaintiff by his attorney says he will no longer prosecute his said suit, and Defendant McCowan by his attorney assumes to pay costs. It is therefore considered by the Court that Plaintiff recover of Defendant McCowan, for the use of the officers of the Court, costs of suit in his behalf expended and execution may issue.

**

JAMES EDWARDS vs GEO. YOUNG

#107 Pg 56

Continued until next term.

**

MARTHA THOMPSON vs DAN ARNOLD

#114 Pg 56

Continued until next term.

**

THOMAS M. LEAGUE vs SHELBY SMITH

#119 Pg 57

Continued until next term.

**

JOSEPH LINDLEY vs JOHN H. WOOD Trial for right of property continued until next term. * *	#136	Pg 57
LEWIS B. JONES vs ZOROASTER ROBINSON Certiorari from Justice Court continued until next term * *	#144	Pg 57
JOSEPH THOMAS vs E. M. GRAY On motion ordered by Court, that Joseph Thomas give security for costs of suit within sixty days or same dismissed. * *	#155	Pg 57
JAMES E. BURRELL vs ISAIAH PARKER Suit in Trespass vi et armis. On motion of attorneys for Plaintiff, it was ordered by Court that Plaintiff have leave to file his petition, same having been lost or mislaid, and further ordered by the Court that case stands continued until next term. * *	#182	Pg 57
JEFFERSON RICHARDS vs REPUBLIC OF TEXAS Continued until next term. * *	#193	Pg 57
ISAIAH PARKER & LUCRETIA PARKER vs JAMES E. BURRELL Injunction continued until next term. * *	#207	Pg 57
JACOB SHANNON vs PAMELA YOCUM Injunction continued until next term. * *	#211	Pg 57
PAMELA YOCUM vs JACOB SHANNON Injunction continued until next term. * *	#212	Pg 58
PIETY L. HADLEY vs HUGH MC GUFFIN Mandamus continued until next term. * *	#214	Pg 58

WILLIAM H. WOOD vs JOSEPH LINDLEY #210 Pg 58
Injunction. On motion of Defendant, it was ordered by Court that Plaintiff give additional Security to the bond whereon the Injunction was obtained and case continued to next term.

**

CHARLES B. STEWART vs HUGH MC GUFFIN #217 Pg 58
Mandamus. On motion of Counsel for Defendant, it was ordered by the Court that case be continued until next term.

**

E. R. LLOYD vs MC COWN & CONROE #221 Pg 58
Ordered by Court, case stands continued until next term.

**

HOSEA GEORGE vs R. E. PACE #222 Pg 58
Continued until next term.

**

JAMES W. PARKER vs REPUBLIC OF TEXAS #223 Pg 58
Continued until next term.

**

JOHN BLAKELY vs RICH. E. PACE #224 Pg 58
Continued until next term.

**

ENNIS KIMBALL & HOLT vs JOHN RAILEY #225 Pg 59
Attachment. It appearing to the satisfaction of the Court that Defendant is not a resident citizen of this County and he has gone beyond the jurisdiction of the Court, leaving no property whereon to levy this attachment in this County, it is ordered that the same stand dismissed and that Defendant recover of Plaintiff, for use of the officers of the Court, the costs in his behalf expended. Execution may issue.

**

STANTON FIELD vs REPUBLIC OF TEXAS #226 Pg 59
Continued until next term.

**

L. C. TIERNAN vs A. D. OLIPHANT

#227 Pg 59

Ordered by Court that Alias copies of writ and attachment be issued in this cause and the same be continued.

**

J. N. LINDLEY vs JOHN COTTON

#228 Pg 59

Continued until next term.

**

THOMAS GIBBS vs JNO. COTTON

#229 Pg 59

Continued until next term.

**

On this day the Grand Jury came into the open court and by their foreman presented an indictment for Murder against Thomas N. B. Green, and it was ordered by the Court that copies issue against Thomas N. B. Green for Murder, which was accordingly done.

**

PETER W. FORD vs BENJAMIN F. IRVINE

#233 Pg 59

This was an appeal from Justice Court and it was ordered by the Court that this case be continued until the next term.

**

**A G. PERRY, SURVIVOR OF PERRY & SMITH,
ASSIGNEE OF WM BROOKS vs REPUBLIC OF TEXAS**

#232 Pg 60

This day came the parties by their attorneys, the Republic of Texas by Peter W. Gray, Esqr., Thomas Johnson, Esqr., being appointed by the Court as Assistant Counsel to the Republic. And, thereupon came a jury of good and lawful men, to wit: William Scanlan, W. Atkins, H. N. Watkins, Thurman Drury, John Wells, C. Langham, R. M. McIntire, Wm. Townsend, C.B. Corley, Jacob H. Shepperd, William Ware, and John Thomas, who being empaneled, tried and sworn the truth to speak upon the issues joining and a true verdict be rendered upon the law and evidence upon their oath to say and find for the said Plaintiff. It is therefore ordered, adjudged and decreed by the Court that the Plaintiff recover of Defendant, the land in the petition prayed for, to wit: One half of a League of land and that a Certificate issue from this tribunal in favor of said A. G. Perry, survivor, etc., for One half of a League of land. Republic pays costs.

**

PHILIP R. GOODBREAD vs REPUBLIC OF TEXAS #189 Pg 60

This day came the parties by their attorneys, the Republic of Texas by Solicitor P. W. Gray, Esqr., Thomas Johnson, Esqr., Counsel appointed by the Court on the part of the Republic, and thereupon came a jury of good and lawful men, to wit: William Nyland, W. Atkins, H. N. Watkins, Thurman Drury, John Wells, C. Langham, R. M. McIntire, Wm. Townsend, C.B. Corley, Jacob H. Shepperd, Wm. Ware, and John Thomas, who being empaneled, tried and sworn the truth to speak upon the issues joining and a true verdict upon the law and evidence upon their oath do say and find for the Plaintiff. It is therefore ordered, adjudged and decreed by the Court that the Plaintiff recover of Defendant the land in the petition prayed for, to wit: One third of a League of land and that a Certificate issue from this tribunal in favor of said Philip R. Goodbread for One third of a League of land, and Republic pays costs.

* *

This day came the Grand Jury and informed the Court that there was no business before them and asked to be discharged from further service, and whereupon they are discharged by the Court on this day.

And thereupon the Court was adjourned until tomorrow morning at nine o'clock.

Thursday, April 28, 1842

Court met pursuant to adjournment.

JOHN SHANNON vs REPUBLIC OF TEXAS #230 Pg 61

This day came the parties by their attorneys, the Republic of Texas by P. W. Gray and Thomas Johnson, Esqrs., and thereupon came a Jury of good and lawful men, to wit: Wm. Hulon and eleven others who being empaneled, tried and sworn the truth to speak upon the issues joined between the parties and a true verdict to render upon the law and the evidence, upon their oath do say and find for the Defendant. It is therefore considered by the Court that the Defendant go hence without day and recover of the Plaintiff all costs of suit in his behalf expended, for which execution may issue.

* *

JOHN STUBBLEFIELD vs THOMAS SCOTT & WM. LITTLE #129 Pg 61

Case continued.

* *

THOMAS I. MC COLLUM vs CREED TAYLOR #61 Pg 61
Attachment. This day came the parties by their attorneys and Defendant's attorney agrees that Judgment should be entered against Defendant and his Security Philip Goodbread for the amount of his demand, interest and costs of suit. It is considered by the Court that Plaintiff recover of the Defendant Two Hundred Dollars debt as in his petition prayed for together with [blank] dollars interest or damages for deduction of the same, in all the sum of [blank] and also his costs of suit by him in his behalf expended and that execution issue for the same.

**

LEM SMITH vs REPUBLIC OF TEXAS #187 Pg 61
Continued until next term.

**

O. P. KELTON vs ALEXANDER BRYAN #220 Pg 61
Plaintiff's remedy-at-law sufficient and it was ordered by the Court that same be dismissed and that Defendant recover of Plaintiff for the use of the officers of the Court, the costs of suit in his behalf expended.

**

LEONARD W. GROCE vs WILLIAM R. BOWEN #218 Pg 62
On motion by the Court that Plaintiff give Security for costs within sixty days or that same stand dismissed at his cost.

**

W. P. HUFF vs SAM FULTON HEIRS #219 Pg 62
On motion ordered by the Court that Plaintiff give Security for costs within sixty days or that same stand dismissed at his cost.

**

REPUBLIC OF TEXAS vs JONATHAN C. POOL #43 Pg 62
Continued until next term.

**

REPUBLIC OF TEXAS vs A. MC COWN & JOHN [Illegible] #49 Pg 62
[Nothing entered.]

**

REPUBLIC OF TEXAS vs JOHN H. PIERSON ET AL #50 Pg 62

This day came the parties by their attorneys, the Republic of Texas by P. W. Gray, Esqr. and thereupon came a Jury of good and lawful men, to wit: William Hulon and eleven others who being empaneled, tried and sworn the truth to speak upon the issues a true verdict to render upon the law and the evidence upon their oath, do say and find the Defendant "Not Guilty" and he to go hence without day. Costs paid by Republic.

* *

The following cases stand continued until the next term. By order of the Court and upon the suggestion that one of the Grand Jurors who found these indictments was an alien:

REPUBLIC OF TEXAS vs JOHN A. STAPLES	#75	Pg 62
REPUBLIC OF TEXAS vs LARKIN DAY	#76	Pg 62
REPUBLIC OF TEXAS vs ABRAHAM TAYLOR	#77	Pg 62
REPUBLIC OF TEXAS vs E. D. JOHNSON	#80	Pg 62
REPUBLIC OF TEXAS vs WILEY SMITH ET AL	#82	Pg 62

* *

REPUBLIC OF TEXAS vs THOMAS KENNON	#78	Pg 63
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This case shows that the Defendant has fled the country, and it was ordered that case stand dismissed, and Republic to pay the cost.

* *

The following cases stand continued until the next term of Court upon the suggestion that at the Fall term last year one of the Grand Jurors who found indictments was an alien:

REPUBLIC OF TEXAS vs CORNER B. CORLEY	#83	Pg 63
REPUBLIC OF TEXAS vs HARRISON ROARK & FARIS	#84	Pg 63
REPUBLIC OF TEXAS vs JOSEPH MOORE	#86	Pg 63
REPUBLIC OF TEXAS vs Wm. WHITE	#88	Pg 63
REPUBLIC OF TEXAS vs EDWARD FARIS	#89	Pg 63
REPUBLIC OF TEXAS vs DAN'L H. MC GARY	#90	Pg 63
REPUBLIC OF TEXAS vs JOHN SADLER & A. B. TAYLOR	#91	Pg 63
REPUBLIC OF TEXAS vs PHILIP GOODBREAD	#92	Pg 63
REPUBLIC OF TEXAS vs THOS. MC KEEVER	#93	Pg 63
REPUBLIC OF TEXAS vs DAN H. MC GARY	#94	Pg 63
REPUBLIC OF TEXAS vs W. HOWARD	#95	Pg 63
REPUBLIC OF TEXAS vs EUGENE BADER	#97	Pg 63
REPUBLIC OF TEXAS vs JOHN SMITH	#98	Pg 63

* *

REPUBLIC OF TEXAS vs JOHN M. RIVEX
REPUBLIC OF TEXAS vs JOHN KIRKNER

#87 Pg 64
#99 Pg 64

This day came the District Attorney and moved the Court to enter a Nolle prosequi severally in these cases which being interbound, it is ordered by the Court that the same be no further prosecuted and the Plaintiff pay the costs.

* *

REPUBLIC OF TEXAS vs THOMAS N. B. GREER

#100 Pg 64

Ordered by the Court that this case stand continued until the next term.

* *

And thereupon the Court adjourned until the next term.

ATTEST: /s/ J. Morris, Judge of First Judicial District
Charles B. Stewart, Clerk

* *

No Court was held at Fall term of 1842 due to invasion of Texas by Mexican forces.

* *

Monday March 27, 1843
Spring Term

THE REPUBLIC OF TEXAS §
COUNTY OF MONTGOMERY §

Pg 65

BE IT REMEMBERED that on the 27th day of March in the Year of our Lord, One Thousand Eight Hundred and Forty Three, there was begun and holden a District Court in and for the County and Republic aforesaid, present and presiding therein the Honorable Patrick C. Jack, Judge of the Sixth Judicial District, Isaac McGary, Sheriff, and Charles B. Stewart, Clerk of Said Court. The Court being opened, His Honor appointed Peter W. Gray, Esqr., Prosecuting Attorney for the Republic for this term of the Court, whereupon Peter W. Gray took the oath pertaining to his office.

On motion of Peter W. Gray, and it appearing to the Court that the Venire summoned to serve at this term were drawn to serve at the Fall Term of 1842, it is ordered that the same be quashed and the Jury discharged.

Ordered by the Court that a Venire facias issue to Sheriff for thirty six good and lawful men to serve at this term, which, was accordingly done. And thereupon the Sheriff made his return of said Venire which thus appeared.

REPUBLIC OF TEXAS §

COUNTY OF MONTGOMERY § To The Sheriff of Said County, Greetings

You are hereby commanded to summon thirty six good and lawful men to serve as Jurors at this term of Court. Herein fail not under the penalty of the law.

Given under my hand and private seal for want of a seal to the County, in open court, this the 27th day of March, A.D. 1843.

Witness: Hon. Pat C. Jack, District Judge

C. B. Stewart, Clerk District Court, Montgomery County

Endorsed as follows:

This Venire facias was duly served on the following named persons, viz: William Landrum, Roswell Gillet, William F. Evans, C. C. Edinberg, Benjamin Rigby, R. B. Martin, John Settle, Wm. Simonton, Aaron Shannon, Wm. Ware, W. B. D. Smith, Pleasant Gray, James Jordan, James Conner, Vandy H. Walker, Appleton Gay, W. S. Massey, David Clark, William Dunlop, Claiborne West, Henry H. Wheeler, Alexander Whitaker, Jackson Crouch, Lewis Walker, Wm. E. Kinnard, Wm. Good, James Ford, Thos. Betts, Henry Jackson, G. W. Brooks, R. E. Pace, Thomas W. Hay, Joseph Hinson, and Larkin Day.

/s/ Isaac McGary, Sheriff

From which Venire were elected the following persons to serve as Grand Jurors, to wit: W. S. Massey, Wm. Dunlop, Appleton Gay, Thos. W. Hay, Alex Whitaker, Claiborne West, Vanoy H. Walker, Pleasant Gay, R. E. Pace, W. F. Evans, C. C. Edinburg, W. E. Kennard, Lemuel Smith, David Clark, and Roswell Gillet, who being severally sworn and examined as to their qualifications as Grand Jurors severally say they are house keeping or fee holders and citizens of the Republic whereupon the Court appoints W. F. Evans as Foreman, and they being finally sworn and charged as Grand Jurors, were committed to Thomas B. Davy, Bailiff.

**

CLOW & COMPANY vs GEORGE WEEDON & CO. #36 Pg 67

In this case upon motion ordered by the Court that Security for costs be given by Plaintiff within sixty days or this case to stand dismissed at cost of Plaintiff.

**

DAVID AYERS vs PLEASANT C. WHITAKER #86 Pg 67

In this case upon motion, Security for costs ordered by Court to be given within sixty days or case stands dismissed at the cost of Plaintiff.

**

W. R. HAMBLIN vs JASON WHITNEY

#150 Pg 67

This day came W. R. Hamblin into Court and said that he does not intend to prosecute said suit and he will pay the costs. It is therefore considered by the Court that Defendant Jason Whitney recover of Plaintiff the costs of suit in his behalf expended. Execution to issue

* *

W. B. LOFTON vs EDWARD BAILEY ET AL

#184 Pg 68

This day came the Plaintiff by his attorney, Thomas B. White, and informed the Court that Defendant has removed from the County, and he would no longer prosecute said case and would pay the costs. It is therefore considered by the Court that the Defendant go hence without day and recover of the Plaintiff for the use of the officers of the Court the costs in his behalf expended, for which execution my issue.

* *

WILLIAM J. TAYLOR vs JACOB SHANNON

#196 Pg 68

WILLIAM J. TAYLOR vs WILLIAM BURNEY &

#197 Pg 68

JACOB SHANNON

WILLIAM J. TAYLOR vs SARAH H. TAYLOR ET AL

#198 Pg 68

In the above three cases, the Court upon motion, ordered that Security for costs of suit be given by Plaintiff within sixty days or the several cases stand dismissed at his cost.

* *

JAMES W. PARKER vs PLEASANT GRAY

#202 Pg 68

The Court ordered Plaintiff to give Security for costs within sixty days or case dismissed at his cost.

* *

LUCINDA STRAWTHER vs THOMAS STRAWTHER

#203 Pg 68

In this case upon motion, ordered by the Court that Plaintiff give Security for costs within 60 days or said case to stand dismissed at her cost. (Frederick Elm, Security)

* *

STANTON FIELDS vs REPUBLIC OF TEXAS

#226 Pg 69

Security for costs being asked of Plaintiff by Clerk, it was then ordered by Court that he give Security for costs within 60 days or the same be dismissed at his cost.

**

L. C. TIERNAN vs A. D. OLIPHANT #227 Pg 69

Case continued and Rule for costs by the Court herein.

**

HENRY R. ALLEN & CO. vs E. M. GRAY

#33-#34 Pg 69

These two cases continued from a former term at which time a conditional Judgment was entered "that the notes wherein the actions were founded should be filed within the Court" or brought forward to this term. And the Court being informed by the Clerk that Henry R. Allen had appeared beforehand and acknowledged satisfaction from Defendant Gray, it is ordered by the Court that same be no longer continued on the docket. Defendant to pay costs of suit in his behalf expended, for which execution may issue.

**

And thereupon the Court adjourned until Tuesday morning at 9 o'clock. Above notes filed by W. G. McFarland in open court.

Tuesday, March 28, 1843

Court met pursuant to adjournment.

**JOHN BURCH vs G. W. HEARD, LEONIDAS SANDER
& WILLIAM KENNARD**

#20 Pg 70

This day came Plaintiff by his attorney, Thomas. B. White, and suggested the death of George W. Heard whereupon the Court orders that the suit abate as to him and on motion of said attorney, the case to be continued until the next term.

**

CHARLES BAKER vs JAMES JONES

#36 Pg 70

In this case, the Plaintiff not appearing to prosecute his said suit, and being called, came not, whereupon it was ordered by the Court that the same stand dismissed, that the Defendant go hence without day and recover of the Plaintiff his securities for the use of the officers of the Court and costs expended in his behalf, for which execution may issue.

**

GEORGE R. GLENN vs JOHN ROBBINS FOR USE OF J. KNIGHT #48
Pg 70

In this case on motion ordered by the Court, upon a special Affidavit by Defendant, this case is continued.

* *

C. STERNER & WIFE vs JOHN MARLIN #69 Pg 70

Upon application of Plaintiff in his proper person, it was ordered by the Court that case be continued until next term.

* *

S. M. ORTON FOR USE OF BARNEY GILLESPIE vs #45 Pg 70
SIDNEY E. KING

Ordered by Court that case continued until the next term.

* *

DAVID AYRES vs PLEASANT C. WHITAKER #86 Pg 71

This day came the parties by their attorneys, and Plaintiff agrees not to prosecute his suit. It is therefore then considered by the Court that Defendant go hence without day and recover of Plaintiff and his Security, Benton Johnson for the use of the officers of the Court, the costs of suit in his behalf expended, for which execution may issue.

* *

JOHN R. JONES vs ROBERT MARSCH #103 Pg 71

This day came the parties by their attorneys and thereupon came a jury of good and lawful men to wit: Jackson Crouch, Henry Jackson, Wm. Ware, R. B. Martin, Joseph Henson, Thomas Betts, Berry Rigsby, Wm. Landrum, James Bond, John Little, James McCown, and James Conner, who being elected, tried and sworn the truth to speak upon the issues joined between the parties, on their oath do say and find for the Plaintiff One Hundred and Eighty Dollars and costs of suit. It is considered by the Court that the Plaintiff recover of said Defendant One Hundred and Eighty Dollars and his cost of suit and execution may issue.

* *

THOMAS M. LEAGUE vs SHELBY SMITH #119 Pg 71

Ordered by Court that this case be continued until next term, the presiding judge being kin to the parties. On motion of attorney for Plaintiff, Joseph C. Megginson, Esqr., it is ordered that the papers for the case be sent to Galveston County for trial therein.

* *

ELISHA PERRY vs JOHN LOTT

#120 Pg 71

In this case by consent of the several attorneys of record herein, case is ordered to be continued until next term.

* *

PIERRE BLANCHETT vs W. C. WINTERS

#131 Pg 71

Ordered by the Court that this case stand continued until the next term of Court as on Affidavit of Plaintiff.

* *

PIERRE BLANCHETT vs JOHN M. SPRINGER

#130 Pg 72

This day came the Defendant by his attorney and Plaintiff not appearing to prosecute his suit after having Security. On the motion of Defendant's attorney, it is ordered, adjudged and decreed by the Court that the case stand dismissed and he go hence without day and recover of the Plaintiff and his Security, George Young, his costs of suit by him expended in his behalf for which execution may issue.

* *

JOSEPH LINDLEY & WIFE vs JOHN H. WOOD

#210 Pg 72

This day came Defendant and filed his special affidavit for continuance, whereupon it is permitted by the Court that this case stand continued until next term.

* *

**JAMES W. ABBEY vs HENRY SHORES &
DAVID M. CUMMINGS**

#176 Pg 72

On this day by agreement of the parties with consent of the Court, this case stands continued until next term of Court.

* *

**LEWIS B. JONES vs ZOROASTER ROBINSON
FOR USE OF A. G. PERRY**

#144 Pg 73

Certiorari. This day came the parties by their attorneys and thereupon Plaintiff by attorney moves the Court to quash Certiorari in this case. Motion is sustained and it was therefore ordered, adjudged and decreed by the Court that Plaintiff recover of the Defendant his costs expended, and execution shall issue for this sum. It is further ordered by the Court that the Clerk issue his Writ of Prosecution to the Justice of Peace who tried the cause to proceed on his Judgment. Execution may issue.

* *

JOSEPH W. THOMAS vs E. M. GRAY

#155 Pg 73

This day came the parties by their attorneys and thereupon came a jury of good and lawful men, to wit: Jackson Crowe, G. Henry Jackson, Wm. Ware, R. B. Martin, Joseph Henson, Thos Betts, Benjamin Rigby, W. Landrum, James Ford, John Little, James Carver and Simon Jones, who being empaneled, tried and sworn the truth to speak upon the issues and joined by the parties upon their oath do say and find for the Plaintiff, Thomas, the amount of debt by him claimed and with interest. Debt was Thirty Five Dollars, interest was Eight Dollars and twenty cents. It was therefore considered by the Court that Thomas recover of Defendant Gray, Forty Three Dollars and twenty cents, debt and damages, together with full costs of suit by him on his behalf expended, with execution to issue.

* *

DAVID ARNOLD vs BENJAMIN RICHEY

#164 Pg 73

This day came the parties by their attorneys, and it appeared to the Court that the bond of the Appellant is insufficient. Leave is granted him to file a new bond against the next term of the Court. And it is ordered by the Court that Appellant be taxed with the costs of this term, including bond, for which execution may issue, and case is continued until next term.

* *

SILAS GANNON vs JOHN M. COTTON & AMON H. MASON, ESTATE OF W. M. MOCK, DECEASED

#170 Pg 74

This day came the parties by their attorneys, N. Hart Davis being attorney for Plaintiff and he moves the Court to quash the appeal for insufficiency on the appeal bond, which motion is such that the appeal is examined by the Court and said appeal is dismissed. It is therefore considered by the Court that said John Cotton, Appellant, and his Security for costs, Thomas T. M. Ivan, pay all costs of suit for which execution may issue. And it was ordered by the Court that the Clerk of this Court issue a Writ of prosecution to the Justice who tried the cause ordering him to proceed on his Judgment with execution.

* *

MARTHA THOMPSON ALIAS FISHER (Mrs. Reuben Fisher) vs DANIEL ARNOLD

#114 Pg 74

Forcible Entry & Derringer. This day came the parties by their attorneys and thereupon came a Jury of good and lawful men, to wit: Aaron Shannon, Lewis Walker, W. B. Smith, James Jordan, Wm. Cook, Geo W. Brook, John Corner, Ezekiel Springer, Wm. N. Rankin, who being elected, tried and sworn the truth to speak upon the issues joined between the parties, upon their oath do say

and find for the Defendant Arnold. It is therefore considered by the Court Defendant Arnold have and recover the possession of house and land claimed by Martha Thompson, that he go hence without day and recover of said Martha Thompson, his costs of suit by him expended, for which execution may issue.

* *

CORNERS ATKINS ET AL vs CHARLES B. STEWART #235 Pg 74

This day came Thomas B. White, attorney for Plaintiff and he says he intends no longer to prosecute said suit. It is therefore considered by the Court that Defendant go hence without day and recover of Plaintiff the costs of suit by them on his behalf expended for which execution may issue.

* *

DAN H. MC GARY vs CASWELL BLEDSOE #172 Pg 74

Alias scire facias to issue and case continued.

* *

JAMES W. PARKER vs PHILIP GOODBREAD #240 Pg 75

It appearing to the Court that service herein has not been had upon Defendant, it is therefore ordered by the Court that Alias writ issue.

* *

JOHN T. JAMES vs JAMES A. JONES #242 Pg 75

In this case the Defendant appears to be a non-resident, and it was ordered by Court that publication be made six weeks previous to the next term of the Court, of pendency of this suit, notifying Defendant to appear and plead answer or to demur, or same will be taken "for confessed," and be set for hearing injunction. Publication to be in *Brazos Farmer*, a paper printed in the Republic, government issue.

* *

SUSAN COTTON ALIAS MC INTOSH vs IREDELL COTTON ALIAS MC INTOSH #248 Pg 75

In this case, it appearing that Defendant resides without the limits of the Republic, the Court ordered that publication be made of the pendency of this suit for six successive weeks previous to the next term of the Court, notifying Defendant to appear and answer Plaintiff, with herein publication to be made in *Texas Telegram* in Houston City, and a rule against Plaintiff's Security for costs of suit.

* *

ALBERT CLOYES vs MASENA MC COMBS

#251 Pg 75

In this case on Wednesday the third day of this trial, a Rule for Security of Costs being entered against Plaintiff, Simon Jones came into open court and undertook and agreed that if Plaintiff Cloyes should fail to prosecute his said suit to effect and or in case he should fail to prosecute his suit to effect and fail to make the money upon the execution which he may have issued upon the Judgment which may be rendered in his favor sufficient to pay the costs, then he will pay and satisfy said costs for him for which execution may then issue against him, said Security Jones.

**

W. G. MC FARLAND vs JOHN D. GROESBECK

#252 Pg 75

Service on Defendant not having been made, herein ordered by the Court that Alias writ and petition issue to Harris County against Defendant.

**

ELI B. WARREN vs MARK RAWLINS

#256 Pg 75

On motion ordered by the Court that Security for costs of suit be given by Plaintiff within sixty days or that the same be dismissed at his cost.

**

DAN ARNOLD vs DAVIS I. MITCHELL & JOHN LOTT

#259 Pg 76

Service not having been made on Defendant Mitchell, it was ordered that an Alias writ and petition issue against him and the case be continued.

**

SAMUEL THOMPSON vs JOHN SADLER

#261 Pg 76

On motion of attorney for Defendant, Security for costs was required and ordered.

**

JOSEPH FLOYD vs MILTON ESTILE

#262 Pg 76

Service not having been made upon Defendant, Court ordered an Alias writ and petition to be issued.

**

BEDON STROUD, ADM OF WM NEAL vs JOHN LOTT

#266 Pg 76

On motion of Plaintiff's attorney, this case continued until next term, with Security for costs given by Plaintiff within 60 days or his suit will stand dismissed at his cost.

**

W. S. CUMMINGS vs JOHN READ

#273 Pg 76

This day came the Plaintiff by his attorney and moved the Court to grant Judgment attachment against personal estate of Defendant which is accordingly granted. And further, it was ordered that Security for costs be given by Plaintiff.

**

W. C. JONES vs JOHN F. CRAWFORD #274 Pg 76

This day came the parties by their attorneys and agree to withdraw this suit and subject it to arbitration of Ephrain Fingers and William Burney whose award therein shall be made the Judgment of the Court.

**

**MISSISSIPPI UNION BANK vs
B. A. OLIPHANT ET AL**

**#277, 278, 279 Pg 76
280, 281, 282**

Service not having been made herein, ordered by Court that alias writ and petition issue in each of cases.

**

SAM MC COMB vs JAMES O'BANNON

#292 Pg 77

This day came Sam McComb in his proper person and says that this suit was brought without his authority or consent. It is therefore ordered by the Court that same be discontinued.

**

JAMES BLAKELY vs SAM MC GUFFIN

#237 Pg 77

This day came the parties, James Blakely by his attorney Sam D. Hays, and agrees to enter a Judgment for the Plaintiff for a sum of One Hundred and Fifty Dollars and sixty two cents balance as the remainder due on the note whereon this action is founded, and Ninety Three Dollars and twelve cents interest. It is therefore considered by the Court that the Plaintiff recover of Defendant One Hundred and Seventy Five Dollars and seventy five cents debt and damages as well as the full costs of suit on his behalf expended for which execution may issue on December 1 next or when ordered by the Plaintiff or his attorney, P. W. Gray.

**

ISAAC B. RICHMOND vs W. H. FOSTER

#291 Pg 77

Attachment. Defendant is non-resident. Order for publication for six weeks prior to next term of Court, as may be directed by Plaintiff's attorney.

**

PIERRE BLANCHETT vs JAMES EDWARDS #132 Pg 77

This day came the Defendant by his attorney, N. Hart Davis and Plaintiff not appearing to prosecute his suit after he was solemnly called, the Defendant moved the Court to dismiss

which the Court ordered. Defendant recovered from Plaintiff and his Security, George Goring, for costs of suit in his behalf expended for which execution may issue at common law.

**

UNION BANK OF MISSISSIPPI vs D. A OLIPHANT #277 Pg 78

UNION BANK OF MISSISSIPPI vs JOHN HUME #278 Pg 78

UNION BANK OF MISSISSIPPI vs #279, 280 Pg 78

PATRICK C. HAYS 281, 282

In these several cases upon motion of Clerk, ordered by Court that Plaintiff give Security for costs of suit for each case within 60 days or that same will be dismissed at Plaintiff's cost and with Security be approved by Clerk.

**

PIERRE BLANCHETT vs ALBERT URIAS SPRINGER #133 Pg 78

This day came the Defendant by his attorney, A. G. Perry, and moved the Court to dismiss said suit; and, Plaintiff neither appearing in person nor by attorney after he was solemnly called to prosecute his suit, it was ordered, adjudged and decreed by the Court that the same stand dismissed, that Defendant go hence without day and recover of Plaintiff or his Security, George Young, his costs of suit expended, for which execution may issue.

**

PIERRE BLANCHETT vs JOHN THOMAS & WIFE #134 Pg 78

This day came the Defendant by his attorney, A. G. Perry, and moved the Court to dismiss the suit, that Plaintiff neither appeared by his attorney nor any person to prosecute his case after having been solemnly called. it was ordered, adjudged and decreed by the Court that same stand dismissed and with Defendant to go hence without day and recover of Plaintiff his costs of suit by him expended, for which execution may issue as at common law.

**

ALBERT CLOYES vs MASSENA MC COMB #290 Pg 78

This day came Simon Jones and undertook and agreed in open court that if Albert Cloyes does not prosecute his suit herein to effect or in case he does prosecute the same to effect, but does not make money sufficient upon Judgment and execution thereupon to pay costs, he the said Jones will pay

costs himself for which execution may issue against his goods and chattels, lands and tenements.

* *

JOHN LEIGH vs JAMES MORRIS

#245

Pg 79

Dated in error.

* *

And thereupon the Court adjourned until tomorrow morning.

Wednesday, March 29, 1843

Court met pursuant to adjournment.

JAMES MORRIS vs JOHN LEIGH, APPELLANT

#245

Pg 79

This day came the Appellant from Justice Court and says he intends no further to prosecute his said appeal and assumes to pay all costs. It is considered by the Court that the Appellee Morris recover his costs of said suit by him in his behalf expended for which execution may issue.

It is ordered by the Court that the Clerk issue his Writ of prosecution to the Justice by whom the cause was tried, and order him to proceed on his Judgment with execution.

* *

JAMES EDWARDS vs GEORGE YOUNG

#107

Pg 79

By agreement of the parties by leave of the Court, the case stands continued until (next) term.

* *

J. D. H. RICHARDSON vs JACKSON WELLS

#264

Pg 79

Continued by order of the Court on an affidavit of Defendant. (Richardson is Appellee and Wells is Appellant.)

* *

JOHN M. FOWLER vs E. F. HEARD

#271

Pg 79

Ordered by the Court that Plaintiff give Security for costs within sixty days or cause will be discontinued at his cost and it was further ordered that case be continued next term.

* *

PLEASANT GRAY vs JOB COLLARD

#122

Pg 80

This day came the parties by their attorneys and thereupon came a jury of good and lawful men, to wit: James Ford, John Little, James Corner, Simon Jones, Jackson Couch, Henry Jackson, W. Ware, R. B. Martin, Thomas Betts, Joseph Henson, who being elected, tried and sworn the truth to speak upon the issues joined between the parties upon their oaths do say and find for the Plaintiff, Pleasant Gray, and assess damages to sum of Ninety Nine Dollars and 5/12th cents and the costs of suit. It was therefore considered by the Court that Plaintiff recover of the Defendant the sum of Ninety Five Dollars and fifty eight and 5/12th cents damages by the Jury aforesaid and the costs of suit by him expended, for which execution may issue.

* *

And thereupon the Court adjourned until the next morning.

Thursday, March 30, 1843

Court met pursuant to adjournment.

PLEASANT GRAY vs JOB COLLARD

#122 Pg 80

This day came the Defendant by his attorney, Thomas Taylor, and prayed an appeal from the Judgment of the Court entered herein which is granted by the Court, and thereupon came the Defendant Job S. Collard with his Security, Jonathan S. Collard and Robert R. Graves and filed his bond in the sum of Five Hundred Dollars as his Appeal bond which is received by the Court on inquiry of the Clerk as for a sufficient amount.

* *

CHRISTIAN WERTSNER vs D. B. FRYAR & CO.

#84 Pg 80

In this case the Defendants filed their plea and the parties thereto agreed to continue the same into next term.

* *

JOHN A. STAPLES vs BENJAMIN JOHNS

#179 Pg 80

JOHN A. STAPLES vs JOHN A. JONES

#181 Pg 80

By consent of parties with consent of the Court, these cases stand continued until next term of the Court.

* *

**JAMES E. BURRELL vs ISAIAH PARKER, WILEY
B. D. SMITH, JOHN PERCHOUSE & WM. D. NORMAN**

#182 Pg 80

Ordered Plaintiff to amend his bond for security of costs.

**

JAMES W. PARKER vs PHILLIP W. GOODBREAD #240 Pg 81

Ordered by the Court that the Plaintiff give security for costs within sixty days or case dismissed at his cost.

**

ALEXANDER BRYAN vs OLIVER P. KELTON #247 Pg 81

Plaintiff ordered to give costs within sixty days or case dismissed at his cost.

**

SUSANNAH COTTON vs IREDELL COTTON #248 Pg 81

ALIAS IREDELL MC INTOSH

Plaintiff ordered to give costs within sixty days or her case dismissed at her cost.

**

JOHN RICE JONES vs SOLOMON SMITH #253 Pg 81

Plaintiff ordered to give costs within sixty days or his case dismissed. (W. B. Gafton, Security.)

**

HERMAN HOLT vs A. H. MASON, #260 Pg 81

ADM OF ESTATE OF MOCK

Plaintiff ordered to give costs within sixty days or his case dismissed at his cost.

**

PROPRIETOR OF TOWN OF WASHINGTON FOR #265 Pg 81

USE OF ELEANOR GAY vs JOHN LOTT & WM JONES

Plaintiff ordered to give costs within sixty days or her case dismissed at her cost.

**

W. G. MC FARLAND vs ELIJAH COLLARD #267 Pg 81

Plaintiff ordered to give costs within sixty days or cause dismissed at his cost.

**

LEONARD WILLIAMS vs JOHN MC IVER #275 Pg 82

Plaintiff ordered to give costs within sixty days or cause dismissed at his cost.

**

WILSON G. MC FARLAND vs ELIJAH COLLARD #267 Pg 82

This day came the parties by their attorneys. Plaintiff says he will no longer prosecute this suit, and Defendant by his attorney and in person says he will pay the costs. Therefore it was ordered by the Court that Plaintiff recover of the Defendant, for use of the officers of the Court, the costs of suit in his behalf expended for which execution may issue.

* *

JOHN WARD vs ALEXANDER MC DONALD #284 Pg 82

This day came the Plaintiff and files affidavit to continue the suit. Court ordered case to be continued to next term.

* *

ETHAN MELTON vs WM. P. EVANS #287 Pg 82

Plaintiff ordered to give costs within sixty days or cause dismissed at his cost.

* *

JAMES W. PARKER vs PLEASANT GRAY #202 Pg 82

Parties came by their attorneys and agreed that their case be continued per Plaintiff' affidavit.

* *

MARGARET MC INTIRE vs ROBERT HUDNALL #213 Pg 82

Case continued to next term upon affidavit of Plaintiff.

* *

Thursday, March 30th, 1843

Court met pursuant to adjournment with Honorable P. C. Jack presiding.

W. W. SHEPPERD vs LEONARD GROCE #166 Pg 83

Case continued upon affidavit of Plaintiff W. W. Shepperd.

* *

JAMES E. BURRELL vs ISAIAH PARKER ET AL #182 Pg 83

Parties came by their attorneys and agreed to discontinue the case with Defendants to assume costs of suit. Plaintiff to recover of the Defendants, for use of the officers of the Court, the costs of suit in his behalf expended, for which execution may issue.

* *

LEONARD W. GROCE vs W. R. BOWEN #218 Pg 83

Rule for Costs having been granted at Spring Term 1842, for Security therefor. Thomas B. White, Plaintiff's attorney, came before the Clerk in his office after the adjournment of Court and brought with him Aaron Shannon, who undertook and agreed that if Leonard W. Groce failed to prosecute his suit to Judgment and execution against said Bowen and if he fails to make the costs upon Judgment for which execution may issue, then he Aaron Shannon will pay same for L. W. Groce.

* *

STANTON FIELDS vs REPUBLIC OF TEXAS #226 Pg 83

A rule being had by leave of the Court for Plaintiff to give Security for costs, Claiborne West and Appleton Gay, appeared in open court, who each and severally undertook and agreed to pay Stanton Field's costs if he is unable to pay same, and execution may issue against them.

* *

WILLIAMSON B. LOFTON vs JESSE CLARY #163 Pg 84

This day this cause came on to be heard on the Certiorari and Exhibit in said Court, and after arguments by counsel and as fully understood by the Court, it was considered that the Defendant in Certiorari, Jesse Clary, take nothing by his Plaintiff below, that the Constable and Justice below in Beat No. One in the County of Montgomery be forever enjoined from further prosecution of said action in said Justice Court, and Plaintiff in Certiorari to recover his costs in his behalf expended for which execution may issue against Jesse Clary.

* *

WILLIAM S. TAYLOR vs JESSE BOLE NEALY #59 Pg 84

Court ordered Plaintiff to give Security for costs of suit within sixty days, or case stands dismissed.

* *

LOYAL CASE & COMPANY vs E. M. GRAY #42 Pg 84

Upon motion by Plaintiff's attorney case continued until the next term.

* *

PLEASANT GRAY vs JOB L. COLLARD #122 Pg 84

On trial of case on Wednesday, Ed Taylor the attorney for Defendant, excepted to the opinion of the Court and filed his Bill of Exceptions thereto.

* *

HOSEA GEORGE vs RICHARD E. PACE #222 Pg 84

JOHN BLAKELY vs RICHARD E. PACE #224 Pg 84

Under Case #222, Plaintiff's attorney moved the Court to receive additional Security herein whereupon Appleton Gay comes into open court and undertakes and agrees that if the Plaintiffs herein do not prosecute their several suits to effect, or if Defendant is obligated to pay costs, he Appleton Gay will pay for Defendant. [There was a mention of H. G. Johnson being an officer of Court. Abstracter did not understand meaning unless he brought Gay into Court.]

**

Friday, March 31, 1843

Court met pursuant to adjournment.

REBECCA ALLEN vs JAMES MC COWN

#243

Pg 85

In this case a Rule being had against Plaintiff to give the Security for costs of suit, William Landrum came into open court and undertook and agreed that if Plaintiff is unable to pay any such costs, he will pay for her, for which execution may issue against him, his chattels, lands, tenements and estates.

**

WILLIAM S. TAYLOR vs JESSE B. MC NEALY

#59

Pg 85

A Bill in Chancery. This day the parties appeared by their attorneys and the case came on to be heard. Answers by Defendant having been made and filed, it was deemed necessary that the facts should be determined by the verdict of a jury and thereupon came the following Jury of good and lawful men, to wit: William Rankin, John Corner, Foster Babo, Lem Walker, W. D. B. Smith, James Jordan, William Cood , G. W. Brooks, Isaac Jones, Archelus Pope, Caleb Wallace, and Lewis Cox, who being duly elected, empaneled, and sworn well and truly to try the issues found herein. After hearing the evidence and arguments of counsel, the Jury then returned to the Court the following verdict: "We, the jury find for the Plaintiff."

It was therefore ordered, adjudged and decreed by the Court that William S. Taylor have and recover of and from the said Defendants Jesse B. McNealy and John Moore the Eastern half of a League of land granted Jesse B. McNealy as a Colonist, situated, lying and being in the said County of Montgomery and adjoining William Burney's and William Holland's land, which said Eastern half will be and is hereby declared to be designated and bounded by a direct line drawn through the middle of said League of land dividing the same into two equal halves, the one lying to the East and the other to the West of said line of division.

And, it is further ordered, adjudged and decreed that said Jesse B. McNealy do make, execute and deliver to said Wm. S. Taylor a good and sufficient Deed of Conveyance with General Warranty for the said Eastern Half of said League of land, transferring to said William S. Taylor the right and title to the said Eastern half of said League of land in fee simple is hereby adjudged and decreed to be vested in William S. Taylor and his heirs, clear of all encumbrances by or on behalf of the said Jesse B. McNealy.

It is further ordered, adjudged and decreed that the Deed of Conveyance executed by the said Jesse B. McNealy to said John Moore for the same League of land having date of 25th of June in year 1820 and annexed as Exhibit to the Supplemental Bill in this case, so far as the same embraces same Eastern Half of said League of land, be and the same is hereby decreed to be in relation to and so far as it affects said Eastern Half of said League of land, is annulled, set aside and is utterly null and void and it is further ordered, adjudged and decreed that the said John Moore be, and is hereby divested of all right, title and claim to said Eastern Half of said League of land, which he holds as having been derived in any manner by him from Jesse B. McNealy and that the same be vested in said William S. Taylor and his heirs.

And the Clerk of this Court is hereby directed to furnish William S. Taylor with an authentic transcript of this decree as a Muniment of Title. And, it is further ordered. adjudged and decreed that the said Plaintiff have and recover from the Defendants all costs of suit in this behalf expended and that he have execution for the same at common law. (Note: Case was held pursuant to adjournment and in the presence of the Honorable P. C. Jack.)

* *

JULIEN S. DEVEREUX vs ADELINE DEVEREUX #255 Pg 86

This day came Plaintiff by her attorney and it appearing to the satisfaction of the Court, that publication of pendency of this suit had been duly made, the same now stands ready for trial and therefore came a jury of good and lawful men to-wit: Jackson Crouch, Henry Jackson, Claiborne West, R. B. Martin, Joseph Hanson, Thomas Betts, Benj. Rigsby, W. Landrum T. Gilbert, John Little, James Corner, W. Wood, who being now empaneled, tried and sworn the truth to speak upon this issue upon their oath do say they find for the Plaintiff.

It is therefore ordered, adjudged and decreed by the Court that the bonds of matrimony heretofore existing between the said Julien S. Devereux and Adeline R. Devereux be and they are hereby and henceforth forever dissolved

and each of them are free to contract marriage as though they had never been married. Plaintiff to pay costs of these proceedings.

* *

**JOHN STUBBLEFIELD vs THOMAS SCOTT &
WILLIAM LITTLE**

#129

Pg 86

This day came the parties by their attorneys and agree to submit this cause to the decision of the Court, waiving a jury trial. The Court having seen the cause and being advised as to all issues held for Plaintiff to recover of the Defendant Two Hundred Dollars and twenty-five cents as debt as in his Petition prayed for and Forty Seven Dollars sixty cents as damages for the detention of said debt and cost of suit. Plaintiff recovered Three Hundred Twenty Two Dollars and sixty-six cents for debt and damages and for his costs of suit by him in his behalf expended and for which execution may issue.

* *

**WILLIAM ROBERT vs C. B. CORLEY &
THOMAS GIBBS**

#185

Pg 86

This day came the parties by their attorneys and thereupon came a jury of good and lawful men, to wit: Jackson Crouch, Henry Jackson, Wm. Ware, R. N. B. Martin, Joseph Henson, Thomas Betts, Benjamin Rigsby, Wm. Landrum, John Smith, Jas. Corner, John Landrum, Claiborne West, who being duly sworn the truth to speak upon the issues joined between the parties upon their oaths, do say and find for the Plaintiff. Plaintiff recovered from Defendants the sum of Ninety-five Dollars by the jury aforesaid assessed and the costs of suit by him in his behalf expended, for which execution issues.

* *

REPUBLIC OF TEXAS vs JONATHAN C. POOL

#43

Pg 87

This day came the Republic of Texas by Peter W. Gray, Esqr., and agrees to enter a Nolle prosequi in this cause. It is considered by the Court that the Defendant go hence without day and Republic of Texas will pay the cost of suit expended.

* *

**REPUBLIC OF TEXAS vs ALEXANDER MC COWAN
& JOHN COTTON**

#49

Pg 87

This day came the Republic of Texas by Peter W. Gray, Esqr. and agrees to enter a Nolle prosequi in this cause. It is considered by the Court that the Defendant go hence without day and Republic of Texas will pay the cost of suit expended.

* *

MARTIN CLOW & CO. vs GEORGE WEEDON & CO.

#39

Pg 87

This day came the Plaintiffs by their attorney and Isaac Tousey as Administrator of the Estate of George Weedon, deceased, who was notified of the suit by Scire facias who comes and makes himself a party to said suit and acknowledges justice of said claim and consents to Judgment rendered for amount sued for and the same stand acknowledged debt against Estate of George Weedon, deceased.

It was therefore considered by the Court that the Plaintiff recover of Defendants as hereupon agreed upon the sum of Sixteen Hundred and Sixty-Six Dollars and thirty nine cents debt and Two Hundred and Forty Two Dollars and forty five cents as interest thereon and the costs of suit by them expended.

* *

WILLIAM W. SHEPPERD vs PIERRE BLANCHETT

#162

Pg 88

This day came the parties by their attorneys and agreed to waive trial by jury and to submit this cause to the decision of the Court. The attorney for Defendant withdrawing his plea of offset by permission of the Court and the case being seen and fully understood by the Court, the Court is of opinion that Plaintiff recover of Defendant the balance or remainder due upon his account filed in said cause, to wit: The sum of One Hundred Dollars and eighty-three cents with interest at five per cent thereon from the commencement of said suit until this Judgment.

It is therefore considered by the Court that Plaintiff does recover of Defendant the sum of One Hundred Dollars aforesaid and eighty-three cents together with Twelve Dollars and fifty cents damages for the same, and in all the sum of One Hundred and Thirteen Dollars, twenty-three cents, and his costs of suit, by him in his behalf expended, for which the execution may issue plus eight per cent interest from rendition of this Judgment.

* *

WILLIAM W. SHEPPERD vs PIERRE BLANCHETT #161 Pg 88

This day came the parties by their attorneys and agreed to waive trial by jury and to submit this cause to the decision of the Court. The Defendant withdrawing his plea of offset by permission of the Court and the case being seen and fully understood by the Court, and the Court is of the opinion that the Plaintiff should recover of the Defendant the sum of One Hundred and Thirty Two Dollars debt as in his petition prays for, with five per cent interest thereon from the first day of January, 1836 to this date, making the sum of Forty One Dollars and twenty-five cents.

It is therefore considered by the Court that Plaintiff does recover of Defendant the sum of One Hundred and Seventy Three Dollars and seventy-five cents debt and damages and his costs of suit by him in his behalf expended, for which execution may issue on Judgment from date of rendition thereof.

* *

REPUBLIC OF TEXAS vs JOHN A. STAPLES #75 Pg 88

This day came the Republic of Texas by Peter W. Gray, Esqr., and Defendant came not, but made default, whereupon it is ordered by the Court that he forfeit his recognizance.

* *

REPUBLIC OF TEXAS vs JOHN A. STAPLES #75 Pg 89

This day came the Republic of Texas by Peter W. Gray, Esqr., prosecuting attorney, and Defendant Staples came not, but made default, whereupon it is ordered by the Court that he forfeit his recognizance and that Alias copies issue.

* *

REPUBLIC OF TEXAS vs LARKIN DAY #76 Pg 89

This day came the parties, the Republic of Texas by Peter W. Gray, Esqr., and the Defendant in his proper person, and thereupon came a jury of good and lawful men: Jackson Crouch, Henry Jackson, Claiborne West, R. B Martin, Joseph Henson, Thos Betts, Benjamin Rigsby, Wm. Landrum, Jos. Gilbert, Jas. Ford, W. Landrum, and James Corner, who being duly sworn the truth to speak upon the issues traverse upon their oaths, do say and find the Defendant Guilty. It is therefore considered by the Court that Defendant be and is ordered by Court to be imprisoned for One Day and make his fine by payment of Fifty Dollars and the cost of prosecution in his case expended.

* *

WILLIAM S. TAYLOR vs JESSE B. NEALY ET AL #57 Pg 89

Upon entering the Judgment of this Court in this case, the Defendant's attorney, Thomas Bishop, Esqr., came into the Court and prayed the Court for an Appeal to the Supreme Court, which was granted and ordered accordingly and that transcripts of the papers in the case be sent up. It was so ordered.

* *

REPUBLIC OF TEXAS vs ABRAHAM TAYLOR #77 Pg 89

This day came the Republic of Texas by Peter W. Gray, Esqr., and agrees to enter a Nolle prosequi in this cause. It is considered by the Court that the Defendant go hence without day and Republic of Texas will pay the costs of suit expended.

* *

REPUBLIC OF TEXAS vs E. D. JOHNSON #81 Pg 89

This day came the Republic of Texas by Peter W. Gray, Esqr., and agrees to enter a Nolle prosequi in this cause. It is considered by the Court that the Defendant go hence without day and Republic of Texas will pay the costs of suit expended.

* *

REPUBLIC OF TEXAS vs HARRISON ROARK & EDWARD FARRIS #84 Pg 90

This day came the Republic of Texas by Peter W. Gray, Esqr., and agrees to enter a Nolle prosequi in this cause. It is considered by the Court that the Defendant go hence without day and Republic of Texas will pay the costs of suit expended.

* *

REPUBLIC OF TEXAS vs ABRAHAM TAYLOR #77 Pg 90

This day came the Republic of Texas by Peter W. Gray, Esqr., and agrees to enter a Nolle prosequi in this cause. It is considered by the Court that the Defendant go hence without day and Republic of Texas will pay the costs of suit expended.

* *

REPUBLIC OF TEXAS vs JOSEPH MOORE #86 Pg 90

This day came the parties by their attorneys and consent the case be continued until next term.

* *

REPUBLIC OF TEXAS vs WILLIAM WHITE #88 Pg 90

Ordered by the Court on motion of prosecuting attorney, that Pluris copies issue against Defendant.

**

REPUBLIC OF TEXAS vs EDWARD FARIS

#89 Pg 90

This day came the Republic of Texas by Peter W. Gray, Esqr., and agrees to enter a Nolle prosequi in this cause. It is considered by the Court that the Defendant go hence without day and Republic of Texas will pay the costs of suit expended.

**

REPUBLIC OF TEXAS vs DAN H. MC GARY

#90 Pg 90

This day came the Republic of Texas by Peter W. Gray, Esqr., and agrees to enter a Nolle prosequi in this cause. It is considered by the Court that the Defendant go hence without day and Republic of Texas will pay the costs of suit expended.

**

**REPUBLIC OF TEXAS vs JOHN SADLER &
ABRAHAM TAYLOR**

#91 Pg 90

This day came the Republic of Texas by Peter W. Gray, Esqr., and agrees to enter a Nolle prosequi in this cause. It is considered by the Court that the Defendant go hence without day and the Republic of Texas will pay the costs of suit expended.

**

WILLIAM S. TAYLOR vs JESSE B. NEALY ET AL

#57 Pg 91

This day came Thomas B. White, attorney for Defendant, and gives notice of his intention to appeal from Judgment and decree of the Court ordered herein yesterday.

**

LEMUEL SMITH vs REPUBLIC OF TEXAS

#187 Pg 91

This day came the parties, the Republic of Texas by Peter W. Gray, Esqr., District Attorney Pro Tem, and Plaintiff by his attorney, and thereupon came a jury of good and lawful men: Jackson Crouch, Henry Jackson, Claiborne West, R. B. Martin, Joseph Henson, Thos Betts, Benjamin Rigsby, W. Landrum, Jos. Gilbert, John Little, James Corner and William Wood who being empaneled, duly sworn the truth to speak upon the issues and upon their oaths, do say they find for Plaintiff Smith, who is entitled to Two Thirds of a League and One Labor of land as in his petition prayed for.

Therefore it is ordered, adjudged and decreed that Plaintiff recover of the Republic of Texas, Two Thirds of a League and One Labor of land and that a Certificate issue in favor of Lemuel S. Smith for his said land, and that Smith pay costs of suit for which execution may issue. [Abstracter's note: In the Larkin Day case (#76, Pg 89) there were two W. Landrums on the Jury. In this case, only one but a Wm. Wood served and possibility he was on jury in Larkin Day case.]

**

JEFFERSON RICHARDS vs REPUBLIC OF TEXAS #193 Pg 91

This day came the parties, the Republic of Texas by Peter W. Gray, Esqr., District Attorney pro tem, and the Defendant in his proper person, and there came a jury of good and lawful men, to wit: Jackson Crouch, Henry Jackson, Claiborne West, R. B. Martin, Joseph Henson, Thos. Betts, Benjamin Rigsby, Wm. Landrum, Jos. Gilbert, John Little, James Corner and William Wood, who being elected, tried and sworn the truth to speak upon the issues joined between the parties and a true verdict to render according to law and evidence, upon their oaths do say and find the Plaintiff entitled to Two Thirds of a League and One Labor of land as in his petition prayed for.

It is therefore ordered, adjudged and decreed by this Court that Plaintiff recover of the Republic of Texas, Two Thirds of a League and One Labor of land; and, that a Certificate issue in favor of Jefferson Richards for his said land, and that Plaintiff Richards pay costs of suit for which execution may issue.

**

MATHEW CARTWRIGHT vs REPUBLIC OF TEXAS #194 Pg 92

This day came the parties by their attorneys, The Republic of Texas by Peter W. Gray, Esqr., District Attorney pro tem, and thereupon Plaintiff agrees to take a non suit. Therefore it is ordered by the Court that the cause be dismissed and that Republic of Texas recover of Defendant the costs of suit on his behalf expended for use of the officers of the Court and that execution issue for same.

**

WILLIAM ROBERT vs CORNER B. CORLEY #185 Pg 92

This day came the parties by their attorneys and thereupon came a jury of good and lawful men, to wit: Jackson Crouch, Henry Jackson, Claiborne West, R. B. Martin, Joseph Henson, Thos Betts, Benjamin Rigsby, Wm. Landrum, Jos. Gilbert, John Little, James Corner and William Wood, being elected, tried and sworn the truth to speak upon the issues joined between the parties and

a true verdict to render according to law and evidence, upon their oaths do say and find for the Plaintiff and assess his damages at Ninety Five Dollars and costs of suit by him in his behalf expended for which execution may issue.

* *

REPUBLIC OF TEXAS vs PHILIP GOODBREAD #92 Pg 92

This day came the parties by their attorneys, the Republic of Texas by Peter W. Gray, Esqr., District Attorney pro tem, and the Defendant also in his proper person, and thereupon came a jury of good and lawful men, to wit: Jos. T. Gilbert, Lewis Walker, Wm. McDonald, James Jordan, William Good, Geo. W. Brooks, Isaac Tabor, Archelous Pope, Caleb Watkins, John Corner, William Rankin and James Cox, who being duly elected, tried and sworn, well and truly, try all of the said issues traversed wherein the Republic of Texas is Plaintiff and Phil Goodbread is Defendant, and upon their oaths do say and find the Defendant "Not Guilty." It is therefore considered by the Court that the Defendant go hence without day and recover of the Republic of Texas his costs of suit by him in his behalf expended.

* *

REPUBLIC OF TEXAS vs THOMAS T. MC IVER #93 Pg 92
REPUBLIC OF TEXAS vs DAN H. MC GARY #94 Pg 92

Alias pluries to issue; alias pluries against each Defendant.

* *

REPUBLIC OF TEXAS vs ENGELBERT BAKER #98 Pg 93

Alias pluries to issue against Defendant.

* *

REPUBLIC OF TEXAS vs JOHN SMITH #98 Pg 93

This day came the Republic of Texas by Peter W. Gray, Esqr., District Attorney pro tem and also Defendant by his counsel and in person, and witnesses for prosecution were not present and Court ordered a continuance until next term. And further ordered an attachment issue for the bodies of the witnesses, Fulson and Malone.

* *

REPUBLIC OF TEXAS vs THOMAS N. B. GREER #102 Pg 93

This day came Benjamin C. Franklin, Counsel of record for the Defendant, and suggests the death of Defendant, whereupon the Court ordered prosecution to be abated and Republic of Texas to pay costs of suit.

**

EDWARD BAILEY vs R. B. GRAVES #67 Pg 93

This case by order of Court and on Affidavit of Defendant is continued until next term.

**

And thereupon Court adjourned til tomorrow morning.

Saturday, April 1, 1843

Court met pursuant to adjournment, P. C. Jack presiding.

FRANKLIN GREENWOOD vs JOEL & ANNA GREENWOOD, ADM OF HIS ESTATE #297 Pg 93

– A N D –

ANNA GREENWOOD, ADM AS ABOVE vs FRANKLIN GREENWOOD

This case not having been entered on yesterday is entered now for then in District Court, March 1843 Term.

"Memorandum of an agreement which I acknowledge to have been made and entered into verbally with my deceased brother, Joel Greenwood in his lifetime. It is as follows, to wit: I agree to convey to him One Thousand Eleven Acres in Montgomery County, Republic of Texas, the same on which my brother lived up to the time of his death, the same now occupied by the widow of the said Joel Greenwood, and for a more particular description of said land, reference is hereby made to Field Notes and Plat made by Andrew Harper, a Deputy Surveyor of Montgomery County, said land to be conveyed upon condition that Joel Greenwood would convey to me, the same number of acres of land, from the Northwest corner of his Head right League, also lying and being in Montgomery County, Republic of Texas, in a square form, the land being intended to be conveyed by me to my brother is a portion of my Head right League granted by the Mexican Government."

/s/ F. J. Greenwood

We agree that a Decree in conformity with above memorandum of agreement be entered or made by the Honorable District Court of Montgomery County, now in session, and that this agreement be spread upon the records of the Court.

/s/ F. J. Greenwood

/s/ B. B. Goodrich, Attorney for Anna Greenwood, Administratrix
of Estate of Joel Greenwood Deceased

In accordance with the foregoing memorandum of agreement and the further agreement of the parties, either in person or by their authorized agents and appearing to the satisfaction of the Court that it is the interest of all parties concerned as well as the heirs of Joel Greenwood and his said widow and the said Franklin J. Greenwood, that same should be carried into effect, the Court doth adjudge, order and decree the Specific Performance of said agreement as follows: That Franklin J. Greenwood do convey and make title to Anna Greenwood as the Administratrix of the Estate of Joel Greenwood, Deceased, and as Trustee for the heirs of said Joel Greenwood, of the tract of land which according to said agreement he was to have made to the said Joel Greenwood himself, The One Thousand Eleven Acres on which the said widow and Administratrix of the said Joel Greenwood, Deceased, in her character as Administratrix do convey and make title into the said Franklin Greenwood One Thousand Eleven Acres out of the Head right League of land as was granted to Joel F. Greenwood by the Mexican Government to be laid off and surveyed in a Square from Northwest Corner of the said last mentioned League of land, and that parties bear equal expenses in completion of the foregoing agreement.

* *

ISAAC PARKER vs JOHN H. PIERSON

#66 Pg 95

Injunction. This cause coming on to be heard. Counsel agreed to submit the same to the decision of the Court.

* *

ISAAC PARKER vs JOHN H. PIERSON

#66 Pg 95

This cause came on to be heard upon the injunction, it being submitted by counsel therein without argument to the decision of the Court. And the Court being fully advised therein, it was of opinion that the injunction be dissolved and the case proceed as though no injunction had ever been had and that execution issue against Defendant Parker. George W. Grant and Joseph L. Bennett, his securities upon his injunction bond.

* *

PIERRE DENISE vs APPLETON GAY

#177 Pg 95

In this case, upon the application of attorney for Plaintiff, leave is granted to amend his pretrial and case continued to next term.

* *

E. J. ARNOLD, ADM OF ESTATE OF CHRISTOPHER #195 Pg 95
VANDEVENTER vs REPUBLIC OF TEXAS

This day came the parties by their attorneys and thereupon a jury of good and lawful men came, to wit: Jackson Crouch, Henry Jackson, Claiborne West, R. B. Martin, Joseph Henson, Thomas Betts, Benj. Rigsby, Wm. Landrum, Joseph T. Gilbert, John Little, James Corner, and William Wood, who being duly elected and sworn, the truth to speak upon the issues joined between the parties, and a true verdict to render according to law and evidence, upon their oath, do say and find for the Plaintiff who is entitled to Two Thirds of a League and One Labor of .and, as in his petition prayed for. It is therefore ordered, adjudged and decreed by the Court that the Plaintiff

recover of the Republic of Texas, Two Thirds of a League and One Labor of land; and that a Certificate issue from this Tribunal to said E. J. Arnold, Administrator of the Estate of Christopher Vandeventer, as aforesaid for said land, and that the Plaintiff pay the costs for which execution may issue.

* *

E. H. ALLEN vs ROBERT GILBERT #234 Pg 96

This day came the Defendant by his attorney, and Plaintiff Allen being solemnly called to come into Court and prosecute his said suit, but he came not and thereupon Defendant's attorney moves the Court to dismiss said suit and motion was sustained and it was ordered by the Court that Defendant go hence without day and recover of Plaintiff Allen and Beverly Pool, his Security, for the use of the officers of the Court, the costs of suit in his behalf expended, and for which execution may issue against them. It is further ordered by the Court that the Clerk of this Court do issue his Writ of procedendo to the Justice or his successor in office who tried the case advising him to proceed on his Judgment with execution.

* *

W. B. ALDRICH vs CHARLES B. STEWART #234-1/2 Pg 96

Continued for Plaintiff to answer interrogatories filed by the Defendant.

* *

J. N. LINDLEY vs JOHN COTTON #228 Pg 96

Ordered by the Court that Certiorari issue from this Court to the Justice for full and complete certified copies for the proceedings as now before him.

* *

THOMAS GIBBS vs JOHN COTTON

#229 Pg 96

Ordered by the Court that Certiorari issue from this Court to the Justice for full and complete certified copies for the proceedings as now before him.

* *

THOMAS F. BAILEY vs BENJAMIN HATCH

#204 Pg 96

This day came the parties by their attorneys, Plaintiff by N. Hart Davis, Esqr., and Defendant by R. B. Green, and waives a trial by jury, agreeing to submit the case to the decision of the Court, whereupon after examination of the evidence, it is considered by the Court that the Plaintiff Bailey recover of and from Defendant Hatch and Francis Hatch, his Security on the Appeal Bond, the sum of Forty Two Dollars debt and Five Dollars and eighty cents interest and Four Dollars and twenty cents damages, making in all the sum of Fifty Two Dollars and eight cents together with the costs of suit, for which execution may issue.

* *

WILLIAM CURRY vs JOHN FOX

#205 Pg 97

Appeal. This day came the Plaintiff by his attorney, Ezekiel G. Johnson, and says he will no further prosecute said suit and moves the Court to dismiss the same at Plaintiff's cost. Motion was sustained by the Court and it is was ordered that Defendant Cox go hence without day and recover of Plaintiff and his Security, Mills Whitley, for the use of the officers of the Court, the costs of suit, in his behalf expended for which execution may issue. Further, the Court ordered a Writ of procedendo issue from this Court and ordering the Justice who tried the cause to proceed upon his Judgment with execution.

* *

**WILLIAM BLAIR vs AZARIAH PRATHER &
JOHN PRATHER**

#241 Pg 97

This day parties by their attorneys came and a jury of good and lawful men, to wit: Elisha Uzzell, James Jordan, George W. Brook, W. Rankin, Archelous Pope, Will Good, T. Gilbert, Lewis Walker, James Corner, Caleb Wallace or Watkins, William Wood and Jack Dorsey, and who being duly elected, tried and sworn the truth to speak upon the issues and a true verdict to render according to law and evidence, do upon their oath, say and find for the Plaintiff Two Thousand Two Hundred and Thirty Nine Dollars debt and interest in manner assessed by Jury aforesaid, and his costs of suit on his behalf expended, and execution may issue.

* *

WILLIAM S. TAYLOR vs JACOB SHANNON ET AL #196 Pg 97
WILLIAM BURNEY BY JACOB SHANNON vs #197 Pg 97
SARAH TAYLOR ET AL #198 Pg 97

This day came Plaintiff by his attorney, Nathan Hart Davis, Esqr., and moves the Court to continue these causes until the next term of Court. So granted and cases continued.

**

JAMES W. PARKER vs PLEASANT GRAY #202 Pg 98

Continued by leave of the Court until the next term of Court as on affidavit of Plaintiff and to have Grantee answer his petition.

**

LUCINDA STRAWTHER vs THOMAS STRAWTHER #203 Pg 98

Continued by Plaintiff by leave of the Court and leave also granted to Defendant to amend his petition.

**

ISAIAH PARKER & LUCRETIA PARKER vs DANIEL G. HAMBLIN & JAMES E. BURRELL #207 Pg 98

By leave of the Court this cause stands continued as on the affidavit of Plaintiff until next term of this Court.

**

JAMES LEE vs W. W. SHEPPERD #209 Pg 98

Appeal. Continued by parties by leave of Court until the next term of Court.

**

MARGARET MC INTIRE vs ROBERT HUDNALL #213 Pg 98

Continued on affidavit of Plaintiff.

**

PIETY L. HADLEY vs HUGH MC GUFFIN #214 Pg 98

Dismissed from the Docket.

**

THOMAS HOBBS vs HOLLY ARNOLD #215 Pg 98

By leave of Court, case continued per affidavit of Plaintiff.

**

JAMES KNIGHT vs WM. J. C. PEARCE #216 Pg 98

This day came the Plaintiff by his attorney and asks for a Judicial Attachment against the personal estate of Defendant which is granted by the Court, and it is ordered by the Court that such Attachment issue and that Alias pluries copies of Petition and Writ be issued to Defendant.

**

W. P. HUFF vs FULTON HEIRS

#219 Pg 99

Continued by leave of Court and agreement by Clerk that Security for costs of suit will be given by Plaintiff if tendered by next term.

**

HOSEA GEORGE vs RICHARD E. PACE

#222 Pg 99

JOHN BLAKELY vs RICHARD E. PACE

#224 Pg 99

By leave of Court, cases continued until next term and leave granted to Plaintiffs to amend their several petitions.

**

JAMES W. PARKER vs REPUBLIC OF TEXAS

#223 Pg 99

On motion of Clerk it was ordered by the Court that Plaintiff give additional Security for costs of suit within 60 days or cause stands dismissed.

**

STANTON FIELDS vs REPUBLIC OF TEXAS

#226 Pg 99

On motion of Nat Hart Davis, attorney for Plaintiff, this cause stands continued until next term of Court with leave to file an amended petition.

**

STANTON FIELDS vs REPUBLIC OF TEXAS

#226 Pg 99

On motion of Nat Hart Davis, attorney for Plaintiff, this cause stands continued until next term of Court with leave to file an amended petition.

**

JAMES A. JENKINS vs PHILIP AVERITT

#238 Pg 100

Judgment for default entered this term was set aside on motion of Plaintiff for want of service. Leave granted to amend petition, and Alias copies of the writ and petition to issue. Case continued.

**

KEALOFER & ALEXANDER vs DANIEL BIRD

#239 Pg 100

The parties by their attorneys came along with a jury of good and lawful men came, to wit: Jackson Crouch, Henry Jackson, Claiborne West, R. B. Martin, Joseph Henson, Thomas Betts, William Landrum, James Ford, John Little, Wm.

Wood, James Corner, Benj. Rigby, who being elected, tried and sworn, the attorney for Plaintiff's agree to take a non suit. It is therefore considered by the Court that the Defendant recover of Plaintiff and their Security, for the use of the officers of the Court, all costs in his behalf expended, for which execution may issue.

* *

JAMES W. PARKER vs PHILIP GOODBREAD #240 Pg 100

On motion of Plaintiff, leave is had to amend his petition, and Alias copies of amended petition to issue. Rule had by leave of the Court that Plaintiff give Security for costs of suit within sixty days or case stands dismissed. So ordered.

* *

JAMES MCGOWAN vs AMANDA SMITH #244 Pg 100

Plaintiff came and said he does not intend to prosecute this case any farther. Attachment stands dismissed and Plaintiff pays costs.

* *

FRANKLIN BRIGNANCE vs A. G. PERRY #246 Pg 100

By leave of Court and agreement between parties, this case is continued to next term.

* *

JAMES W. MC MILLAN vs HUGH DAVLIN #249 Pg 101

Parties came, and with leave of the Court, agree to continue this case until next term.

* *

JOSEPH KNOTT ADM vs WM B. LOFTON #250 Pg 101

Parties came by their attorneys and on application and motion by attorney for Defendant Thomas B. White, Esqr., to change the venue to Liberty County, and upon satisfactory evidence, it was ordered by the Court that Clerk send certified copies of proceedings herein as now in this Court to the District Clerk of Liberty County.

* *

JAMES W. PARKER vs REPUBLIC OF TEXAS #223 Pg 101

By leave of the Court, Plaintiff is permitted to file amended petition herein.

* *

JOHN RICE JONES vs SOLOMON SMITH

#253 Pg 101

Judgment by default entered herein on second day of Court was ordered to be set aside upon answer, and further ordered that case stand continued until next term of Court as on affidavit of Defendant.

* *

ELI B. WARREN vs MARK RAWLINS

#257 Pg 101

This day came Defendant by his attorney and moved the Court to continue this cause until next term. It is ordered by the Court that same be continued until next term of Court as on affidavit of Defendant.

* *

HOLLY ARNOLD, APPELLANT vs JOHN F. CRAWFORD FOR USE OF JOSEPH GILBERT, APPELLEE

#256 Pg 102

This day came parties by their attorneys, and it appearing to the satisfaction of the Court that there was no appeal bond filed herein, the case was dismissed and Defendant go hence without day and recover of Plaintiff and his Security, for the use of the officers of the Court, all costs of suit in his behalf expended for which execution may issue. It is further ordered that the Clerk of Court issue to the Justice who tried the cause and his successor in office, ordering him to proceed upon his Judgment with execution.

* *

HERMAN HOLT vs A.H. MASON, ADM ESTATE OF MOCK

#260 Pg 102

Judgment by default entered on second day of Court and is now entered further against A. H. Mason, Administrator of Estate.

* *

SAMUEL THOMPSON vs JOHN SADLER

#261 Pg 102

Defendant came by his counsel Franklin, and Defendant failing to appear to prosecute his suit, was ordered to be called, which being done, he answered not. Whereupon, on motion of Defendant's attorney, it is ordered by the Court that this case stands dismissed and that Defendant go hence without day and recover of Plaintiff for the use of officers of the Court the costs of suit in his behalf expended for which execution may issue.

* *

THOS. T. BAILEY, APPELLEE vs HENRY SHORES, APPELLANT

#263 Pg 102

This day came the Plaintiff by his attorney, N. H. Davis; Defendant by R. G. Grave, and agree that the appeal herein be dismissed at Appellant's cost. It

was ordered by the Court that said appeal be dismissed and that the Appellant and his Security on the appeal bond pay costs of said appeal for which execution may issue for this Court and it was further ordered that the Clerk of Court issue a Writ of proceedings to the Justice Court from whose Judgment appeal was taken and to successors in office to proceed on his Judgment with execution.

* *

**TOWN OF MONTGOMERY, ELEANOR GAY ET AL vs #265 Pg 102
JOHN LOTT AND W. C. JONES**

Judgment by Default set aside upon answer, and case continued by consent of the Court.

* *

**WILLIAM ATKINS ADM OF ESTATE OF THOS #268 Pg 103
CORNER, DECEASED vs JAMES CORNER**

This day came Nat Hart Davis, attorney for Plaintiff, and the Defendant in his own person, comes and confesses Judgment in the sum of Three Hundred and Seven Dollars and seventy five cents damages. It is considered by Court that Plaintiff recover of said Defendant the sum stated with execution.

* *

A. D. KENNARD vs R. E. PACE #272 Pg 103

Parties came by their attorneys and Judgment by default was entered by the Court on the second day of term and is made final in the sum of Three Hundred and Ninety Three Dollars and 68 cents. It was considered by the Court that Plaintiff recover of Defendant this sum of money as in his petition prayed for with interest and his costs of suit in his behalf expended and execution may issue.

* *

LEONARD WILLIAMS vs THOMAS MC IVOR #275 Pg 103

It appeared that service had not been made upon Defendant and it was ordered by Court that Alias petition and writ issue.

* *

MISSISSIPPI UNION BANK vs JNO F. CRAWFORD #276 Pg 103

Judgment by Default on second day. Set aside on answer of the Defendant, and on motion of counsel for Defendant, case was continued until next term.

* *

**ALEXANDER BRYAN vs MILTON S. KELTON
& O.P. KELTON**

#247 ½ Pg 104

Case #247½ is in replevin and trial of right of property claimed. Parties came by their attorneys and a Jury of good and lawful men were empaneled and Jury rendered in favor of Defendant.

Whereupon it is ordered, adjudged and decreed by the Court that Plaintiff take nothing, that O. P. Kelton go hence without day and recover the Negro man in the proceedings mentioned, the right and title to which is hereby declared and decreed to be in said Defendant O. P. Kelton and that he is hereby forever quieted in his possession of said Negro man so far as claim of the Plaintiff and so far as the claim of Milton S. Kelton or any one claiming through, by, or under him. It is further ordered by the Court that the execution issue by or in favor of Alexander Bryan levied upon said Negro man, be and is, hereby and forever enjoined and that the Plaintiff pays costs of suit, for which execution may issue.

* *

CHARLES B. STEWART vs HUGH MC GUFFIN

#217 Pg 104

The cause came on to be heard, and Defendant saying nothing in opposition of the demand of Plaintiff, and expressing his willingness to comply with the alternative fiat of the Judge granting the prayer of the Petitioner by receiving the said official bond tendered to him by the Petitioner.

It is considered by the Court that the said Petitioner duly checked Clerk of the District Court of said County and that his bond is accepted and filed according to law and he duly qualified and installed in such office, and that he recover his costs about his suit in his behalf expended for which execution may issue against said Hugh McGuffin.

* *

WILLIAM S. BLOUNT vs REPUBLIC OF TEXAS

#283 Pg 105

On motion of John McCrary, attorney for Plaintiff, leave is granted by Court to amend petition, and case continued.

* *

JAMES JORDAN vs THOMAS SCOTT

#285 Pg 105

Appeal. In this case it appearing to the Court that an incomplete transcript of the said proceedings have been sent up to this Court. It is ordered by the Court that Certiorari issue for the perfect record of all of the papers in this proceeding, as now before said Justice.

* *

THOMAS HOBBS vs EDGAR H. ALLEN

#290 Pg 105

By leave of the Court, Hobbs' attorney, B. C. Franklin, Esqr., is permitted to withdraw the papers in this cause.

**

SARAH WEBB vs JESSE W. WILSON ET AL

#294 Pg 105

Sarah Webb alias Sarah Cato brings this suit against Jesse W. Wilson, James Gillespie, Hardy Ware, and C. C. Alexander for sum of Seventy Two Dollars and twenty cents interest and costs of suit by them in this Court expended and that the costs in the Justice Court be paid by Plaintiff. The parties waived a jury trial and agreed to submit this cause on appeal to the Judge in District Court. Plaintiff Sarah Webb, alias Sarah Cato, recovers of Defendants the sum above mentioned and Defendants recover from Webb the costs of suit in Justice Court. Execution may issue.

**

PAMELA YOCUM vs JACOB SHANNON

#212 Pg 106

This day came the parties by their attorneys and agree no longer to prosecute said suit and Defendant by his attorney assumed to pay the costs.

**

JACOB SHANNON vs PAMELA YOCUM

#211 Pg 106

The parties by their attorneys came and agreed no longer to prosecute said suit, and Defendant by his attorney agreed to assume the costs. However, it is considered by the Court that Plaintiff Shannon recover of Defendant and her Security the costs of suit in this behalf expended and execution may issue. [Abstracter's Note: It appears that Case #211 was brought in the Justice Court and #212 was brought in the District Court.]

**

PLEASANT GRAY vs JOB C. COLLARD

#122 Pg 106

Malicious Prosecution. Be it remembered that at the present term of this Court, this cause came on for trial and upon the trial thereof before the Jury, the Plaintiff offered in evidence to support the issue on his part, an Indictment of the following tenor and effect, that is: The Republic of Texas, Montgomery County District Court, November Term Eighteen Hundred and Forty. The Grand Jury elected, empaneled, sworn and charged to inquire for the body of the County of Montgomery aforesaid upon their oaths present that heretofore, to wit, on twenty fifth day of December, Eighteen Hundred and Thirty Nine in County aforesaid a certain Pleasant Gray, late of said County, did with force and arms feloniously take and carry away two hogs of the value of Forty

Dollars of the property of said Job C. Collard to the great damage of said Collard contrary to the Statute in such case made and provided and against the peace and dignity of the Republic.

/s/ James P. Lowery, District Attorney

And thereupon came Defendant by his counsel and objected to the Indictment as inadmissible in evidence under Plaintiff's petition. The Indictment avers the hogs were charged to be of the value of Twenty Dollars which was overruled by the Court. Defendant by counsel prays that his bill of exception be enrolled and made a part of the Record in this case which is accordingly done before the Jury returns to the Bar. Case sent up to Supreme Court with record

/s/ P. C. Jack, Judge

* *

PLEASANT GRAY vs JOB C. COLLARD

#122 Pg 106

Malicious Prosecution. Be it remembered that at the present term of Court, the above cause came on to be heard before a jury, and the Defendant in support of the issue on his part, offered Benjamin B. Goodrich, an attorney of the Court, as a witness on his part to prove that before he took any steps whatsoever in relation to the Indictment for the Hog Stealing, he had taken the legal advice of said Goodrich in relation to that matter and interrogated the said witnesses as to what advice he had given to him, to which testimony and questions Plaintiff by his counsel objected to as inadmissible, which objection was sustained by the Court and said testimony was excluded (and which Said Defendant's counsel had offered.) Defendant by counsel prays that his bill of exception be signed, sealed and enrolled and made a part of the Records in this case which is accordingly done before the Jury returns to the Bar.

The Clerk is instructed to annex and send up with the transcript of the Record, the original Indictment alluded to in the exceptions as it is conceived that the Supreme Court can better Judge of it than by a copy.

/s/ P. C. Jack, Judge (Seal)

* *

LEONARD W. GROCE vs W. R. BOWEN

#218 Pg 108

This day came the parties by their attorneys and waived a trial by jury and agreed to submit the cause to the decision of the Court. It is their opinion that Plaintiff recover of Defendant Four Hundred and Sixty Eight Dollars and 31 cents debt as in the petition prayed for, with eight per cent interest from April 27, 1841. Plaintiff recovered Five Hundred and Forty Dollars and seven cents

debt and of interest and costs of suit by him expended and for which execution may issue by the agreement of the parties.

* *

ALBERT CLOYES vs MASSENA MC COMBS #251 Pg 108

In this case, on the third day of the trial, a Rule for Security of Costs was entered against Plaintiff and Simon Jones came into open court and undertook to satisfy the costs if same necessary.

* *

JAMES R. JENKINS vs JOHN & LUCY ROBBINS #180 Pg 108

An Affidavit was made by Robbins to advise that John Robbins was sick and unable to attend Court. By leave of the Court, it was ordered that case be continued until next term.

* *

Monday, April 3, 1843

HENRY RAQUET vs WILLIAM MC DONALD #100 Pg 109

By leave of the Court, on motion of Joseph C. Megginson, attorney, this case was continued until next term by Plaintiff's Affidavit.

* *

W. H. WOOD vs JOSEPH LINDLEY #210 Pg 109

Injunction. By leave of the Court this case stands continued until the next term.

* *

JOSEPH LINDLEY vs J. H. WOOD #136 Pg 109

Replevin. Parties in this cause came into open court and agreed to discontinue the case, with each to pay the costs by him made and expended. Execution may issue.

* *

ALEXANDER BRYAN vs OLIVA P. KELTON & E. UZZELL ADM OF ROBERT KELTON, DEC'D #247 Pg 109

Parties came by their attorneys and this cause came on to be heard on the Petition, the answer, exhibits, and other proof of Defendant Kelton and the other Defendant herein, Elisha Uzzell, Administrator of the Estate of Robert Kelton, Deceased appearing not and making no defense for Plaintiff's demands and thereupon came a jury of good and lawful men, to wit: G. W. Brooks, Seaborne I. Bennett, Thos. Seville, Jeremiah Worsham, John Dorsey, William

McDonald, Archelous Pope, N. K. Alston, P. H. Fullinwider, E. J. Arnold, Appleton Gay, Wiley B. D. Smith, who are elected, tried and sworn, that they will truly try the same submitted to them, to wit, the following:

1. Whether or not the Estate of Robert Kelton, Deceased, at the time of the institution of this suit by reason of the claims set out and described, and cited, in his said petition was or is indebted to the said Plaintiff.
2. Whether or not the sale of the land or Negroes in the proceedings mentioned was fraudulent.

* *

Tuesday, April 4, 1843

Rendered their Verdict severally in the words and figures, to wit: "On the first, we do not consider Robert Kelton as indebted to Alexander Bryan at the time O. P. Kelton made the purchase. On the second, we also consider the sale of the land and Negroes from R. Kelton to O. P. Kelton as good and valid." Signed Thos Cooke, Foreman.

Conclusion: That said O. P. Kelton is the rightful owner of the said land and slaves, and the title is quieted against the Plaintiff and of all or every person or persons claiming by, through or under the said Alexander Bryan and that said Defendant go hence without day and recover of Plaintiff the costs of suit. Execution may issue.

* *

WILLIAM S. TAYLOR vs JESSE B. MC NEALY

#59 Pg 110

Bill of Specified Performance. Be it remembered that at said term the foregoing case came on to be heard. First, argument was had upon the Demurrer in said case as part of Defendant's answer. When the Court declined an opinion overruling said Demurrer, Defendant's counsel excepted and tendered his Bill of Exceptions and prayed the Court that the same might be signed, sealed and ordered as part of the record, which was accordingly done.

/S/ P.C. Jack, Judge

* *

ELIJAH R. LLOYD vs ALEXANDER MC GOWAN #221 Pg 110

This day came the parties by their attorneys, Plaintiff by his attorney, N. H. Hart and Defendant by attorney B. C. Franklin and waive their rights to trial by jury submitting the case entirely to the Court. Thereupon, the Court after hearing and fully understanding the evidence and being fully advised, is of the opinion that Plaintiff recover of and from said Defendants the sum of Two Hundred and Seventy Four Dollars and twenty nine cents damages, in his behalf sustained by the reason of their non compliance with the promises as set forth in Plaintiff's Petition. It is considered by the Court that Plaintiff recover of Defendant Alexander McGowan and Charles M. Conroe, late partners in trade, trading and negotiating under the name of McGowan & Conroe, the sum of Two Hundred and Seventy Four Dollars and twenty nine cents his damages, his costs of suit for which execution may issue.

* *

**REPUBLIC OF TEXAS vs NIMROD EDWARDS, #82 Pg 111
WILEY B. D. SMITH, ISAIAH PARKER & JESSE JOHNSON**

On Friday the fifth day of this term, A. G. Perry, counsel for W. B. Smith moved the Court to sever his trial from the other Defendants, which motion was granted. So entered, Nunc pro tune.

* *

**REPUBLIC OF TEXAS vs NIMROD EDWARDS, #82 Pg 111
WILEY B. D. SMITH, ISAIAH PARKER & JESSE JOHNSON**

On Friday the fifth day of this term, Isaiah Parker being brought into Court to answer to the Republic of Texas in this prosecution, made an Affidavit that he was unable to go to trial from sickness, and his trial was continued to the next term of Court and entered, Nunc pro tune.

* *

REPUBLIC OF TEXAS vs JESSE JOHNSON ET AL #82 Pg 111

On Friday the fifth day of this term, Jesse Johnson, who being solemnly called came not, and John Peavyhouse, his Security for his appearance was called to appear and bring with him said Jesse Johnson, but upon failure to appear, both Jesse Johnson and John Peavyhouse were fined One Thousand Dollars each and Scire facias issued against each and /or either to appear at next term of Court to show cause why forfeiture should not be made final and Judgment final, Nunc pro tune.

* *

REPUBLIC OF TEXAS vs NIMROD EDWARDS, #82 Pg 112
WILEY B. D. SMITH, ISAIAH PARKER & JESSE JOHNSON

On Friday the 31st day of April and fifth day of this Spring Term, severance having been made as to W. B. D. Smith, the case was continued as to Isaiah Parker, and default being made as to Jesse Johnson and Nimrod Edwards, case stands for trial and thereupon came Republic of Texas by Peter W. Gray, Esqr., the District Attorney pro tem and Nimrod Edwards in his proper person, and being arraigned for trial but said that he was not guilty and put himself upon the County for his trial, and thereupon came a jury of good and lawful men, to wit: Jackson Crouch, Henry Jackson, Claiborne West, R. B. Martin, Joseph Henson, Thos. Betts, Wm. Ware, Benjamin Rigby, William Landrum, James Ford, John Little, and James Corner, who being duly elected and sworn the truth to speak upon the issues.

Jury found Defendant Guilty and it was then ordered by Court that Defendant Edwards be imprisoned for three months and be fined One Hundred Dollars; and it appearing to the Court that there is no jail in the County of Montgomery, it is further ordered that Defendant be imprisoned in City of Houston and County of Harris and that the Sheriff of this County deliver Nimrod Edwards into the custody of the Sheriff of Harris County, with Defendant to pay costs of suit and the fine herein owed, and execution may issue.

Date of imprisonment of said Edwards commences from the fifth day of this term. Judgment was pronounced by the Court on the day in which verdict was rendered, but not being then entered, it is now ordered by the Court that the Same be now entered, Nunc pro tune.

* *

JOHN RICE JONES vs SOLOMON SMITH #252 Pg 112

William B. Lofton is Security for costs by his bond filed in this case.

* *

REBECCA ALLEN vs JAMES MC COWAN #243 Pg 113

This day came the parties by their attorneys, Plaintiff by Messrs. White & Garrett and Defendant by Messrs. Megginson and Smith, and thereupon came a jury of good and lawful men, to wit: Archelous Pope, B. F. Irvine, Seaborne I. Bennett, W. M. Rankin, John Landrum, Thomas Cooke, Alex Whitaker, Appleton Gay, Nat K. Alston, Isaac Tabor, Malcolm Johnson, and Henry S. Mock, all who being duly elected and sworn the truth to speak upon the issues between the parties and a true verdict render them according to law and evidence upon their oath, do say and return the following verdict, to wit: "We

the Jury agree that Mrs. Rebecca Allen is the proper owner of the Negro Isabella and that Mr. James McCowan pay to said Mrs. Allen the sum of Five Hundred Dollars which debt can be discharged by delivery of said Negro to Mrs. Allen and paying Mrs. Allen Seven Dollars per month for services of Isabella from time she was retained by Mr. McCowan until the present time." Signed Thos Cooke, Foreman.

* *

W. S. TAYLOR vs JACOB SHANNON ET AL #196 Pg 113

This day came into open court John Pyle who undertakes and agrees that if Plaintiff herein does not prosecute his suit to effect and be cast in the costs, or if he prosecute his suit to judgment and execution, and do not make the costs upon execution or executions out of Defendant, Pyle will pay costs for him, for which execution may issue.

* *

W. S. TAYLOR vs WM. BURNEY & JACOB SHANNON #197 Pg 113

This day came into open court John Pyle, who undertakes and agrees that if Plaintiff herein does not prosecute his suit to effect and be cast in the costs, or if he prosecute his suit to judgment and execution, and does not make the costs upon said execution or executions out of the Defendant, John Pyle will pay costs, and execution may issue.

* *

WM. S. TAYLOR vs SARAH H. TAYLOR ET AL #198 Pg 114

This day came into Court John Pyle who undertakes and agrees that if Plaintiff herein does not prosecute his suit to effect and be cast in the Costs, if he should prosecute his suit to judgment and execution, and does not make costs upon said execution or executions out of the Defendant, Pyle will pay costs for him, and execution may issue against him, John Pyle.

* *

REBECCA ALLEN vs JAMES MC COWAN #243 Pg 114

This day came the Defendant and moved the Court to set aside the verdict of the Jury in this case and motion was sustained by the Court and a new trial granted.

* *

Wednesday, April 5, 1843

**CHARLES B. STEWART, CLERK OF DISTRICT COURT #217 Pg 115
vs HUGH MC GUFFIN UPON MANDAMUS**

The Mandamus issued by the Court requiring The Chief Justice of Montgomery County to receive the bond of C. B. Stewart as Clerk of the District Court for Montgomery County and being sustained, this day came C. B. Stewart into open court and before P. C. Jack, Presiding Judge of said Court did take the oath required by law as Clerk of said District Court in and for Montgomery County.

**

JAMES MC COWAN vs AMANDA SMITH #117 Pg 115

This day came Plaintiff by his attorneys, Megginson & Smith, and moved the Court for leave to have an Alias pluries or a Judicial Attachment against the personal property of the said Defendant at their election, which motion was granted and it was ordered accordingly.

**

PIERRE DENISE vs APPLETON GAY #178 Pg 115

In this cause, on the second day of the Term, a Judgment by Default was entered by his Honor the Judge against Defendant upon the County docket. So entered, Nunc pro tune.

**

JAMES KNIGHT vs W. J. C. PEARCE #216 Pg 115

In this case an Alias pluries was issued against Defendant by order of the Court.

**

W. B. LOFTON vs EDWARD BAILEY #184 Pg 115

Thomas B. White asks to withdraw the papers in this cause, Defendant having been sued in Washington County.

**

**ALEXANDER BRYAN vs OLIVA P. KELTON, #247 Pg 116
MILTON S. KELTON & ELISHA E. UZZELL ADM**

This day came B. C. Franklin, attorney for Plaintiff and gave notice praying an appeal to the Supreme Court which prayer is granted, and it is so ordered accordingly that transcripts of the papers herein be sent up to the Supreme

Court upon bond and Security for costs and damages being filed with the Clerk.

**

DOVEY S. HOWIE vs JAMES R. HOWIE #298 Pg 116

Divorce. In this case it being represented that residence of Defendant is unknown, Court ordered the usual publication of pendency of suit in some public print or newspaper giving Defendant a notice to appear and answer Plaintiff's petition at the next term of the Court or that same will be read or heard ex parte. Publication shall be made for six weeks previous to the next term of Court in the *Brazos Farmer*, a paper printed in City of Washington in the Republic.

**

PAMELA YOCUM vs JACOB SHANNON #212 Pg 116

This day came the parties by their attorneys. Plaintiff says she will no further prosecute said suit, Defendant to pay the costs. It is therefore considered by the Court that Plaintiff recover of Defendant for use of the officers of the Court the costs in his behalf expended, for which execution may issue.

**

PETER W. FULLINWIDER vs REPUBLIC OF TEXAS #296 Pg 116

Case was continued until next term by order of the Court.

**

JAMES EDWARDS vs GEORGE YOUNG #107 Pg 117

This day came the parties by their attorneys and moved the Court to reinstate this case continuing on the fifth day of this trial, which is permitted by the Court, and now stands for further motions and actions therein. And the parties now appear in open court and ask leave of the Court that the things in issue between them should be submitted to arbitration and the decision of Benj. C. Franklin and Nat Hart Davis and whose award returned at this term shall be made the Judgment of the Court which being granted, it is ordered accordingly. And thereupon in pursuance of the foregoing order, the said arbitrations returned following awards, to wit:

REPUBLIC OF TEXAS §
MONTGOMERY COUNTY § Spring Term of 1843

In the Case of James Edwards vs George Young: Be it remembered that when the case was called, the parties agreed said suit would be submitted to arbitration and the decision of Benj. C. Franklin and Nat Hart Davis whose award would be made the Judgment of the Court.

First: It is awarded that the contract of sale made between the parties on the 5th day of March Eighteen Hundred Thirty Nine be annulled and set aside and bond of said Edwards given to said Young be delivered up and the note given by Geo Young to Edwards to be delivered up and both annulled.

Second: It is awarded that James Edwards shall pay to said Young through Benj. C. Franklin Two Hundred and Fifty Dollars to pay funds on first day of January Eighteen Hundred Forty four.

Third: It is awarded that said Young shall use, occupy and retain possession of the premises he now occupies and for and during the year Eighteen Hundred and Forty Three and until the payment thereafter of said Two Hundred and Fifty Three Dollars.

Fourth: It is awarded that the said Young shall have and retain a Special Lien on One Hundred Acres of land including his improvements for final payment of the said Two Hundred and Fifty Dollars, the form of the survey and direction of the lines to be determined by said Young or his assigns.

Fifth: It is awarded that said Edwards shall pay all costs incurred in suit, save attorney fees charged by Defendant's attorney.

Sixth: It is awarded that if the money is not paid on the first day of January next said Young or his assigns shall hold the premises free of debt for the year Eighteen Hundred and Forty Four and so of every and any year when the payment shall not be made on the first of any month of January though the money should be paid or tendered during any year.

Seventh: It is awarded that on the payment of any money on the first day of January next, the said Young shall deliver quiet and peaceable possession of the premises if the money is paid after the first of January of any year the said Young to deliver possession of the premises on the first day of January following the payment. In the meantime said Young retaining possession as the tenant of said Edwards free of rent, abstaining from all unnecessary waste on premises.

Eighth: It is awarded that in case the money is not paid on the first day of January Eighteen Hundred and Forty Four then execution for said sum shall be staid until after the Spring Term of the District Court in and for said County for the year Eighteen Hundred Forty Four, after which time execution to issue unless a receipt is filed with the Clerk of Court, the possession of the premises by Geo. Young to cancel the interest occurring on said debt.

Ninth: It is awarded that the award be made the Judgment of the Court and entered of record.

/s/ Benj. C. Franklin

/s/ N. Hart Davis

Attest: /s/ P. C. Jack

Benjamin C. Franklin and N. Hart Davis having made and returned into the Court the following award, according to their agreement. It is considered, ordered and decreed by the Court that said award be and the same is hereby made the Judgment of decree of the Court. It is further ordered by the Court that Defendant go hence without day and recover as in said award mentioned of the Plaintiff, all costs of suit for which let execution issue.

* *

**ALEXANDER BRYAN vs O. P. KELTON, E. UZZELL, #247 Pg 119
ADM FOR R. KELTON, DECEASED**

In this case, the Plaintiff moves for new trial on following grounds:

First: Because the Court erred in the charge to the Jury as stated in Bill of Exceptions.

Second: Because Verdict is contrary to evidence.

Third: Because Verdict is contrary to law.

Motion overruled by Court.

* *

**ALEXANDER BRYAN vs O. P. KELTON, E. UZZELL, #247 Pg 119
ADM FOR R. KELTON, DECEASED**

Bill of Exceptions brought into District Court for Montgomery County, Spring Term, 1843. Be it remembered that on trial of this cause, Plaintiff offered in evidence the Assessor's list for Montgomery County for the year Eighteen Hundred Forty One which had been delivered to the Sheriff of said County as tax collector by John M. Wade, the assessor, from which list the now deceased Robert Kelton had given as taxable property for the year 1841, to wit; Three Hundred and Twelve acres of land, Six Hundred Forty acres of unlocated land, two Negroes and a watch.

To the introduction of which list the Defendant by his counsel objected on the grounds that the Assessor was the best witness to prove the books. The Court sustained the objection and rejected the evidence to which Plaintiff by his counsel ask leave to object. [Several other objections were made such as delivery of Negroes in sale which had not been made; some question about the purchase money; evidence that O. P. Kelton advanced the purchase money to Robert Kelton, etc.] Plaintiff tendered his Bill of Exceptions to the Court and requested that same be signed, sealed and ordered to be a part of the record. Accordingly done.

/s/ P. C. Jack, Judge (SEAL)

* *

ALEXANDER BRYAN vs MILTON KELTON & O. P. KELTON #247-1/2 Pg 120

This day came the Plaintiff by his attorney, Ben C. Franklin and prayed an appeal to the Supreme Court from the verdict of the Jury and it is ordered that the Court record be sent up.

**

WILLIAM B. ROBERT vs CORNER B. CORLEY #185 Pg 120

This day came R. C. Green and moved the Court in arrest of the Judgment entered in this case, filing his Motion and Bill of Exceptions. Signed and sealed by the Judge.

**

BENJ. F. ERVINE vs PETER W. FORD #233 Pg 120

Continued to next term by order of the Court.

**

And thereupon the Court adjourned until Thursday morning.

Thursday, April 6, 1843

E.M. FULLER vs T. T. MC IVOR & T. T . BAILEY #286 Pg 121

Continued to next term.

**

SAM. D. HAY vs JOSEPH NYMAN #256 Pg 121

This day came the Jury, on yesterday empaneled and sworn in this cause, and also came the parties by their attorneys and agree to withdraw a Juror and that a mistrial be declared and case continued to next term.

**

CHARLES B. STEWART vs JOHN PYLE #236 Pg 121

This day this cause came on to be heard on the motion by the Plaintiff's attorney to dismiss the Certiorari in the case, which motion was sustained by the Court. Wherefore it is adjudged, ordered and decreed that a Writ of Precedent issue by the Clerk of this Court to said Justice and his successor in office, and commanding him to execute Judgment, and the Chief Justice of Montgomery County be forever prohibited and enjoined from further action or in any wise interfering with the Judgment of said Justice, and Plaintiff Stewart recover of Defendant the costs of proceedings. Execution may issue.

/s/ P. C. Jack, Judge

Attest: C.B. Stewart

**

Fall Term 1843

**REPUBLIC OF TEXAS §
COUNTY OF MONTGOMERY §**

Pg 122

Be it remembered that the Fall Term for the holding of the District Court, in the County of Montgomery, there was no Court held for said Fall Term 1843.

/s/ C. B. Stewart, Clerk

**

*Monday March 25, 1844
Spring Term*

**REPUBLIC OF TEXAS §
COUNTY OF MONTGOMERY §**

Pg 122

Be it remembered on the 26th day of February, 1844, there was begun and held a District Court in and for said County and Republic aforesaid at the Court House in the Town of Montgomery. Being present and presiding was the Hon. P. C. Jack, Judge of the Sixth Judicial District and John D. Blanton, Sheriff, and Charles B. Stewart, Clerk of said County. Peter W. Gray Esqr., was District Attorney for said Sixth Judicial District. Court having been opened by the Sheriff, he proceeded to draw a Venire facias to serve for a the Spring Term, to wit:

**REPUBLIC OF TEXAS §
COUNT OF MONTGOMERY §**

Be it remembered that on the 26th day of February in the year of our Lord One Thousand Eight Hundred and Forty Four at the Clerk's office in County of Montgomery and Republic of Texas, Wm. H. Fowler, Deputy Clerk of District Court, in and for said County and Republic and John B. Barton, Sheriff, in the presence of worshipful Lem G. Clepper, acting Justice of the Peace, to draw a Venire facias to serve at the Spring Term of said Court to be held on fourth Monday of March next, AD 1844. Following persons were drawn as good and lawful men of the County aforesaid, to wit: Daniel Robinson, Franklin Brignance, William Boggas, W. I. Viser, John Park, Blake Brantley, James S. Ridgeway. Lewis Cox, Henry Hawkins, Wm. Tippett, Hudson Tabor, John B. Camp, John Peterson, William Johnson, Richard E. Pace, John Whitley, Hosea M. Bullock, John F. McGuffin, Jesse Johnson, John A. Fox, Bailey Daniels, Joseph Henson, John Wood, William Sellers, A. U. Springer, Henry Ford, Orrin

McWaters, William Faris, W. R. Bowen, Elisha Uzzell, William Clancy, R. D. Westcoat, Armstead Rodgers, James B. Barker, Jess Gray, and James Wood. Sworn and certified to by Wm. H. Fowler, Deputy Clerk and by the Sheriff, J. D. Barton, on 26th day of February, AD 1844, and also certified by Lem G. Clepper, Associate J.P.

And thereupon was issued a Scire facias to the Sheriff of said County, signed and tested by the Deputy Clerk, Wm. H. Fowler, upon which the Sheriff made the following return:

"The following persons have been summoned by personal service to serve as jurors at Spring Term of 1844: Daniel Robinson, W. J. Viser, John Park, James S. Ridgeway, Lewis Cox, Hudson Tabor, Wm. Johnson, Richard E. Pace, Hosea M. Bullock, John F. McGuffin, Joseph Henson, John Ward, A. N. Springer, Henry Ford, Oren Winters, Wm. Faris, W. R. Bowen, Elisha Uzzell, Wm. Clancy, Amstead Rogers, James A. Barker "not summoned, but another through mistake."

"The following persons were summoned by leaving a note at house: John Peterson, John Whitley, Jesse Johnson, John A. Cox, Franklin Brignance (gone to Tennessee), William Boggas (Dead Mar. 22, 1844), John D. Barton and John B. Cary. " Sheriff notes continued. "Blake Brantley not found, Henry Hawkins not found, William Tippettt not found, Wm. Sellers was neglected to be served, R. D. Westcoat not served, Jesse Gray neglected but afterwards served, James Wood found, John Park being sick, John F. McGuffin being County Coroner, was excused And thereupon the Court ordered fifteen persons to be drawn from among the jurors returned by the sheriff summoned when the following names were drawn, to wit: Hudson Tabor, Henry Ford, E. Uzzell, John A. Fox, R. E. Pace, Lewis Cox, Jon B. Camp, James Wood, Jesse Gray, Wm Faris, John Whitley, Jesse Johnson, Joseph Henson, James S. Ridgeway and Amstead Rogers who being duly sworn to serve as Grand Jurors for the term aforesaid, and the county aforesaid, and being each and severally examined for their qualifications as freeholders and householders and such of them who had not taken the oath of allegiance to this Republic and whom it was necessary to take such an oath to be competent jurors by this Court, and James Wood being appointed by the Court, as foreman thereof were committed to the custody of Thomas Darcy, having been sworn as Bailiff and charged as Grand Jurors at this term upon which a writ issued to the Sheriff who returned same executed.

* *

Monday, March 25, 1844

EDWARD BAILEY vs ROBERT R. GRAVES

#67 Pg 125

This day came the parties by their attorneys and thereupon came a jury of good and lawful men, to wit: Wm. McIntire, Joseph Worsham, Geo. M. Weekly, Isaiah McGary, Wiley B. D. Smith, George W. James, Daniel Robinson, Thos. Betts, Ed A. Clark, William Wood, Joseph Harrison, and William F. Evans, who being duly empaneled, sworn and tried the truth to speak upon the issues joined between the parties, upon their oaths do say and find for Plaintiff Edward Bailey in the sum of One Thousand Dollars as principal and Two Hundred Eleven Dollars and thirty five cents interest. Signed W. T. Evans, Foreman.

It is therefore considered by the Court that said Plaintiff Edward Bailey recover of Defendant Graves the sum aforesaid, plus costs of suit.

* *

HENRY RAQUET vs WILLIAM MC DONALD

#100 Pg 125

This day came the parties by their attorneys and thereupon came a jury of good and lawful men, to wit: Wm. McIntire, Joseph Worsham, Geo. M. Weekly, Isaiah McGary, Wiley B. D. Smith, George W. James, Daniel Robinson, Thos. Betts, Ed A. Clark, William Wood, Joseph Harrison, and William F. Evans, who being empaneled and sworn to well and truly try all of the causes, according to law and evidence, submitted to them at trial for this term of Court, and a true verdict to duly render. The jury found for the Defendant and he to recover from Plaintiff and his securities, Thomas J. Rusk and David Rusk, all of his costs of suit by him expended.

* *

JAMES R. JENKINS vs JOHN ROBBINS ET AL

#180 Pg 126

This day came the parties by their attorneys, Albert G. Perry for Defendants and Joseph C. Megginson for Plaintiffs, and agree that a Judgment be entered against John Robbins and Lucy Robbins for the sum of One Hundred Fifty Dollars and interest at the rate of five per cent per annum from the 12th day of March 1838 less the sum of Fifteen Dollars paid by Defendants James D. Jones on January 4, 1841 and five per cent from that, leaving the sum of One Hundred Seventy Seven Dollars and sixty two cents principal and interest. It is therefore considered by the Court that Plaintiff Jenkins recover of John and Lucy Robbins the sum of One Hundred Seventy Seven Dollars and sixty two cents principal and interest plus costs of suit.

* *

LLOYD M CASE & CO. vs E. M. GRAY

#42 Pg 126

This case continued by consent of the Court, Megginson for Plaintiff and Hay for the Defendant. Leave had to amend the petition of Plaintiff by filing interrogatories to Defendant. Ordered accordingly.

**

**GEORGE R. GLENN FOR USE OF JAMES KNIGHT vs
JOHN ROBBINS**

#48 Pg 126

This day came the Plaintiff by his attorney and the Plaintiff neither appearing by attorney nor in person to prosecute his suit. It is ordered by the Court that same stands dismissed. Court held that Defendant recover of Plaintiff James Knight and his Security William R. Landers his costs of suit by him in his behalf expended, for which execution may issue.

**

C. H. STERNE ET UX vs JOHN MARLIN

#69 Pg 127

The order of the Court to dismiss this suit is set aside and case is opened for trial. It was further ordered by motion of John Taylor, Esqr., to appoint Ferdinand Kessler, Esqr., as an interpreter to translate papers in this cause, which are in the Mexican language.

**

C. WERTZNER vs D. B. FRYAR

#84 Pg 127

This day came the Defendant by his attorney and the Plaintiff neither appearing by attorney nor in person to prosecute his suit, it is ordered by the Court that same stands dismissed for want of prosecution, and that the Defendant recover of Plaintiff and his Security W. R. Landers the costs of suit by him in his behalf expended, for which execution may issue.

**

PIERRE BLANCHETT vs W. C. WINTERS

#131 Pg 127

Continued on affidavit of Defendant.

**

PIERRE BLANCHETT vs JOHN WINTERS

#135 Pg 127

Continued on affidavit of Defendant.

**

J. N. LINDLEY vs JOHN COTTON

#228 Pg 127

This day came John Cotton into open court and he, being the Defendant in the cause below, and the Plaintiff having said nothing, it appearing to the satisfaction of the Court that the parties herein have settled this suit and John Cotton assumes to pay the costs of suit and it is considered by Court that J.

W. Lindley have and recover of Defendant, John Cotton and J. C. Smith, his Security on appeal, the costs of Court by him in this behalf expended.

**

THOMAS GIBBS vs JOHN COTTON

#229 Pg 127

This day came the Defendant John Cotton and assumes to pay costs of suit in this case and that the same be dismissed at his cost. It is therefore considered by the Court that the Plaintiff recover of Defendant Cotton and his Security J. C. Smith the costs of suit in this behalf expended, for which execution may issue.

**

Tuesday, March 26, 1844

**JOSEPH FLOYD vs STEPHEN G. MC CLENNY,
ET AL & SAMUEL MC GOWAN**

#301 Pg 128

This day came the Plaintiff by his attorney Franklin and it being suggested to the Court that Joseph Floyd, Plaintiff, had died, it is ordered that Scire facias issue to his legal representative to show why they should not be parties to this suit, and Court ordered suit continued to next term.

**

JAMES MC COWAN vs AMASA SMITH

#117 Pg 128

On motion of Plaintiff's counsel, Court ordered Judgment by Default against Defendant.

**

DAN'L H. MC GARY vs CASWELL BLEDSOE

#172 Pg 128

This day came the parties by their attorneys and it appearing to the satisfaction of the Court that the injunction granted in this case be sustained and it is ordered that the same be perpetuated and that Plaintiff recover of Defendant and his Security Thomas Gay the costs of suit expended, for which execution may issue.

**

**JAMES W. ABBEY vs HENRY SHORES &
D. M. CUMMINGS**

#176 Pg 128

This day came the parties by their attorneys and Plaintiff's attorney agrees to continue prosecuting this suit as to the Defendant Cummings and thereupon came the jury, to wit: James Morris, Elijah Collard, John Dorsey, W. I. Viser, Hosea M. Burrick, A. H. Mason, R. F. Oliva, C. C. Edinberg, John Cotton, F. B. Hardy, Appleton Gay, and James Jones, who upon their oaths do say and find

for Plaintiff in the sum of One Hundred Forty Seven Dollars and ninety five cents debt and Thirty Five Dollars and thirty four cents as interest for a total of One Hundred Eighty Three Dollars and twenty nine cents debt and interest. It was ordered by the Court that Plaintiff recover of Defendant the sum which was assessed by the jury as well as his costs of suit, for which execution may issue. Defendant prays for an appeal, which is granted, and he files Bill of Exceptions.

**

S. W. PERKINS vs JOHN HUME

#299

Pg 129

Judgment by Default entered against Defendant in this case.

**

JOHN S. BLACK vs N. TOWNSEND & JESSE

#302

Pg 129

WOMACK, GARNISHEE IN CASE OF BLACK vs TOWNSEND

This day came Plaintiff by attorney, Joseph C. Megginson, and Defendant Garnishee having answered herein that he is indebted to said Townsend in the sum of Three Hundred Dollars. It is ordered by this Court that the Plaintiff, for the use of the officers of the Court, recover of Defendant Garnishee said sum and the costs of suit incurred by Nathan Townsend at Spring Term of Court AD 1841, where he was then adjudged to pay costs of suit, and also the costs of suit of garnishment, which execution may issue against Jesse Womack, Garnishee.

**

CHARLES B. STEWART vs DANIEL FORD

#327

Pg 129

This day came the Plaintiff in his proper person, exhibiting in Court the written acknowledgment of Defendant's Confession and endorsed upon the Plaintiff's petition, on file herein, and it appearing to the satisfaction of the Court that said Defendant is indebted to Plaintiff in the sum of One Hundred Dollars and fifty two cents. It is considered by Court that Plaintiff recover of Defendant the sum of One Hundred Dollars and fifty two cents, as in his petition prayed for, and his costs of suit.

**

PIERRE DENYSE vs APPLETON GAY

#177

Pg 129

This day came the parties by their attorneys and thereupon a jury of good and lawful men were called and in consequence of sickness of one Juror, a mistrial was had and case continued.

**

PIERRE DENYSE vs APPLETON GAY

#178

Pg 130

The parties came by their attorneys and a jury of lawful men were elected and sworn, to wit: Wm. McIntire, Joseph Worsham, Dan'l Robinson, Thomas Betts, Ed A. Clark, William Wood, Jos. Harrison, and Wm. F. Evans, who upon their oath, do find for the Plaintiff for the amount of the note sued on. Signed W.F. Evans, Foreman.

Court awarded Plaintiff Two Hundred Dollars, the amount of the note sued on and his costs of suit expended and execution may issue.

* *

JOHN A. STAPLES vs BENJAMIN JONES #179 Pg 130

JOHN A. STAPLES vs JAMES JONES #181 Pg 130

By order of this Court and on affidavit of Plaintiff, cases stand continued.

* *

WILLIAM S. TAYLOR vs JACOB SHANNON #196 Pg 130

WILLIAM S. TAYLOR vs BARNEY SHANNON #197 Pg 130

WILLIAM S. TAYLOR vs SARAH. H. TAYLOR #198 Pg 130

On motion of Plaintiff's attorney, each of these cases stands continued until the next term, and leave given to amend each of the petitions filed.

* *

JAMES W. PARKER vs PLEASANT GRAY #207 Pg 130

Judgment by Default in this case, and leave granted to amend Plaintiff's petition and change venue to Montgomery County.

* *

ISAIAH PARKER & LUCRETIA PARKER vs #210 Pg 131

D. G. HAMBLIN & J. E. BURRELL

In this case the death of the Plaintiff suggested that Scire facias should issue against Defendant's legal representatives making them parties to suit.

* *

W. H. WOOD vs JOSEPH LINDLEY & #210 Pg 131

JAMES GILLESPIE ET AL

This day came the Plaintiff in his proper person and by his counsel and agreed to take a non-suit. It is considered by the Court that Plaintiff have his non-suit and said Defendant to recover of Plaintiff and his Securities for Costs, William Ridgeway, Calvin McCormick, Appleton Gay and I. Wood, the costs of suit in his behalf expended, and execution may issue.

* *

LUCINDA STRAWTHER vs THOMAS STRAWTHER #203 Pg 131
Leave granted by Court for Plaintiff to file a new Petition and case continued.
* *

THOMAS HOBBS vs HOLLY ARNOLD #215 Pg 131
This day came the parties by their attorneys and it appearing to the satisfaction of the Court that grounds for an appeal taken by Appellee Hobbs herein are insufficient and the Court ordered that said appeal be dismissed and Defendant Arnold to recover of Hobbs and his Security John C. Whiteside for the costs of suit in his behalf expended, for which execution may issue, and a Writ of Precedence be issued from this Court to the Justice who tried the cause ordering him to proceed on Judgment rendered therein.
* *

WILLIAM P. HUFF vs HEIRS OF SAM FULTON #219 Pg 132
In this case, the Plaintiff, not having given Security for costs for his said suit at a former term as required, it is ordered that this suit stand dismissed and that Defendants recover of Plaintiff the costs of suit expended, for which execution may issue.
* *

CHARLES B. STEWART vs ARCHIBALD MC NEIL, #322 Pg 132
LATE SHERIFF OF MONTGOMERY COUNTY & HIS SECURITIES
William Landrum and Alexander Whitaker were securities for costs for Sheriff McNeil, and on motion of attorney for the Plaintiff Stewart, it was ordered by the Court that Judgment by Default be entered against said Defendants.
* *

STANTON FIELDS vs REPUBLIC OF TEXAS #226 Pg 132
Death of Plaintiff being suggested to Court, it is ordered by Court that a Scire facias be issued to legal representatives of the deceased.
* *

PETER W. FORD vs BENJAMIN F. IRVINE #223 Pg 132
In this case, Plaintiff being ready for trial and Defendant Irvine being absent without leave of the Court, it is ordered that he pay the costs of this term for which execution may issue and case continued.
* *

JAMES R. JENKINS vs PHILIP AVERITT

#238 Pg 132

Ordered by the Court that Judgment by Default be entered at this term and case stand continued. Judgment by Default not set aside but remains as Judgment.

**

JAMES W. PARKER vs PHILIP GOODBREAD

#249 Pg 132

Service not having been made upon Defendant in this case, it was ordered by the Court that Alias copies of Writ and the Petition issue to Defendant and case stands continued.

**

ABIGAIL LYNCH vs PATRICK LYNCH

#304 Pg 133

Petition for Divorce. Defendant not being found and not now residing in this county, it is ordered by the Court that a notice be published in the *National Vindicator* at the town of Washington giving six weeks notice to said Defendant of the pendency of this suit, and for him to appear and plead an answer or demur to Plaintiff's petition or the matters and things alleged in her petition shall be taken for confessed and case set for hearing Ex parte. The said publication to be made for six weeks previous to the next term of this Court requiring the Defendant to answer as aforesaid, at said term.

**

HARPER & KENNARD vs PHILIP GOODBREAD

#308 Pg 133

This day came the parties by their attorneys and Plaintiffs agree to dismiss said suit upon Defendant paying the costs of suit whereupon the Defendant in his proper person came into court and assumes to pay costs. It is therefore considered by the Court that this case stands dismissed and Plaintiff to recover of Defendant according to agreement the costs of suit in his behalf expended, for which execution may issue.

**

JOHN F. CRAWFORD vs THOMAS ELLINGTON

#311 Pg 133

This day came the Plaintiff by his attorney and the Defendant having said nothing in bar or in preclusion of the demands by Plaintiff, it is considered by the Court that said Plaintiff recover of Defendant Judgment by Default and recover damages.

**

SIMON JONES vs JOHN C. SHEFFIELD

#212 Pg 133

This day came Plaintiff by his attorneys and Defendant having said nothing in bar or preclusion of Plaintiff's demands, it is considered by the Court that Plaintiff Jones recover of Defendant a Judgment by Default and recover amount of damages set out in petition.

**

JAMES MC GOWAN vs G. M. GARVIN ET AL #313 Pg 134
[THOS ELLINGTON & NEHEMIAH MC GEE]

This day came Plaintiff by his attorneys and Defendant having said nothing in bar or preclusion of Plaintiff's demands, and on application of Plaintiff, it is considered by the Court that Plaintiff recover of the said Defendants Judgment by Default in this case.

**

H. M. CRABB vs WILLIAM MC BRIDE #314 Pg 134

It appearing to the Court that the parties have settled this suit and Defendant assumes to pay the costs of suit, it is therefore considered by the Court that Plaintiff recover of the Defendant his costs of suit in his behalf expended.

**

E. MOREHOUSE vs ELIZABETH MC GUIRE #319 Pg 134

In this case on motion it is considered by the Court that the Plaintiff give Security for costs of suit on or before next term of Court or the same shall be dismissed at his costs of suit.

**

W. R. WILLIS vs THOMAS PERRYMAN #321 Pg 134

This day came Plaintiff by his attorney, and Defendant having said nothing in bar or by preclusion of Plaintiff's demands, and on motion of counsel for Plaintiff, it was ordered by the Court that Judgment by Default be entered against Defendant.

**

CHARLES CHEVALIER vs KESIAH C. MC IVER #323 Pg 134

On motion of attorney for Plaintiff, it was ordered by Court that Judgment by Default be entered against the Defendant.

**

WILLIAM MC COLLUM vs J. R. JONES #324 Pg 135
[JOHN RICE JONES, SHERIFF OF MONTGOMERY COUNTY]

In this case, the Writ of Garnishment having been returned as served. On motion of counsel for Plaintiff, it is considered by the Court that Plaintiff have Judgment by Default against Robert Marsh and the Sheriff of Montgomery County, Garnishee in this case.

* *

HOSEA GEORGE vs E. E. PACE #222 Pg 135

On motion of counsel for the Plaintiff, it is considered by the Court that Plaintiff have Judgment by Default as entered against the Defendant.

* *

JOHN LEIGH vs JOSEPH HENSON #326 Pg 135

On motion of counsel for the Plaintiff, it is considered by the Court that Plaintiff have Judgment by Default as entered against the Defendant and that Plaintiff give Security for costs of suit on or before the next term of the Court or suit will be dismissed.

* *

JOHN B. GOODMAN vs W. W. WOOD #343 Pg 135

On motion of counsel for the Plaintiff, it is ordered by the Court that Plaintiff have Judgment by Default, same entered against the Defendant.

* *

JOHN BLAKELY vs R. E. PACE #224 Pg 135

On motion of counsel for the Plaintiff, it is ordered by the Court that Judgment by Default be entered against Defendant.

* *

THOMAS J. POWELL vs JOHN LOTT #303 Pg 135

On motion of counsel for the Plaintiff, it is ordered by the Court that Plaintiff have Judgment by Default entered against the Defendant and that Plaintiff be required to give Security for costs of suit on or before the next term of the Court or suit will be dismissed.

* *

JOSHUA TOWNSEND vs JOSEPH L. WORSHAM #328 Pg 136

Appeal from Justice Court. This day came the parties by their attorneys and Plaintiff agrees no longer to prosecute said suit and that Defendant recover of Plaintiff the costs in Court according to agreement.

* *

JOSHUA TOWNSEND vs JOSEPH L. WORSHAM #329 Pg 136

This day came the parties by their attorneys and Plaintiff agrees no longer to prosecute said suit and it is therefore considered by the Court that Defendant recover of Plaintiff the costs of suit in this Court according to agreement.

* *

JOSHUA TOWNSEND vs JOSEPH L. WORSHAM #330 Pg 136

This day came the parties by their attorneys and Plaintiff agrees no longer to prosecute said suit and it is therefore considered by the Court that Defendant recover of Plaintiff the costs of suit in this Court according to agreement.

* *

URIAH F. CASE vs AARON KITCHELL #333 Pg 136

This day came the Plaintiff and agrees no longer to prosecute said suit. It is therefore considered by the Court that said Defendant recover of Plaintiff and his Security J. W. Barnes the costs of suit in this behalf by him expended.

* *

BANK OF ALABAMA vs WILLIAM SIMONTON #334 Pg 136

It appearing to the satisfaction of the Court that service has not been made in this case, on motion of attorney for Plaintiff it is ordered by the Court that an Alias writ and copy of petition issue in this case. On motion, it is further ordered that Plaintiff give Security for costs of suit on or before the next term of this Court or same will be dismissed at Plaintiff's costs.

* *

MARGARET MC INTIRE vs ROBERT HUDNALL #213 Pg 137

This day came the parties by their attorneys and thereupon came a jury of good and lawful men, to wit: Wm. McDonald, Joseph Worsham, George W. Weekley, W. B. D. Smith, George W. Jones, Isaac McGary, Daniel Robinson, Thos. Betts, Ed A. Clark, Wm. H., Wood, Joseph Harrison and W. F. Evans, and who being sworn the truth to speak upon the issues joined between the parties, upon their oath do say: We, the jury find for the Plaintiff, One Hundred and Four Dollars and twelve and one half cents as the amount of damages assessed by jury and his costs of suit by him expended, for which execution may issue.

* *

CHARLES MC KIM vs RUSSELL R. GRAVES #336 Pg 137

On motion of attorney of Plaintiff, it was ordered by Court that Judgment by default be entered against Defendant, and on further motion, Plaintiff was

ordered by the Court to give Security for costs on or before the next term or case will be dismissed at his costs.

**

FRANCIS B. PANKEY vs PETER HEALTH #337-#338 Pg 137

This day came the parties by their attorneys, and Plaintiff agrees to no longer prosecute his suit and dismisses this appeal. It is therefore considered by Court that Defendant have and recover of Plaintiff and J. B. McCowan his Security for Certiorari the costs of suit in this Court incurred.

**

JAMES LOVE vs JOSEPH H. WOOD #344, 345, 346 Pg 137

In this case on motion, it is ordered by the Court that the Plaintiff give Security for costs of suit on or before next term of Court or same will be dismissed at his costs.

**

R. B. MARTIN vs PLEASANT GRAY #348 Pg 138

It appearing to the satisfaction of the Court, that service has not been made and on motion ordered that an Alias writ and copy of petition issue.

**

JOHN T. EUBANKS vs HOLLY ARNOLD #349 Pg 138

On motion of attorneys for Plaintiff, it was ordered by Court that Defendant have his Judgment by Default.

**

TORELDA J. WILLIAMS vs APPLETON GAY #359 Pg 138

It appearing to the satisfaction of the Court, that service had not been made and on motion ordered that an Alias writ and copy of petition issue.

**

W. H. FOWLER vs W. P. CARTWRIGHT & JOHN F. CRAWFORD #351 Pg 138

This day came the parties by their attorneys and it appearing to Court that the case is settled and Defendant Cartwright is in Court in person and assumes to pay the costs of suit and therefore ordered by the Court that Plaintiff recover of said Defendant Cartwright his costs of suit expended in this case.

**

JAMES KNIGHT vs DAVID CLARK #353 Pg 138

On motion of attorney for Plaintiff, it was ordered by Court that Plaintiff have Judgment by Default against Defendant.

* *

ALEXANDER MC DONALD vs SMITH & HOUSTON #355 Pg 138

It appearing to the satisfaction of the Court, that service had not been made and on motion ordered that an Alias writ and copy of petition issue.

* *

SIMEON TRAWICK vs S. J. TRAWICK #356 Pg 139

It appearing to the satisfaction of the Court, that service had not been made and on motion ordered that an Alias writ and copy of petition issue.

* *

MATHEW WOOD vs ELISHA FLOYD #354 Pg 139

Judgment by Default entered against Defendant on second day of Court and thereupon came the Plaintiff by his attorney R. B. Goodrich and Defendant came in his own person and agrees that a Judgment may be entered against him for One Hundred & Three Dollars & twenty three cents principal and interest (which is calculated at the rate of 5%) and costs of suit; and ordered that execution be stayed until First of January 1845.

* *

Court adjourned until tomorrow morning.

Wednesday March 27, 1844

**JOS. C. MEGGINSON, ATTORNEY OF RECORD FOR #324 Pg 140
WM. MC COLLUM vs JOHN RICE JONES**

Robert Marsh is Garnishee owing John Rice Jones. This day came Robert Marsh and made his answer in writing that he is indebted to John Rice Jones by a Judgment received against him at the Spring Term 1843 in the sum of One Hundred Eighty Dollars which is yet unpaid to said Jones and it appearing to the satisfaction of the Court that John Rice Jones and Joseph Marsh, Garnishee, should pay the Plaintiff's demand, Court ordered that said Jos. C. Megginson, attorney for Plaintiff, should recover and receive from Robert Marsh, the Garnishee herein, the sum of One Hundred Eighty Dollars together with costs of suit.

* *

E. MOREHOUSE vs ELIZABETH MC GREW #319 Pg 140

Upon application of Barry Gillespie, attorney for Plaintiff, it ordered by the Court that survey of land affected by the suit be made by the Surveyor of

Robertson County and James Howlet of Milam County or either of them appointed to survey and leave granted.

* *

JOHN PATTERSON vs B. B. GOODRICH #342 Pg 140

No service having been made upon Defendant, it is ordered by the Court that Alias copies of petition and writ be issued, and case continued next term.

* *

B. B. GOODRICH vs SMITH & HOUSTON #360 Pg 140

No service having been made upon Defendants, it is ordered by the Court that Alias copies of petition and writ be issued, and case continued to next term.

* *

ABRAHAM ROBERTS vs HERBERT WIGGINS #362 Pg 141

In this case Plaintiff agrees no longer to prosecute his said suit, conditioned on Defendant paying the costs of suit, and Defendant thereupon agrees to pay costs and Court so ordered, and further ordered on motion of Plaintiff's counsel that the papers be withdrawn.

* *

GEORGE W. LOFTIS vs JAMES H. WOOD #363 Pg 141

In this case, service not having been made on Defendant, on motion of counsel for Plaintiff, the Court ordered that Alias copies of the petition and writ issue, returnable next term.

* *

THOMAS BAILEY vs E. M. GRAY & PLEASANT GRAY #364 Pg 141

It appearing to the Court that Defendant Pleasant Gray has not been served with legal notice herein, the Court ordered that Alias copies of the petition and writ issue as to him; and further ordered that Security for costs of suit be given by Plaintiff.

* *

**CHAS. DONAHOE vs W. B. L. HARLEY &
PIETY HARLEY**

#367 Pg 141

Judgment by Default was taken on the Court Docket on second day of term and Court ordered that said Judgment be entered against the Defendants.

**

HERMAN HOLT vs AMMON H. MASON

#260 Pg 141

This day came R. G. Green, counsel for Plaintiff, and says the Plaintiff will no further prosecute his said suit. The Court ordered that suit stands dismissed and that Defendant recover of Plaintiff the costs of suit in his behalf expended, for which execution may issue.

**

U. S. CUMMINGS vs JOHN READ

#273 Pg 141

On affidavit of Defendant, it is ordered by the Court that this case stands continued until the next term.

**

UNION BANK OF MISSISSIPPI vs W. J. HILL

#282 Pg 142

In this case upon motion of counsel for Plaintiff, ordered by the Court that Alias copies of petition and writ issue versus Defendant Roland in Montgomery County and Hill in Milam or to whatever county he may be living, and this cause be continued until next term.

**

THOMAS T. BAILEY vs D. H. MC GARY

#305 Pg 142

Judgment taken by counsel for Plaintiff against Defendant on second day of the term and it being ordered by the Court that same be entered now for then, being omitted on Minutes of the Court yesterday. Rule for Security for Costs was entered.

**

JOHN REID vs NATH. H. CARROLL

#318 Pg 142

By agreement of counsel, the Court permitted this case to be continued until next term.

**

STERNE ET AL vs MARLIN

#69 Pg 142

On affidavit of Plaintiff, Court ordered this case continued until next term. Leave was granted to the Plaintiff to amend his petition by claiming the value of the improvements.

**

DISTRICT COURT MONTGOMERY COUNTY

This day came Isaac McGary, late Sheriff of Montgomery County and presented his account to the Court for Fifty Dollars for his Ex officio services as Sheriff of said Court during the period of his incumbency, which account is approved and allowed by the Court and the Treasurer of Montgomery County ordered to pay said Fifty Dollars out of the first monies coming in not otherwise appropriated to said Isaac McGary.

* *

SIMEON R. TRAWICK vs S. J. TRAWICK #356 Pg 142

Leave granted by the Court to continue and amend petition.

* *

SINGLETON L. TRAWICK vs S. J. TRAWICK #357 Pg 142

Leave granted to amend petition and continued to next term.

* *

JOHN DORSEY vs WILLIAM M. RANKIN #358 Pg 143

Judgment by Default on motion of counsel for Plaintiff was ordered by the Court to be entered this third day of the term.

* *

J. R. OLIVER vs JOHN C. SHEFFIELD #368 Pg 143

It appearing that legal service has not been made, the Court ordered that an Alias writ and petition issue.

* *

REBECCA ALLEN vs JAMES MC COWAN #243 Pg 143

This day came the parties by their attorneys, Plaintiff by her attorney White & McWaters, Esqrs., and the Defendant by Megginson & Smith; and, thereupon came a jury of good and lawful men, to wit: R. F. Oliver, Jas. Morris, Mathew Doyal, Lewis G. Folsom, H. H. Bullock, W.I. Viser, C. C. Edinburg, James Jones, D. G. Carson, Nicholas Barkley, R. F. Hardy and Elijah Collard who being elected, tried and sworn the truth to speak the issues joined upon their oath do say and find for the Plaintiff. "We the Jury find in favor of the Plaintiff Three Hundred and Ninety Dollars for Negro, and for hire for Nineteen Months at Six Dollars per Month or One Hundred and Fourteen Dollars." Signed L.G. Folsom, Foreman.

It is therefore considered by the Court that Plaintiff Allen recover of the Defendant the total sum of Five Hundred and Four Dollars awarded by the

Jury and whereupon the attorneys for Defendant give notice they will appeal verdict.

* *

And now comes the Grand Jury and returns a True Bill into the Court and against the following persons and for the following offences, to wit:

REPUBLIC OF TEXAS vs

CELEN SMITH	Assault & Battery
PEYTON SMITH	Assault & Battery
JAS. A. BARKER	Assault & Battery
MARTIN GOWER	Gaming
DANIEL LARSON	Arson
JOSEPH S. BENNETT	Assault & Battery
HENRY WHITE	Assault & Battery
ALLEN C. JONES	Assault & Battery
JAMES GIBSON	Assault & Battery
YARBERRY BAKER	Gaming
JOHN BROWN	Gaming
W. W. WOOD	Perjury
JAS. JONES WATKINS	Assault & Battery
C. M. CANNON	Assault & Battery
J. M. WADE	Assault & Battery
JOSEPH NYMAN	Assault & Battery
WILLIAM HEATH	Murder
JOHN KUYKENDALL	Assault & Battery

And, whereupon the Court ordered a Capias for each Defendant and Subpoena for each witness.

* *

JAMES MC KIM vs RUSSELL R. GRAVES #336 Pg 144

Judgment by Default herein set aside by order of the Court and it was ordered that Alias copies of petition and writ be issued against Defendant; accordingly done on this third day.

* *

SIMON JONES vs JOHN ROBBINS #365 Pg 144

Upon application of counsel for Defendant, the Court ordered Plaintiff to give Security for costs of suit, and it was also ordered that Alias writ and petition be issued to Defendant.

* *

JOHN T. JAMES vs JAMES A. JONES

#242 Pg 144

In this case, the Plaintiff by his attorney appeared but the Defendant neither appeared by his attorney nor in person. On motion of Plaintiff's attorney, Judgment by Default entered, with debt and damages against Defendant. A continuance was set aside.

* *

ALBERT CLOYES vs MASENA MC COMB

#251 Pg 144

This day came the parties by their attorneys, N. H. Davis, Esqr., for Plaintiff and S. D. Hay, Esqr., for Defendant. And thereupon came a jury of good and lawful men, to wit: Isaac McGary, Dan'l Robinson, Joseph H. Harrison, W. B. D. Smith, W. H. Wood, G. W. James, G. W. Weekley, James L. Worsham, E. A. Clark, J. D. Richardson and John Ward, the jury being elected, tried and sworn the truth to speak upon the issues and upon their oaths do say and find for the Defendant. Signed Thos Betts, Foreman.

It is therefore considered by the Court that Defendant have and recover of Plaintiff and Simon Jones, his Security for costs of suit, all of the costs expended in his behalf. Execution to issue.

* *

FRANKLIN BRIGNANCE vs A. G. PENNY

#246 Pg 144

This day came the parties by their attorneys and they agree to continue this cause until the next term of this Court.

* *

SUSANNAH COTTON vs IREDELL COTTON

#248 Pg 145

This day came attorney for Plaintiff and moves the Court to continued this cause until next term, which is granted.

* *

JAMES MC MILLION vs HUGH DAVLIN

#249 Pg 145

It appearing to the satisfaction of the Court that parties have settled this case and Plaintiff assumes to pay the said costs, it is therefore ordered by the Court that Defendant have and recover of Plaintiff and Drury McMillion, Security for costs expended.

* *

JAMES LEE vs W. W. SHEPPERD

#209 Pg 145

On motion of attorney for Appellant, the Court ordered a Writ of certiorari issued to the Justice to send up a complete transcript of case.

**

J. W. PARKER vs PLEASANT GRAY

#202 Pg 145

On Plaintiff's motion, Court ordered that Plaintiff amend his petition by changing the venue in Montgomery County.

**

WELLS PHILIPS vs E. M. GRAY

#310 Pg 145

On motion ordered by the Court that Plaintiff give Security for costs of suit on or before next term of Court or cause will be dismissed at his costs incurred. Case was continued.

**

Thursday March 28, 1844

CHRISTOPHER STERNE & WIFE vs JOHN MARLAN

#69 Pg 145

It appearing to the Court that James Houlett of the County of Milam has been duly summoned as witness on behalf of Plaintiff and Thornton Kuykendall of the County of Austin has been duly summoned as witness on behalf of said Plaintiff, and that said James Houlett and Thornton Kuykendall have failed to attend at present term of the Court, it is therefore ordered by motion of the said Plaintiff that an attachment issue against James Houlett to the Sheriff of Milam County and also an attachment against Thornton Kuykendall directed to the Sheriff of Austin County to compel attendance of said witnesses at the next term of this Court.

Upon motion of Plaintiff, Court ordered that the survey of the land in dispute and the Surveyors appointed be brought into Court and that their returns and surveys be sent to the Clerk of Court along with interrogatories which may be filed and the Commission may thereupon issue depositions of one or both of the Surveyors to prove the same, and for cause shown by the Affidavit of Plaintiff, this cause is continued until next term.

**

DANIEL ARNOLD vs BENJAMIN RITCHEY

#146 Pg 146

On motion of N. Hart David, Esqr., attorney for the Appellee, it is ordered by the Court that the Certiorari herein be dismissed and quashed, and that Benjamin Ritchey recover of Daniel Arnold and Armstead Rogers, his Security on Certiorari Bond, the costs of suit incurred in this Court in his behalf expended, for which execution may issue, and that a Writ of precedence issue to the Justice who tried the cause or to his successor in office to proceed with execution upon his Judgment rendered.

**

Court adjourned to next day.

Friday March 29, 1844

REPUBLIC OF TEXAS vs JESSE JOHNSON

#82 Pg 146

Forfeiture of Recognizance. On motion of Defendant's counsel and a showing made on part of Defendant that he was unable to attend Court, it was ordered by the Court that the Judgment entered against him forfeiting his recognizance at former term be set aside, and remittance be conditioned that he pay the costs of proceedings upon said forfeiture. It is therefore considered by the Court that the Republic recover of the said Defendant and his Security for his appearance to answer and appear from term to term in the case of the Republic of Texas against said Defendant for being engaged in a Riot and that the Republic recover of said Defendant and his Securities the costs of Scire facias, recording and proceedings, in the said forfeiture of his recognizance and that execution may issue.

**

JOHN BIRCH vs HEARD & KENNARD ET AL

#210 Pg 147

The death of Leonida Landers, one of the Defendants in above suit, was suggested to the Court and it was ordered that this suit be abated to him.

**

**G. R. GLENN FOR USE OF JAMES KNIGHT vs
JOHN ROBBINS**

#48 Pg 147

This day came the parties by their attorneys, W. G. McFarland for Plaintiff, who moved the Court to set aside and dismiss this case as entered on a former day of the term by the Court and the case is reinstated conditioned that the Plaintiff pay the costs of suit up to this term. It is considered by Court that the Defendant recover of Plaintiff and his Security for costs of suit in this behalf expended up to this term, for which execution may issue.

**

JAMES LEE vs W. W. SHEPPERD

#209 Pg 147

This day came the parties by their attorneys and Plaintiff in Certiorari agrees no longer to prosecute his said appeal and each party agrees to pay one half of the costs. Therefore it was considered by the Court that each Plaintiff and Defendant recover of each other according to agreement one half of the costs expended in this suit as well in this Court and in the Court of the Justice who tried the cause.

**

JAMES KNIGHT vs W. J. C. PEARCE

#216 Pg 147

On motion of counsel for Defendant, it was ordered by Court that a second judicial attachment issue against Defendant and case stands continued.

**

JAMES W. PARKER vs REPUBLIC OF TEXAS

#223 Pg 147

For Land. This case on application of John Taylor, counsel for Plaintiff, and Affidavit of Plaintiff, stands continued; and leave is granted to file an amended petition. And upon application, the Clerk ordered Plaintiff to give further and sufficient Security for costs and until Security be given the petition cannot be filed.

**

**TOWN OF WASHINGTON FOR USE OF ELEANOR GAY #265 Pg 148
vs J. LOTT & W. C. JONES**

Continued by consent. Rule for Security of Costs on part of Plaintiff ordered by Court.

**

REPUBLIC OF TEXAS vs

JOHN A. STAPLES	#75	Pg 143
CORNER B. CORLEY	#83	Pg 148
JOSEPH MOORE	#86	Pg 148
WILLIAM WHITE	#88	Pg 148
DANIEL MC GARY	#90	Pg 148
JOHN TAYLOR & A. B. TAYLOR	#91	Pg 148
THOS. R. MC IVOR	#90	Pg 148
DAN'L MC GARY	#94	Pg 148
ENGLEBERG BADER	#97	Pg 148
JOHN SMITH	#98	Pg 148
JAMES JONES	#99	Pg 148

On each and severally, the Republic, represented by Peter W. Gray, Esqr., moved the Court to enter Non prosequi. It was ordered by the Court and each Defendants's case is now ended, with Republic to pay costs.

**

THOMAS T. BAILEY vs PLEASANT GRAY #364 Pg 148
& EPHRAIM GRAY

This day came Elijah Collard and undertakes and agrees that if T. T. Bailey does not prosecute to effect his suit herein and if he does and fails to make the costs out of Defendant, then he Collard will pay for said Bailey for which execution may issue.

* *

REPUBLIC OF TEXAS vs WILEY B. D. SMITH, #82 Pg 149
JESSE JOHNSON & ISAAC PARKER

This day came the parties by their attorneys, the Republic of Texas by Peter W. Gray, Esqr., and the Defendant Wiley Smith by his attorney, A. G. Perry and Defendant Jesse Johnson by his attorney, John Taylor. Esqr.; and, death of Isaac Parker being suggested to the Court, it was ordered that the case be abated as to John Taylor. Defendants Smith and Johnson were present in their proper person, being arraigned, they plead "not guilty." Thereupon came a Jury of good and lawful men, to wit: S. Y. Folsom, Foreman, D. B. Carson. C. C. Edinburg, A. H. Mason , V. J. Viser, John Dorsey, E. Collard, Nathan Doyal, Calvin McCormack, F. B. Hardy, R. F. Oliver, and Jas. Morris, who being duly elected, tried and sworn the truth to speak, do find the Defendants guilty and the Court ordered a fine of Fifty Dollars for Smith which fine may be discharged in Silver or in Gold or Exchequer at par, and pay all of the costs of this prosecution and that he Smith be imprisoned for 20 days as his punishment and until he pays his fine and his costs.

Defendant Johnson is committed to prison for 10 days until he pays all of his costs herein. The Clerk was ordered to issue a certificate to the Sheriff, with copy of Judgment for his authority to find, detain and imprison Smith and Johnson.

* *

S. S. ORTON FOR USE OF BARRY GILLASPIE vs #45 Pg 150
SIDNEY S. KING

On motion by attorney for Plaintiff, Court gave Plaintiff a Default Judgment.

* *

JOHN RICE JONES vs SOLOMON SMITH #253 Pg 150

On motion of attorney, and it being suggested that Defendant was deceased, it was ordered by the Court that Scire facias be issued to the Representative of Defendant when same known.

* *

W. Y. MC FARLAND vs JOHN GROESBECK

#252 Pg 150

It appearing to the satisfaction of the Court that Defendant failed to file his answer, a Default Judgment was ordered.

**

JAMES JORDAN vs SMITHERS, SCOTT & VISER

#254 Pg 150

It appearing to the satisfaction of the Court that sufficient service had not been made herein, and on motion of attorney for Plaintiff, Court ordered that citation issue with copies of petition to each Defendant. Case continued to next term.

**

ELI B. WARREN vs MARK ROLLINS

#257 Pg 150

By motion of attorney for Defendant, and Plaintiff's failure to give Security for costs as required at previous term of Court, it was ordered that suit be dismissed and Defendant recover of Plaintiff the costs in his behalf expended, and execution may issue.

**

**G. D. HAY, ADM OF HINES BOSTON, DECEASED vs
JOSEPH NYMAN**

#258 Pg 150

This day came Appellant Nyman by his attorney and Plaintiff in person and making known to Court that this case has been settled and said Hay agrees to pay costs of suit. It was ordered by the Court that Defendant have and recover of the Plaintiff the costs expended in this behalf and execution may issue.

**

**DAN'L ARNOLD, ADM ESTATE OF ALEX THOMPSON,
DECEASED vs DAVID MITCHELL & JOHN LOTT**

#259 Pg 151

This day came Plaintiff by his attorney and by leave of Court entered a discontinuance as to Mitchell, one of Defendants, and came A. G. Perry, Esqr., attorney for John Lott, and the Defendant agrees to waive the trial by jury and submit cause to the law and decision of the Court. After an examination of the same by the Court, it concluded that Daniel Arnold as the Administrator of Estate of Alexander Thompson, deceased, to have and recover of Defendant Lott the sum of Three Hundred Thirty Seven Dollars and twenty five cents as debt as in Plaintiff's petition mentioned and Eighty Nine Dollars and sixty one cents interest by reason of the detention on non-payment of said debt and the

further sum of the costs of suit in his behalf expended, and execution may issue.

* *

JOSEPH FLOYD vs MILTON ESTILL #262 Pg 151

This day came Plaintiff by his attorney and agrees to enter a non-suit. The Court told Defendant to go hence and recover of Plaintiff the costs of suit in his behalf expended, for which execution may issue.

* *

J. D. H. RICHARDSON vs JACKSON WELLS #264 Pg 151

On Affidavit of Richardson, it was ordered by Court that case be continued to next term.

* *

BEDON STROUD vs JOHN LOTT #266 Pg 151

On motion of attorney for Plaintiff, Court ordered a Judgment by Default entered.

* *

H. G. JOHNSON vs ARCHELOUS POPE #268-#269 Pg 151

This day came the Plaintiff in his own proper person and he acknowledged satisfaction in these cases as per agreement, and Defendant assumes to pay costs of suit. It is therefore held that Plaintiff have and recover of Defendant his costs of suit in this behalf expended, and execution may issue.

* *

JOHN M. FOWLER vs E. F. HEARD #271 Pg 152

It appearing to the satisfactory of the Court that parties herein have settled this case by agreement and Court ordered cause dismissed and the Defendant to pay the costs of suit, except for surveyor fees, county taxes and fees agreed upon for which costs Plaintiff shall have his Execution.

* *

LEONARDO WILLIAMS vs THOMAS T. MC IVER #275 Pg 151

This day came the parties, Plaintiff by attorney N. H. Davis, Esqr., and Defendant in his own proper person and confessed Judgment to Plaintiff in the sum of Ninety Three Dollars and seventy cents. It is therefore considered by the Court that Plaintiff recover said sum as well as the costs of suit, for which execution may issue.

* *

**UNION BANK OF MISSISSIPPI vs J. F. CRAWFORD #276 Pg 151
& ANTHONY BYRNE**

This day came the parties by their attorneys and on Affidavit of Defendant, this cause is continued until next term and on motion of Defendant's attorney, leave granted to substitute a new answer so long as filed during present term.

**

**UNION BANK OF MISSISSIPPI vs #277-#278 Pg 151
B. A. OLIPHANT ET AL & JOHN HUME ET AL**

Judgment by Default entered against Defendants herein.

**

**UNION BANK OF MISSISSIPPI vs #279, 280, 281 Pg 151
PATRICK M. HAYS**

Service not having been made, it was ordered by Court that Alias writ and copy of each petition be issued to Robertson County.

**

JOHN WARD vs ALEXANDER MC DONALD #284 Pg 153

On affidavit of McDonald, Court ordered case continued to next term.

**

JAMES JORDAN vs THOMAS SCOTT #285 Pg 153

On motion of Plaintiff's attorney, Court ordered that a Writ of certiorari issue for a complete record.

**

E. M. FULLER vs MC IVER & BAILEY #286 Pg 153

For sufficient cause, Court ordered case continued next term.

**

ETHAN MELTON vs W. F. EVANS #287 Pg 153

On motion of attorney for Plaintiff, Court ordered Judgment by Default entered against Defendant. And, on motion of the attorney for Defendant under Rule for Security of Costs, the Court ordered case dismissed and Plaintiff to pay all costs.

**

JOSEPH H. WOOD vs P. T. MARTIN #295 Pg 153

Court ordered P. T. Martin to pay costs of suit inasmuch as he did not participate in this cause on his behalf. Plaintiff recovers of Martin his costs and execution may issue.

**

ISAAC B. RICHMOND vs W. H. FOSTER

#291 Pg 153

For sufficient cause appearing to the Court, it was ordered by Court that Plaintiff have leave to withdraw papers in this case or same continued.

**

THOMAS F. BAILEY vs D. H. MC GARY

#305 Pg 154

Parties came by their attorneys and agree to continue this cause; so ordered.

**

ELISHA FLOYD vs JOSEPH FLOYD

#307 Pg 154

This day came the attorney for Plaintiff and suggested death of Defendant, and on motion it was ordered by the Court that Scire facias issue against representative of Defendant, and this case continued.

**

JOHN BURCH vs HEARD & KINNARD ET AL

#20 Pg 154

Plaintiff came by attorney McFarland and says he will no longer prosecute this suit and he enters a non-suit.

**

**S. S. ORTON FOR USE OF BARRY GILLASPIE vs
SIDNEY S. KING**

#45 Pg 150

On motion by attorney for Plaintiff, Court gave Plaintiff a Default Judgment.

**

JOHN RICE JONES vs SOLOMON SMITH

#253 Pg 150

On motion of attorney, and it being suggested that Defendant was deceased, it was ordered by the Court that Scire facias be issued to the Representative of Defendant when same known.

**

W. Y. MC FARLAND vs JOHN GROESBECK

#252 Pg 150

It appearing to the satisfaction of the Court that Defendant failed to file his answer, a Default Judgment was ordered.

**

JAMES JORDAN vs SMITHERS, SCOTT & VISER

#254 Pg 150

It appearing to the satisfaction of the Court that sufficient service had not been made herein, and on motion of attorney for Plaintiff, Court ordered that citation issue with copies of petition to each Defendant. Case continued to next term.

**

ELI B. WARREN vs MARK ROLLINS

#257 Pg 150

By motion of attorney for Defendant, and Plaintiff's failure to give Security for costs as required at previous term of Court, it was ordered that suit be dismissed and Defendant recover of Plaintiff the costs in his behalf expended, and execution may issue.

**

**G. D. HAY, ADM OF HINES BOSTON, DECEASED vs
JOSEPH NYMAN**

#258 Pg 150

This day came Appellant Nyman by his attorney and Plaintiff in person and making known to Court that this case has been settled and said Hay agrees to pay costs of suit. It was ordered by the Court that Defendant have and recover of the Plaintiff the costs expended in this behalf and execution may issue.

**

**DAN'L ARNOLD, ADM OF ESTATE OF ALEX
THOMPSON, DEC' vs DAVID MITCHELL & JOHN LOTT**

#259 Pg 151

This day came Plaintiff by his attorney and by leave of Court entered a discontinuance as to Mitchell, one of Defendants, and came A. G. Perry, Esqr., attorney for John Lott, and the Defendant agrees to waive the trial by jury and submit cause to the law and decision of the Court. After an examination of the same by the Court, it concluded that Daniel Arnold as the Administrator of Estate of Alexander Thompson, deceased, to have and recover of Defendant Lott the sum of Three Hundred Thirty Seven Dollars and twenty five cents as debt as in

Plaintiff's petition mentioned and Eighty Nine Dollars and sixty one cents interest by reason of the detention on non-payment of said debt and the further sum of the costs of suit in his behalf expended, and execution may issue.

**

JOSEPH FLOYD vs MILTON ESTILL

#262 Pg 151

This day came Plaintiff by his attorney and agrees to enter a non-suit. The Court told Defendant to go hence and recover of Plaintiff the costs of suit in his behalf expended, for which execution may issue.

**

J. D. H. RICHARDSON vs JACKSON WELLS

#264 Pg 151

On Affidavit of Richardson, it was ordered by Court that case be continued to next term.

* *

BEDON STROUD vs JOHN LOTT

#266 Pg 151

On motion of attorney for Plaintiff, Court ordered a Judgment by Default entered.

* *

H. G. JOHNSON vs ARCHELOUS POPE

#268-#269 Pg 151

This day came the Plaintiff in his own proper person and he acknowledged satisfaction in these cases as per agreement, and Defendant assumes to pay costs of suit. It is therefore held that Plaintiff have and recover of Defendant his costs of suit in this behalf expended, and execution may issue.

* *

JOHN M. FOWLER vs E. F. HEARD

#271 Pg 152

It appearing to the satisfactory of the Court that parties herein have settled this case by agreement and Court ordered cause dismissed and the Defendant to pay the costs of suit, except for surveyor fees, county taxes and fees agreed upon for which costs Plaintiff shall have his Execution.

* *

LEONARDO WILLIAMS vs THOMAS T. MC IVER

#275 Pg 151

This day came the parties, Plaintiff by attorney N. H. Davis, Esqr., and Defendant in his own proper person and confessed Judgment to Plaintiff in the sum of Ninety Three Dollars and seventy cents. It is therefore considered by the Court that Plaintiff recover said sum as well as the costs of suit, for which execution may issue.

* *

**UNION BANK OF MISSISSIPPI vs J. F. CRAWFORD
& ANTHONY BYRNE**

#276 Pg 151

This day came the parties by their attorneys and on affidavit of Defendant, this cause is continued until next term and on motion of Defendant's attorney, leave granted to substitute a new answer so long as filed during present term.

* *

UNION BANK OF MISSISSIPPI vs #277-#278 Pg 151
B. A. OLIPHANT ET AL& JOHN HUME ET AL
Judgment by Default entered against Defendants herein.
* *

UNION BANK OF MISSISSIPPI vs #279, 280, 281 Pg 151
PATRICK M. HAYS
Service not having been made, it was ordered by Court that Alias writ and copy of petition issue to Robertson County in each case.
* *

JOHN WARD vs ALEXANDER MC DONALD #284 Pg 153
On affidavit of McDonald, Court ordered case continued to next term.
* *

JAMES JORDAN vs THOMAS SCOTT #285 Pg 153
On motion of Plaintiff's attorney, Court ordered that a Writ of certiorari issue for a complete record.
* *

E. M. FULLER vs MC IVER & BAILEY #286 Pg 153
For sufficient cause, Court ordered case continued until next term.
* *

ETHAN MELTON vs W. F. EVANS #287 Pg 153
On motion of attorney for Plaintiff, Court ordered Judgment by Default entered against Defendant. And, on motion of the attorney for Defendant under Rule for Security of Costs, the Court ordered case dismissed and Plaintiff to pay all costs of suit.
* *

JOSEPH H. WOOD vs P. T. MARTIN #295 Pg 153
Court ordered P. T. Martin to pay costs of suit inasmuch as he did not participate in this cause on his behalf. Plaintiff recovers of Martin his and execution may issue.
* *

ISAAC B. RICHMOND vs W. H. FOSTER #291 Pg 153
For sufficient cause appearing to the Court, it was ordered by Court that Plaintiff have leave to withdraw papers in this case or same continued.
* *

THOMAS F. BAILEY vs D. H. MC GARY

#305 Pg 154

Parties came by their attorneys and agree to continue this cause; so ordered.

**

ELISHA FLOYD vs JOSEPH FLOYD

#307 Pg 154

Plaintiff's attorney came and suggested death of Defendant. On motion Court ordered Scire facias to issue against the Representative of Defendant. This case was continued to the next term.

**

JOHN BURCH vs HEARD & KINNARD ET AL

#20 Pg 154

Plaintiff came by attorney McFarland and says he will no longer prosecute this suit, and he enters a non-suit.

**

PETER H. FULLENWILDER vs REPUBLIC OF TEXAS

#296 Pg 154

Parties came by their attorneys, the Republic of Texas by Peter W. Gray, Esqr., the District Attorney, and Plaintiff by his attorney; and thereupon came a Jury of good and lawful men, to wit: Isaac McGary, J. S. Worsham, William Patterson, C. Waters, S. G. Clepper, John Leigh, J. J. McIver, John Dorsey, Joseph Henson, A. H. Mason, S. G. Folsom, M. G. McGuffin, who being empaneled, tried and sworn the truth to speak upon the issue joined between the parties, do find for the Plaintiff, who recovers one Labor of land and the Court orders that a Certificate issue to Peter H. Fullenwilder and the Republic pays costs.

**

DOVIE A. HOWIE vs JAMES R. HOWIE

#265 Pg 155

Plaintiff came by attorney and agrees no further to prosecute this suit. Court ordered that Defendant have and recover of Plaintiff his costs of Court in this cause expended for which execution may issue.

**

**TOWN OF WASHINGTON FOR USE OF ELEANOR
GAY vs JOHN LOTT & W. C. JONES**

#265 Pg 155

Wilson G. McFarland came and offered himself as Security for costs of suit in this case, and case continued.

**

ELISHA PERRY vs JOHN LOTT

#265 Pg 155

The parties came by their attorneys and agree to waive a jury and submit the cause with the law and facts to the decision of the Court. The Court is of opinion that Plaintiff should recover of Defendant Two Hundred Dollars principal and Forty Two Dollars and fifty cents interest with full costs of suit, and execution may issue.

* *

LUCINDA STRAWTHER vs THOMAS STRAWTHER

#200 Pg 155

Case continued and leave granted to Plaintiff to file a new petition in sixty days or suit to be dismissed at Plaintiff's cost. So ordered.

* *

WILLIAM C. JONES vs JOHN F. CRAWFORD

#274 Pg 155

This day came the parties by their attorneys, and returned into Court the award of the Arbitrators to whom the parties at a former term submitted their cause in the words and the figures, and figures followed to wit: We the undersigned being appointed Arbitrators to settle the above named suit between W. C. Jones, Plaintiff, and John F. Crawford, the Defendant, have examined their receipts and find by our examination that Plaintiff Jones is indebted to the Defendant Crawford in the sum of Seven Dollars and that he Jones is to pay Crawford the sum of Seven Dollars and all lawful costs. Given under our hands and seals this 12th day of August 1843. Signed Ephraim Fuqua and William Barney.

It is therefore considered by the Court that Plaintiff recover of Defendant Jones Seven Dollars, the award aforesaid by the Arbitrators and for all costs of suit expended. Execution may issue.

* *

WILLIAM S. BLOUNT vs REPUBLIC OF TEXAS

#283 Pg 156

This day came parties by their attorneys and upon a motion contained in Affidavit of Plaintiff. Leave to amend asked and granted.

* *

**WOOD, GALLATIN & PEEL FOR USE OF CLERK vs
JOSEPH LINDLEY ET AL**

#300 Pg 156

Witnesses. [Sheriff Costs] In this case, the Clerk, for himself and witnesses, etc., asks for Judgment versus Defendants who were Plaintiffs in Wood-Gallatin-Peel case at former term for costs of suit, not having pursued their Defendants to recover said costs.

* *

THOMAS GREEN vs JOSEPH FLOYD

#306 Pg 156

Neither of the parties appearing, the case was continued to next term. So ordered.

**

BENJAMIN JONES vs ANTHONY BYRNE

#308 Pg 156

Parties came by their attorneys and agree to continued case.

**

AARON KITCHELL vs P. R. GOODBREAD

#315 Pg 156

Parties came by their attorneys and on motion of attorney for Goodbread , the Court ordered that a Writ of certiorari issue requiring a complete record from the Court below and that an Attachment issue against James Bennett as defaulting witness.

**

Court adjourned until tomorrow morning at nine o'clock.

Friday March 29, 1844

**JONATHAN S. COLLARD FOR USE OF JOHN BAKER
vs ALEXANDER MC GOWAN**

#317 Pg 157

Case continued on Affidavit of McGowan.

**

SAMUEL GRIMMET vs MARY CORLEY

#320 Pg 157

Parties came by their attorneys and on motion of attorney for Corley, Court ordered the case to be continued until the next term and that Certiorari issue requiring complete records from the Court below.

**

JOHN LEIGHT vs JOSEPH HENSON

#326 Pg 157

On motion of attorney for Plaintiff, Court ordered Judgment by Default be set aside upon answer this day filed and case was continued on Affidavit of Defendant, and an attachment to issue McNeil.

**

**DAVID AYRES, ASSIGNEE OF LEVI WILLIAMS vs
REPUBLIC OF TEXAS**

#331

Pg 15

Case continued by consent.

* *

JOSEPH KNOTT vs JOHN WHITE

#332

Pg 157

Parties came by their attorneys and on motion of attorney for Defendant, Court ordered that the Certiorari in this cause be dismissed and that a Writ of precedent issue requiring Court below to proceed with his Judgment as therein rendered and that said Knott and Gwyn Morrison, his Security on the said Certiorari bond, pay the costs of Court, for which execution may issue.

* *

JAMES THOMPSON ET UX vs SAMUEL MC GUFFIN

#335

Pg 157

Parties came by their attorneys and on motion of attorney for McGuffin, Court ordered that the Certiorari in this cause be dismissed and that Defendant have execution against Plaintiff and wife and Alexander McGowan, Security on Certiorari bond, and that a Writ of precedent issue requiring Court below to proceed with the Judgment herein entered.

* *

ETHAN MELTON vs WM. F. EVANS

#287

Pg 158

This day in open court came Stroud Melton, Martin West, and E. R. Vanhorne and offered themselves as Securities for the costs of suit and they being accepted, each and several did undertake and agree that if Ethan Melton does not pay costs, they will pay.

* *

REPUBLIC OF TEXAS vs WILLIAM W. WOOD

Pg 158

Perjury. This day came William Wood and with him came B. A. Oliphant, and James Lamb who each and severally acknowledged themselves to be indebted to Sam Houston, President of the Republic of Texas, and to his successor in office, in the penal sum of One Thousand Dollars each for the payment, for which they truly bind themselves, their heirs, executors, and/or their administrators to be void, conditioned that the said William W. Wood do and shall make his personal appearance before the said District Court of Montgomery County from day to day and term to term to then and there perform what the Court awards him.

* *

ANDREW MONTGOMERY vs REPUBLIC OF TEXAS

#339

Pg 158

Continued by Plaintiff.

**

W. P. RUTLEDGE vs ARMSTEAD ROGERS #340 Pg 158

On motion and affidavit of Rutledge, this cause is continued until next term.

**

HAMILTON & MC KISSACK vs DANIEL ARNOLD #341 Pg 158

Parties came by their attorneys and agree that the appeal be dismissed at Arnold's costs in this Court for which execution may issue against him and his Security on his Appeal Bond and that the costs incurred in the Court below be taxed against Hamilton and execution from this Court include the same.

**

JAMES LOVE vs JOSEPH H. WOOD #344, 345 & 346 Pg 159

It appearing to the satisfaction of the Court that sufficient service has not been made in said cases, and on motion of the attorney for Plaintiff, the Court ordered that an Alias writ and copy of Petition issue and case continued to next term of this Court.

**

W. W. WOOD vs JOHN J. GOODMAN #347 Pg 159

On motion of attorney for Defendant, Court ordered that this cause be continued until next term of this Court.

**

JOHN T. EUBANKS vs HALLY ARNOLD #349 Pg 159

Defendant came by his attorney and files his answer, and on motion the Court ordered that the Judgment by Default as entered herein be set aside and on motion by attorneys of Plaintiff, Court ordered that Plaintiff had leave to amend his Petition and this cause be continued at his costs up to this term, for which execution may issue against Plaintiff and James White, his Security for costs of suit.

**

J. R. WOOD vs E. M. GRAY #352 Pg 159

Parties came by their attorneys and on motion of attorney for Plaintiff, leave granted to amend Petition and Judgment by Default entered against Defendant and on Affidavit of said Defendant, case continued.

**

JOHN DORSEY vs WM. M. RANKIN

#358 Pg 159

It appearing to the satisfaction of the Court that parties to this cause have settled their suit and Defendant assumes the payment of costs, the Court ordered that Plaintiff have and recover of Defendant his costs in his behalf expended, for which execution may issue.

* *

SAM F. SHAW vs JACOB H. SHEPPERD

#127 Pg 160

By agreement of the parties, this cause was to have been discontinued by the Plaintiff at the Fall Term of Court in Year 1841 but which was at that time omitted to be entered; but, by leave of the Court it is now entered Nun pro tunc, and therefore considered by Court that Plaintiff recover of Defendant according to agreement the costs of suit.

* *

ARCHIBALD POWELL vs WILLIAM MC IVER

#361 Pg 160

For use of officers of Court, witnesses and others. In this case, the Clerk, for himself and witnesses, etc., asks for Judgment against William McIver (who was Plaintiff against Powell at a former term) for costs of suit not having pursued this Defendants to recover said costs. And thereupon came A. G. Perry and entered his name for Defendant McIver. And, by consent of parties, case is continued.

* *

HENRY GOFF vs REPUBLIC OF TEXAS

#366 Pg 160

By motion of counsel for Plaintiff, the case stands continued and on motion of attorney for Republic, the Rule for Security of Costs of Suit is granted.

* *

WILLIAM H. FOWLER vs DAVID M. BULLOCK

#359 Pg 160

By leave of Court, case continued on Defendant's Affidavit.

* *

JOHN T. BROWNE vs WILLIAM TABER

#369 Pg 160

This case continued by consent of the parties.

* *

BAILEY, GAY & BOWEN vs JESSE PARKER

Pg 160

Scire facias by Clerk against said Parker who was Plaintiff and recovered of Bailey, Gay and Bowen but has not presented his Judgment rendered against them to recover costs of suit and Judgment against said Parker being ordered against said Parker for said costs. Continued by consent of the Court.

* *

HUGH MC GUFFIN FOR USE OF vs HEZEKIAH FARRIS #370 Pg 161

This case was brought by appeal from the Justice Court. It appearing to the satisfaction of the Court, trial by jury being waived by counsel herein, that there was no error in Judgment of the Justice who tried the cause. The opinion of this Court is that said Judgment by him rendered for Thirty Dollars against Defendant be affirmed with 10% damages. It is therefore considered that Plaintiff recover of Defendant and his Security James Gillespie and for the sum of Thirty Dollars (plus 10%) or a total sum of Thirty Three Dollars total plus all costs of suit in this Court and in the Justice Court, for all of which execution may issue from this Court.

* *

J. J. KUYKENDALL vs T. H. JOHNSON #373 Pg 161

By consent of parties with leave of the Court, case stands continued to next term.

* *

JOHN COTTON vs SILAS GAMMON #374 Pg 161

Certiorari issued to Justice who tried this cause and against the Execution issued, and for the District Court costs, which were incurred therein as well as all proceedings herein are stayed and continued.

* *

S. W. PERKINS vs JOHN HUME #299 Pg 161

This day came the Plaintiff and Defendant by their attorneys and answer was filed whereupon the Judgment by Default is set aside and trial by jury is waived and cause is submitted to the Court.

* *

WILLIAM B. ALDRICH vs CHARLES B. STEWART #234-1/2 Pg 162

Parties came by their attorneys and agree to submit this case to the decision of the Court, which being seen and now fully understood by the Court, it is their opinion that Plaintiff recover of Defendant Four Hundred and Seventy Eight Dollars and twenty two cents principal and One Hundred Thirty Five Dollars and fifty cents interest at five percent per annum from the first day of August 1838 and in all a total sum of Six Hundred and Thirteen Dollars and seventy five cents and costs of suit for which execution may issue. And on motion of Counsel for Defendant, Court ordered that he has to withdraw all the papers filed by him in this cause other than those on which credits or offsets have been allowed him.

* *

RICHARD PAGE vs JOHN M. WADE

#371 Pg 162

This day came the parties, and agree to continue this cause and further agree that at the next term all exceptions are to be waived and the case tried on its merits, and so ordered.

* *

REPUBLIC OF TEXAS vs CHARLES B. STEWART

Pg 162

Assault and Battery found at Spring Term 1844. The Defendant came and submitted his case to the mercy of the Court, and whereupon the Court orders that he make his fine by payment of Ten Dollars and costs of suit and that he stand committed to the County of Montgomery until said fine and all costs be paid.

* *

REPUBLIC OF TEXAS vs JAMES MC COWN

Pg 162

Indictment for Assault and Battery found at Spring Term 1844. The Defendant came and submitted his case to the mercy of the Court, and whereupon the Court orders that he make his fine by payment of Five Dollars and his costs of suit and that he stand committed to the County of Montgomery until his fine and all costs be paid.

* *

REPUBLIC OF TEXAS vs JOSEPH L. NYMAN

Pg 162

This day came Joseph Nyman and submitted himself to the mercy of the Court whereupon the Court orders that he make his fine by payment of Five Dollars and his costs of suit and that he stand committed to the County of Montgomery until his fine and all costs be paid.

* *

WILLIAM R. WILLIS vs THOMAS F. PERRYMAN

#321 Pg 163

This day came the Plaintiff by his attorney, Thomas B. White, Esqr., and Defendant not having said anything at Bar, or preclusion of the Plaintiff's action, and for want of answer herein, it is considered by the Court that Plaintiff have and recover of Defendant the sum of Fifty Thousand Dollars Debt in the Plaintiff's Petition mentioned and a further sum of Eight Thousand Three Hundred and Three Dollars and thirty three and one third cents interest thereon by reason of the non payment of the said Debt and the costs of suit in this cause expended, for which execution may issue.

* *

S. W. PERKINS vs JOHN HUME

#299 Pg 163

On motion of attorney for Defendant, the Court ordered that verdict entered herein be set aside and a new trial granted at Plaintiff's cost of suit for which execution may issue.

**

THOMAS J. POWELL vs JOHN LOTT

#303 Pg 163

Plaintiff came by his attorney, and Defendant not having said anything at Bar or in preclusion of Plaintiff's action and on motion of Plaintiff's attorney, it is considered by the Court that he have and recover of Defendant the sum of Six Hundred Dollars Debt, in the Plaintiff's Petition mentioned, and for further sum of Fifty Two Dollars interest thereon by reason of the non payment of the said Debt, and the costs of suit in this cause by him expended, for which execution may issue.

**

SAMUEL GRIMMET vs MARY CORLEY

#320 Pg 164

Defendant came by his attorney and moves the Court for an order of Certiorari to be issued to the Justice who tried the cause to be sent up to this Court with a full transcript of his records herein with the bond by him taken herein.

**

CHARLES B. STEWART vs A. MC NEIL, SHERIFF

#322 Pg 164

It appearing to the Court that sufficient notice has not been given to Defendants Landrum and Whittaker; and the rule is continued for service to be perfected by service on them.

**

**PIERRE BLANCHETT vs JOHN M. SPRINGER,
JOHN & PHOEBE THOMAS**

#378 Pg 164

**PIERRE BLANCHETT vs A. M. SPRINGER &
JAMES EDWARDS**

#378 Pg 164

On motion to reinstate above cases, this Motion not having been entertained by the Court, the same is overruled at the cost of the Plaintiff and it is therefore considered by the Court that Plaintiffs pay costs expended in their behalf.

**

W. W. SHEPHERD vs LEONARD GROSS #166 Pg 164

Parties came by their attorneys and after argument heard, it being fully understood by the Court, the Court ordered that the injunction in this case be dissolved, on answers of the Defendant and Bill stand as an original one and continued to next term.

**

JOHN F. CRAWFORD vs THOMAS ELLINGTON #311 Pg 164

[This case listed and written over by word ERROR.]

**

HUGH MC GUFFIN vs CLEMENT WATERS & JOHN F. MARTIN, CHIEF JUSTICE FOR COUNTY #316 Pg 165

Parties came by their attorneys and agree to waive right of Trial by Jury and submit this case with the law and facts to the consideration of the Court. The Court examined and fully understood the case and held that the Judgment of the Court below be affirmed and verdict of Twenty Five Dollars and the costs of suit issue against Defendants. Execution may issue.

**

CHARLES CAVALIER vs K. C. MC IVER #323 Pg 165

On motion of attorney for Defendant, Court ordered that Scire facias issue to make the husband of Defendant a party to suit and case stand continued.

**

DAVID AYRES vs JOHN LOTT #325 Pg 165

It appearing to the Court that sufficient service had not been made, it was ordered by the Court that Alias writ and copy of Petition issue.

**

JAMES KNIGHT vs DAVID CLARK #353 Pg 165

Plaintiff came by his attorney, and Defendant not having said anything at Bar or in preclusion of Plaintiff's action and on motion of Plaintiff's attorney, it is considered by the Court that he have and recover of Defendant the sum of One Hundred Twenty Six Dollars and fifty two cents damages and the costs of suit in this cause expended for which execution may issue.

**

CHARLES DONAHOE vs T. B. J. HADLEY & PIETY S. HADLEY #367 Pg 165

Case sent to Galveston County for trial, Judge having been of counsel. Attorneys for parties agree to move trial.

* *

RICHARD PAGE vs J. M. WADE ET AL

#371 Pg 166

Parties by their attorneys appear and agree to continued this cause and that all exceptions be waived and the case tries on its merits; so ordered.

* *

**A. H. MASON, ADM OF W. M. MOCK, DEC'D vs
JAMES MC GOWAN ET AL**

#376 Pg 166

Parties came by their attorneys and waived the right of trial by jury, and facts to be agreed on by counsel and case taken under advisement by this Court and the Judgment to be rendered at this term of the Court.

* *

**J. M. HARRIS vs A. H. MASON, ADM
OF W. M. MOCK, DEC'D**

#377 Pg 166

The parties agree to waive the right of trial by jury and to submit the law and facts to the Court. The Plaintiff having failed to establish his demand, the Judgment is rendered for Defendant, for which costs and execution may issue for the Defendant.

* *

PREAMBLE AND RESOLUTIONS:

At a meeting of the members of the Bar attending the District Court of Montgomery County, held to previous notice on the 29th of March 1844 for the purpose of expressing their feelings relative to the death of Thomas W. Garrett and Leonidas Sanders, Esqrs., late member of the Bar, and Honorable Ben C. Franklin was called to chair and Peter W. Gray, Esqr., appointed as Secretary.

Joseph C. Megginson, Esqr., addressed the meeting in a few pertinent remarks explaining the cause of their being called together.

On Motion, Joseph C. Megginson, Thos. B. White and Sam D Hay were appointed a Committee to draft suitable resolutions to express the sense of the meeting, and on motion the chairman was added to the committee. The committee reported the following preamble and resolutions which were unanimously adopted:

"Whereas, since the last session of the District Court, we have heard of the death of our late friend and brother Thos. W. Garrett who was endeared to us by all of the qualities which adorn the character of man, who in the spring of

life exhibits abilities which made him a useful citizen and placed him high in the estimation of his brothers of the Bar and of his countryman.

"**Whereas**, we have also received intelligence that the unerring hand of death which indiscriminately attacks all mortals has removed Leonidas Sanders, another loved and honored brother who whilst with us walked honestly and uprightly drawing to him by his amicable demeanor the affections of all who knew him, who was taken prisoner whilst defending his country and finally died in a foreign hostile land a prisoner of war.

"**And, Whereas** our hearts are moved with unfeigned regret for the untimely end of our departed brethren and with sympathy for their relatives who mourn for and bewail them and whereas we desire to express these our feelings in an appropriate manner, therefore

"**RESOLVED** that as a testimonial of our regard for the deceased, we will wear the usual badge of mourning for thirty days,

"**RESOLVED** that a copy of this proceedings be furnished to the relatives of the deceased.

"**RESOLVED** that these proceedings be published in some newspaper of The Republic.

"**RESOLVED** that with the permission of the Court these proceedings be spread upon the Records."

On motion, the meeting then adjourned.

/s/ P. W. Gray, Secretary

* *

This day Mr. Ezekiel Henry was admitted to practice of law in the several Courts of Law and Equity in the Republic, and he appeared and took the oath required by Law. Whereupon, it was ordered by the Court that the necessary License issue.

* *

**REPUBLIC OF TEXAS vs JOHN CHOATE &
DAVID CHOATE**

#100 Pg 167

The death of David Choate suggested and it was ordered by the Court that this prosecution abate as to him; and John Choate, the other Defendant, being called came not, it was declared a total default and on motion of P. W. Gray, Esqr., the District Attorney, it was ordered by the Court that Alias copies go to Harris County.

* *

REPUBLIC OF TEXAS vs

JOHN HARPER

#101 Pg 167

W. C. CLARK

#103 Pg 167

J. J. KUYKENDALL

#108 Pg 167

J. J. KUYKENDALL

#109 Pg 167

B. C. ALLEN

#111 Pg 167

It appearing to the Court that above Defendants have not been found and on motion of P. W. Gray, Esqr., it was ordered by Court that Alias pluries issue against each Defendant above.

**

REPUBLIC OF TEXAS vs

G. W. ROGERS

#102 Pg 168

WILLIAM FORD

#106 Pg 168

D. B. CARSON

#107 Pg 168

D. B. CARSON

#105 Pg 168

W. I. VISER

#119 Pg 168

This day came the Defendants in their proper persons and P. W. Gray for the Republic says he no longer intends to prosecute the Defendants under this Indictment. It is therefore ordered by the Court that the Defendants go hence without day and the Republic of Texas to pay the costs incurred in their suits.

**

REPUBLIC OF TEXAS vs D. H. RICHARDSON

#104 Pg 168

This case is continued on Affidavit of Defendant.

**

JOHN F. CRAWFORD vs THOMAS ELLINGTON

#311 Pg 168

This cause brought before Sixth Judicial District Court at the Spring Term. The cause coming on to be heard at this term of the Court, the Defendant failing to appear, the bill as filed by Plaintiff is taken as Pro confesso. Whereupon, it is ordered, adjudged, and decreed that John F. Eubanks be appointed as Trustee in the place and stead of Thos W. Garrett, deceased, and that Plaintiff have Judgment as prayed for, to wit One Hundred and Three Dollars and seventy six cents principal and Nineteen Dollars and one cent as the interest, thereon together with all costs sustained in this matter in his behalf, and that said Trustee proceed to sell said property on such terms as specified in Deed of Trust. And that said Eubanks is invested with all the powers and authority as was possessed by Garrett, the original Trustee, in said deed that said property specified be exposed to sale under the terms of the Trust and that should it not pay the Judgment, that execution issue for the remainder and

costs of suit and that certified copy of this degree be sufficient authority under which said Trustee shall act.

**

**ROBERT R, GRAVES vs EDWARD BAILEY,
ELEANOR ROBERTS ET AL**

#380 Pg 169

Bill for injunction and discovery and relief. [Additional parties to this suit were H. Chessman and William H. Bowen.] It appearing to the satisfaction of the Court that William H. Bowen, one of the Defendants, resides beyond the jurisdiction of the Court, and it is ordered that notice of the pendency of this cause be made known to him by publication in *National Vindicator* published at Washington in Republic of Texas for [blank] weeks previous to the next term of the Court.

**

And thereupon the Court adjourned until next term.

/s/ P. J. Jack, Judge

Attest: Charles B. Stewart, Clerk

Spring Term 1844

**A. H. MASON, ADM OF W. M. MOCK, DEC'D vs
JAMES MC GOWAN ET AL**

#376 Pg 169

Cause having been submitted to the Judge and the trial by the jury waived by agreement of the parties on the law and the facts apparent on the records of said Court, and it being further agreed by the parties that the Judge should take the cause under advisement and render his Judgment in Chambers, and to be entered on the minutes as of the term aforesaid. Therefore after hearing the counsel of the parties and upon mature deliberation, it is considered by the Court that the Plaintiff take nothing by his suit and that Defendant recover of Plaintiff as Administrator aforesaid his costs about suit in this behalf expended, and that pursuant be entered on the minutes of the Court as of the above entitled term.

/s/ P. C. Jack, Judge

May 13th, 1844

**

BLANK PAGE Pg 170

**

Pg 171

J. H. SCOTT, LONGSTREET, MONTGOMERY COUNTY

J. E. WOMACK, CLERK, DISTRICT COURT, MONTGOMERY COUNTY

**

Monday September 23, 1844
Fall Term

REPUBLIC OF TEXAS §
COUNTY OF MONTGOMERY §

Pg 172

Be it remembered on the Twenty Third of September, Eighteen Hundred and Forty Four, there was begun and held a term of the Honorable District Court in and for County and Republic aforesaid at the Court House in the Town of Montgomery. Being present and presiding were the Honorable Milford P. Norton, Judge for Sixth Judicial District, John D. Barton, Sheriff of said County and W. H. Fowler, Deputy Clerk.

Court having been opened by the Sheriff, His Honor Milford P. Hawkins, Esqr., Prosecuting Attorney pro tempore for the Republic at and during the present term of this Court and whereupon J. H. Hawkins took the oath of office.

The Sheriff returned to Court the Venire facias issued in vacation and for a jury to serve at the present term, and whereupon it is considered by the Court that the proceedings in relation to the drawing as well as the serving of Venire facias be entered of record which is in the records, to wit.

* *

REPUBLIC OF TEXAS, COUNTY OF MONTGOMERY

Pg 172

Be it remembered on the Seventh day of August, in the year of our Lord One Thousand Eight Hundred and Forty Four, at the office of District Clerk in the County of Montgomery in the Republic aforesaid, Wm. H. Fowler, Deputy Clerk of District Court in and for said County and Republic and Joseph G. Sheppard, Deputy Sheriff of said County and Republic, did proceed in the presence of the worshipful John C. Ogburn, an acting Justice of Peace for Beat No. 4 in and for said County and the Republic, to draw a Venire facias to serve at the Fall Term of the District Court to be held on the Fourth Monday next, Fall 1844, when following persons were drawn as good and lawful men of County, to wit: Haney Brignance, Charles Brignance, David McIver, William Stewart, A. H White, George W. Lawrence, T. P. Cartwright, Joseph Walker, Noah Griffith, Richard Lamb, Ransom Alphin, Harvey Randolph, John Thompson, Henry Fantharp, Frederick Huston, Jesse Ammons, Jackson A. Jones, Joseph T. Gilbert, James Collard, Wesley Fisher, Frederick Uttz, Wiley B. D. Smith, John M. Stephen, William Bowen, Rodney Hosteller, William Whitley, Samuel Hill, Elijah Arnold, Meady Lamb, Daniel Bird, J. P. Plaster, John W. Fowler, Henry Goff, W. W. Spillers, Richard Williams, and William Tankersley.

The following proceedings I hereby certify under my hand and private seal for want of a seal to said Court this seventh day of August, 1844, in the Clerks office as aforesaid.

/s/ W. H. Fowler, Deputy Clerk
Montgomery County District Court

In evidence of the foregoing, I hereby certify from under my official signature this seventh day of August, 1844.

/s/ John D. Barton, Sheriff by
J. G. Sheppard, Deputy, Montgomery County

I, John C. Ogburn, being the within named Justice of Peace, do certify that the drawing of the Jury and all proceedings as herein done were in my presence on the seventh day of August, in the year 1844.

/s/ J. C. Ogburn, J.P. Beat No. 4, Montgomery County, Texas

The Court having examined the Venire facias issued by Wm. H. Fowler, the following named persons have been served by personal notice to serve on the Jury at the Fall Term of the Honorable District Court for the County of Montgomery and for the year Eighteen Hundred and Forty Four, to wit:

Venire facias served by personal service:

Pg 173

Haney Brignance, Charles Brignance, David McIver, William Stewart, A. H. White, George W. Lawrence, T. P. Cartwright, Joseph Walker, Noah Griffith, Richard Lamb, Ransom Alphin, Harvey Randolph, John Thompson, Henry Fantharp, Frederick Huston, Jesse Ammons, Jackson A. Jones, Joseph T. Gilbert, James Collard, Wesley Fisher, Frederick Uttz, Wiley B. D. Smith, John M. Stephen, William Bowen, Rodney Hosteller, William Whitley, Samuel Hill, Elijah Arnold, Meady Lamb, Daniel Bird, T. P. Plasters, John M. Fowler, Henry Goff, W. W. Spillers, Richard Williams, and William Tankersley.

The following named persons were summoned by leaving notes at home: Frederick Huston, T. P. Plasters, Henry Goff, William Whitley, Jas. Collard (out of county), John Thompson (was not found), John M. Stephens (do), Joseph W. Walker (neglected), W. B. D. Smith (do), Noah Griffith (do).

/s/ John D. Barton, Sheriff
Montgomery County September 23, 1844

H. Goff being called on his Voir dire answers that he is not either a housekeeper or freeholder and William Bowen being sworn of sickness are excused from this Venire.

And thereupon the Court ordered fifteen persons be drawn from among the jury the Sheriff returned summoned, when following names were drawn, to wit: Grand Jurors, Henry Fantharp, Wm. Stewart, William Whitley, Daniel Bird, A. H. White, John M. Fowler, George W. Lawrence, Wesley Fisher, William Tankersley, Haney Brignance, Charles Brignance, David McIver, Richard Williams, Samuel Hill, and Frederick Huston, who being each and severally sworn upon their Voir dire and examined by the Court as to their qualifications as freeholders and house holders and it appearing to the Court that J. M. Fowler, G. W. Lawrence, Haney Brignance, Frederick Houston, David McIver and Wesley Fisher had not taken the Allegiance Oath to the Republic, who each and severally were called and took the Oath of Allegiance and thereupon were accepted as competent and lawful Grand Jurors.

From among fifteen duly qualified Grand Jurors, the Court appointed Charles Brignance Foreman, who being sworn as such Foreman and the before mentioned Grand Jurors being sworn as such, the Court gave the charge to them according to law and committed to the charge to Thomas P. Davey, duly sworn as Bailiff.

It was ordered by the Court that Thursday next of this term be set for trial of Criminal Cases.

Ordered by the Court that the Sheriff summons forthwith from the bystanders sufficient numbers of lawful jurors to serve as talesmen for two lawful juries including those who are in attendance on the original venire and they be in attendance tomorrow morning at 8 o'clock A.M.

Ordered by the Court that T. P. Cartwright, Frederict Utts, Meady Lamb, Eliphalet Arnold, Jesse Ammons, W. W. Spillers be each and severally fined Two Dollars for failing to appear after being duly summoned as Jurors at this term of Court and that the Clerk issue Scire facias against each of them and returnable at the next term of Court.

* *

W. W. SHEPPERD vs LEONARD GROCE

#166 Pg 174

Parties came by their attorneys and agree to continue cause until next term.

* *

HOSEA GEORGE vs RICHARD E. PAGE

#222 Pg 175

Parties appear by their attorneys and Plaintiff agrees to dismiss this cause and Defendant assumes to pay the costs of suit expended.

**

JOHN BLAKELY vs RICHARD E. PACE

#224 Pg 175

Parties came by their attorneys and the Plaintiff says he no longer intends to prosecute this suit and Defendant assumes to pay costs.

**

W. G. MC FARLAND vs J. D. GROESBECK

#252 Pg 175

Continued by agreement of the attorneys in this cause.

**

J. D. H. RICHARDSON vs JACKSON WELLS

#264 Pg 175

The Parties came by their attorneys and agree to dismiss this cause at the costs of Jackson Wells. It is considered by the Court that same be discontinued and that John D.H. Richardson have and recover of Jackson Wells, Thomas I. Hall and Almond H. Mason, his Securities on his appeal bond and the costs of suit, execution to issue.

**

**E. MOOREHOUSE, ONE OF THE HEIRS OF
WATSON vs ELIZABETH MC GUIRE**

#319 Pg 175

John B. Jones came into Court and acknowledged himself Security for costs of suit in this Court. An affidavit for continuance was filed by attorney of Defendant and so ordered.

**

WM. F. RUTLEDGE vs ARMSTEAD ROGERS

#340 Pg 176

The Parties came by their attorneys and agree to dismiss this cause at mutual costs of suit. The cause was dismissed by the Court and Plaintiff Rutledge to recover of said Rogers and W. B. Patterson, his Security on appeal bond, one half of the costs of suit and Rogers to recover one half, with execution to issue.

**

**BEN GOODRICH vs WM SMITH &
FREDERICK HUSTON**

#360 Pg 176

This day Benjamin B. Goodrich came in and discontinued this suit at his cost and Court ordered that William Smith and Frederick Huston have and recover of Ben Goodrich his costs of suit, execution to issue.

* *

Court adjourned until tomorrow morning at half past eight o'clock

Tuesday September 24, 1844

LOYAL CASE & CO. vs E. M. GRAY

#42 Pg 176

Parties came by their attorneys and on motion to dismiss for want of security for costs, and argument being heard by both for and against the motion as well as amending of Plaintiff's Petition by Interrogatories, it is ordered by the Court that Plaintiff have leave to amend interrogatories and Plaintiff to give security for costs by the first day of the next term and case continued.

* *

**G. R. GLENN FOR USE OF JAMES KNIGHT vs
JOHN ROBBINS**

#48 Pg 177

Parties came by their attorneys and agreed to submit the law and facts to the decision of the Court and waive a trial by Jury, all of which having been examined by the Court, it was considered by the Court that George R. Glenn for the use of James Knight have and recover of John Robbins the sum of Five Hundred and Forty Dollars and eighty cents debt & interest in Plaintiff's Petition mentioned and costs of suit expended and execution may issue.

* *

WM. S. TAYLOR vs JACOB SHANNON ET AL

#196 Pg 177

On motion of attorney for Plaintiff, it is considered by the Court that this cause be continued and Writ and copy of the Petition issue to Defendant.

* *

WM. S. TAYLOR vs SARAH H. TAYLOR ET AL

#198 Pg 177

On motion of Plaintiff, Court ordered Publication be made and case continued to next term.

* *

**SUSANNA COTTON ALIAS MC INTOSH vs
IREDELL COTTON ALIAS MC INTOSH**

#248 Pg 178

On motion of attorney for Plaintiff, it is considered by the Court that this cause be continued until next term.

**

JOHN RICE JONES vs SOLOMON SMITH, DECEASED #253 Pg 178

On motion of attorney for Plaintiff, it is considered by the Court that Scire facias issue against representative of the Defendant whenever any Administrator shall be appointed. Case continued.

**

**TOWN OF WASHINGTON FOR USE OF ELEANOR #265 Pg 178
GAY vs JOHN LOTT & W. C. JONES**

Parties come by their attorneys and agree to continue this cause. Court so ordered.

**

CHRISTOPHER H. STERNE & WIFE vs JOHN MARLIN #69 Pg 178

Parties came by their attorneys and agree that David J. Toler of the County of Washington be appointed to translate all of the papers in this cause necessary to be translated, and that he be qualified to such translation by a competent authority to administer oaths and forward the same to the Court by the next term thereof, and by agreement of attorneys, it is considered by the Court that this cause be continued.

On motion of Attorney for Plaintiff, it is ordered by the Court that James Houlett be appointed to make survey of the land in controversy on behalf of Plaintiff; and, on motion of attorneys for Defendant it is considered by the Court that E. S. R. Wheelock be appointed to make survey on part of the Defendant and Wheelock was so appointed. By agreement of the parties, it is ordered by the Court that twenty days notice be given by either party wishing to make the survey of the land in controversy and that the translation herein to be returned as above which shall be read in evidence at trial of this cause.

**

**UNION BANK OF MISSISSIPPI vs JOHN C. #276 Pg 179
CRAWFORD & ANTHONY BYRNE**

The Parties by their attorneys agree to continue the case on Affidavit of Defendant, which is ordered accordingly.

**

UNION BANK OF MISSISSIPPI vs B. A. #277 Pg 179

OLPIHANT ET AL

On motion and consent by attorneys for parties, Court ordered case continued as on Affidavit of Defendant.

**

UNION BANK OF MISSISSIPPI vs JOHN HUME ET AL

#278 Pg 179

On motion and consent of attorneys for parties, Court ordered case continued as on the Affidavit of the Defendant.

**

UNION BANK OF MISSISSIPPI vs PATRICK H. HAYS

#279, 280, 281 Pg 179

Parties came by their attorneys and Plaintiff says he intends no further to prosecute his suit and Court ordered Patrick H. Hays have and recover of Plaintiffs Hiram G. Runnels and Jas. B. Miller, Securities for costs of suit in each of the above cases in this cause by them expended, with execution to issue.

**

UNION BANK OF MISSISSIPPI vs W. J. HILL ET AL #282 Pg 179

Parties came by their attorneys and Defendant having filed his plea, the Plaintiff enters a non-suit. The Court ruled that William J. Hill have and recover of Plaintiff Hiram G. Runnels and James B. Miller, Securities for costs of suit expended, with execution.

**

JOHN WARD vs ALEXANDER MC DONALD

#284 Pg 180

Parties came by their attorneys and agree to continue this cause to next term, and so ordered accordingly by the Court.

**

ETHAN MELTON vs WM. F. EVANS

#287 Pg 180

Ordered by the Court that Judgment by Default nisi be herein entered.

**

G. H. FLOYD ADM OF JOSEPH FLOYD, DEC'D vs JOSEPH G. MC CLENNY & SAMUEL MC GOWAN

#301 Pg 180

On motion of attorney for Plaintiff, Court ordered Judgment by Default.

**

SAMUEL GRIMMET FOR USE OF BENJAMIN

#320 Pg 180

NEWTON vs MARY CORLEY, CLAIMANT

Parties by their attorneys agree to continue cause and was so ordered by Court.

**

JOHN PATTERSON vs B. B. GOODRICH

#342 Pg 180

This cause was continued on Affidavit of Plaintiff.

**

DAVID AYRES vs JOHN LOTT

#325 Pg 180

Ordered by Court on motion of attorney for Plaintiff that an Alias issue against Defendant to Robertson County. Continued.

**

DAVID AYRES, ASSIGNEE vs REPUBLIC OF TEXAS

#331 Pg 181

Parties came by their attorneys and agree to continue this cause. So ordered.

**

J. J. GOODMAN vs W. W. WOODS

#343 Pg 181

W. W. WOODS vs J. J. GOODMAN

#347 Pg 181

It appearing to the satisfaction of the Court upon affidavit of Goodman, that B. C. Franklin, Esqr., is the lead counsel of Affiant, and his unavoidable absence being made known, it is considered by the Court that these cases be continued.

**

R. B. MARTIN vs PLEASANT GRAY

#348 Pg 181

On motion of attorney for Plaintiff, Court ordered Judgment by Default to be entered herein for the damages claimed.

**

**ZORELDA STONE ALIAS WILLIAMS vs
APPLETON GAY**

#359 Pg 181

Ordered by the Court on motion of the attorneys for Plaintiff that Judgment by Default be entered.

**

SIMEON R. TRAWICK vs S. J. TRAWICK

#356 Pg 181

By consent of parties, the Court ordered case continued.

**

S. L. TRAWICK vs S. J. TRAWICK

#357 Pg 181

On motion of attorneys for Plaintiff, it is ordered by Court that Judgment by Default be entered herein for the damages claimed, and by consent, cause continued to the next term.

**

G. W. LOFTIS vs JOSEPH H. WOOD #363 Pg 182

Judgment by Default entered herein by motion of Plaintiff's attorney.

**

SIMON S. JONES vs JOHN ROBBINS #365 Pg 182

This day came into the Court J. C. Megginson and acknowledged himself bound for costs of suit, and on motion of attorneys for Plaintiff Court ordered that Plaintiff have Judgment by Default.

**

P. R. OLIVER vs J. C. SHUFFIELD #368 Pg 182

This day came attorneys for Plaintiff and agree to dismiss his suit. It is therefore ordered by the Court that John C. Shuffield have and recover of Phenan R. Oliver all costs in this suit expended, for which execution may issue.

**

RICHARD E. PAGE vs JOHN M. WADE ET AL #370 Pg 182

Plaintiffs by their attorneys agree to continue this cause as on Affidavit of J. M. Wade et al, which is ordered by Court.

**

R. R. GRAVES vs EDWARD BAILEY #380 Pg 182

This day parties came by their attorneys and suggested death of Defendant. On motion, Court ordered Scire facias to issue against Defendant's Representative when known. Case continued.

**

PETER W. FORD vs BENJAMIN F. IRVINE #233 Pg 182

This day came Plaintiff by his attorney and suggested the death of Defendant and on motion Court ordered Scire facias issue against Defendant's Representative when known.

**

B. B. GOODRICH vs W. M. RANKIN

#381 Pg 183

This day came attorney for Plaintiff and dismissed this suit. Court ordered that Defendant Rankin recover of the Plaintiff and his Security Limmel Smith on his Appeal Bond and all costs of suit in his behalf expended, for which execution may issue.

**

FAIRFAX WASHINGTON vs DUDLEY RUNNELS

#384 Pg 183

On motion of attorney for Plaintiff, the Court ordered Judgment by Default to be entered herein.

**

A. G. PERRY vs ANTHONY BYRNE

#386 Pg 183

Ordered by Court that an Alias issue against Defendant.

**

A. D. KENNARD vs R. E. PAGE

#387 Pg 183

On motion of attorney for Plaintiff, Court ordered Judgment by Default to be entered.

**

JAMES MC GOWAN vs PLEASANT GRAY

#388 Pg 183

On motion of attorney for Plaintiff, Court ordered a Judicial Attachment to issue against the property of Defendant. Case to be continued.

**

WM. H. FOWLER vs PLEASANT GRAY

#389 Pg 183

On motion of Plaintiff, Court ordered a Judicial Attachment against the property of Defendant. Case to be continued and on motion of J. C. Megginson, Esqr., Wm H. Parmer, Esqr. was appointed by the Court the District Attorney pro tem for the Republic. Whereupon came said Parmer and took oath required as prosecuting attorney.

**

BANK OF ALABAMA vs WM SIMONTON

#334 Pg 184

Came into open court Henry Fantharp and A. D. Kennard, Sr., who each jointly and severally acknowledge themselves as the Security for costs of suit.

**

W. H. FOWLER vs. P. H. FULLENWILDER, #390 Pg 184
W. M. RANKIN & WM LANDRUM

On motion of attorney for Plaintiff, Court ordered Judgment by Default.

**

A. H. DAVIS & H. BOSTON vs PLEASANT GRAY #391 Pg 184

On motion of attorney for Plaintiff, Court ordered Judicial Attachment to be issued against property of Defendant.

**

DANIEL FULLER vs HALLON FULLER #392 Pg 184

Continued on application of attorney for the Plaintiff.

**

A. B. BROWN FOR USE OF J. J. WEBSTER vs #393 Pg 184
AARON SHANNON

This day came attorney for Plaintiff and dismissed his suit against Defendant and by agreement with Defendant, assumes to pay costs of suit. And Court held that Plaintiff have and recover of Defendant Shannon all costs in his behalf expended for which execution may issue and that Plaintiff have right to withdraw papers.

**

JOHN J. WEBSTER vs AARON SHANNON #394 Pg 185

This day came attorney for Plaintiff and dismissed this suit against Defendant. It is considered by the Court that Aaron Shannon have and recover of John J. Webster all costs of suit in this cause in his behalf expended, for which execution may issue, and that Plaintiff have right to withdraw papers.

**

HENRY SHEETS vs G. W. BANTON #395 Pg 185

For want of sufficient service, and on motion of Plaintiff's attorney, the Court ordered an Alias writ to be issued.

**

JOHN TAYLOR FOR USE OF JOHN DORSEY vs #396 Pg 185
J. H. SHEPPARD

The Court ordered Alias writ and copy of petition to be issued on application of Plaintiff's attorney.

**

JOHN LANDRUM vs A. HELM, W. M. RANKIN & #397 Pg 185

THOS. B. RANKIN

On motion of attorney for Plaintiff, Court ordered Judgment by Default.

* *

ALEXANDER MC GOWAN vs APPLETON GAY #400 Pg 185

On motion of attorney for Plaintiff, Court ordered Judgment by Default.

* *

JOHN F. CRAWFORD vs JOHN B. CAMP #401 Pg 185

On motion of attorney for Plaintiff, ordered that Alias writ issue.

* *

JOHN F. CRAWFORD vs W. B. PATTERSON & DANIEL CRAWFORD #402 Pg 185

Parties by their attorneys agree to continue this cause and so ordered.

* *

Court adjourned until tomorrow morning at 9 o'clock.

Wednesday September 25, 1844

PIERRE DENISE vs APPLETON GAY #179 Pg 186

It appearing to the satisfaction of the Court that the lead attorney, B. C. Franklin, Esqr., for Defendant, desires a continuance and the attorneys for Plaintiff consent and case is continued.

* *

JAMES W. PARKER vs PLEASANT GRAY #202 Pg 186

Defendant came by his attorney and Plaintiff being solemnly called, came not but therein altogether made default, and on motion of attorney for Plaintiff, it is considered by the Court that Pleasant Gray have and recover of James W. Parker all costs of suit in this cause expended for which execution may issue. Case dismissed.

* *

LUCINDA STRAWTHER vs THOMAS STRAWTHER #203 Pg 186

On motion of attorney for Plaintiff, Court ordered case to be continued.

* *

JAMES R. JENKINS vs PHILLIP AVERETT

#238 Pg 186

On motion of Plaintiff's attorney, Court ordered Judgment by Default that was entered at a previous term be set aside and case continued.

**

JAMES W. PARKER vs PHILLIP GOODBREAD

#240 Pg 186

Defendant came by his attorney and Plaintiff being solemnly called, came not either in person or by attorney, therein altogether made default, and on motion of attorney for the Plaintiff, Court ordered a non suit be entered and that the Defendant recover of James W. Parker all costs of suit in this cause expended, for which execution may issue.

**

FRANKLIN BRIGNANCE vs A. G. PERRY

#246 Pg 187

Parties came by their attorneys and agree to continue cause and so ordered.

**

JAMES JORDAN vs THOMAS SCOTT

#285 Pg 187

Attorney for Plaintiff came and suggested a Diminution of record and on motion, Court ordered that an Alias certiorari be issued to the Magistrate who tried the cause, or his successor in office and case continued to next term.

**

E. M. FULLER vs T. T. MC IVER & T. T. BAILEY

#286 Pg 187

On motion of attorney for Plaintiff, it was ordered by Court that Writ of certiorari issue to the Magistrate who tried the cause, or his successor in office, and by consent the cause was continued.

**

T. T. BAILEY vs D. H. MC GARY

#305 Pg 187

This cause is continued by consent of attorneys for parties, and cause continued.

**

**ELISHA FLOYD vs GEORGE A. FLOYD ADM FOR
JOSEPH FLOYD, DECEASED**

#307 Pg 187

This day Defendant came by his attorney and dismissed his Certiorari. It is therefore considered by the Court that the Plaintiff recover of George A. Floyd as Administrator of Joseph Floyd, deceased and John H. Corner by his attorney C. M. Corner as Security on Appeal Bond of this Defendant, all costs of suit in this cause expended for which execution may issue.

**

THOMAS GREEN vs JOSEPH FLOYD

#306 Pg 188

This day came attorney for Plaintiff and suggested death of Defendant and on motion, it is considered by Court that Scire facias issue against G. A. Floyd, Administrator of deceased Defendant. Case continued.

* *

**LUCRETIA PARKER vs D. G. HAMBLIN &
J. E. BURRELL**

#207 Pg 188

Defendants came by their attorney, W. B. White, Esqr. and the Plaintiff being solemnly called, came not either in person or by attorney, therein altogether made default, and on motion Court ordered a non suit be entered against Plaintiff and that Defendants recover of Lucretia Parker all costs of suit in this cause expended, and for which execution may issue.

* *

JAMES KNIGHT vs W. J. C. PEARCE

#216 Pg 188

The Defendant having appeared by his attorney and filed his plea in the case on motion of attorney for Defendant, it is considered by the Court that the Judicial Attachment levied upon property of Defendant be dismissed and property taken under the Attachment be returned to Plaintiff, and the Bond to be a nullity.

* *

BENJAMIN JONES vs ANTHONY BYRNE

#308 Pg 188

By consent of attorneys for parties, it is considered by the Court that case be continued.

* *

WELLS PHILLIPS vs E. M. GRAY

#310 Pg 188

Court ordered that an Alias writ and copy of Petition issue in this cause. For sufficient cause, Court ordered that a fine of Ten Dollars each be entered at this term against Jesse Simmons and Frederick Uttz as defaulting jurors be released.

* *

This day Col J. C. Megginson presented to the Court S. W. John Shannon as an applicant for license to practice law and whereupon the Court appointed Messrs. J. C. Megginson, P. W. Gray and Henry N. Potter, Esqr., a committee of three gentlemen learned in the law for the purpose of examining and to make report according to the custom established in like cases.

* *

AARON KITCHELL vs PHILLIP R. GOODBREAD #315 Pg 189

This day came the parties by their attorneys, the Plaintiff by J. B. White. Esqr. and Defendant by A. G. Perry, Esqr., and thereupon came a jury of good and lawful men, to wit: Jackson A. Jones, Ransom Alphin, Appleton Gay, R. B. Martin, J. W. Hackett, Henry Ford, R. E. Page, Elisha Floyd, J. M. Wade, J. P. Morrison, Isaac McGary and Claiborne West, who being duly tried and sworn the truth to speak upon the issues joined between the parties, upon their oaths do say:

"We the Jury find for the Plaintiff the sum of Sixty Dollars damages and costs of suit." Signed Claiborne West, Foreman.

It is therefore considered by the Court that Plaintiff have and recover of Phillip R. Goodbread, Appellant, and Phillip R. Goodbread and Martin West as Securities for Appellant, the sum of Sixty Dollars damages and the costs of suit by Jury in manner and form aforesaid assessed, and all costs in this cause expended with execution.

* *

And next came the Grand Jury into open court and returned True Bills against the following persons for forgoing offenses, agreeing that the Court may alter any matters of form as to the Indictment, not altering the substance:

REPUBLIC OF TEXAS vs	
WILLIAM W. TABOR	Assault with Intent to Kill
HENRY SHORES	Gaming
JOHN D. BARTON	Escape of Criminal
WM. BOWEN	Assault with Intent to Kill
W. J. C. PEARCE	Gaming

It is ordered that Capias instanter issue against parties.

* *

Court adjourned until tomorrow morning, 9 o'clock.

Thursday September 26, 1844

Honorable N. P Norton, Presiding, same Clerk and Sheriff.

REPUBLIC OF TEXAS vs JOHN CHOATE #100 Pg 190

Upon application of prosecuting attorney, Court ordered Alias capias issue against John Choate to Harris and other counties in Republic, if required.

**

REPUBLIC OF TEXAS vs JOHN HARPER #101 Pg 190

On motion of attorney for Plaintiff, Court ordered that Alias pluries capias issue to any county required.

**

REPUBLIC OF TEXAS vs G. W. ROGERS #102 Pg 190

This day came the Republic of Texas by her attorneys J. H. Hawkins and W. H. Palmer and Defendant being called, came not into Court. On motion of Plaintiff's attorneys, proclamation was made and Defendant having wholly made default, the Court ordered Scire facias issue against George W. Rogers, the said Defendant, and his Securities, Mica J. Rogers and Thos. King.

**

REPUBLIC OF TEXAS vs

J. D. H RICHARDSON	#104	Pg 190
WM. FORD	#106	Pg 190
D. B. CARSON	#107	Pg 190
JOHN BROWN	#117	Pg 190
JAMES JONES ET AL*	#115	Pg 190
B. C. ALLEN*	#111	Pg 191
A. C. JONES ET AL*	#118	Pg 191

This day came the Defendants by their proper person and the Republic by W. H. Parker and J. H. Hawkins, Esqrs. District Attorneys Pro Tem and say they no longer intend to prosecute the several Defendants in Cases #104, 106, 107, 117 and 115. It is therefore ordered by the Court that Defendants in cases noted above go hence without day, with Republic to pay costs. Involved in these cases were James Jones, Charles Jones, Jackson Jones and Keaton Jones, all to be discharged and go hence without day. [*Others involved in to Cases #111 and 118 were B. C. Allen, Allen C. Jones, Charles Jones, James Jones, Hedley White and James Reason.]

**

REPUBLIC OF TEXAS vs W. C. CLARKE #103 Pg 191

On motion of attorneys for the Republic, Court ordered that Capias issue against Clarke.

**

REPUBLIC OF TEXAS vs J. J. KUYKENDALL #108-#109 Pg 191

On motion of attorneys for the Republic, Court ordered that Capias issue.

**

REPUBLIC OF TEXAS vs CHARLES M. CONNER & JOHN M. WADE #114 Pg 191

The Defendants came in person and Republic by Messrs. Parmer and Hawkins, District Attorneys Pro Tem, and Defendants were arraigned. Charles M. Connor pleads guilty and prays for the mercy of the Court and John M. Wade for plea to indictment, says "Not Guilty," and upon which the parties join issue and thereupon came a jury of good and lawful men, to wit:

R. B. Martin, J. A. Jones, Ransom Alphin, Appleton Gay, J. W. Hackett, Henry Ford, Elisha Floyd, Solomon Johnson, J. P. Harrison, Claiborne West, J. T. Gilbert and Simeon Nixon, who being duly elected, empaneled and sworn a true verdict to render, upon their oath do say, "We the Jury find the Defendant Not Guilty." Signed Claiborne West, Foreman.

It is therefore considered by the Court that Defendant Wade go hence without day and the Republic of Texas to pay costs.

**

REPUBLIC OF TEXAS vs YARBERRY BAKER #121 Pg 192

This day came the Defendant Baker in his own proper person and the Republic by Messrs. Hawkins and Parmer, the District Attorneys Pro Tem, and Defendant being arraigned and for plea to indictment says, "Not Guilty," upon which the parties join issues. Thereupon came a jury of good and lawful men, to wit: Isaac McGary, Appleton Gay, Henry Ford, Elisha Floyd, Solomon Johnson, J. P. Harrison, Claiborne West, M. G. McGuffin, J. T. Gilbert, J. W. Wade, Jesse Simmons and Joseph Henson, who being duly elected, empaneled and sworn a true verdict to render, do upon their oath say, "We the Jury find the Defendant Not Guilty." Signed Claiborne West, Foreman.

It is therefore considered by the Court that Defendant Wade go hence without day and the Republic to pay costs.

**

REPUBLIC OF TEXAS vs ROBERT WHITE #120 Pg 192

REPUBLIC OF TEXAS vs HENRY WHITE #120 Pg 192

REPUBLIC OF TEXAS vs ELIJAH WHITE #120 Pg 192
REPUBLIC OF TEXAS vs JACKSON JONES #120 Pg 192

This day came the parties in their proper persons and the Republic by Messrs Parmer and Hawkins, the District Attorneys Pro Tem, and Defendants were arraigned for plea to the Indictment all say, "Not Guilty," whereupon the parties join issues. Thereupon came a jury of good and lawful men, to wit: Wm. Viser, W. J. Viser, T. T. Bailey, Thomas Scott, John Leigh, Raleigh Rogers, Jesse Simmons, R. E. Page, J. M. Wade, W. J. C. Pearce, M. G. McGuffin and Joseph Henson, who being duly elected, empaneled and sworn a true verdict to render do upon their oath say, "We the Jury find Defendant Not Guilty." Signed John M. Wade, Foreman.

It is therefore ordered by the Court that Defendants go hence without day and Republic pays costs of suit.

* *

REPUBLIC OF TEXAS vs MARTIN GOWEN #122 Pg 192
REPUBLIC OF TEXAS vs WM HEATH #124 Pg 192
REPUBLIC OF TEXAS vs J. J. KUYKENDALL #127 Pg 192

On motion of the attorneys for the Republic, it is ordered by the Court that Alias capias issue in these several cases.

* *

REPUBLIC OF TEXAS vs DANIEL LARISON #123 Pg 193

This day came the Republic of Texas by her attorneys and suggest the death of the Defendant and Court ordered that the Indictment abate and Republic pays costs.

* *

JAMES JORDAN vs JOHN SMITHERS, THOMAS SCOTT & WILLIAM VISER #254 Pg 193

This day came the parties by their attorneys and agree to waive all exceptions and submit the cause with the law and facts upon the merits to the decision of the Court. After the Court examined ant fully understood the facts and law, it is ordered that the Injunction or Certiorari be dismissed and that Smithers, Scott and Viser have and recover of James Jordan, Plaintiff in this case, and Ezekiel Foster, Security on the Certiorari Bond, and all costs of suit in his behalf expended. with execution.

* *

URIAH S. CUMMINGS vs JOHN REID #273 Pg 193

The parties came by their attorneys, and it appearing to the satisfaction of the Court that the parties have settled this cause and Defendant assumes to pay all costs, it is ordered by the Court that Plaintiff Cummings have and recover of John Reid all costs of suit in this cause expended for which execution may issue.

* *

**REPUBLIC OF TEXAS vs JOHN BANTON,
SHERIFF OF MONTGOMERY COUNTY**

#129 Pg 194

Defendant came into open court and acknowledged himself to be indebted to Sam Houston, President of the Republic of Texas and his successor in office in the sum of Two Hundred Dollars to be made and levied of his goods and chattels, lands and tenements for the use of the Republic of Texas, to be void upon the condition that the said John Banton shall be and personally appear before the Honorable District Court of said County from day to day and term to term to answer the Republic of Texas and he shall not depart without leave of the Court.

* *

Whereupon Court adjourned until tomorrow morning at 9 o'clock.

Friday September 27, 1844

Court met according to adjournment with Honorable N. P Norton presiding, and with the same Clerk and Sheriff.

REPUBLIC OF TEXAS vs WM BAKER

#112 Pg 194

The Republic came by Messrs. Parmer and Hawkins as District Attorneys Pro Tem and the Defendant having appeared under a Recognizance, and on motion of his attorney, Court ordered Defendant discharged but papers to remain on file in event further action may be required at the next term by a Grand Jury.

* *

REPUBLIC OF TEXAS vs JAMES SISSON

#126 Pg 194

On motion, Court ordered that Indictment be continued as on an Affidavit of Defendant.

* *

REPUBLIC OF TEXAS vs WM BOWEN

#133 Pg 195

This day came the Defendant in his own proper person and the Republic by her attorneys, and the Republic says it does not intend any further action to prosecute the Indictment of "An Assault with Intent to Kill." And therein the Republic enters a Nolle prosequi. Thereupon, the Defendant comes in his own proper person and being arraigned under count for Assault and Battery in the Indictment preferred for plea thereto, says "Guilty" and prays the mercy of the Court. It is therefore considered by the Court that the Defendant make his fine by the payment of One Cent and costs of suit, and that he remains in the custody of the Sheriff until the fine and costs are fully paid.

* *

This day Col. J. C. Megginson made known to the Court that the Committee to examine Mr. John Shannon, an applicant for a license to practice law, reported Favorable. Thereupon the Court administered the oath prescribed by Law and so ordered a license to issue to John Shannon to practice henceforth in any of the courts of law and equity of the Republic of Texas.

* *

REPUBLIC OF TEXAS vs HENRY WHITE ET AL

#120 Pg 195

This day came the Republic by her attorneys and say that they no further intend to prosecute Hedley White who is included in this Bill of Indictment. It is considered by the Court that Hedley White go hence without day and Republic pay costs of prosecution.

* *

On motion of attorneys for the Republic, it is ordered by the Court that all witnesses required on the part of Prosecution under causes undetermined shall be subpoenaed between this and the next term of Court.

* *

Whereupon Court adjourned until tomorrow morning at 9 o'clock.

Saturday September 28, 1844

Court met according to adjournment with Honorable N. P Norton presiding, with same Clerk and Sheriff.

REPUBLIC OF TEXAS vs WM W. WOOD

#128 Pg 196

Indictment for Perjury. This day came the Defendant in his own proper person and the Republic by her attorneys and the Defendant being arraigned for plea to the Indictment says "Not Guilty." A jury of good and lawful men were

chosen to try this cause, to wit: Claiborne West, Henry Ford, J. T. Gilbert, Isaac McGary, Jesse Ammons, T. T. Bailey, John Leigh, Raleigh Rogers, M. C. Rogers, R. E. Pace, M. G. McGuffin, J. W. Hackett, who being elected, tried, empaneled, and sworn a true verdict to render under upon the issues between the parties, upon their oaths do say, "We the Jury in this case do find for the said prisoner, "Not Guilty." Signed Claiborne West, Foreman.

It is therefore ordered by the Court that Wm. W. Wood go hence without day and the Republic pay all costs of prosecution.

* *

REPUBLIC OF TEXAS vs MOSES O. DIMAN #134 Pg 196

Assault & Battery. This day came the Defendant in his own proper person and the Republic by her attorneys and the Defendant being arraigned for plea to the Indictment says, "Not Guilty," whereupon the parties by their attorneys join issue.

A jury of good and lawful men were chosen to try this cause, to wit: Claiborne West, Henry Ford, J. T. Gilbert, Isaac McGary, Jesse Ammons, T. T. Bailey, John Leigh, Raleigh Rogers, M. C. Rogers, R. E. Pace, M. G. McGuffin, J. W. Hackett, who being elected, tried, empaneled, and sworn a true verdict to render upon the issues between the parties, upon their oaths do say, "We the Jury in this case do find for the said prisoner "Not Guilty." Signed Claiborne West, Foreman.

It is therefore ordered by the Court that Moses O. Diman go hence without day and the Republic of Texas pay all costs of prosecution.

* *

REPUBLIC OF TEXAS vs J. S. BENNETT #119 Pg 197

By consent of parties, Court continued the Indictment in the case

* *

REPUBLIC OF TEXAS vs HENRY SHORES #130 Pg 197

REPUBLIC OF TEXAS vs W. C. J. PEARCE #132 Pg 197

REPUBLIC OF TEXAS vs JOHN REID #135 Pg 197

Republic of Texas came by her attorneys and on motion, Court ordered Alias capias issue against Defendants in the above causes.

* *

REPUBLIC OF TEXAS vs JOHN BANTON, SHERIFF #129 Pg 197

Indictment for Escape of Criminal. Republic came by her attorneys and Defendant by his attorney and on motion by Defendant to quash the Indictment, being fully understood and argued before the Court, it was held that the Indictment be quashed and John Banton go hence without day and Republic pay costs of prosecution.

**

THE REPUBLIC OF TEXAS vs W. W. TABOR #131 Pg 197

On motion of Republic, the Court ordered Alias capias to be issued to Defendant.

**

PIERRE BLANCHETT vs W. C. WINTERS #131 Pg 197

PIERRE BLANCHETT vs JOHN WINTERS ET UX #135 Pg 197

This day came the parties by their attorneys and it being considered by the Court that the cases be continued, and on motion of attorneys for Defendants, it is so ordered that the Plaintiff give additional Security for costs of suit in these cases by the next term or the cases will stand dismissed.

**

JOHN A. STAPLER vs BENJAMIN JONES #179 Pg 198

JOHN A. STAPLER vs JAMES JONES #181 Pg 198

On motion of attorney for Plaintiff, and on affidavit filed, it is considered by the Court that attachment issue against W. R. Sanders, a defaulting witness for Plaintiff; and for sufficient cause appearing, it is ordered by Court that this cause as well as Affidavit of Plaintiff for trial without giving further Security for costs of suit as ruled at this term, be continued.

**

TOWN OF WASHINGTON FOR USE OF #265 Pg 198

ELEANOR GAY vs JOHN LOTT & W. C. JONES

This cause continued by agreement of Counsel and consent of the Court.

**

WM. BLOUNT vs REPUBLIC OF TEXAS #283 Pg 198

JOHN REID vs A. H. CARROLL #318 Pg 198

ANDREW MONTGOMERY vs REPUBLIC OF TEXAS #339 Pg 198

A. D. KENNARD vs R. E. PACE #387 Pg 198

Above cases, by consent of parties, with leave of Court, are continued.

**

AARON KITCHELL vs P. R. GOODBREAD #315 Pg 198

This day Defendant by his attorney, A. G. Perry, Esqr., presents a motion for new trial and after argument for and against, the Court overruled the motion and thereupon came on motion for appeal by Defendant and which was also overruled.

**

G. A. FLOYD ADM ESTATE OF JOS FLOYD, #301 Pg 199
DEC'D vs S. G. MC CLENNY & SAMUEL MC GOWAN
JOHN LEIGH vs JOSEPH HENSON #326 Pg 199
ALEXANDER MC DONALD vs SMITH & HUSTON #355 Pg 199

Defendants came by their attorneys and upon Affidavits of the Defendants, cases were continued and so ordered by the Court.

**

J. R. WOOD vs E. M. GRAY #352 Pg 199

This day came the parties by their attorneys and Defendant withdraws his plea and agrees to waive trial by jury and to submit the law and facts to the decision of the Court which upon deliberation by Court, it was held that J. R. Wood have and recover of Ephraim M. Gray the sum of Six Hundred and Sixty Dollars debt in Plaintiff's petition mentioned and Fifty Six Dollars and ninety cents interest thereon, in all the sum of Three Hundred and Sixteen Dollars and ninety cents, with all costs of suit in this cause expended, for which execution may issue.

**

FAIRFAX WASHINGTON FOR USE OF MAN vs #384 Pg 199
DUDLEY RUNNELS

On motion of attorney for Defendant, ordered by Court that Security for costs of suit be given by Plaintiff, and all agree to continue case.

**

BANK OF ALABAMA vs WM. SIMONTON #324 Pg 200

For sufficient cause appearing to the satisfaction of the Court on application of Plaintiff, this cause is continued.

**

JESSE EVANS vs ROBERT SMITHER ADM #399 Pg 200

This day came Robert Smither, Administrator, by his attorney and the Appellant being called came not. On motion of Attorney for Defendant it is considered by the Court that Robert Smither as Administrator have and recover of Jesse Evans, Appellant, and James G. Van, his Security on Appeal Bond, Thirty Eight Dollars and seventy cents principal and seventy five cents

interest being the Judgment of the Court below, and the further sum of all costs of suit in this cause expended, for which execution may issue and on further motion of attorney for Appellee, Court ordered he have and recover of the Appellant and Security, Three Dollars and eighty seven cents damages.

* *

JOHN MORRISON vs S. G. TRAWICK #408 Pg 200

Parties came by their attorneys and agree to waive a trial by jury and submit the law and facts to the Court. Under the Defendant's plea of offset, which being examined and allowed by the Court, it was further considered by the Court that John Morrison have and recover of Defendant the sum of Seven Thousand Six Hundred and Sixty Three Dollars and seventy three cents balance due as by consent for which execution may issue as well as for all costs of suit in this case expended.

* *

The Court adjourned until Monday morning at 9 o'clock.

Monday September 30, 1844

Presiding Judge was Honorable N. P. Norton, and Clerk and Sheriff same as yesterday.

J. W. PARKER vs REPUBLIC OF TEXAS #223 Pg 201

By agreement of parties, Court ordered case continued under Rule for Security of Costs.

* *

STANTON FIELDS vs REPUBLIC OF TEXAS #226 Pg 201

By consent, case continued.

* *

STEPHEN W. PERKINS vs JOHN HUME & EDWARD WALCOTT #299 Pg 201

Parties came by their attorneys and agree to waive a trial by jury and submit the law and facts in the case to the decision of the Court, which being considered, the Court ordered that Perkins and Walcott, merchants doing business in the name of "G. W. Perkins & Co." to have and recover of John Hume, the sum of Two Hundred and Fifty Six Dollars and 31 cents debt in Plaintiff's petition.

* *

WOOD, GALLATIN vs JOS. LINDLEY ET UX #300 Pg 201
& **WOOD ET AL**

A. G. POWELL (DEFENDANT) vs WM. MC INTIRE #361 Pg 201

BAILEY GAY & GOWEN vs JESSE PARKER #372 Pg 201

Above three cases, by agreement, stand continued.

* *

ABIGAIL LYNCH vs PATRICK LYNCH #304 Pg 202

On motion of attorney for Plaintiff, Court ordered that Alias writ with copy of Petition be issued and cause be continued.

* *

JAMES MC GOWEN vs G. W. GARVIN, THOMAS #313 Pg 202
ELLINGTON & NEHEMIAH MC GEE

Parties came by their attorneys, and thereupon came A. G. Perry, attorney for Jos. P. Lynch and Defendant, files their Writ of interpleader. Court ordered Scire facias to issue to said Lynch requiring him to come in and interplea at the next term; and on affidavit of G. W. Garvin, one of the said Defendants, this cause was continued to the next term.

* *

JONATHAN S. COLLARD FOR USE OF JOHN BAKER #317 Pg 202
vs ALEXANDER MC GOWAN

The parties by their attorneys appear and submit this case to the decision of the Court upon its merits, which then being examined and fully understood by the Court, it was ordered that Judgment of Court below be affirmed with ten percent damages and all costs of suit, for which execution may issue.

* *

CHARLES B. STEWART vs H. MC NEIL, SHERIFF & #322 Pg 202
A. WHITAKER & W. LANDRUM (SECURITIES)

By agreement of attorneys with consent of the Court, this cause continued.

* *

**CHARLES CHEVALIER vs KESIAH C. MC IVER
ALIAS K.C. HARRISON**

#323 Pg 202

It appearing to the satisfaction of the Court that sufficient service had not been had, on motion of attorney for Plaintiff Court ordered that Scire facias issue to John C. Harrison and case continued.

* *

CHARLES MC KIM vs R. R. GRAVES

#336 Pg 203

For want of sufficient service and on motion of attorney for Plaintiff, the Court ordered Alias to issue. Case continued.

* *

JAMES LOWE vs J. H. WOOD

#344, 345, 346 Pg 203

In these cases, on motion it is ordered by the Court that the Plaintiff give Security for costs of suit by next term and by agreement, case continued.

* *

R. B. MARTIN vs PLEASANT GRAY

#348 Pg 203

Plaintiff came by his attorney and Defendant not having said anything in bar or preclusion of Plaintiff's action, Court ordered that Robert B. Martin have and recover of Pleasant Gray One Hundred Eighty Seven Dollars and sixty five cents Damages and all costs of suit, and execution may issue.

* *

JOHN T. EUBANKS vs HALLEY ARNOLD

#349 Pg 203

Plaintiff came by his attorney and Defendant having withdrawn his plea and submitted the law and facts to the decision of the Court, and which being examined, it was ordered by the Court that John T. Eubanks have and recover of Halley Arnold the sum of Four Hundred Dollars principal and Sixty Four Dollars interest thereon, in all the sum of Four Hundred and Sixty Four Dollars Debt as in Plaintiff's Petition mentioned and all costs in this cause expended. Execution may issue.

* *

**ZORELDA STONE ALIAS WILLIAMS vs
APPLETON GAY**

#350 Pg 203

Plaintiff came by her attorney and Defendant not having said anything in bar or preclusion of Plaintiff's action, Court ordered that Plaintiff have and recover of Appleton Gay, Four Hundred and Forty Three Dollars, thirty three cents Damages in Plaintiff's Petition mentioned and all costs of suit in this cause expended, and for which execution may issue.

* *

**WM. H. FOWLER, CLERK vs DAVID M.
BULLOCK ET AL**

#359 Pg 204

In this case the Defendants agree to waive all exceptions and try the cause upon its merits at the next term. So continued.

* *

GEORGE W. LOFTIS vs JOSEPH H. WOOD

#363 Pg 204

Plaintiff came by his attorneys and Defendant not having said anything in bar or preclusion of Plaintiff's final Judgment, and the cause submitted to the decision of the Court, George Loftis to recover of Joseph H. Wood, the sum of One Hundred and Twelve Dollars and sixty cents principal, and Fifteen Dollars and seventy five cents interest thereon, in all a total of One Hundred Twenty Eight Dollars and forty five cents and all costs of suit for which execution may issue.

* *

**THOMAS B. BAILEY vs E. M. GRAY &
PLEASANT GRAY**

#364 Pg 204

By agreement of attorneys and with consent of the Court, this cause is continued.

* *

SIMON L. JONES vs JOHN ROBBINS

#365 Pg 204

Plaintiff came by his attorneys, and Defendant having said nothing in bar or preclusion of the Plaintiff's action, and the cause being submitted to the decision of the Court, the Court held that Jones should have and recover of Robbins the sum of Three Hundred Dollars principal and forty two dollars interest thereon, in all the sum of Three Hundred and Forty Two Dollars and all costs of suit in this cause, and execution may issue.

* *

HENRY GOFF vs REPUBLIC OF TEXAS

#366 Pg 204

By agreement of attorneys and with consent of the Court, this cause is continued.

* *

JOHN T. BROWNE vs WM. TABOR

#369 Pg 205

On motion of attorneys for Tabor, it is considered by Court that Certiorari issue for certified copies of the proceedings from Magistrate or his successor in office who tried the case and case continued.

* *

J. J. KUYKENDALL vs T. H. JOHNSON

#373 Pg 205

This cause continued on Affidavit of Johnson.

* *

PIERRE DENISE vs APPLETON GAY

#382 Pg 205

Upon application of attorney for Plaintiff, Court ordered an Alias writ of sequestration to issue, cause continued.

* *

**WM. H. FOWLER, CLERK vs PLEASANT GRAY,
ISAAC TONSEY & J. T. SIMS**

#383 Pg 205

On motion of attorney for Plaintiff, and it appearing to the Court that service had not been made on all Defendants, the Court ordered that an Alias issue against the Defendant Isaac Tonsey and that Judicial Attachment issue against property of Defendant Pleasant Gray. Cause continued.

* *

FAIRFAX WASHINGTON vs DUDLEY RUNNELS

#384 Pg 205

By agreement of attorneys, and with the consent of the Court, this cause continued.

* *

**WM. H. FOWLER, CLERK vs P. H. FULLENWIDER,
WM. M. RANKIN & WM. LANDRUM**

#390 Pg 205

Plaintiff came by his attorneys, and Defendant having said nothing in bar or preclusion of the Plaintiff's action, and the cause being submitted to the decision of the Court, the Court held that Plaintiff should have and recover of Peter H. Fullenwider, Wm M. Rankin and WM. Landrum the sum of One Hundred and Sixteen Dollars and sixty three cents principal and Seven Dollars and ninety six cents interest thereon and in all One Hundred Twenty Four and fifty nine cents and all costs of suit in this cause with execution.

* *

On this date came into open court John Womack and Archelaus Pope and took the Oath of Allegiance as prescribed by law.

* *

PLEASANT GRAY vs O. H. P. HILL

#398 Pg 206

This day came attorney for P. Gray and suggests a Diminution of record, and it was considered by the Court that a Writ of certiorari issue to the Magistrate for a complete transcript and case continued.

**

PETER CARTWRIGHT vs ISAAC CALL

#403 Pg 206

CHARLES B. STEWART vs ALDRICK & DAVIS

#405 Pg 206

P. T. MARTIN vs JOSEPH H. WOOD

#407 Pg 206

In the above cases, by agreement of attorneys with consent of Court, cases continued.

**

JOSEPH HENSON vs JAMES R. MATHEWS

#404 Pg 206

On Affidavit of Defendant J. R. Mathews, case continued.

**

Court adjourned until tomorrow morning, 9 o'clock.

Tuesday October 1, 1844

Presiding Judge Honorable N. P. Norton, and Clerk and Sheriff the same as yesterday.

ALEXANDER MC COWN vs APPLETON GRAY

#400 Pg 207

Parties came by their attorneys and thereupon came a jury of good and lawful men, to wit: John C. Ogburn, WM. Landrum, J. M. Wade, J. D. R. Baylor, John Womack, L. G. Clepper, M. G. McGuffin, J. C. Clark, J. T. Gilbert, Joseph Henson, J. T. Bailey and J. R. Mathews, who being elected, tried and sworn a true verdict to render upon the issues joined between the parties, do upon their oaths say, "We find for the Plaintiff the amount claimed being One Hundred and Ten Dollars." Signed Lem G. Clepper, Foreman.

Therefore, it was ordered by the Court that Alexander McGowan have and recover from Appleton Gay the sum of One Hundred and Ten Dollars damages as by the jury in the manner and form aforesaid, and all costs of suit for which execution may issue.

**

JOHN COTTON vs SILAS GAMMON

#374 Pg 207

This day came on to be heard the Injunction in this cause and after arguments heard for and against same, the Court held that the Injunction be dissolved, quashed and set aside so far as relates to the complaint made concerning the execution and costs from this Court and the Clerk can issue execution at his pleasure. Further, it was ordered by the Court that a Writ of certiorari and supersedeas issue to the Magistrate who tried the original cause or his successor in office and require him to send up certified and complete transcript of the proceedings.

* *

REPUBLIC vs C. M. CONROW

#114 Pg 207

The Defendant, C. M. Conrow, having plead Guilty on the Indictment for Assault & Battery, the Court considered that he make his fine by the payment of One Cent and all costs of suit in this prosecution incurred, and that Defendant remain in custody of the Sheriff until the sum of money is paid.

* *

**JOHN LANDRUM vs ABRAM HELM, W. M. RANKIN
& THOMAS B. RANKIN**

#397 Pg 208

Plaintiff came by his attorney and Defendants having said nothing in bar or preclusion of Plaintiff's final Judgment and the cause being submitted to the decision of the Court, the Court held that Plaintiff should have and recover of the Defendants the sum of One Hundred and Thirty Two Dollars and fifty cents damages as in Plaintiff's petition mentioned and all costs of suit.

* *

**ALEXANDER MC COWAN FOR USE OF WM.
BIRDWELL vs ALMOND H. MASON**

#406 Pg 208

Parties came by their attorneys and agree to submit the law and facts to the decision of the Court, which being fully understood, the Court continued case.

* *

Whereupon the Court adjourned until the next term of Court.

examine said George W. Mason, as an applicant for admission to plead and practice same in the several courts of law and equity in and for the Republic of Texas, and they respectively report they have examined him as to qualifications as a lawyer and insofar as his standing as a gentlemen of integrity and moral worth, and that it affords us much pleasure to report to the Court our entire satisfaction of his right to be admitted as a member of the Bar and recommend his admission and that the usual decrees may be issued in accordance with law and practice of Court.

/s/ Benjamin C. Franklin, Jos. Megginson, James Davis

And thereupon came George Mason, to whom the Court then administered the oath required by law as well as the oath of allegiance, and he is admitted to practice law in the several Courts of the Republic.

* *

PETIT JURY CHOSEN: Ordered by the Court that the Sheriff summon twenty four good and lawful men to serve as the Petit Jury at this term. Sheriff summoned the following to serve: Joseph Worsham, Appleton Gay, John J. Goodman, S. C. Smith, Calvin McCormick, Benjamin Newton, A. Whitaker, Thomas Burwick, John Cotton, Julian Deveroux, James Mitchell, and Jerry Griffith, who were duly sworn and empaneled as Petit Jurors. And also summoned were Sam McGuffin, James Thompson, Hugh B. Boston, Thomas Cotton, Wm. Atkins, F. W. Calloway, John D. Pitts, John F. Crawford, Joseph Henson, Thomas P. Planter, John McArthur, William Patterson, who were duly sworn and empaneled to serve as Petit Jurors for the term.

* *

And thereupon the Court adjourned until Tuesday morning at eight o'clock.

Tuesday April 1, 1845

Court met pursuant to adjournment.

WM. MOSLEY & JOSEPH MOSLEY vs R. E. PACE #424 Pg 211

In this service, being considered insufficient by the Court, it was ordered that an Alias issue versus Defendant's Petition and Writ and case continued until the next term.

* *

ROBT. F. WALKER vs WM. M. BUDO #429 Pg 211

Ordered by the Court that publication be made for sixty days in some newspaper printed in Republic.

* *

C. B. STEWART vs W. W. SHEPPERD #430 Pg 211
Service not having been made, Court ordered Alias writ and Petition to issue.
* *

JAMES M. STANTON vs JOHN VAUGHN #436 Pg 211
Court ordered Alias writ and Petition to issue to Defendant.
* *

SAUL THOMAS FOR USE OF GARRETT LANE vs JOHN COTTON #440 Pg 211
Ruled that Security for costs be given. James Scott and Jas. W. Barnes appear in open court, and acknowledge themselves bound to pay all costs of Plaintiff. Execution may issue.
* *

STROUD MELTON vs SELDEN FRYOU #445 Pg 211
This day came S. D. Hay, attorney for Plaintiff, and says he will no further prosecute this cause and asks same be dismissed at Plaintiff's cost. Court ordered the Defendant to recover of Plaintiff and his Security for costs of suit and Execution may issue.
* *

FURTHER BUSINESS OF COURT: A fine of Twenty Five Dollars was ordered against each Juror who made default in attendance at Court: W. R. Martin, David Clary, John W. Barrett, Yarboro Baker, Geo M. Patrick, Henry Shores, Thomas P. Camp, Isaac Votaw, and Henry Jackson. Scire facias to issue, returnable to next term.
* *

It appearing to the Court that Elisha Uzzell, Foreman of the Grand Jury, is absent, sickness being alleged on motion of W. H. Palmer, District Attorney, that John Landrum be sworn in as Foreman of said Grand Jury and John Landrum came into Court and took the oath.
* *

LOYAL CASE & CO vs E. M. GRAY #42 Pg 212
Parties came by their attorneys and thereupon came a jury of good and lawful men, to wit: Joseph Worsham, Appleton Gay, John J. Goodman, J. C. Smith, Calvin McCormack, Ben Newton, A. Whitaker, Thomas Birdwell, John Cotton, Julian Deveroux, James Mitchell and Leroy Griffith who being empaneled, tried and sworn the truth to speak upon the issues joined between the parties upon their oaths do say and find for Defendant. It was considered by the Court that

Defendant go hence without day and recover of Plaintiffs and their Securities for all costs of suit expended for which execution may issue.

* *

On this date came into open court John Davis, Sr., and took the Oath of Allegiance as prescribed by the Constitution of this Republic, same being administered under the direction of this Court for purpose of his becoming a citizen of the Republic.

* *

Pg 213

It appearing that Henry Jackson was not summoned as a juror to this term, his fine is recalled by the Court and he is discharged.

* *

W. S. TAYLOR vs JACOB SHANNON

#196 Pg 213

Judgment by Default was ordered on second day of the term against Defendant.

* *

W. S. TAYLOR vs WILLIAM BURNEY & J. SHANNON #197 Pg 213

Ordered by Court on second day of term, that Judgment by Default be entered against Defendants herein.

* *

REPUBLIC OF TEXAS vs JOHN REID

#135 Pg 213

This day came the Defendant in his proper person and with him came John F. Crawford, who each and severally do acknowledge themselves indebted to the President of the Republic of Texas and his successor in office in sum of Five Hundred Dollars to be levied of their goods, chattels and estates conditioned that the Defendant Reid make his personal appearance day to day and term to term to answer the Republic of Texas upon a charge for [blank] and that he depart not the Court without leave or until he is tried and acquitted or obeys Judgment of the Court.

* *

UNION BANK vs B. A. OLIPHANT

#277 Pg 213

Ordered by Court on second day of term, that a Judgment by Default be entered against Defendant herein.

* *

UNION BANK vs JOHN HUME

#278 Pg 213

Ordered by Court on second day of term, that a Judgment by Default be entered against Defendant herein.

**

JOHN PATTERSON vs B. B. GOODRICH

#342 Pg 214

Ordered by Court on second day of term, that a Judgment by Default be entered against Defendant herein.

**

H. N. POTTER vs THOMAS I. MC COLLUM

#413 Pg 214

Ordered by Court on second day of term, that a Judgment by Default be entered against Defendant herein.

**

JOHN S. CHENOWETH vs JOHN HUME

#416 Pg 214

Ordered by Court on second day of term, that a Judgment by Default be entered against Defendant herein.

**

MALAKIAH NETTLES vs DANIEL E. HARPER

#417 Pg 214

Ordered by Court on second day of term, that a Judgment by Default be entered against Defendant herein.

**

ELIJAH PRICE vs L. S. MOORING

#419 Pg 214

Ordered by Court on second day of term, that a Judgment by Default be entered against Defendant herein.

**

A. ARMSTRONG vs CELIA ROGERS ADM

#420 Pg 214

Ordered by Court on second day of term, that a Judgment by Default be entered against Defendants herein.

**

**ELI B. WARREN FOR USE OF BENNETT BLASSE vs
MACK RAWLINGS**

#421 Pg 214

Ordered by Court on second day of term, that a Judgment by Default be entered against Defendant.

**

JOHN COTTON vs CHARLES FOSTER

#427 Pg 214

Ordered by Court on second day of term, that a Judgment by Default be entered against Defendant herein.

**

H. M. HART & CO. vs THOS. BRADBURY ADM

#432 Pg 214

Ordered by Court on second day of term, that a Judgment by Default enter against Defendant.

**

DANIEL E. HARPER vs THOMAS T. MC IVER

#407 Pg 215

Ordered by Court on second day of term, that a Judgment by Default enter against Defendant.

**

CHARLES POWER vs JOHN F. CRAWFORD

#439 Pg 215

Ordered by Court on second day of term, that a Judgment by Default enter against Defendant.

**

SUSANNAH TINSLEY vs JESSE PARKER

#442 Pg 215

Ordered by Court on second day of term, that a Judgment by Default enter against Defendant.

**

JAMES KNIGHT vs W. J. C. PEARCE

#440 Pg 215

Ordered by Court on second day of term, that a Judgment by Default enter against Defendant.

**

FRANKLIN & CO. vs JAMES T. SIMS

#444 Pg 215

Ordered by Court on second day of term, that a Judgment by Default enter against Defendant.

**

THOMAS ELLINGTON vs ELIZA M. LACY

#446 Pg 215

Ordered by Court on second day of term, that a Judgment by Default enter against Defendant.

**

MATTHEW BURNETT vs ALBERT CLOYES

#454 Pg 215

Ordered by Court on second day of term, that a Judgment by Default enter against Defendant.

* *

W. W. WOOD vs A. D. KINNARD

#456 Pg 215

Ordered by Court on second day of term, that a Judgment by Default enter against Defendant.

* *

W. MYERS vs C. B. CORLEY & MARY CORLEY

#457 Pg 215

Ordered by Court on second day of term, that a Judgment by Default enter against Defendant.

* *

CORNELIUS ENNIS vs A. M. WALKER

#458 Pg 215

Ordered by Court on second day of term, that a Judgment by Default enter against Defendant.

* *

ALEXANDER MC COWAN vs JOHN M. LEWIS

#460 Pg 215

Ordered by Court on second day of term, that a Judgment by Default enter against Defendant.

* *

ALEXANDER MC COWAN vs ELIJAH COLLARD, SR.

#461 Pg 216

Ordered by Court on second day of term, that a Judgment by Default enter against Defendant.

* *

ALEXANDER MC COWAN vs TIMOTHY CUDE

#462 Pg 216

Ordered by Court on second day of term, that a Judgment by Default enter against Defendant.

* *

M. A. & T. C. MC GUFFIN vs SAMUEL

#464 Pg 216

MC GUFFIN ADM

Ordered by Court on second day of term, that a Judgment by Default enter against Defendant.

* *

JAMES JONES vs ANTHONY BYRNE

#308 Pg 216

This day came the parties by their attorneys and thereupon came a jury of good and lawful men, to wit: Sam McGuffin, James Thompson, Hugh B. Boston, William Winters, Wm Adkins, F. W. Calloway, John D. Betts, Johns Park, Joseph Henson, Thomas P. Plastor, John M. Arthur, William Patterson, who being elected, tried and sworn the truth to speak upon the issues joined between the parties, upon their oaths do say and find for the Plaintiff, One Hundred Six Dollars and seventy seven cents and costs of suit for which execution may issue.

**

JOHN A. STAPLES vs BENJAMIN JONES

#179 Pg 216

Rule for Security of Costs granted and case continued.

**

PIERRE DENYSE vs APPLETON GAY

#177 Pg 216

Continued on second day of term.

**

JOHN A. STAPLES vs JAMES JONES

#181 Pg 216

Rule for Security of Costs granted and case continued.

**

W. S. TAYLOR vs SARAH H. TAYLOR

#198 Pg 217

On motion of Plaintiff's attorney, case continued.

**

JAMES W. PARKER vs REPUBLIC OF TEXAS

#223 Pg 217

Case continued on second day of term.

**

STANTON FIELDS vs REPUBLIC OF TEXAS

#226 Pg 217

In this cause, neither counsel nor principal appeared ready to prosecute this case and on motion of attorney for Republic W. H. Palmer, Esqr., the case was dismissed by the Court and Plaintiff and his Security for costs of suit were held to pay same.

**

**SUSANNAH COTTON vs IREDELL COTTON,
ALIAS MC INTOSH**

#248 Pg 217

Case continued.

**

W. G. MC FARLAND vs J. D. GROESBECK #252 Pg 217
Case continued.
* *

JOHN RICE JONES vs SOLOMON LYNCH #253 Pg 217
Death of Smith being suggested, Court ordered Scire facias to be issued. Case continued.
* *

TOWN OF WASHINGTON FOR USE OF ELEANOR GAY vs J. LOTT & W. C. JONES #265 Pg 217
Continued.
* *

W. S. BLUNT vs REPUBLIC OF TEXAS #283 Pg 218
Continued.
* *

JOHN WARD vs ALEXANDER MC DONALD #284 Pg 218
The papers in this cause not being fully in Court and being certified, it is ordered by the Court that Alias certiorari issue. Case continued.
* *

JAMES JORDAN vs THOMAS SCOTT #285 Pg 218
Ordered by Court that Alias certiorari issue and case to be continued.
* *

ETHAN ELTON vs W. F. EVANS #287 Pg 218
Continued.
* *

ABIGAIL LYNCH vs PATRICK LYNCH #304 Pg 218
No answer being filed, and on motion of Plaintiff's counsel, Court ordered case stand for ex parte trial.
* *

T. F. BAILEY vs D. H. MC GARY #305 Pg 218
Continued.
* *

THOMAS GREEN vs GEO H. FLOYD, ADM OF JOSEPH FLOYD #306 Pg 218

On second day of term, case continued. Sickness of counsel of Defendant suggested.

**

WELLS M. PHILLIP vs E. M. GRAY #310 Pg 218
JAMES MC COWAN vs GARVIN ELLINGTON & LYNCH #313 Pg 218

Above two cases continued.

**

E. MOOREHOUSE FOR USE OF HEIRS vs ELIZABETH MC GREW #319 Pg 219

Continued.

**

SAM GRIMMET FOR USE OF BENJAMIN NEWTON vs MARY CORLEY #320 Pg 219

Case continued.

**

CHARLES CHEVALIER vs K. C. MC IVOR & J. E. HARRISON #323 Pg 219

Case continued.

**

DAVIS AYRES vs JOHN LOTT #325 Pg 219

Continued with Alias pluries copies of writ and Petition to issue to Robertson County.

**

JOHN PATTERSON vs B. B. GOODRICH #342 Pg 219

Default set aside and case continued to next term as on the Affidavit of Defendant.

**

EDWARD S. SHEPPERD vs JOHN D. PITTS #433 Pg 219
EDWARD S. SHEPPERD vs LEWIS DUPREE #434 Pg 219

In both these cases, oyez of notes craved by counsel Franklin for Defendants. Notes not produced.

**

RANSOM H. BYRNE vs JACOB CROFT #435 Pg 219
Alias citation to Harris County was ordered. Case continued.
* *

WILLIAM BUTLER vs THOMAS J. HAYNES #468 Pg 220
Continued on second day of term by Affidavit of Defendant.
* *

JOHN FRIDGE vs AARON SHANNON #467 Pg 220
Ordered that Alias citation issue and cause continued until next term
* *

JAMES L. VAUGHN vs JOHN F. CRAWFORD #468 Pg 220
Rule for costs granted to be given in sixty days or case stands dismissed
* *

T. A. JOHNSON vs W. W. SHEPPERD #473 Pg 220
Continued by agreement of parties on second day of term.
* *

Pg 220

On motion of Judge Scott, the application of Aaron Kitchel, Esqr., for examination and to be admitted to practice law as an attorney of the Court of this Republic was considered by the Court and Judge Scott, Col. Potter and N. H. Davis were appointed to examine Mr. Kitchel. Report as follows, to wit:

**TO HONORABLE MILFORD P. NORTON,
JUDGE OF THE SIXTH JUDICIAL DISTRICT:**

The committee appointed to examine Aaron Kitchel on application for Licence to Practice Law as an Attorney and Counselor at Law beg leave to report that they have examined said Applicant and find him as well qualified as the young usually are before engaging in the business of the profession and insofar as his qualification in that respect are concerned, we do cheerfully recommend him to be licensed; but your committee is grieved to say that a report has now reached them of an occurrence in Georgia of some years back, which if true could affect his character and standing in the opinion of your committee and prevent him from becoming a member of a profession whose notaries should be correct and of moral worth and should be above suspicion.

Your committee therefore recommends that said application be postponed to the next or some future term of the Court in order that Mr. Kitchel may have an opportunity of clearing up any suspicion that may rest upon his character.

Signed April 2, 1845 by Judge Scott, Col. Potter and N. H. Davis, Committee Members.

**

**JOHN W. JEANNERETT FOR USE OF
D. O. ETHERIDGE vs J. C. MEGGINSON**

#Pg 221

Defendant came into Court and confessed Judgment in amount of Three Hundred Thirty-Eight Dollars and fifty cents. It is therefore considered by the Court that Plaintiff recover of Defendant said sum and also his costs of suit in his behalf expended and the Plaintiff consents to a stay of execution for six months.

**

Court adjourned until tomorrow morning at 9 o'clock

Wednesday April 2, 1845

This day the Foreman of the Grand Jury, John Landrum, appeared to said Grand Jury, and was by the Court excused from further service upon Grand Jury. And Elisha Uzzell, Foreman, first appeared to said Grand Jury for the term now and came into Court and was reinstated in his trust and duty as Foreman of said Grand Jury aforesaid.

REPUBLIC OF TEXAS vs CHARLES W. LEVEN

Pg 221

Assault & Battery. This day came Geo. W. Jones and E. J. Arnold and were each and severally recognized to appear in this cause as witnesses on the part of the Republic of Texas in sum of Five Hundred Dollars each.

**

REPUBLIC OF TEXAS vs A. MC DONALD

Pg 222

Assault & Battery. E. J. Arnold, Treasurer of Montgomery County, recognized to appear as a witness on part of the Republic in the sum of Five Hundred Dollars.

**

REPUBLIC OF TEXAS §
COUNTY OF MONTGOMERY §

Pg 222
Spring Term 1845

Rufus R. Cage respectfully petitions the Honorable Court for a license to plead and practice law in the various Courts of law and equity in the Republic of Texas.

/s/ Rufus R. Cage, April 2, 1845

Thomas B. White certifies that the above petitioner has read law, is twenty one years of age and is a gentleman of good moral character, and moves the Court that a Committee now be appointed to examine the legal qualifications.

/s/ Thos.White

The Court appoints Thomas B. White, Ebenezer Allen and George W. Mason, a committee of three, for the above purpose.

**

JOHN CHENOWITH vs JOHN HUME

#416 Pg 222

Rule for Security for Costs being required by attorney for the Defendant, it is granted by the Court on third day of term, or otherwise same be dismissed at the end of sixty days.

**

JOHN COTTON vs REBECCA FOSTER

#422 Pg 222

Continued on affidavit of Defendant on third day of term.

**

The Grand Jury came into Court on this third day of the term and by the Foreman John Landrum (previous to his discharge to the Court) presented a True Bill against following persons, to wit:

REPUBLIC OF TEXAS vs

JOHN N. GILLASPIE	Assault & Battery
A. MC DONALD	Selling Goods Without a License
CHARLES LEVEN	Assault & Battery
DWIGHT WILLIAMS	Assault & Battery

**

JAMES LOVE vs JOSEPH H. WOOD

#344, 345, 346 Pg 223

At a former term, Security for costs having been required in these cases, J. G. W. Pierson came into open court and agreed to be Security in these three cases, and for which execution may issue

**

**TO HONORABLE MILFORD P. NORTON,
JUDGE OF THE SIXTH JUDICIAL DISTRICT:**

Pg 224

We the undersigned having been appointed by your Honor to examine Rufus K. Cage, Esqr., a practicing Counselor and Attorney at Law, in the Courts of Tennessee, touching his qualifications for admission as an Attorney at Law in the several Courts of this Republic and being satisfied in the premises by authentic information and by actual examination, do recommend Mr. Cage for admission accordingly.

/s/ Ebr. Allen

Montgomery – April 2, 1845

/s/ George W. Mason

s/s Thos. D. White

Whereupon, Rufus K. Gage, Esqr., came into Court and took the oath required by law, and he is now admitted to practice law and equity in all the Courts of the Republic.

* *

Grand Jury came in with the following Indictments, to wit:

REPUBLIC OF TEXAS vs

PETER R. LILLY

Selling Without License

LEWIS SANGEY

Selling Without License

SAM MC GUFFIN

Assault & Battery

ALEXANDER WHITAKER

Assault & Battery

JOHN REED

Assault & Battery

EDWARD PERKINSON

Retailing Without License

WILLIAM M. LAUGHLIN

Selling Without License

HENDERSON LOFTON

Assault & Battery

JOHN PRELU

Selling Without License

WILLIAM ALSOBROOK

Selling Without License

* *

**FOWLER FERN FOR USE OF D. WOODRUFF vs
ALEX. & JAMES MC COWN**

Pg 224

John T. Eubanks comes into Court and agrees to pay the costs in default of them being made or paid, and that execution may issue against his goods, chattels and estates for the same.

* *

PIERRE BLANCHETT vs W. C. WINTERS

#131 Pg 224

PIERRE BLANCHETT vs JOHN WINTERS

#135 Pg 224

The parties came by their attorneys and it appearing to the satisfaction to the Court that the Security for Costs of Suit as entered at the previous term had not been complied with, the same be dismissed. It is therefore considered by Court that Defendants severally, go hence without day and recover of the Plaintiff Blanchett the costs of suit in each behalf and for cause expended, for which execution may issue

* *

**GEORGE A. FLOYD vs SAM MC CLENNY &
MC GOWAN ADM OF JOSEPH FLOYD, DEC'D**

#301 Pg 225

Continued on Affidavit of Defendant McClenny on third day of term and an attachment for Caddo Allen, and M. L. Allen, who defaulted their attendance until the next term.

[Other citations for case show Defendants Stephen G, McClenny and Samuel McGowan.]

* *

CHARLES MC KIM vs R. R. GRAVES

#336 Pg 225

Case continued on third day.

* *

JOHN COTTON vs CHARLES FOSTER

#427 Pg 225

Case continued on third day of term per Defendant's Affidavit.

* *

Ordered by the Court that a fine of Twenty Dollars be entered against Calvin McCormick, defaulting Juror, he being not here when called. Also against Julien S. Devereux, Twenty Dollars.

* *

JOHN LEIGH vs JOSEPH HENSON

#326 Pg 225

This day came the parties by their attorneys and thereupon came a jury of good and lawful men, to wit: Joseph Worsham, Appleton Gay, John J. Goodman, J. C. Smith, Benjamin Newton, A. Whitaker, Isaac M. Gary, George W. Jones, Green D. Gay, James Mitchell, Leroy Griffith, Calvin McCormick, who being duly elected, tried and sworn the truth to speak upon the issues joined between the parties, hear the cause, and are by the Court charged thereupon and instructed to render their verdict to the Clerk in recess of the Court. And thereupon the Court adjourned until tomorrow morning at nine o'clock

* *

JOHN LEIGH vs JOSEPH HENSON

#326 Pg 226

Court having met pursuant to adjournment, the Clerk produced a sealed verdict received from the Jury in this cause, and whereupon the Jury being called, two Jurors, Green D. Gay and Alexander Whitaker, do not appear. The Court, then having counsel called and the verdict of the Judge read in Court.

The verdict was as follows, to wit: "We the Jury find a verdict of fifty five cents and costs of suit for Plaintiff." Signed Benjamin Newton, Foreman.

And thereupon, it is considered by the Court that John Leigh recover of Joseph Henson five cents and his costs of suit in his behalf expended, for which execution may issue. [Green D. Gay and Alexander Whittaker, defaulting jurors are each fined Twenty Dollars for such default.]

On motion of John M. Lewis, Esqr., and, it appearing that Green D. Gay was a Tales Juror and the Clerk was authorized to receive the verdict of the Jury in above cause of Leigh vs Henson, the fine of Twenty Dollars against said Gay is thus remitted and for the same cause the Court remits fine against Alexander Whitaker. And unlimited information is held by the Clerk of Court as to the serious indisposition of said family of Julian Devereux who was also fined for non appearance.

* *

REPUBLIC OF TEXAS vs CHAS W. LEVEN

Pg 226

Assault & Battery. Indictment for assault upon G. W. James and also assaulting F. Kessler. In both cases, Chas W. Leven and Lem G. Clepper severally appear and are recognized each and in the above causes in the sum of Five Hundred Dollars each cause.

* *

Thursday April 3, 1845

On yesterday, William H. Palmer, Esqr., District Attorney, moved the Court to have [blank] Heath remain in custody of the Sheriff until a new Indictment can be framed and found by the present Grand Jury for the County, the one previously found being defective, and by leave of the Court, enters a Nolle prosequi against said Heath upon the indictment so defective, whereupon the Court instructed the Sheriff to retain said Heath as a prisoner in his custody accordingly. So entered.

* *

CHRISTOPHER STERNE ET UX vs MARLINS

#69 Pg 227

In this case, the Plaintiff having had his continuances and not being now ready for trial, counsel for Defendant moves the Court that said Plaintiff may have his continuance only upon condition that he pay the costs accruing herein since the removal to Montgomery County, to which said Plaintiff in his proper person agrees, so that he be permitted to have the said continuance. It is therefore considered by the Court that said case be continued conditioned that said Sterne pays all costs which accrued herein since the filing of his cause. Upon failure to pay within sixty days of the last day of the term, or the case stands dismissed wholly at Plaintiff's cost.

**

REPUBLIC OF TEXAS vs GEORGE W. RODGERS

Pg 227

In this cause, Defendant appears in his proper person and he showing no cause why he should not pay the costs of process filed against him, it is considered by Court that Republic of Texas recover of Defendant the costs of Scire facias herein, and execution may issue.

**

JONATHAN S. COLLARD vs JONATHAN A. MC GARY, #463 Pg 228
SARAH MC GARY ALIAS SARAH BANKHEAD

This day came parties by their attorneys and it appearing to the satisfaction of the Court by Plaintiff or Complainants bill herein filed and by answers of the parties. Defendants thereto by themselves and by their legal guardians and their Representatives and by John M. Lewis, Esqr., the Attorney in Fact for Sarah McGary, that all and singular, the matters, allegations and claims of Complainant set forth in his bill herein (saving and excepting the military lands as mentioned therein) are admitted and considered by the said Defendants, Guardians, and Attorney in Fact, and that said Complainant has fully and in good faith complied with and performed his contracts and obligations to said Defendants (saving the military lands aforesaid) therein. And it also appearing to the Court that Complainant's prayer for Commissioner to be appointed to make division and partition between the parties according to agreement's stipulation, terms, and contents of the said bill (all of which appears in the Court records) an as a part of the bill and answer, and as reasonable and proper as to equity and justice.

It is ordered, decreed and adjudged by the Court that William Faris, A. McNeil, and Benjamin W. Robinson, be and they are hereby Court Appointed Commissioners to make division and allotment between the parties as prayed for and agreed to of all and singular the lands and tenements in the

Complainant's bill mentioned, saving and excepting therefrom the military lands aforesaid by making an actual survey thereof into lots and parcels in division to be made by the County Surveyor of Montgomery County or by his lawfully authorized deputy, that the lands set off and allotted to said Complainants be duly surveyed by such Surveyor, that he mark the lines, bounds and corners distinctly and establish at least two bearing trees at each corner of each of the several lots or parcel of land. And they are to make full and accurate survey notes, plats and maps with sufficient description of lands therein allotted and described, duly certified by them as to land for Complainants and lands reserved to Defendants. And that said Complainants have all of the papers of the cause necessary to the performance of the tract assigned to them

* *

REPUBLIC OF TEXAS vs HENDERSON LOFTON #137 Pg 229

This day came the parties, and thereupon came a jury of good and lawful men, to wit: John D. Pitts, F. W. Calloway, H. B. Boston, W. Patterson, W. Adkins, Ed A. Clark, S. Bennet, John Park, John McGuffin, Jonathan W. Collard, and Sen Smith, who being duly elected, tried and sworn the truth to make and speak upon the issue joined herein upon their oaths do say and find the Defendant guilty.

It is therefore considered by the Court that Defendant make his fine by payment of Twenty Dollars and the costs of this prosecution and on motion of William H. Palmer, it was then ordered that Defendant remain in custody of the Sheriff until he pays said fine and costs.

* *

Ordered by the Court for sufficient reason appearing, that Calvin McCormick be remitted of his fine and discharged

* *

REPUBLIC OF TEXAS vs GEO. W. RODGERS #102 Pg 230

On Indictment for Assault and Battery, W. H. Palmer came with George W. Rodgers in his proper person who put himself upon the Court and pleaded "Not Guilty," and thereupon came a jury of good and lawful men, to wit: Joseph Worsham and seven others who being elected, empaneled, tried and sworn the truth to speak upon the issues traverse, joined herein, upon their oaths do say and find the Defendant "Not Guilty." It is therefore considered by the Court that Defendant go hence without day and Republic of Texas pays costs of prosecution

* *

REPUBLIC OF TEXAS vs J. J. KUYKENDALL #109 Pg 230
REPUBLIC OF TEXAS vs J. J KUYKENDALL #108 Pg 230

Continued to the next term, all writs to reissue where not served nor executed. W. S. Smith recognizance as a witness is Five Hundred Dollars.

**

REPUBLIC OF TEXAS vs W. C. CLARK #103 Pg 230

In this case, Defendant having departed to another world, this case stands dismissed at the cost of the Republic.

**

REPUBLIC OF TEXAS vs JNO HARPER #101 Pg 230

Alias or pluries copies to be issued this fourth day.

**

REPUBLIC OF TEXAS vs JNO CHOATE & DAVID CHOATE #100 Pg 230

Pluries copies and all other writs necessary to issue, and attachments and bodies of Madilon Drew and J. Baptiste Dupree.

**

REPUBLIC OF TEXAS vs HENDERSON LOFTON #137 Pg 230

Assault and Battery. Jesse Gray and John Gillespie appear in open court and are recognized each in the sum of Five Hundred Dollars to appear as witnesses herein from day to day, term to term, until released by the Court, or cause dismissed

**

REPUBLIC OF TEXAS vs TABOR #131 Pg 231

This day came R. N. Martin and Alexander McGowan in open court, severally recognized in sum of Five Hundred Dollars as witnesses herein on the part of the Republic

**

REPUBLIC OF TEXAS vs JAMES SISSON #126 Pg 231

In this case, Defendant and prosecuting witness come into Court in their proper persons and Defendant pleads "Guilty." The witness being examined by the Court and there appeared extenuating circumstances, the Court fined Defendant One Cent and he to pay costs of prosecution and Defendant to remain in custody of the Sheriff until said fine and costs fully paid and satisfied

**

REPUBLIC OF TEXAS vs JOSEPH S. BENNETT #119 Pg 231

Assault & Battery. This day came the parties by themselves and attorneys and thereupon came a jury of good and lawful men, to wit: James Mitchell, Isaac McGary, F. A. Johnson, J. C. Smith, C. McCormick, Appleton Gay, John F. Crawford, John Cotton, George W. James, Alexander Whitaker, Lewis G. Weaver, and Joseph Worsham, who being duly elected, tried and sworn the truth to speak upon the issues joined between the parties and Defendant pleading "Not Guilty," the Jury upon their oaths do say and find Defendant "Guilty." Signed Appleton Gay, Foreman.

Whereupon, Jos. S. Bennett by his attorneys, Houston and Franklin et al, filed motion in arrest of Judgment to be laid over for additional evidence, facts and argument.

**

REPUBLIC OF TEXAS vs JOHN GILLASPIE #136 Pg 232

Assault & Battery. This day came the parties by attorneys and thereupon came a jury of good and lawful men who being elected, tried and sworn the truth to speak upon the issues joined between the parties upon their oaths do say and find the Defendant "Not Guilty." It is therefore considered by the Court that Defendant go hence without day with Republic to pay costs of suit.

**

REPUBLIC OF TEXAS vs SAM MC GUFFIN Pg 232

Assault & Battery. Sam McGuffin appears and is recognized in the sum of Five Hundred Dollars each case, to appear term to term, day to day to abide and receive, do and perform, what be awarded against him by the Court. [Richard Lamb witness in said case.]

**

REPUBLIC OF TEXAS vs MARTIN GORMAN #122 Pg 232

This day came W. H. Palmer, District Attorney, and moves the Court to enter a Nolle prosequi by them since there is not a sufficient cause for prosecution of the cause. Therefore, it is considered by Court that Defendant go hence without day and Republic pays costs

**

REPUBLIC OF TEXAS vs HENRY SHORES

#130 Pg 232

This fourth day of term, Alias pluries copies to be issued and case continued.

**

REPUBLIC OF TEXAS vs W. TABOR

#131 Pg 232

REPUBLIC OF TEXAS vs W. J. C. PEARCE

#132 Pg 232

This fourth day of term, Alias pluries copies to be issued and cases continued.

**

REPUBLIC OF TEXAS vs JOHN REID

#135 Pg 233

This day came W. R. Palmer, Esqr., prosecuting attorney and moves the Court to enter a Nolle prosequi which is permitted by the Court. It is therefore considered by the Court that Defendant Reid go hence without day and Republic pays costs.

**

JAMES KNIGHT vs W. C. J. PEARCE

#216 Pg 233

Case continued on Affidavit of Defendant with leave granted to amend answer.

**

JOHN COTTON vs SILAS GAMMON

#374 Pg 233

Default of answer herein. On motion of Plaintiff's counsel, Judgment by default entered and case continued by agreement of parties.

**

PLEASANT GRAY vs O. H. P. HILL

#398 Pg 233

Parties came by their attorneys and Plaintiff agrees to pay costs of suit and he agrees no longer to prosecute his cause and it is therefore considered by the Court that Defendant go hence without day and recover of Plaintiff his costs of suit, and execution may issue.

**

JOHN F. CRAWFORD vs JOHN B. CAMP

#401 Pg 233

Parties came by their attorneys and Plaintiff agrees to pay costs of suit and he agrees no longer to prosecute his cause and it is therefore considered by the Court that Defendant go hence without day and recover of Plaintiff his costs of suit and execution may issue.

**

DAN W. EDGERLY vs CHARLES W. SEEVEN #428 Pg 233
Case continued on affidavit of Plaintiff. Default entered on third day - not set aside.

**

C. B. SHEPPERD vs JOHN DARWIN #438 Pg 234
No answer being filed, Judgment by Default entered herein.

**

THOMAS ELLINGTON vs ELIZA M. LACY #448 Pg 234
Continued on affidavit of Defendant on fourth day of Court.

**

GEORGE R. SNEED vs URIAS S. CUMMINGS #451 Pg 234
Alias copies sent and petition to issue vs Defendant. Case is continued.

**

THOMAS J. HARDEMAN vs W. B. LOFTON #453 Pg 234
Default entered on fourth day. Judgment by Default taken.

**

MATHEW BURNETT vs ALBERT CLOYES #454 Pg 234
Default set aside. Alias citation to issue. Case continued, fourth day of term.

**

CALVIN ARMSTRONG vs J. H. PIERSON #465, #466 Pg 234
Alias citation to issue. Cases continued, fourth day of term.

**

JNO FRIDGE vs AARON SHANNON #467 Pg 234
Continued on second day of term, but entered now for then.

**

JAMES LOVE vs J. H. WOOD #344, 345, 346 Pg 234
Default of answer by Defendant. Judgment by Default entered in each cause, on fourth day.

**

Court adjourned until tomorrow morning at 9 o'clock.

Friday April 4, 1845

JOHN LEIGH vs JOSEPH HENSON

#326

Pg 235

The Court cited case but made no record on said fifth day.

**

**FOWLER FERN FOR USE OF D. WOODRUFF vs
ALEX. & JAMES MC GOWAN**

#410

Pg 235

Judgment of Default moved by counsel for Plaintiff.

**

REPUBLIC OF TEXAS vs WM HEATH

#124

Pg 235

Murder. This day William Heath came by himself with attorney W. H. Palmer, Esqr., whereupon it was moved by counsel for Defendant that he be discharged for the reasons that the Grand Jury had originally found the Bill of Indictment. Re-found at this term, that said Heath had committed murder in self defense, which motion was overruled by the Court as the said Indictment had been re-committed to the Grand Jury and corrected, but the District Attorney consents that said Heath may be discharged on his own recognizance with Security whereupon said Heath was recognized in the sum of Ten Thousand Dollars and Jesse Gray in sum of Two Thousand Dollars, conditioned that said Heath appear from day to day, term to term, until Heath is tried and acquitted or he abide Judgment of Court.

**

BANK OF STATE OF ALABAMA vs WM SIMONTON

#334

Pg 236

Arguments by counsel and continued until Saturday for further hearing.

**

Court adjourned until nine o'clock Saturday morning.

Saturday April 5, 1845

Court met pursuant to adjournment.

JOHN COTTON vs SILAS GAMMON

#374

Pg 236

Case was continued on 4th day of term – set aside – and case opened by agreement and leave of Court with publication to be made according to law for six months citing Defendant's need to answer. Publication to be made in any of the newspapers printed in this Republic. Case continued until next term.

**

HARDEN HARDITTLE vs C. W. & M. A. LEVEN #415 Pg 236

By leave of Court with consent of counsel for Plaintiff, the Defendant's answer can be withdrawn and leave granted to plead at next term. Case continued by agreement on the sixth day of term.

**

MALAKIA NETTLES vs DAN'L E. HARPER #417 Pg 236

Rule for costs granted herein on sixth day and Court ordered Security for costs be given within 60 days or case dismissed at Plaintiff's cost

**

BANK OF ALABAMA vs ALEXANDER MC COWN, #425 Pg 236

JAMES C. MC COWN ET AL

BANK OF ALABAMA vs A. MC COWN & JAMES #426 Pg 236

MC COWN & CO. (JOHN BARTON)

In both cases, leave granted to amend on fifth day of term.

**

DAN'L E. HARPER vs THOMAS MC IVER #437 Pg 237

Continued on 5th day of term, entered now for then.

**

JAMES KNIGHT vs W. C. PEARCE #443 Pg 237

On motion of Defendant's counsel, the attachment in this case dismissed. It is therefore considered by the Court that the said attachment be dismissed and that the Defendant go hence without day and recover of Plaintiff for use of the officers of the Court the costs of suit in this behalf expended, and execution may issue.

**

AARON KITCHEL, ATTORNEY AT LAW – APPLICATION – Pg 237

FURTHER REPORT TO THE HONORABLE M. P. NORTON,

JUDGE OF 6TH JUDICIAL DISTRICT

The committee appointed to examine Aaron Kitchel as to his application for license to practice as an attorney and counselor at law, we would most respectfully report to you in addition to that we have previously said, at a previous date, that we have since taken the occasion to investigate the report therein alluded to, so far as it is in our power at this time to do, AND, that we find that said Kitchel was eight or ten years ago in the State of Georgia, without the authorized law taken up forcibly by sundry respectable citizens of said State on a charge of being an abolitionist, and said citizens of said State proceeded to try said Kitchel and inflicted personal punishment on him.

Your committee is wholly unable to determine whether said Kitchel was guilty of the charges against him and we do not undertake to pass an opinion upon it, but this occurrence happened at a time and a place where a person accused as Mr. Kitchel was, even if wrongfully, he could scarcely have practiced (especially if he came from New Jersey or any other Northern State) and considering the very great hardship it will be to the Applicant if he is to be forever excluded from the honorable pursuits of life from and on account of this lawless proceedings of a community however respectable it may be, and nor be respectable in all times to come, to stand or fall upon his own merits.

Your Committee, by leave to say to Your Honor, that they are willing to see him admitted as a practitioner, well knowing that if he is not worthy, he cannot succeed in his profession nor in any way become injurious to the profession or the community at large.

Your Committee finds that he has been an orderly and correct citizen for five to six years past since living in the Republic. And in conclusion, beg leave to say to Your Honor, that we would be very much grieved to find hereafter that we were the reason of prescription against him as an innocent and injured man. Whereupon, we beg leave, to leave the whole matter with Your Honor, to do as you may think most correct. /s/ James Scott, H. N. Potter & N. Hart Davis.

Whereupon came Aaron Kitchel who took the oath prescribed by law and was admitted to the practice of law and equity as an attorney at law and a counselor in equity in all Courts of the Republic.

* *

BANK OF ALABAMA vs WILLIAM SIMONTON #334 Pg 238
Agreement by counsels and continued until Monday, April 7, 1845 and eighth day of term.

* *

JAMES KNIGHT vs W. J. C. PIERSON #216 Pg 238
Entered on fourth day of term on Page [blank]

* *

W. W. WOOD vs A. D. KENNARD #456 Pg 239
Fifth day of Court, sixth date of term, and this day came John M. Lewis, Esqr., Plaintiff's counsel herein and moves Court that a Judgment by Default be entered against Defendant upon second day of the term it now made final

whereupon A. D. Kinnard being called and answering not, nor was a defense herein made by anyone. It is considered by the Court that the Plaintiff recover of Defendant the sum of Five Hundred and Eighty Dollars with lawful interest at Eight per cent per annum from the 12th day of March, 1844, less sum of Seventy six Dollars and fifty cents and interest therefrom at Five per cent per annum on account of the above sum on 20th day of March, 1844 less the sum of Sixty Six Dollars and fifty cents and with interest aforesaid together with the costs of suit in this behalf expended, for which execution may issue, whenever the note upon which this Judgment is filed in the cause. The Plaintiff's attorney agrees to a stay of execution for six months. (Note filed April 8, 1845.)

* *

CORNELIUS ENNIS vs A. M. WALKER

#458 Pg 239

Plaintiff came by his counsel, P. W. Gray, Esqr, and moved the Court for a final Judgment to be entered on sixth day of the term upon the Judgment by Default entered second day of the term, Defendant being solemnly called and answering not by himself nor by his counsel. Plaintiff recovered of Defendant Walker the sum of One Hundred Eighty Three Dollars as debt together with Seven Dollars and thirty four Cents interest and costs of suit.

* *

REPUBLIC OF TEXAS vs JOSEPH L. BENNETT

#119 Pg 239

On arrest of Judgment upon verdict of guilty found by Petit Jury against Defendant of Assault and Battery. And now come the parties by their attorneys and upon hearing arguments, it was ordered by Court that the cause stands continued until the next term.

* *

**MATHEW CARTWRIGHT FOR USE OF CHARLES W.
LEVEN vs DAN W. EDGERLY**

Pg 240

In this cause a bail must have been issued by the Clerk of the District Court of Montgomery County returnable to the Fall Term of the Court, and the Defendant not having been arrested by the Sheriff of said County, he obtained a Writ of Habeas Corpus and was brought before the Honorable M. P. Norton, Judge of the Sixth Judicial District, for a hearing upon the same, and it appearing to the Court on motion and argument of counsel for Defendant that there is no remedy or provision of law whereby Defendant can be released, motion overruled by the Court and said Dan W. Edgerly remanded in custody of the Sheriff. Whereupon, Defendant's counsel files a Bill of Exceptions which is signed by the Court, to wit:

**THE REPUBLIC OF TEXAS §
MONTGOMERY COUNTY § District Court, Spring Term 1845**

Be it remembered that at the Spring Term 1845, of the District Court of Montgomery County, Daniel W. Edgerly was brought by Writ of Habeas Corpus before Honorable M. P. Norton, Judge Presiding, when it appeared from the return of Sheriff of the said County that said Daniel W. Edgerly was held in custody by virtue of a bail process for debt, at the suit of one Nathan Cartwright who sued to the use of Charles Leven, issued from the office of the Clerk of the District Court of Montgomery County and directed to the said Sheriff, whereupon Daniel W. Edgerly by his attorney moves the Court to have the same discharged on the following grounds, to wit:

1st. Because the statute authorizing the process by which the prisoner had been arrested violated the Constitution of the Republic of Texas, therefore null and void.

2nd. Because the affidavit was taken in vacation before the Clerk of the District Court, required by law in such cases to be taken and scribed before some competent authority.

3rd. Because the affidavit does not contain any allegation of the indebtedness of the party but merely alleges that he is about to remove beyond the jurisdiction of the Court.

4th. Because the process for the arrest of the party is not in accordance with the Constitution, the same not having been issued in the name and authority of the Republic of Texas, all of which several grounds for discharge were by the Court overruled and said Daniel W. Edgerly was remanded to the custody of the Sheriff to which Judgment and opinion of the Court, the prisoner by his counsel excepts and prays that this his Bill of Exceptions may be signed and sealed and made part of the record in this case.

/s/ M. P. Norton, Judge

* *

And thereupon, the Court adjourned until Monday morning, nine o'clock.

Monday April 7, 1845

Court met pursuant to adjournment.

A. JAMES LOVE vs JOSEPH H. WOOD

#344 Pg 242

Plaintiff by his counsel moves the Court for Judgment by Default final upon Judgment by Default entered against the Defendant herein upon the fourth day of the term and Joseph H. Wood being called and answered not by himself nor by his counsel or his making plea herein, it is considered by the Court that Plaintiff recover of the Defendant the sum of Two Thousand Dollars debt as in his petition prayed for, with interest thereon at rate of five percent per annum and from third day of December A. D. 1840, as well as his costs of suit in this cause expended, for which execution may issue.

* *

A. JAMES LOVE vs JOSEPH H. WOOD

#345 Pg 242

Plaintiff by his counsel moves the Court for Judgment by Default final upon Judgment by Default entered against the Defendant herein upon the fourth day of the term and Joseph H. Wood being called and answered not by himself nor by his counsel or his making plea herein, it is considered by the Court that Plaintiff recover of the Defendant the sum of One Thousand Dollars debt as in his petition prayed for, with interest thereon at rate of five percent per annum and from December 3, 1840, as well as his costs of suit expended, for which execution may issue.

* *

A. JAMES LOVE vs JOSEPH H. WOOD

#346 Pg 242

Plaintiff by his counsel moves the Court for Judgment by Default final upon Judgment by Default entered against the Defendant herein upon the fourth day of the term and Joseph H. Wood being called and answered not by himself nor by his counsel or his making plea herein, it is considered by the Court that Plaintiff recover of the Defendant the sum of One Thousand Dollars debt as in his petition prayed for, with interest thereon at rate of five percent per annum and from December 3, 1840, as well as his costs of suit expended, for which execution may issue.

* *

Tuesday April 8, 1845

CHARLES B. STEWART vs W. B. ALDRICH

#405 Pg 243

Defendant is surviving partner of Aldrich & Davis in this case of Injunction. This day this cause came on to be heard, and on the Demurrer and plea in bar, it was submitted to the adjudication of the Court. It is considered, adjudged and decreed by the Court that the Injunction herein be dissolved and Plaintiff's petition be dissolved and Wm. B Aldrich. successor to partnership recover of Plaintiff Chas. B. Stewart and E. Jarred (his Security upon injunction) in the sum of Five Hundred and Four Dollars and fifty eight cents, the amount of the Judgment, together with interest on said sum from March 29, 1844, the day the original Judgment was rendered, as well as all costs of suit incurred.

* *

ELIJAH PRICE vs S. S. MOORING

#419 Pg 243

In this cause Judgment by Default was entered against the Defendant on second day of term. However, no service having been made against G. W. Mooring, Judgment was set aside and cause continued until next term.

* *

ELIJAH PRICE vs G. W. MOORING

#418 Pg 243

In this case, Judgment by Default was taken by Plaintiff's counsel against Defendant on second day of term but was entered against S. S. Mooring by error. Plaintiff's counsel now moves the Court for a final Judgment against said Defendant G. W. Mooring. Defendant being called and answering not either by himself or his attorney, or making plea herein, it is now considered by the Court that Plaintiff recover of Defendant the sum of One Hundred Five Dollars debt as in his petition prayed for with lawful interest thereon from the seventh day of November. A.D. 1843 together with his costs of suit in his behalf expended, for which execution may issue whenever note upon which this action is founded and filed with papers of the cause. (Note is now filed in cause. /s/ C.B. Stewart.)

* *

**BANK OF ALABAMA vs ALEXANDER MC COWN &
JAMES C. MC COWN**

#425 Pg 244

This day came Defendants by their attorneys Allen and Novi and require Plaintiff to give Security for costs of suit. Therefore it is ordered by the Court that Plaintiff give Security for costs of suit within sixty days or case is dismissed at their cost.

* *

SAM'L F. WILSON vs ALEXANDER MC COWN & CO. #426 Pg 244
& J. J. BURTON

This day Defendant by counsel Allen Novi asked Court to require Plaintiff to give Security for costs of suit and it was so ordered Plaintiff give Security for costs of suit within sixty days or case is dismissed at their cost.

**

DAN'L W. EDGERLY vs C. W. LEVEN #428 Pg 244

Security for costs required by Defendant's counsel and Court ordered Plaintiff to give Security within 60 days or case is dismissed.

**

EDWARD S. SHEPPERD vs JOHN D. PITTS #433 Pg 244

EDWARD S. SHEPPERD vs LEWIS DUPREE #434 Pg 244

In each of these cases, Defendant's counsel moves the Court to require of Plaintiff, Security for costs of each suit. The Court ordered Plaintiff to give Security within sixty days or cases dismissed.

**

ALEXANDER MC GOWAN vs J. M. LEWIS #460 Pg 244

This day came Archelaus Pope and undertakes and agrees to be Security for costs of suit in this cause and that execution may issue against him therefor if Plaintiff cannot or does not pay said costs.

**

JOHN T. BROWNE vs W. W. TABOR #369 Pg 245

Parties came by their attorneys and Plaintiff Browne by his attorney and says he will no longer prosecute his said case. It is therefore considered by the Court that the Defendant go hence without day and recover of Plaintiff for the use of the officers of the Court his cost of suit by him in his behalf expended, for which execution may issue, and the appeal stands dismissed.

**

SIMEON R. TRAWICK vs S. J. TRAWICK #356 Pg 245

SINGLETON L. TRAWICK vs S. J. TRAWICK #357 Pg 245

Both of these cases stand continued on the eighth day of term on Affidavit of Plaintiff.

**

WM H. FOWLER, CLERK vs D. M. BULLOCK #359 Pg 245

Continued eighth day of term.

**

SPEIGHT BARNES vs CELIA OR LELAH RODGER ADMX #385 Pg 245

Parties came by their attorneys and Defendant by her attorney A. G. Perry. Plaintiff says he will no longer prosecute said cause conditioned that Defendant pays the costs. Court orders that Plaintiff recover of Defendant the costs of suit in this behalf expended for which execution may issue against said Administratrix and said suit be discontinued.

**

HARDIN HARDITTLE vs CHARLES LEVEN #415 Pg 245

Security for costs of suit being required of Plaintiff, Court ordered that Plaintiff give his Security for costs of said suit within thirty days or case dismissed at Plaintiff's cost.

**

**WILLIAM MOSELY FOR USE OF JOSIAH MOSELY vs #424 Pg 246
RICHARD E. PACE**

Security for costs of suit being required in this cause by Defendant of the Plaintiff herein, Court ordered Plaintiff to give his Security for costs of said suit within thirty days or case same stands dismissed. Whereupon came into Court and agreed to become the Security for costs and pay the same if Plaintiff does not, and execution may issue against him for same.

**

J. L. & B. F. ELLIS vs HENRY MICKLEBOROUGH #431 Pg 246

Security for costs of suit being required of Plaintiff by Defendant's counsel, Court ordered Plaintiff to give Security for costs within sixty days or their cause will be dismissed.

**

UNION BANK OF MISSISSIPPI vs JOHN F. CRAWFORD#276 Pg 246

Continued on eighth day of term by agreement of parties.

**

UNION BANK OF MISSISSIPPI vs B. A. OLIPHANT #277 Pg 246

Default Judgment in this case set aside on eighth day of term. Alias copies of writs to be issued and case continued to next term.

**

UNION BANK OF MISSISSIPPI. vs JOHN HUME #378 Pg 246
Judgment by Default in this case was set aside on eighth day of term. Alias copies of writ and petition to be issued.

**

J. J. GOODMAN vs W. W. WOOD #343 Pg 246
Case continued on eighth day.

**

J. J. GOODMAN vs W. W. WOOD #347 Pg 246
Case continued on eighth day.

**

PETER CARTWRIGHT vs ISAIAH CALL #403 Pg 247
Death of Plaintiff suggested. Case continued on eighth day.

**

HOLLY ARNOLD vs JOHN F. EUBANKS #412 Pg 247
Case was continued by agreement on eighth day of term.

**

ASA HOXIE SURVIVING PARTNER [BAILEY, GAY & HOXIE] FOR USE OF W. G. MC FARLAND vs J. C. COGBURN #423 Pg 247

Alias citations to issue to Washington County. Case continued.

**

M. A. & T. C. MC FARLAND vs SAM MC GUFFIN #464 Pg 247
Case was continued by agreement on eighth day of term.

**

REPUBLIC OF TEXAS vs W. J. C. PEARCE #132 Pg 247

In this case, the District Attorney, Wm. H. Palmer, moved the Court to dismiss this prosecution for want of a sufficient cause and enters with leave of the Court a Nolle prosequi as to Defendant. It is considered by the Court that Defendant go hence without day and the Republic to pay all costs. This order entered on the Court Docket on fourth day of term which is now entered on minutes of the Court for then.

**

RICHARD PAGE vs JOHN W. WADE

#371 Pg 247

This day the parties came into Court and thereupon came a jury of good and lawful men, to wit: Appleton Gay, John Crawford, Berry Newton, G. W. James, Joseph Rhodes, Nat H. Davis, Joseph Henson, James Thompson, Wm Howerton, John McGuffin, John Fridge, and Green Gay, who being elected, tried and sworn the truth to speak upon the issues joined between the parties, hear the argument of counsel, receive the charge of the Court, and are permitted to retire and render a sealed verdict to the Clerk during the adjournment of the Court. Court adjourned until tomorrow morning at nine o'clock.

* *

RICHARD PAGE vs JOHN W. WADE

#371 Pg 248

The Jury returned their verdict to the Clerk sealed up to the time parties were present and same was opened and read and it appears in the words following, to wit: "We the Jury find for the Defendant." Signed Appleton Gay, Foreman.

It is considered by the Court that Defendant go hence without day and recover of Plaintiff the costs of suit in his behalf expended, for which execution may issue. On motion of counsel for Plaintiff, ordered by Court that the note on which this action is founded be withdrawn upon a certified copy being left with the papers of the cause. Irrelevant papers to the cause may be withdrawn.

* *

JOHN LEIGH vs JOSEPH HENSON

#326 Pg 249

Slander. In this cause, the Jury having found for the Plaintiff, five cents damages and costs of suit, contrary to the provisions of the statute which required a verdict of Twenty Dollars, shall be given to cover costs against Defendant. On motion by the counsel for Defendant, and it appearing to the satisfaction of Court, it was ordered, adjudged and decreed by the Court, according to the statute in such cases made in and under and providing that "Plaintiff," in this case, "shall not recover any costs" and leave granted to withdraw note on which suit is founded by leaving certified copy with papers.

* *

BANK OF ALABAMA vs WM SIMONTON

#336 Pg 249

On this day came counsel for parities with argument being then concluded.

* *

JOHN REID vs N. H. CARROLL

#318 Pg 249

Attachment. This day came the parties by their attorneys and a Jury was empaneled. And upon the argument by counsel being heard, the motion to quash the attachment was heard and sustained by the Court. It is therefore considered by the Court that the attachment herein be quashed, that Defendant go hence without day and recover of Plaintiff for use of the officers of the Court and witnesses the costs of suit by them expended, for which execution may issue.

* *

R. R. GRAVES vs EDWARD BAILEY

#380 Pg 249

In this case, death of Bailey suggested and Scire facias to issue against Executors.

* *

J. J. KUYKENDALL vs T. H. JOHNSON

#375 Pg 249

This day came the parties by their attorneys and thereupon came a jury of good and lawful men, to wit: Ed A. Clark, Rick Page, Charles Meaner, James Thompson, James Henson, Joseph Rhodes, S. W. James, Benj. Newton, John F. Crawford, Green Gay, Appleton Gay, and Hugh B. Boston, who being elected, tried and sworn the truth to speak upon the issues joined between the parties, upon their oaths do say and find for the Defendant. It is therefore considered by the Court that the Defendant go hence without day and recover of Plaintiff and his Security for costs of suit all costs by him in this behalf expended.

* *

**JOHN F. CRAWFORD vs W. B. PATTERSON &
DAN'L ARNOLD**

#402 Pg 250

This day came the parties by their attorneys, and thereupon came a Jury of good and lawful men, to wit: Hugh B. Boston, Appleton Gay, Benjamin Newton, Geo. W. James, Joseph Henson, Jos. Rhodes, Edward A. Clark, John McGuffin, Samuel McGuffin, C. B. Corley, James Thompson, and Alexander Whitaker, who being elected, tried and sworn the truth to speak upon the issues joined between the parties, upon their oaths do say and find for the Plaintiff, One Hundred and Sixty Two Dollars and seventy cents. Signed John F. McGuffin, Foreman.

It is therefore considered by Court that Plaintiff recover of Defendant the sum of One Hundred and Sixty Two Dollars and seventy cents debt and damages, together with costs of suit expended with execution.

* *

JOSEPH HENSON vs JAMES R. MATHEWS

#404 Pg 250

This day came the parties by their attorneys, and thereupon came a Jury of good and lawful men, to wit: Robert F. Oliver, R. B. Martin, A. B. Boston, Ed A. Clark, Alexander Whitaker, John Fridge, Green D. Gay, Corner B. Corley, G. W. James, Jos. Rhodes, James Thompson, and Appleton Gay, who being elected, tried and sworn the truth to speak upon the issues joined between the parties, upon their oaths do say and find for the Defendant. It is therefore considered by Court that Defendant go hence without day and recover of Plaintiff the costs of suit in this behalf expended, for which execution may issue.

**

HENRY SHEETS vs J. D. BARTON

#395 Pg 250

Judgment by Default entered herein and taken this ninth day of term.

**

**JOHN TAYLOR FOR USE OF JOHN DORSEY vs
J. H. SHEPPERD**

#396 Pg 250

Alias copies of petition and writ to issue. Case continued on ninth day of term.

**

A. E. PERRY vs ANTHONY BYRNE

#386 Pg 250

Alias pluries copies of petition and writ to issue. Cause was continued ninth day of term.

**

**FAIRFAX WASHINGTON FOR USE OF MAN vs
DURLEY RUNNELS**

#384 Pg 251

This day came the parties and it appearing to satisfaction of the Court and on motion of Defendant's counsel that no costs of suit (Security) has been given as by rule of Court at a previous term ordered and required. Case stands dismissed. It is therefore considered by the Court that Defendant go hence without day and recover of Plaintiff costs of suit expended by him; execution may issue.

**

A. D. KINNARD vs R. E. PACE

#387 Pg 251

Continued ninth day of term.

**

JAMES MC COWAN vs PLEASANT GRAY

#388 Pg 251

Ordered by Court that Alias citations issue. Case continued until next term.
* *

W. H. FORD vs PLEASANT GRAY #389 Pg 251

Ordered by Court that Alias citations issue. Case continued until next term.
* *

DAVIS & BOSTON vs PLEASANT GRAY #391 Pg 251

Ordered by Court that Alias citations issue. Case continued until next term.
* *

DANIEL FULLER vs HOLLAND FULLER #392 Pg 251

This day came Daniel D. Henry, counsel for Plaintiff and says he will no longer prosecute case and same be dismissed. It is therefore considered by the Court that Defendant go hence without day and recover of Plaintiff costs of suit expended by him; execution may issue.
* *

P. W. FORD vs B. F. IRVINE #233 Pg 251

Death of Irvine suggested and Scire facias to be issued to his Administrator or Representative of deceased and case to be continued.
* *

PIERRE DENISE vs APPLETON GAY #382 Pg 252

Parties came by their attorneys and Plaintiff by attorney, James Davis, agrees to take a Non-suit. It is considered by the Court that Defendant go hence without day and recover of Plaintiff and his Security, James Davis, costs of suit in his behalf expended; with execution.
* *

P. T. MARTIN vs J. H. WOOD #407 Pg 252

Continued on ninth day.
* *

H. N. POTTER vs T. J. MC COLLUM #413 Pg 252

And now came the Plaintiff by his counsel and moves the Court for Judgment final against Defendant upon a Judgment by Default entered upon the third day of the term and Defendant being called and answering not by himself or by his counsel, it is considered by the Court that Plaintiff have and recover of Defendant the sum of One Hundred Dollars debt as his petition prayed for together with the sum of Thirty Four Dollars and sixty six cents interest and all costs of suit in his behalf expended. Execution may issue.

**

H. FANTHARP FOR USE OF JAMES LAWSON vs JOHN F. EUBANKS & CHAS WHITE #414 Pg 252

This day came the parties by their attorneys and Defendant's counsel suggested to the Court the incompleteness made of the proceedings had before the Magistrate who tried the cause and issued a Writ of certiorari to send Justice and that he send duly certified copies to the next term of the Court, full and complete copies of the record of the cause as now before them and it is so ordered.

**

JOHN CHENOWITH vs JOHN HUME #416 Pg 252

Continued until next term.

**

THOMAS A. GAY vs JOHN F. MC GUFFIN #409 Pg 252

Court gave leave to amend and was continued.

**

J. L. & B. F. ELLIS vs HENRY MICKLEBORO #431 Pg 253

In this case leave granted by Court to Plaintiff to amend the Petition and Defendant ruled to answer on the second day of the next term.

**

NED HART vs THOMAS C. BRADBURY #432 Pg 253
C. B. SHEPPERD vs JOHN DARWIN #438 Pg 253

Ordered by Court on motion of counsel for Defendant that Plaintiff give Security for costs of suit within sixty days or case stands dismissed at Plaintiff's cost. Case continued.

**

EDWARD S. SHEPPERD vs JOHN D. PITTS #433 Pg 253

Defendant came by his attorney and moved the Court that a Non-suit be awarded against Plaintiff. Plaintiff was called and answered not, neither appearing by himself or by attorney. It is ordered, adjudged, and decreed by the Court that said Plaintiff be non-suited and Defendant go hence forth without day and recover of Plaintiff his costs of suit expended, for which execution may issue.

**

EDWARD S. SHEPPERD vs LEWIS DUPREE #434 Pg 253

This day came the Defendant Dupree by his attorney and moved the Court that a Non-suit be awarded against Plaintiff Edward Shepperd, that he was called and neither appearing by himself or his attorney to prosecute said cause. It is considered by the Court that Plaintiff be non-suited and that Defendant go hence without day and recover of Plaintiff the costs of suit in his behalf expended, for which execution may issue.

* *

**BANK OF ALABAMA vs ALEXANDER MC COWAN #425 Pg 254
& JAMES C. MC COWAN**

This day came the Defendants by their attorney Franklin and moved the Court to award a Judgment of Non-suit against the Plaintiff herein, whereupon Plaintiff being called to come into Court to prosecute said cause and not appearing to give answer, it is considered by the Court that Plaintiff be non-suited and that Defendant go hence without day and recover of Plaintiff the costs of suit in this behalf expended, for which execution may issue.

* *

**SAM'L. F. WILSON vs ALEXANDER MC GOWAN #426 Pg 254
& CO. & JOHN J. BURTON**

This day came the Defendants by their attorney Franklin and moved the Court to award a Judgment of Non-suit against the Plaintiff herein, whereupon Plaintiff being called to come into Court to prosecute said cause and not appearing to give answer, it is considered by the Court that Plaintiff be non-suited and that Defendant go hence without day and recover of Plaintiff and his Security, Thos. F. McKenny, the costs of suit in this behalf expended, for which execution may issue.

* *

HENRY GOFF vs THE REPUBLIC OF TEXAS #366 Pg 254

Continued by consent on fifth day of term, now for then.

* *

ANDREW MONTGOMERY vs REPUBLIC OF TEXAS #339 Pg 254

Continued by consent on the fifth day of term, entering now for then.

* *

And thereupon the Court adjourned until tomorrow morning, half past eight o'clock.

Wednesday April 9, 1845

Court met pursuant to adjournment.

THURSTON WALKER & CO. vs E. M. GRAY

#474 Pg 255

This day came James Gillaspie, attorney-in-fact for E. M. Gray and upon the power of attorney from said Gray to him, and upon the note filed in the cause, which confesses a Judgment against said E. M. Gray for the sum of One Hundred and Thirteen Dollars and fifty five cents, it is considered by the Court that Thurston Walker & Co. recover from E. N. Gray the sum of One Hundred and Thirteen Dollars and fifty five cents and costs of suit for which execution may issue.

**

**SAMUEL THOMAS FOR USE OF GARRET LANE
vs JOHN COTTON**

#440 Pg 255

This day came the parties by their attorneys and thereupon came a Jury of good and lawful men, to wit: Appleton Gay, Green D. Gay, John. F. McGuffin, C. B. Corley, Wm. Atkins, J. J. Goodman, A. M. Walker, Dudley Runnels, James Thompson, John Fridge, and H. B. Boston for Richard Page, who being tried, elected and sworn the truth to speak upon the issues joined between the parties upon their oaths do say and find for the Plaintiff Twenty Four Dollars and eighty eight cents.

And it is therefore considered by the Court that Plaintiff recover of Defendant Twenty Four Dollars and eighty eight cents and his costs of suit in this behalf expended, for which execution may issue. (Notes on which action founded duly filed.)

**

J. R. JENKINS vs PHILIP AVERITT

#238 Pg 255

Continued on tenth day.

**

FRANKLIN BRIGNANCE vs A. G. PERRY

#346 Pg 255

Continued tenth day of term.

**

**DAVID AYRES FOR USE OF LEVI WILLIAMS vs
REPUBLIC OF TEXAS**

#331 Pg 256

Continued tenth day of term.

**

ALEXANDER MC DONALD vs SMITH & HOUSTON

#355 Pg 256

In this case, Defendants are permitted to continue this cause conditioned that they pay costs of this term and continue to next term.

* *

M. H. FOWLER AS CLERK OF PROBATE COURT vs #383 Pg 256

P. GRAY, J. T. LEWIS & ISAAC TOUSEY

FOWLER FENN FOR USE OF D. WOODRUFF vs #410 Pg 256

ALEXANDER & J. MC COWAN

Answers filed with Interrogators to Plaintiff and continued to next term.

* *

ARCHELAUS POPE vs ELIZABETH POPE #441 Pg 256

Cause continued tenth day of term, until next term.

* *

JESSE COURTNEY vs SAMUEL MC GUFFIN #449 Pg 256

Continued tenth day of term until next term.

* *

JAMES THOMPSON vs SAMUEL MC GUFFIN #450 Pg 256
Certiorari for complete transcript of Judgment below. Case continued tenth day.

**

ALSEY MILLER vs W. W. ARRINGTON #452 Pg 256
Alias citation issued. Case continued on tenth day of term.

**

THOMAS J. HARDEMAN vs W. B. LOFTON #453 Pg 256
Continued tenth day.

**

WM. MYERS vs C. B. CORLEY & MARY CORLEY #457 Pg 256
Continued on tenth day of term upon Affidavit of Defendants.

**

WM. PATRICK vs A. M. WALKER #459 Pg 256
Continued on tenth day of term. Alias certiorari for complete record to issue to Justice who tried this cause, case continued.

**

ALEXANDER MC COWAN vs JOHN M. LEWIS #460 Pg 256
Continued tenth day.

**

ALEXANDER MC COWAN vs ELIJAH COLLARD #461 Pg 256
Continued tenth day to next term.

**

ALEXANDER MC COWAN vs TIMOTHY CUDE #462 Pg 256
Continued tenth day to next term.

**

W. A. COOK vs JAMES MORRIS #479 Pg 256
Continued tenth day to next term.

**

ALEXANDER MC DONALD vs WM. VISER #471 Pg 256
Continued tenth day to next term.

**

J. C. SHEFFIELD vs NEIL ROBINSON #472 Pg 256
Continued tenth day to next term.
* *

W. C. TURNER vs J. J. GOODMAN #474 Pg 256
Death of Goodman suggested. Scire facias to issue to the Republic.
* *

CHARLES POWER vs JOHN F. CRAWFORD #439 Pg 256
Continued tenth day to next term.
* *

FRANKLIN & CO vs JAMES T. SIMS #444 Pg 256
Continued tenth day to next term.
* *

WILLIAM S. TAYLOR vs SARAH H. TAYLOR #198 Pg 257
Continuance was set aside on a former day of term on motion of counsel for Plaintiff and said Plaintiff agrees no longer to prosecute this cause. It is considered by the Court that the Defendant go hence without day and recover of Plaintiff costs of suit in this behalf expended for which execution may issue. Leave had of the Court to withdraw papers of the cause upon payment of costs.
* *

THOMAS F. BAILEY vs E. M. GRAY & PLEASANT GRAY #364 Pg 257

This day came the parties by their attorneys, said Pleasant Gray having answered and disclosed that all title was in Co-Defendant and agreement being had upon the bill and demurrer as to the matter of law between the Plaintiff and E. M. Gray, the demurrer being overruled by the Court, it was ordered, adjudged and decreed by the Court that Thomas F. Bailey recover of Ephraim M. Gray, Defendant, two certain lots or parcels of land situated, lying and being in Republic of Texas in County of Montgomery and being partially designated as Lots Number One and Two in Block One in the Plan of said Town of Huntsville, fronting toward the South, each of them fronting seventy five feet on the Public Square and running back two hundred feet and bounded on the East by Main Street and on the West Number Three in said plan of Block One and on which Plaintiff Thomas F. Bailey now resides. It is further ordered and decreed that Ephraim M. Gray make, execute and deliver a good and sufficient title in law to said lots aforesaid unto the said Plaintiff Thos F. Bailey. And that a certified copy of this decree be recorded in the

office of the Recorder for Montgomery County as a Muniment of Title for Thomas F. Bailey, to the premises as aforesaid. And further, that the Plaintiff recover of Defendant E. N. Gray all of his costs in this behalf expended and that he have execution for same.

**

JOSEPH LINDLEY vs IREDELLE REDDING #455 Pg 257

On motion of Franklin, Plaintiff's counsel, leave was granted to amend petition and request that Judicial Attachment be issued against personal property of said Defendant Redding.

**

JAMES W. PARKER vs PLEASANT GRAY #202 Pg 257

Motion to reinstate case dismissed at last term for want of prosecution.

**

JAMES W. PARKER vs PHILLIP GOODBREAD #340 Pg 257

Motion to reinstate case dismissed at last term for want of prosecution.

**

In the above several cases, dismissal at the previous term and motion or request to reinstate was allowed and permitted cases to be placed on docket to next term of Court on the condition that James W. Parker pay and satisfy in sixty days for costs in each of the two above cases, and that he give Security for costs on further suits, and he be permitted to have the usual writs with copies of the petitions, now filed, issued to the several Defendants. It is ordered accordingly by the Court, to which order, B. C. Franklin, Esqr. objects, and exceptions filed.

**

Thursday April 10, 1845

Court met at 8 o'clock, pursuant to adjournment.

ALEXANDER MC COWAN FOR USE OF WILLIAM BIRDWELL vs A. M. MASON #406 Pg 257

Parties came by their attorneys and it appearing to the Court that there is no error in the Judgment rendered by Justice who tried cause, same is confirmed.

It is therefore ordered, adjudged and decreed by the Court that said Judgment rendered be affirmed and that Plaintiff recover of Defendant the sum of Twenty Seven Dollars and thirty nine cents debt and damages

awarded in said Justice Court together with Two Dollars seventy three cents damages on appeal and all costs of suit in this behalf expended and with execution to issue.

WOOD, GALLATIN & PEEL vs JOSEPH LINDLEY #300 Pg 257

In this case, with leave of the Court, Scire facias withdrawn and costs of Scire facias be paid by officers of Court and execution may issue.

* *

**CHAS B. STEWART, CLERK vs E. MC NEIL, SHERIFF, #322 Pg 258
ALEX WHITAKER & WM. LANDRUM**

Parties came by their attorneys and argument of counsel being had upon Defendant's demurrer to Plaintiff's rule and said demurrer being overruled by the Court, it was consented to by the parties and their counsels that George W. Mason, Esqr., be appointed auditor to examine pleadings and the records in the cause and make report thereon and of the amount due to Plaintiff or Defendant as may appear by the pleadings and the records.

* *

HENRY SHEETS vs G. W. BARTON #395 Pg 258

Default entered ninth day of term, entered now for then.

* *

CORNELIUS ELLIS vs A. M. WALKER #458 Pg 258

On motion of counsel for Defendant, on file in motion docket, it was ordered by Court that the Judgment final by Default entered against Defendant at sixth day of term was set aside and conditioned that Defendant pay all costs of suit to this term. Case continued.

* *

PIERRE BLANCHETT vs W. C. C. WINTERS #131 Pg 258

PIERRE BLANCHETT vs JOHN WINTERS #135 Pg 258

On motion to reinstate cases being considered, ordered by the Court. Motion overruled.

* *

**PRESIDENT & DIRECTORS OF STATE BANK
OF ALABAMA vs WILLIAM SIMONTON**

Pg 259

Be it remembered that in this cause, the Defendant by Counsel came into Court when said cause was called for trial and all terms excepted under the General Demurrer that the Petition of said Plaintiff was defective in not setting forth name of party Plaintiff in the cause corporation if they sued on such in the names of the parties if not an unincorporated company which said exception the Plaintiff opposed being heard and considered by the Court because the pleadings of this cause filed at a former term of this Court do not contain any such exceptions and further because of the character of Plaintiff to sue as set forth in the Petition is admitted and allowed by the Defendant with instrument sued on and that by the law of the land said Defendant is estopped from disputing the character in which said Plaintiff's have sued; but, the Court decided the exceptions were properly taken and that Petition of Plaintiff was defective, to which opinion of the Court the Plaintiff excepts and prays this Bill of Exceptions may be signed, sealed and made a part of record which is now done.

/s/ M. P. Norton, Judge.

* *

**BANK OF ALABAMA vs ALEXANDER MC COWAN
& JAMES MC COWAN
SAMUEL F. WILSON vs ALEXANDER MC COWAN
& JAMES J. BURTON**

#425 Pg 259

#426 Pg 259

In these two cases. it was ordered by the Court that if it should be made to appear at the next term of Court that an agreement had been entered into between Mr. Gray, counsel for Plaintiffs herein, and Mr. Allen, of counsel for Defendants, that the Non-suit entered into shall be set aside and same entered again upon the docket as though case continued. The entry being made with consent of B. C. Franklin, co-counsel for Defendants.

* *

**LETITIA LANDRUM vs HEZEKIEL FARIS
& JOHN W. BARTON, SHERIFF**

#108 Pg 260

Motion against Sheriff John W. Barton, on file continued to next term. (Failure of making money on execution is issued against Faris, in re Judgment on execution issued, farm of Landrum.)

* *

**WILLIAM S. TAYLOR vs JACOB SHANNON,
EXECUTOR, & MARGARET SHANNON, EXECUTRIX**

#196 Pg 260

This day this cause came on to be heard on the Pleadings and Exhibits, Margaret Shannon disclaiming to be Executrix and it appears to the satisfaction of the Court that the allegations generally of the Plaintiff are admitted by the Defendant, Jacob Shannon, who also appears to the satisfaction of the Court to be the sole and only Executor of the last Will and Testament of Owen Shannon, deceased. And the Court being further satisfied that Plaintiff William S. Taylor is the sole and only heir and legal representative in this Republic of said Thomas Taylor, deceased and the said Owen Shannon, if living, would be bound to carry title to one half of the land in petition mentioned and described, and it further appearing that said lands have been divided or surveyed with a view to a correct distribution to which the parties have and do give their free consent as being an equal and proper division. The Court does therefore order, adjudge and decree that the said Jacob Shannon as the Executor aforesaid, do convey to William S. Taylor the following described tract of land, being the one half of said tract as surveyed as aforesaid and accepted by him, viz, the Two North Quarters of said subdivision thereof which appear upon the map of the original tract and surveys as Quarters Two and Three and which are described in the field notes of Survey as follows, to wit: Two North Quarters or Subdivision thereof (which appear upon the map of original tracts) and surveys as Quarters Number Two and Three and which are described in the Field Notes of survey as follows, to wit: Survey of Two Labors 750.540 Square Varas of land being the Northwest Quarter of Owen Shannon tract: Beginning at the Northwest Quarter corner of the above named Tract No. One at a stake from which a Post Oak 12 inches in Diameter marked "T" bears East Six Varas distance. THENCE North Fourteen Hundred and Fifty Five Varas to the Northwest Corner of the Owen Shannon Tract which is also a corner of the William Patterson League of land, a stake from which THENCE East Three Thousand Nine Hundred and Seventy Nine 9/10 Varas with the North line of the Owen Shannon Tract from which a red oak 18 inches in diameter marked "T" bears South 31 degrees West 10 Varas Distance. THENCE South Fourteen Hundred and Forty Five Varas to the Northeast corner of Quarter No. One, a post from which a pine fourteen inches in diameter marked "T" bears North twenty five degrees East, Eight Varas distance. THENCE West following the North line of Quarter No. One, Three Thousand Nine Hundred and Seventy Nine Varas to the beginning of this Tract is represented as Tract No. Two, and also a Survey of Five Labors, 750,540 Square Varas of land being the Northeast Quarter of the Owen Shannon Tract beginning at the Northeast corner of Quarter No. Two on the North line of the Owen Shannon tract, a post from which a Red Oak 18 inches in diameter marked "T" bears South 31 degrees West Ten Varas Distance. THENCE, East

with North Line of Owen Shannon Tract Four Thousand Four Hundred and Four and 1/10th Varas to the Northeast corner of the Owen Shannon Tract of Land, a stake in a prairie from which a pine 14 inches in diameter chopped being North 46 Varas distance. THENCE South with the East line of Owen Shannon Tract Thirteen Hundred Five and 7/10th Varas, a stake from which a red oak 10 inches in diameter marked "W" bears North 14 degrees West, Four Thousand Four Hundred and Four 1/10 Varas to the East line of Quarter No. Two set a post from which a pine 14 inches in diameter marked "W" being South 33 Varas distance. THENCE, North following the East line of Quarter No. Two, Thirteen Hundred and Five and 7/10th Varas to beginning. This tract is represented as Quarter No. Three.

AND, the Court does further adjudge, order and decree that said William S. Taylor pay all costs of these proceedings for which execution may issue.

* *

**WILLIAM S. TAYLOR vs JACOB SHANNON ET AL, #197 Pg 262
EXECUTORS OF JOHN SHANNON, DEC'D**

This day came on to be heard upon the pleadings, exhibits and other proofs, and it appearing to the satisfaction of Court that Petitioner William S. Taylor is the only heir and legal representative of Thomas Taylor, deceased, in Texas or has appeared in person as such in Texas. And it further appearing that the Defendant Jacob Shannon, is the surviving Executor of the Last Will and Testament of John Shannon, deceased and his co-executor, the said William Burney, has departed this life without leaving any will and it further appearing that said John Shannon, if alive, would be bound to convey title to the heirs and legal representatives of the said Thomas Taylor, deceased, to one-half of the League of land in the petition mentioned. And John Shannon as Executor aforesaid admitting the justice of said claim but having no express authority to convey title given him in said will, it is therefore ordered, adjudged and Decreed that the said Jacob Shannon, as Executor as aforesaid, do convey a good title to one undivided one- half of said tract of land unto the said William S. Taylor according to the terms of the Agreement set out in this proceedings between the said John Shannon, deceased, and the said William S. Taylor, deceased, and that Petitioner William S. Taylor pay all costs of the proceedings, for which execution may issue.

* *

SUSAN TINSLEY vs JESSE PARKER

#442 Pg 262

Parties came by their attorneys and Defendant assumes to pay the costs, Plaintiff no longer prosecuting case. Plaintiff recovers of Defendant the costs of suit expended for which execution may issue.

**

Thereupon the Court adjourned until Friday morning, 9 o'clock.

Friday April 11, 1845

Court met pursuant to adjournment. Present were M. P. Norton, Judge; Jno G. Shepperd, Sheriff and C. B. Stewart, Clerk. And thereupon the Court adjourned without day.

/s/ M. P. Norton, Judge

Attest: C. B Stewart

LEONARD W. GROSS vs W. W. SHEPPERD

#166 Pg 263

Injunction continued on twelfth day of Court previous to the adjournment entered by order of Judge. See Docket entry Spring Term 1845.

/s/ C. B. Stewart, Clerk

**

Monday September 29, 1845

Fall Term

REPUBLIC OF TEXAS §
COUNTY OF MONTGOMERY §

BE IT REMEMBERED that a District Court was begun and holden in and for County and Republic aforesaid upon Monday the 29th of September A.D. 1845. Present: The Honorable R, T. Wheeler, Judge of the Fifth Judicial District presiding by alternation with Honorable Joseph G. Shepperd, Sheriff Ezekiel Henry, Deputy Sheriff of the said Montgomery County, Charles B. Stewart, Clerk, Hugh B. Boston, Deputy Clerk of District Court of said County of Montgomery, and W. H. Palmer, Attorney for the Republic. A Jury for the Fall Term of the present year 1845 having been drawn in Vacation and delivered to the Sheriff, are as follows as duly summoned, to wit: James Thomas, Evan Corner, J. E. Fowler, F. J. Greenwood, S. Nelson, David McIver, C. C. Edinburg, Simon Jones, Wm. C. Moody, F. M. Cartwright, Mathew Cartwright, W. Tankersley, Hiram , D. S. Files, James H. Mitchell, W. W. Ford, Foster Bobo, N. B. Lawrence, John Baker, Thos. Douthett, Philip Martin, Jos. S. Bennett, James Dean, E. H. Allen, Dudley White, W. C. Moffit, James Winters, Frederick Pomeroy, W. H. Wood, Thomas Gilmore, Jacob E. Fowler

personally, Joe McKisack, by note, Thomas Scott. by notice left at houses, Samuel F. Shaw not found in the County and duly signed by J. G. Shepperd, Sheriff, Sept. 29, 1845.

And thereby, out of so many as were present, the following seventeen were chosen to be on Grand Jury as follows: Joe McKisack, J. Thomas, Evin Corner, J. E. Fowler, F. J. Greenwood, S. Nelson, Dan McIver, C. C. Edinburg, Simon Jones, W. C. Moody, James M. Cartwright, David Gyles, J. B. Cheshire, J. T. Whiteside, William Robinson, W. Tankersley, and Hiram Rawson, who were chosen by the Court, each being severally sworn to answer truly and severally examined as to their being citizens of County and Republic and land as householder and being found duly qualified, and being duly sworn and charged to the present service. William Robinson, previously appointed by the Court as Foreman of said Grand Jury.

Upon application of Mr. Josiah Merritt, Attorney at Law, for admission to practice law, as such in the Courts of this Republic and on motion thereto by Mr. Megginson, a member of this Court, His Honor appointed Joseph C. Megginson, H. N. Potter and B. C. Franklin, a committee to examine Mr. Merritt, and report accordingly.

* *

LEONARD W. GROSS vs W. W. SHEPPERD #166 Pg 265

Injunction allowed Shepperd vs Groce upon a former Judgment of Court. It stands thus.

* *

W. W. SHEPPERD vs LEONARD W. GROSS #166 Pg 265

This day came the parties by their attorneys and it appearing to the Court that the injunction allowed in this case by W. W. Shepperd was dissolved at a former term and that a Judgment was not entered for costs. It is now ordered and the case as it now stands dismissed from the Docket. It is considered by the Court that the Defendant in Injunction go hence without day and recover of Plaintiff Shepperd in Injunction all the costs of suit from Shepperd and his Security George Young for costs of suit in this behalf expended, for which execution may issue.

* *

PETER W. FORD vs BENJAMIN F. IRVINE #233 Pg 265

On motion of Counsel for Plaintiff, it was ordered that Alias scire facias issue versus legal representative of Irvine and case continued to next term.

* *

JAMES R. JENKINS vs PHILIP AVERITT #238 Pg 265

It appears that service upon Defendant herein not having been made. Upon motion of Plaintiff's counsel, it was ordered by the Court that Pluries copies of petition and writ issue to Brazoria County and the Court further ordered that this case be continued to next term.

* *

E. M. FULLER vs THOMAS MC IVOR & T. BAILEY #256 Pg 265

Parties came by their attorneys and agree with leave of the Court to continue this case to the next term of this Court.

* *

JAMES KNIGHT vs W. C. PEARCE #216 Pg 265

Leave to amend case was granted by Court to Defendant.

* *

ABIGAIL LYNCH vs PATRICK LYNCH #304 Pg 266

It appearing to the satisfaction of the Court that Plaintiff will not appear and prosecute this cause, it is ordered by the Court that this case stands dismissed and that Defendant go hence without day and recover of Plaintiff the costs of suit in this behalf expended, for which execution may issue.

* *

WELLS PHILIPS vs E. M. GRAY #310 Pg 266

By consent and with leave of the Court and attorneys on the case, it stands continued until next term, So ordered.

* *

JOHN PATTERSON vs B. B. GOODRICH #342 Pg 266

Default entered first day, second term.

* *

ELI B. WARREN FOR USE OF BENNET BLAKE vs MARK RAWLINS #421 Pg 266

Oyez was prayed and leave granted to amend as per Defendant.

* *

ALEXANDER MC COWAN vs JNO M. LEWIS #460 Pg 266

This day came the parties by their attorneys and Plaintiff by his attorney agrees to continue this cause, conditioned that Defendant pays all costs of suit, for which execution may issue.

**

A. MC COWAN vs TIMOTHY CUDE

#462 Pg 266

This day came the parties by their attorneys and Plaintiff by his attorney consents to continue this cause, conditioned that Defendant pays costs of suit. It is therefore considered by the Court that the cause be continued until next term and Defendant pays costs of suit, for which execution may issue.

**

A. MC COWAN vs ELIJAH COLLARD

#461 Pg 266

This day came the parties by their attorneys and Plaintiff by his attorney consents to continue this cause, conditioned that Defendant pays costs of suit. It is therefore considered by the Court that the cause stands continued until next term and Defendant pays costs, for which execution may issue.

**

Court adjourned until tomorrow morning at half past 7 o'clock.

Tuesday September 30, 1845

Court met pursuant to adjournment, second day of Term.

FRANKLIN BRIGNANCE vs A. G. PERRY

#256 Pg 267

Appeal from Justice Court. This day came the parties by their attorneys Goodrich for Brignance and Schasfried for Perry, and thereupon came a Jury of good and lawful men, to wit: Thos. J. Douthitt, Sam McGuffin, Jos. L. Bennett, Jesse Gray, James Powell, Jno F. Crawford , John Andrews, D. Howerton, Wash J. Viser, William Viser, Owen Shannon, and Thos. Gay, who being found to be good and lawful jurors empaneled, tried and sworn the truth to speak upon the issues between the parties, upon their oaths do say and find "We the Jury find for the Defendant below." Signed by Jno F. Crawford, Foreman.

It is therefore ordered by the Court that the Defendant, A. G. Perry, go hence without day and recover of Plaintiff Franklin Brignance the costs of suit in this behalf expended as well as the costs accruing before the Justice who tried the cause and from which execution shall issue from this County.

**

**JOSIAH MERRITT – APPLICATION FOR ADMISSION TOPg 267
PRACTICE OF LAW AND EQUITY IN THE REPUBLIC OF TEXAS**

A report having been made by the Committee appointed upon this application, formerly ordered by the Court that Josiah Merritt come into open Court on this second day of the term and take the oath prescribed by law and whereupon said oath was taken by Merritt:

"I, Josiah Merritt, do solemnly swear that I will demean myself as an attorney and counselor of the Courts of the Republic according to the best of my knowledge with all good fidelity to the Court, and that I will do justice to my clients according to my best skill and ability and that I will support the Constitution and laws of the Republic so long as I continue a citizen, so help me God."

/s/ Josiah Merritt

Sworn to and subscribed this 30th day of September, A.D. 1845

/s/ R. C. Wheeler, Judge

License issued same day before me n open Court.

/s/ Charles B. Stewart, Clerk of said Court

* *

Ordered by the Court that Judgment nisi of Twenty Five Dollars be entered against each defaulting Juror summoned to this term. Further ordered that a Fine nisi of Ten Dollars to be entered against the jurors absent this morning when called: James Gillespie, James Winters and Mathew Cartwright but see Remitted on Page 311.

* *

WILSON G. MC FARLAND vs JOHN D. GROESBECK #252 Pg 268

Parties came by their attorneys and thereupon came a Jury of good and lawful men, to wit: Isaac M. Gary, Jacob Shannon, C. W. Leven, Appleton Gay, W. S. Taylor, M. McGuffin, Isham Musick, John Womack, J. G. Weir, W. Faris and John Baker, who being elected, examined. tried and sworn the truth to speak upon the issues joined between the parties, upon their oaths do say and find, "We the Jury find for the Plaintiff, the principal and interest." Signed John Womack, Foreman.

The amount of principal was Eight Hundred Dollars and interest was Three Hundred Fifty Three Dollars and thirty two cents. It is therefore considered by the Court that the Plaintiff have and recover of Defendant Groesbeck the sum of Eleven Hundred and Fifty Three Dollars and thirty two cents and all costs in this behalf expended, for which execution may issue.

* *

**UNION BANK OF MISS. vs JOHN F.
CRAWFORD ET AL**

#276 Pg 268

This day came the Defendant and with Plaintiff's agreement, a continuance of case granted to the next term of Court.

* *

**SUSAN COTTON ALIAS MC INTOSH vs
IREDELL COTTON ALIAS MC INTOSH**

#248 Pg 268

Ordered by the Court that this cause stand continued until the next term and that the Plaintiff pays costs of suit up and including this term.

* *

UNION BANK OF MISSISSIPPI vs B. A. OLIPHANT

#277 Pg 269

Default nisi on second day of the term.

* *

**UNION BANK OF MISSISSIPPI vs
JOHN HUME & EZEKIAL OSBORNE**

#278 Pg 269

Default nisi on second day of the term.

* *

JAMES JORDAN vs THOMAS SCOTT

#285 Pg 269

Appeal Court. In this appeal case it appears that certain of the original papers belonging to the Justice Court, who tried the cause, have been sent into the District Court. It is ordered that Certiorari be issued for a complete record of all proceedings to be sent to this Court. Further ordered that the Justice have all of his papers returned to him.

* *

**SAMUEL GRIMMET FOR USE OF B. NEWTON vs
C. B. CORLEY, DEFENDANT & MARY CORLEY, CLAIMANT**

#320 Pg 269

Parties came by their attorneys and acknowledged satisfaction received from Defendant and Claimant. Mary Corley pays costs.

* *

**ALEXANDER MC DONALD vs
W. S. SMITH & F. E. HOUSTON**

#355 Pg 269

Parties came by their attorneys and Defendants confess and acknowledge themselves indebted to Plaintiff in the sum of Two Hundred Fifty Dollars and eighty four cents. Court held that Plaintiff recover of Defendants said sum with costs of suit expended in this cause, for which execution may issue.

* *

JOHN COTTON vs REBECCA FOSTER

#422 Pg 269

Parties came by their attorneys and agree that this cause be dismissed at Defendant's cost with Plaintiff to recover of the Defendant all costs of suit in this behalf expended, for which execution may issue.

* *

JOHN COTTON vs CHARLES FOSTER

#427 Pg 270

Parties came by their attorneys and agree that this cause be dismissed at Defendant's cost with Plaintiff to recover of the Defendant all costs of suit in this behalf expended, for which execution may issue.

* *

JOSEPH LINDLEY vs IREDELL REDDING

#455 Pg 270

Default entered upon motion of Counsel for Plaintiff versus Defendant on second day of term.

* *

WILLIAM LOW vs MALCOLM JOHNSON

#484 Pg 270

Upon motion of Counsel for Plaintiff, Judgment by Default is entered against Defendant on second day of term.

* *

**ANDREW BRISCOE vs E. W. CAUTHON
& T. T. BAILEY**

#485 Pg 270

Upon motion of Counsel for Plaintiff, ordered by the Court that Default Judgment be entered against Defendant on this second day of term.

* *

**CALVIN S. HAMILTON vs E. M. GRAY
& JAS T. SIMS**

#489 Pg 270

On motion of Counsel for Plaintiff, Court ordered Default Judgment against Defendant on this second day of term.

* *

JACOB SHANNON vs W. W. SHEPPERD

#492 Pg 270

On motion of Counsel for Plaintiff, Court ordered Default Judgment against Defendant on this second day of term.

* *

B. B. GOODRICH vs ARCHIBALD GOODRICH #342 Pg 270
On motion of Counsel for Plaintiff, Court ordered Default Judgment against Defendant on this second day of term.

**

LAURA F. WILLIAMS vs ELIJAH COLLARD #497 Pg 270
Judgment by Default entered herein on second day of term.

**

LAURA F. WILLIAMS vs O. P. KELTON #498 Pg 271
Judgment by Default entered on second day of term against the Defendant.

**

Fine vs Frederick Pomeroy of twenty-five cents remitted by the Court for sufficient reasons given by Isaac Tonsey, Esqr.

**

A. W. DONALD vs JAMES THOMPSON & JOHN WARD #284 Pg 271
Appeal from Justice Court.

**

JAMES JORDAN vs THOMAS SCOTT #285 Pg 271
See page 269, a double entry.

**

E.M. FULLER vs THOS. T. MC IVER & THOS. T. BAILEY #286 Pg 271
Continued case by consent.

**

ABIGAIL LYNCH vs PATRICK LYNCH #304 Pg 271
See Pg 266, double entry.

**

WELLS PHILLIPS vs E. M. GRAY #310 Pg 271
Continued. See Pg 266.

**

Pg 272

Following cases with double entry reference (see earlier page numbers):

SAMUEL GRIMMET FOR USE OF B. NEWTON vs C. B. CORLEY & MARY CORLEY Pg 269

JOHN PATTERSON vs B. B. GOODRICH Pg 269

ALEXANDER MC DONALD vs WM. S. SMITH & T. E. HOUSTON Pg 269

JOHN COTTON vs REBECCA FOSTER Pg 269

**

A. G. PERRY vs ANTHONY BYRUN #386 Pg 272

Judgment by Default entered herein on second day of term.

**

JOHN TAYLOR FOR USE OF JOHN DORSEY vs JACOB H. SHEPPERD #396 Pg 272

JACOB H. SHEPPERD

Attorney for Plaintiff came and upon motion ordered by the Court, Alias pluries copies of Writ and Petition issued to the Defendant. Case continued.

**

CHARLES STEWART vs W. W. SHEPPERD #430 Pg 273

Judgment by Default ordered by Court on second day of term.

**

ALFRED KELSO vs JOHN ARCHER #445 Pg 273

Judgment by Default ordered by Court on second day of term.

**

G. R. SNEED vs W. L. CUMMINGS #451 Pg 273

On motion of Plaintiff's counsel, Court ordered Judgment by Default, second day of Court.

**

ALLSAY MILLER vs W. W. ARRINGTON #452 Pg 273

On motion of Plaintiff's counsel, Court ordered Judgment by Default, second day of Court.

**

WILLIAM MYERS vs C. B. & MARY CORLEY #457 Pg 273

By consent of parties, case put at the heel of the docket - so ordered.

**

CAVITT ARMSTRONG vs J. H. PIERSON #465 Pg 274

Parties came by their attorneys and upon motion ordered by Court that Plaintiff give Security for costs in sixty days or case dismissed.

**

CAVITT ARMSTRONG vs J. H. PIERSON #466 Pg 274

Same order as Cause No. 465.

**

JOHN FRIDGE, JR., vs AARON SHANNON #467 Pg 274

On motion of Plaintiff's counsel, Court ordered Judgment by Default be entered.

**

ROBERT SMITHER vs WILLIAM H. ENGLISH #481 Pg 274

Judgment by Default entered.

**

DANIEL T. DUNHAM vs RALPH GRAVES #486 Pg 274

Judgment by Default entered.

**

JAMES LAWSON vs MANN & WOOD #488 Pg 274

Judgment by Default entered.

**

JOHN C. SHUFFIELD vs JOHN & JOSHUA ROBBINS #503 Pg 274

& A. M. MC COWAN, ENDORSER

Judgment nisi ordered.

**

JAMES MC COWAN vs JOHN O. HIGHTOWER #502 Pg 275

Parties came by attorneys and it appearing to the Court that Defendant is a non-resident of the Republic, and that notice not sufficient, Court ordered that publication to be made in some newspaper for four weeks prior to next term.

**

MARY ANN BOYER vs ANDREW BOYER #504 Pg 275

Alias citation awarded and case was continued.

**

JAMES COX vs W. W. ARRINGTON #506 Pg 275

Judgment by Default ordered on motion by attorney for said Plaintiff.

**

CONSTANT K. HALL vs TYLER & GRAVES #507 Pg 275
Alias citation against Tyler ordered to Harris County.
* *

W. H. SPILLERS vs MIXON & BENNETT #508 Pg 275
Alias copies of Writ and Petition ordered to Sheriff of Harris County.
* *

**A. H. MASON vs J. O. HIGHTOWER, J. L. MASON
& WM ROBINSON** #512 Pg 275
Judgment by Default ordered.
* *

PIERRE BLANCHETT vs JOHN M. SPRINGER #514 Pg 276
Judgment by Default ordered.
* *

PIERRE BLANCHETT vs URIAH SPRINGER #515 Pg 276
Judgment by Default ordered.
* *

**PIERRE BLANCHETT vs W. C. WINTERS
& WIFE LAVINA** #516 Pg 276
Judgment by Default ordered.
* *

PIERRE BLANCHETT vs JOHN & PHOEBE THOMAS #517 Pg 276
Judgment by Default ordered.
* *

PIERRE BLANCHETT vs JOHN WINTERS #518 Pg 276
Judgment by Default ordered.
* *

PIERRE BLANCHETT vs JAMES EDWARDS #519 Pg 276
Judgment by Default ordered.
* *

LUCINDA STRAWTHER vs THOMAS STRAWTHER #203 Pg 276
In this case no one appeared to prosecute same, Court ordered case continued on payment of costs of suit to this term or same is discontinued.
* *

JOHN RICE JONES vs SOLOMON SMITH #253 Pg 276

On motion of Defendant's counsel, this case continued to next term.

**

ELEANOR GAY vs JOHN LOTT & W. C. JONES #265 Pg 276

Continued. No answer.

**

Wednesday October 1, 1845

Court met pursuant to adjournment. Present, Honorable R. J. Wheeler, Judge presiding with same Clerk and Sheriff.

JOHN S. CHENOWETH vs JOHN HUME #416 Pg 277

Upon motion of counsel for Defendant, leave granted by Court to amend his answer.

**

**A. M. MC DONALD vs JAMES THOMPSON
& JOHN WARD** #284 Pg 277

Parties came by their attorneys and a Jury of good and lawful men were chosen, to wit: John F. Crawford, Thomas Douthett, Sam McGuffin, T. L. Bennett, Jesse Gray, James Powell, J. F. Crawford, John Andrews, H. Howerton, W. J. Viser, W. Viser, Owen Shannon and Thomas Gay, who being duly elected, tried and sworn the truth to speak upon the issues joined between the parties, upon their oaths do say and find for the Defendant. Signed Jno F. Crawford.

It is therefore considered by the Court that Defendant go hence without day and recover of Plaintiff all costs of suit in this behalf expended, as well as before the Justice who tried the cause as in this Court and that execution may issue from this Court for same.

**

PIERRE DENISE vs APPLETON GAY #177 Pg 277

Parties came by their attorneys and a jury of good and lawful men were chosen, to wit: T. J. Douthett, M. Cartwright, J. S. Bennett, James Powell, John F. Crawford, John Andrews, James Gillespie, W. D. Viser, W. Viser, Eli Springer, M. McGuffin, W. Howell, who being duly elected, tried and sworn the truth to speak upon the issues joined between the parties, upon their oaths do say and find for the Defendant. Signed James R. Mathews.

It is therefore considered by the Court that Defendant go hence without day and recover of Plaintiff all costs of suit in this behalf expended, for which execution may issue.

**

ETHAN MELTON vs W. F. EVANS #287 Pg 278

Case continued by agreement of the parties. So ordered.

**

W. MOSELY & JOSIAH MOSLEY vs R. E. PACE #424 Pg 278

Security for costs of suit in this cause as by rule of Court at last term entered, not having been given as required, the said case stands dismissed.

**

CAVITT ARMSTRONG vs J. G. W. PIERSON #465 Pg 278

Security for costs of suit in these two cases having been ordered by the Court on motion of Clerk Joseph C. Megginson.

**

CAVITT ARMSTRONG vs J. G. W. PIERSON #466 Pg 278

Barry Gillespie and W. G. McFarland this day came into open court and acknowledged themselves each severally bound as Security to said Armstrong for payment of all costs of suit which may accrue or be incurred in the prosecution, judgment or award of cases #465 & #466.

**

C. W. STERNE & WIFE vs JOHN MARTIN #69 Pg 278

Parties came by their attorneys and Defendant by his attorney moved the Court for a continuance upon his Affidavit which the Court granted.

**

CAVITT ARMSTRONG vs J. H. PIERSON #465 Pg 278

Upon motion by counsel for Plaintiff, Court ordered Judgment by Default nisi to be entered against Defendant on third day.

**

CAVITT ARMSTRONG vs J. G. H. PIERSON #466 Pg 278

Upon motion by Counsel for Plaintiff, Court ordered Judgment by Default nisi to be entered against Defendant on third day.

**

JAMES KNIGHT vs W. J. C. PIERCE

#216 Pg 278

Defendant's motion overruled.

**

GEO. A. FLOYD vs STEPHEN G. MC CLENNY & SAM MC GOWAN Pg 279

GEO A. FLOYD, ADM FOR JOS FLOYD, DEC'D

This cause came on to be heard. Gillaspie & Achissner who appeared for the Plaintiff and Megginson, Smyth and Lewis for the Defendants. And, thereupon came a Jury of good and lawful men, to wit: Isaac McGary, Appleton Gay, W. S. Taylor, Isam Musick, W. Faris, William Landrum, Lem G. Clepper, Thomas Rogers, Thomas B. Rankin, John Bond, John Cotton, and James Winters, who being duly elected, examined, tried and sworn the truth to speak upon the issues joined between the parties and the Court proceeding to hear the causes, arguments upon the demurrer arising between the counsels.

**

Court adjourned until tomorrow morning at 8 o'clock.

Thursday, October 2, 1845

**GEO A. FLOYD, ADM vs STEPHEN G. MC CLENNY
& SAM MC GOWAN**

#301 Pg 279

Parties came by their attorneys, and Court proceeded to the further hearings on the cause, demurrer and exceptions. On motion of counsel for Plaintiff and by agreement of the parties, leave is granted to Defendant to continue the cause to next term upon payment of all costs incurred.

**

Pg 280

On motion of W. H. Palmer, Esqr., B. C. Franklin, Esqr., was appointed to be counsel to District Attorney, W. H. Palmer, to represent the Republic of Texas in various suits for land to be tried at this term as provided for by Statute.

**

WILLIAM J. BLOUNT vs REPUBLIC OF TEXAS

#283 Pg 280

Suit to renovate certificate for land not recommended for a patent. Parties came by attorneys: J. C. Megginson for the Plaintiff, W. H. Palmer and B. C. Franklin for Republic, and thereupon came a Jury of good and lawful men. Plaintiff by attorney moves the Court for a non-suit, which is granted.

**

DAVID AYERS vs REPUBLIC OF TEXAS

#331 Pg 280

Suit to renovate certificate for land not recommended for a patent. Parties came by attorneys, Republic by W. H. Palmer, District Attorney, and B. C. Franklin, Assistant Counsel, and thereupon came a Jury of good and lawful men. Plaintiff by his attorney, W. G. McFarland, who moves the Court for a non-suit, which is granted with leave to withdraw by giving certified copies to Clerk.

* *

REPUBLIC OF TEXAS vs JOSEPH NYMAN

Pg 281

This day came Joseph Nyman and acknowledged himself bound to the President of the Republic of Texas and to his successors in the sum of Five Hundred Dollars and also at the same term William Miller and John F. Crawford and acknowledged themselves bound to the President of the Republic aforesaid severally in the sum of Two Hundred and Fifty Dollars each to be levied of their goods and chattels, respectively, conditioned that the said Joseph Nyman appear from term to term and day to day and to answer to, abide and receive what may be ordered or adjudged for or against him.

* *

REPUBLIC OF TEXAS vs PETER R. SILLY

Pg 281

Selling Goods Without a License. This day came the Republic by W. H. Palmer, Esqr., District Attorney, and announces to the Court, his intention with leave of the Court, to enter a Nolle prosequi against said Silly, which being considered by the Court is ordered accordingly, with Peter Silly to go without day.

* *

**EDWARD W. BARTON - APPLICATION FOR
ADMISSION TO THE BAR**

Pg 281

The Court having appointed Messrs. Smith, Lewis & Megginson a committee to examine applicant, and then report as favorable and said Barton came into Court and says, "I, Edward W. Barton, do solemnly swear that I will demean myself as an attorney and counselor of the Courts of this Republic according to the best of my knowledge and with all good fidelity to the Court and that I will do justice to my clients according to my best skills and ability and that I will support the Constitution of the Republic so long as I continue to be a citizen. So help me God."

/s/ Edward W. Barton

Attest: Charles B. Stewart, Clerk

* *

**WILLIAM H. WHITE - APPLICATION FOR
ADMISSION TO THE BAR**

Pg 282

The Court having appointed Messrs. Gillespie & Berry as a committee to examine applicant, and then reports as favorable and said White came into Court and says, "I, William H. White, do solemnly swear that I will demean myself as an attorney and counselor of the Courts of this Republic according to the best of my knowledge and with all good fidelity to the Court and that I will do justice to my clients according to my best skills and ability and that I will support the Constitution of the Republic so long as I continue to be a citizen. So help me God."

/s/ William H. White

Attest: Charles B. Stewart, Clerk

* *

REPUBLIC OF TEXAS vs WRIGHT WILLIAMS

Pg 282

Gambling at Cards. Wright Williams came and acknowledged himself and others as indebted to the Republic of Texas in the sum of Five Hundred Dollars and also came and acknowledged themselves severally and indebted to the Republic of Texas in the sum of Two Hundred Fifty Dollars each, conditioned that said Williams appear from term to term and day to day to answer.

* *

J. M. THOMPSON vs SAM MC GUFFIN

#450 Pg 282

Parties came by attorneys and agree to wit, "It is agreed that this case is settled and said Thompson agrees to pay costs accruing in the District Court and Sam McGuffin agrees to pay costs accruing in Justice Court. Oct. 3, 1845"
Signed James Thompson & Sam McGuffin.

It is therefore considered by the Court that each party pay the costs of suit according to the agreement, and execution may issue for same.

**

REPUBLIC OF TEXAS vs JOHN CHOAT #100 Pg 283

On motion of attorney for the Republic, Court ordered Alias pluries capias of Writ to issue to Sheriff of Harris County. Case continued to next term.

**

REPUBLIC OF TEXAS vs JOHN HARPER #101 Pg 283

Court ordered Alias pluries capias of Writ to be issued. Case continued to next term.

**

REPUBLIC OF TEXAS vs JOHN J. KUYKENDALL #108 Pg 283

Pluries capias of writ issued. Case continued to next term.

**

REPUBLIC OF TEXAS vs JOHN J. KUYKENDALL #109 Pg 283

Pluries capias of Writ issued. Case continued to next term.

**

REPUBLIC OF TEXAS vs JOHN J. KUYKENDALL #127 Pg 283

Pluries capias of Writ issued. Case continued to next term.

**

REPUBLIC OF TEXAS vs ALEX MC DONALD #141 Pg 283

On motion of counsel for the Republic, case continued. So ordered.

**

REPUBLIC OF TEXAS vs ALEX MC DONALD #142 Pg 283

On motion of counsel for the Republic, case continued. So ordered.

**

THOMAS T. BAILEY vs DAN'L MC GARY #305 Pg 284

This day came the Plaintiff by his attorney and says he will no longer prosecute this case. It is therefore considered by the Court that the case be dismissed, and Plaintiff recover of Defendant costs of suit expended. Execution may issue.

**

ANDREW MONTGOMERY vs REPUBLIC OF TEXAS #339 Pg 284

This day came Plaintiff by his attorney and says that he will no longer prosecute this case. It is therefore considered by the Court that the same stand dismissed and Republic of Texas recover of Defendant Montgomery the costs of suit in this behalf expended for which execution may issue. Plaintiff has leave to withdraw papers filed in this cause, leaving a certified copy thereof.

* *

HENRY GOFF vs REPUBLIC OF TEXAS #336 Pg 284

Parties came by attorneys and Plaintiff moves to continue his cause until the next term which is consented to provided that Plaintiff herein pay costs herein up to and accruing at this term. It is ordered accordingly and that execution may issue for the same.

* *

HENRY SHEETS vs G. W. BARTON #395 Pg 284

Parties came by their attorneys. On motion of counsel for Defendant, leave is granted him to file his answers herein.

* *

A. ARMSTRONG vs CELIA RODGERS #420 Pg 284

Parties came by their attorneys and upon motion, Defendant has leave to file additional pleas which is now done with the consent of Plaintiff's counsel. And, case continued to next term.

* *

ARAH HARRIS vs REPUBLIC OF TEXAS #145 Pg 284

Card Playing. Upon motion of District Attorney, this case stands continued until next term. Ordered accordingly.

* *

REPUBLIC OF TEXAS vs HENRY SHORES #130 Pg 285

Card Playing. This day came the parties by their attorneys, with Defendant pleading "Not Guilty," and thereupon came a Jury of good and lawful men, to wit: Joseph L. Bennett, Jas. Gillespie, M. McGuffin, Isaac McGary, Ezic Springer, Jesse Gray, and William Howerton, who being elected, tried and sworn the truth to speak upon their oaths, do say and find for the Defendant, "Not Guilty." Therefore it is considered by the Court that Defendant go hence without day and Republic to pay costs.

* *

REPUBLIC OF TEXAS vs LUDI LANGEY #146 Pg 285

Parties came by their attorneys and the prosecuting attorney answered that there would be Nolle prosequi. Defendant pays costs.

* *

REPUBLIC OF TEXAS vs ALLEN C. JONES #150 Pg 285

REPUBLIC OF TEXAS vs WILLIAM ALSOBROOK #151 Pg 285

These two cases, upon motion of the District Attorney, stand continued until the next term. It is ordered accordingly.

* *

Court adjourned until 7 o'clock Friday morning.

Friday October 3, 1845

JAMES H. MULDREW vs SETH T. BALLOW #493 Pg 285

Certiorari from Justice Court. This day came the Plaintiff on certiorari. The Defendant below, James H. Muldrew, now says he will no longer prosecute his appeal. Court ordered case to be dismissed, and that S. T. Ballow recover costs by him in this behalf expended, for which execution may issue. Further, a Writ of Prosecution be issued from Court to the Justice who tried the cause ordering him to proceed upon his Judgment. with execution.

* *

REPUBLIC OF TEXAS vs WILLIAM HEATH #124 Pg 286

Murder. This day came Uriah Cummings, A. G. Wynn and W. C. Jones who were each severally recognized in the sum of Five Hundred Dollars for their separate appearances on behalf of the Defendant, charged and indicted for the murder of William Humphries, from term to term and day to day until discharged by the Court. And also came at the same term Anthony Byrne, a witness for the Republic in this behalf who also acknowledges himself indebted to the President of the Republic of Texas in the sum of Five Hundred Dollars conditioned for his personal appearance as such witness from term to term and day to day until same discharged by the Court.

And also came Arthur M. Darbey who also acknowledges himself and his wife indebted to the President of the Republic of Texas in the sum of One Thousand Dollars to be levied of his goods and chattels, lands and tenements, conditioned that he and his wife will appear as witnesses from term to term and day to day until same is discharged by the Court. Upon motion of District Attorney, case continued until the next term. Attachment to issue for Margaret Jones, a witness for Defendant, returnable to next term. Witnesses may give bond for appearances with Security thereto with attachment in sum of Five Hundred Dollars.

**

Saturday October 4, 1845

J. J. GOODMAN vs JAMES SKINNER #538 Pg 295

Appeal from District Court. This day came the parties by their attorneys and Plaintiff and his counsel agree no longer to prosecute his appeal. It is therefore considered by the Court that Defendant Skinner go hence without day and recover of the Plaintiff the costs expended in this behalf and in the Justice Court, with execution.

**

J. C. SHUFFIELD vs NEIL ROBINSON #472 Pg 295

No entry made herein. Counsel not agreeing.

**

**ASA HOXIE, SURVIVING PARTNER OF BAILEY,
GAY & HOXIE vs JOHN C. OGBURN** #423 Pg 295

Parties came by attorneys and moved the Court for a Judgement by Default, which is ordered accordingly and entered against Defendant by default.

**

JOHN M. LEWIS vs CALVIN HAMILTON #511 Pg 295

Upon motion of counsel for Plaintiff, Court ordered Judgement by Default. So entered.

**

REPUBLIC OF TEXAS vs JOSEPH L. BENNETT #119 Pg 296

Defendant's motion in arrest of Judgement continued for the decision of the Judge who presided at the trial, Honorable M. P. Norton.

**

REPUBLIC OF TEXAS vs CHARLES LEVIN #160 Pg 196

Assault & Battery. Placed at heel of the docket by consent of Court and continued.

**

REPUBLIC OF TEXAS vs WILLIAM MCLAUGHLIN #144 Pg 296

This day came the Republic of Texas by Wm. H. Palmer, Esqr., and upon motion, it was ordered that this cause be dismissed and Republic pay costs.

**

REPUBLIC OF TEXAS vs JOSEPH NYMAN

#158 Pg 296

Playing at Cards. The parties came by their attorneys and the Defendant came in his proper person, and a Jury of good and lawful men came, to wit: Thomas J. Douthett, Jesse Smith, David S. Files, Geo. W. James, Joseph S. Bennett, Jas. Powell, Thos. Gay, M. Cartwright, Wm. Viser, Thos. Rankin, Jesse Gray, and William Farris, who being empaneled, elected, tried and sworn the truth to speak upon the issues traversed, and upon their oaths do say and find the Defendant Guilty in manner and form charged in the Bill of Indictment. Signed William Viser, Foreman.

**

REPUBLIC OF TEXAS vs [blank] DENNIS

#167 Pg 296

Upon motion of District Attorney, this case stands continued until the next term, which is ordered accordingly.

**

REPUBLIC OF TEXAS vs JOHN MESSIER

#168 Pg 296

Assault & Battery. Upon motion of District Attorney, this case stands continued until the next term, which is ordered accordingly.

**

REPUBLIC OF TEXAS vs JOHN GAY

#169 Pg 296

Assault & Battery. Upon motion of District Attorney, this case stands continued until the next term, which is ordered accordingly.

**

**BENJAMIN GOODRICH vs ARCHIBALD
GOODRICH ET AL**

#496 Pg 297

This day came the parties by their attorneys and Defendants neither appearing in person or by attorneys to answer herein, Judgement pro confesso is entered against them with leave to answer to the next term of Court, otherwise judgement will be entered final against them in default for matters alleged and prayed for in Plaintiff's petition.

**

And thereupon the Court adjourned until Monday morning at nine o'clock.

Monday October 6, 1845

Court met pursuant to adjournment with Honorable R. W. Wheeler presiding and same officers as Saturday.

On motion of W. H. Palmer, Esqr., ordered by the Court that the minutes, proceedings in vacation of drawing a jury to serve at this term be inserted in this book at its proper place, sealing same herein.

REPUBLIC OF TEXAS vs E. L. PARKENSON #152 Pg 297

Selling Goods without License. This day came the parties by their attorneys and thereupon came a Jury of good and lawful men, to wit: W. Landrum, John Womack, William Adkins, John Patterson, William Stewart, W. S. Taylor, H. Jackson, Isaac W. Weir, Evin Corner, Ezekiel Springer, [blank] Fulsom (Jr.), and William Howerton, who being duly elected, tried and sworn the truth to speak upon the issues traverse, do upon their oaths find Defendant Guilty in manner and form as charged in Indictment. Signed John Womack, Foreman.

**

REPUBLIC UNION BANK vs JOHN HUME & EZEKIEL OSBORNE #278 Pg 297

Continued by consent and Alias to issue. Default entered at this term, set aside by answer herein.

**

REPUBLIC OF TEXAS vs EDWARD PARKENSON #152 Pg 298

Selling Liquor Unlicensed. Jury verdict found Defendant Guilty. Attorney moves to arrest Judgement and files motion.

**

REPUBLIC OF TEXAS vs THOMAS GILMORE Pg 298

Defendant given fine of twenty five cents as ordered against him as a defaulting Juror.

**

E. MOREHOUSE vs ELIZABETH MC GREW #319 Pg 298

This day came the parties by their attorneys and thereupon Plaintiff moved the Court for leave to file his survey of the land in dispute, which is granted by the Court, subject to all legal inquiries in progress of his cause. Leave granted the Defendants to amend their pleadings until next term of Court upon payment of costs.

**

THOMAS ELLINGTON vs ELIZABETH M. LACY #446 Pg 298

It appearing to the satisfaction of the Court that Judgement by Default was entered against Defendant at a former trial of this Court at Spring Term 1845, and the Defendant neither answering herself or by agent or attorney, the Court held that Plaintiff recover the sum prayed for in his said petition.

**

LAURA F. WILLIAMS vs ELIJAH COLLARD #497 Pg 299

Defendant by his counsel moves the Court that Plaintiff be held to give security for costs within sixty days. So ordered.

**

LAURA F. WILLIAMS vs O. P. SKELTON #498 Pg 299

Defendant by his counsel moves the Court that Plaintiff be held to give security for costs within sixty days. So ordered.

**

**UNION BANK OF MISSISSIPPI vs #277 Pg 299
B. F. OLIPHANT**

Parties came by their attorneys and agree to continue this cause. Judgement by Default entered at this term set aside by Defendant answering herein. It is ordered accordingly.

**

THOMAS GREEN vs GEORGE A. FLOYD #306 Pg 299

This day came Plaintiff Green and says he will no longer prosecute his said cause and he takes a non-suit. Court holds that Defendant go hence without day and recover of Plaintiff costs of suit.

**

**JAMES MC COWAN vs S. M. GARWIN, #313 Pg 299
THOS. ELLINGTON & NEHEMIAH MC GEE**

This day came the parties by their attorneys, and thereupon Defendants came not with leave of the Court to withdraw their answers herein. And Defendant saying nothing by himself or by attorney, in bar of Plaintiff's demand, it is considered by the Court that Plaintiff recover of Defendants the sum of Two Hundred and Ten Dollars debt as in the petition prayed for, together with Forty Six Dollars and twenty cents interest and damages, in all the sum of Two Hundred and Fifty Six Dollars and twenty cents together with costs of suit, and execution may issue.

**

DAVID AYRES vs JOHN LOTT

#325 Pg 300

This day came the parties by their attorneys and thereupon Defendant with leave of the Court withdrew his plea as filed and he, saying nothing by himself or attorney at bar, nor of Plaintiff's demands. It is therefore considered by the Court that Plaintiff recover of the Defendant the amount of notes in his petition prayed for, to wit: The sum of One Thousand Four Hundred and Eighty Seven Dollars and Ninety Nine Dollars and twenty eight cents as shown in the several notes, with Six Hundred and Forty Eight Dollars and fifty four cents interest and damages, in all the sum of Twenty One Hundred and Seventy Four Dollars and eighty two cents, together with all costs of suit in this behalf expended, for which execution may issue.

* *

CHARLES CHEVALIER vs KESIAH MC IVOR

#320 Pg 300

This day came the parties by their attorneys and thereupon came a Jury of good and lawful men, to wit: W. Landrum, Jno Womack, Wm. Adkins, John Patterson, Wm. Stewart, W. S. Taylor, Hezekiah Jackson, J. H. Weir, Evin Corner, Ez Springer, S. Folsom and W. Howerton, who being elected, tried and sworn the truth to speak upon the issues joined between the parties upon their oaths do say and find for the Defendant. It is therefore considered by the Court that Defendant go hence without day and recover of the Plaintiff the costs of suit in this behalf expended, for which execution may issue. Leave granted to Defendant's counsel to withdraw the note upon which the action was founded.

* *

WILLIAM H. FOWLER vs PLEASANT GRAY

#389 Pg 300

Default entered against the Defendant on eighth day of term.

* *

DAVIS & BOSTON vs PLEASANT GRAY

#291 Pg 300

Default entered against the Defendant on eighth day of term.

* *

MATHEW CARTWRIGHT vs DANIEL W. EDGERLY

#475 Pg 301

This day came the attorney for Plaintiff and moved the Court for an entry Nunc pro tune of a Judgement by Default nisi against Defendant which should have been ordered on second day of trial.

* *

JOHN CALDWELL vs ROBERT R. BROWN

#509 Pg 301

Defendant by his attorney waives reading of the Writ on which his action is founded.

**

W. H. SPILLERS vs MIXON & BENNETT #508 Pg 301

Alias citation to issue to Harris County. It was so ordered.

**

G. W. ROGERS vs JAMES T. SIMS #535, 536 Pg 301

Appeal from Justice Court. These cases stand continued on affidavit of Defendant until next term. It was so ordered.

**

CHARLES MC KIM vs RUSSELL R. GRAVES #336 Pg 301

This day came Plaintiff and moved the Court to amend his said pleadings which is granted. Alias citation to issue and case is continued.

**

JOHN PATTERSON vs R. B. GOODRICH #342 Pg 301

Defendant comes and files affidavit of continuance which is granted by the Court. Defendant to pay costs of this term.

**

W. W. WOOD vs JNO J. GOODMAN #347 Pg 301

Case is continued.

**

JOHN J. GOODMAN vs WILLIAM WOOD ET AL #343 Pg 302

Parties came by their attorneys and cause continued so that amendment can be made.

**

SIMEON R. TRAWICK vs LEBRON TRAWICK #356 Pg 302

This day came the parties by their attorneys and Plaintiff's counsel moves for a discontinuance. It is therefore ordered that Defendant go hence without day and recover of Plaintiff and his Security the costs of suit in this behalf expended, for which execution may issue against the Plaintiff and John Dorsey, his Security.

**

WILLIAM W. FOWLER vs DAVID M. BULLOCK #359 Pg 302

This day came the parties by their attorneys and agree to continue this cause until next term. On motion of [blank], it was ordered by the Court that an attachment issued for the body of Jno Wade, a witness herein, that he be had and appear at the next term.

**

R. R. GRAVES vs E. BAILEY #380 Pg 302

Upon motion of Plaintiff's counsel, it was ordered by the Court that Scire facias issue to the legal representative of E. Bailey, when discovered, and case continued to next term.

**

W. H. FOWLER vs PLEASANT GRAY, ISAAC TONSEY & J. T. SIMS #383 Pg 302

Default taken against Defendants on the eighth day of term.

**

A. D. KENNARD vs R. E. PACE #387 Pg 303

Parties came by their attorneys and Defendant by his attorney agrees to settle the same as prayed for in his petition, with the Plaintiff to recover interest, damages and costs of suit.

**

SINGLETON TRAWICK vs LEBRON J. TRAWICK #357 Pg 303

By consent of counsel for Defendant, Court ordered case to be continued until next term.

**

HENRY SHEETS vs G. W. BARTON #395 Pg 303

This day came the parties by their attorneys and thereupon came a Jury of good and lawful men, to wit: David S. Tiles, Joseph J. Bennett, William Rankin, James Powell, Thomas Gay, W. Visor, Thomas B. Rankin, Appleton Gay, C. B. Corley, Jesse Gray, and W. I. Viser, who being empaneled, tried and sworn the truth to speak upon the issues joined between the parties upon their oaths do say and find, "We the Jury find for the Plaintiff in the sum of Three Hundred and Seventy Dollars and thirty six cents principal and Thirty Seven Dollars and three cents interest." Signed William Viser, Foreman.

Total sum was Four Hundred and Seven Dollars and thirty nine cents, with costs of suit, with execution to issue.

**

And thereupon the Court adjourned until tomorrow morning at nine o'clock.

Tuesday October 7, 1845

P. T. MARTIN vs J. H. WOOD #407 Pg 304

Appeal. Neither party appeared. Ordered by Court that cause stand continued to next term.

**

**FOWLER FERN, USE OF D. WOODRUFF vs #410 Pg 304
ALEX & JAS MC COWN**

Parties came by attorneys. Leave granted by the Court to the Plaintiff to answer Defendant's interrogations filed in this cause, conditioned that Plaintiff pays costs of the term, for which execution may issue.

**

R. J. WALKER vs W. MC BRIDE #429 Pg 304

On motion of Plaintiff's counsel, Court ordered Judgement by Default nisi to be entered against the Defendant W. McBride.

**

ELIJAH PRICE vs L. L. MOORING #419 Pg 304

Parties came by attorneys. Leave granted by the Court for the Plaintiff to have further time to answer interrogations filed herein by Defendant.

**

**ELI B. WARREN, USE OF BENNETT BLAKE vs #421 Pg 304
MARK RAWLINGS**

Parties came by attorneys and thereupon came argument in re motion of Plaintiff to strike plea, etc. Case continued to next term.

**

**BANK OF THE STATE OF ALABAMA vs #425 Pg 304
ALEXANDER MC COWAN**

This day came the parties by their attorneys and upon hearing motion of Plaintiff's attorney, Court ordered case dismissed and that Defendant go hence without day and recover of said Plaintiff and from his Security J. F. McKinny for costs of suit, and execution to issue.

**

**SAMUEL F. WILSON vs ALEXANDER
MC COWAN ET AL**

#476 Pg 305

This day came the parties by their attorneys and upon hearing motion of Plaintiff's attorney, Court ordered case dismissed and that Defendant go hence without day and recover of said Plaintiff and from his Security Thos. F. McKinny for costs of suit and execution to issue.

* *

**MALAKIAH NETTLES, USE OF DAVID CURRY vs
DANL E. HARPER**

#417 Pg 305

This day came the parties by their attorneys, and thereupon Defendant by his counsel agrees that judgement may be now entered against him as upon the finding of a jury for the amount of notes in Plaintiff's petition mentioned, less the sum of Two Hundred Dollars to be credited thereon the 28th day of March, 1838. It is therefore considered by the Court that the Plaintiff have and recover of Defendant the sum of Twelve Hundred Dollars less Two Hundred Dollars paid as aforesaid, together with lawful interest as accrued upon note which appears to be due, Seven Hundred and Twenty One Dollars and fifty nine cents, and in all the sum of Seventeen Hundred Twenty One Dollars and fifty nine cents, together with his costs of suit in this behalf expended, and it is agreed by the parties that execution may issue until the end of twelve months from this date, or that is, execution to stand for twelve months.

* *

THOS A. GAY vs JNO F. MC GUFFIN

#409 Pg 305

This day came Plaintiff by his attorney and also in his own person and files his affidavit for continuance, which Court granted.

* *

FRANKLIN & COMPANY vs J. T. SIMS

#444 Pg 305

This day came the parties by their attorneys, and thereupon came a Jury of good and lawful men, to wit: William Landrum, John Womack, W. Adkins, John Patterson, W. S. Taylor, H. G. Jackson, J. H. Weir, E. Fulsom, Ed Springer, Wm. Howerton, Sam'l McGuffin, and C. B. Corley, who being elected, tried and sworn the truth to speak upon the issue joined between the parties, upon their oaths do say and find, "We the Jury find for the plain in the amount of his account, Two Hundred Seventy Three Dollars and eighty two cents." Signed John Womack, Foreman.

It is therefore considered by the Court that Franklin & Company have and recover of Defendant J. T. Sims Five Hundred Seventy Three Dollars and

eighty two cents and costs of suit in this behalf expended, for which execution may issue.

* *

JOHN S. CHENOWETH vs JOHN HUME #416 Pg 306

This day came the Plaintiff by his attorney, W. B. Ochiltree, and with him came Bennett Blake, whom he tendered as Security for the costs of this suit. And thereupon, said Bennett Blake acknowledged himself bound and obligated to pay the costs of this suit as they accrue or as they are adjudged against said Plaintiff. Execution may issue against Plaintiff Chenoweth and his Security Blake.

* *

ALFRED KELSO vs JOHN ARCHER #445 Pg 306

This day came parties by their attorneys, and upon argument of counsel, a question arose as to whether or not Administrator suing in this cause should be ruled to give security of costs of his suit.

* *

THOMAS ELLINGTON vs ELIZABETH M. LACEY #446 Pg 306

The default final entered on yesterday in this cause is by conduct of the Plaintiff's counsel set aside. Defendant's answer filed and case set for trial on Monday next.

* *

WILLIAM BUTLER vs T. J. HAYNIE #448 Pg 306

This day came the attorneys of record and suggested to the Court that the Defendant is deceased. Ordered by the Court that Scire facias issue against A. G. Haynie, Administrator, with Will of Defendant annexed, to Washington County. Further ordered case continued.

* *

RANSOM H. BYRNIE vs JACOB CROFT #435 Pg 306

Plaintiff's counsel asks for an Alias to issue to Harris County and that this case be continued until next term. So ordered.

* *

C. B. STEWART vs JOHN DARWIN #438 Pg 307

This day came the parties by their attorneys and it appearing to the satisfaction of the Court that security for costs of suit had not been given herein as rule of Court at former term required, it is considered by the Court

that Defendant go hence without day and recover of Plaintiff the costs of suit, and execution may issue.

**

JAMES STANTON vs JOHN VAUGHN

#436 Pg 307

On motion of Plaintiff's counsel, Pluries citation ordered by the Court. Case continued.

**

DANIEL E. HARPER vs T. J. MC IVOR

#437 Pg 307

This day came the parties by their attorneys and Plaintiff has leave to amend his pleadings conditioned that he pay the costs of this term. Case is continued until the next term.

**

A. POPE vs E. POPE

#441 Pg 307

This day came the Plaintiff by his attorney and moves the Court to continue his cause until the next term of Court and case continued as moved.

**

MATHEW BURNETT vs ALBERT CLOYES

#454 Pg 307

Neither Plaintiff, Defendant, nor counsel appearing herein, case stands continued.

**

JESSE COURTNEY vs SAMUEL MC GUFFIN

#449 Pg 307

This day came the parties by their attorneys, and thereupon came a Jury of good and lawful me, to wit: D. S. Files, J. S. Bennett, Thomas Gay, W. Viser, Thomas Rankin, Jesse Gray, Wm. I. Viser, Jno Landrum, J. Gillaspie, C. B. Corley, William Shannon and M. Johnson, who being elected, tried and sworn the truth to speak upon the issues joined between the parties, upon their oaths do say and find, "We the Jury find for the Plaintiff Seventeen Dollars."

Therefore it is considered by the Court that Plaintiff recover of the Defendant the sum of Seventeen Dollars plus costs of suit in this behalf expended, as well as in the Justice Court, who first tried the cause, and as in this Court, and for which execution may issue.

**

CAVETT ARMSTRONG vs J. G. W. PIERSON

#466 Pg 309

This day came the Plaintiff by his attorney, and the Defendant neither appearing nor answering by himself or by an attorney, herein. Judgement by

Default awarded against Defendant and the Plaintiff to recover of Defendant the sum of One Hundred Dollars as in Plaintiff's petition as prayed for, together with the sum of Seventy Dollars and fifty one cents interest and damages, in all Two Hundred Seventy One Dollars and fifty one cents and the costs of suit in this behalf expended, and execution may issue.

* *

M. A. & J. C. MC GUFFIN vs SAMUEL MC GUFFIN #469 Pg 309

By consent of the parties and the leave of the Court, this case stands continued until the next term.

* *

DAN'L W. EDGERLY vs CHARLES W. LEVIN #428 Pg 309

Plaintiff has leave to amend his pleadings herein, and cause is continued to next term, together with all motions.

* *

###

THESE PAGES HAVE NOT YET BEEN TRANSCRIBED.

A. THOUVENIN vs B. B. GOODRICH

Pg 413

This day came the Plaintiff by his attorney and asked leave to amend his petition, which was granted by the Court.

**

B. H. HALSTED vs GEORGE STONUM

#1 Pg 413

This day came the parties by their attorneys and on motion of attorney for Plaintiff, and on affidavit of Defendant, Court ordered that this cause be continued and that Plaintiff pay costs of suit. Case continued.

**

O. EVANS vs H. SHORES

Pg 413

This day came Plaintiff by his attorney and asks that cause be dismissed. It is therefore considered by the Court that the case be dismissed and that Defendant recover of Plaintiff the costs of suit in this behalf expended, for which execution may issue.

**

**LUCY WOOD, ADM OF JOHN WOOD, DEC'D vs
THOMAS T. MC IVER**

Pg 413

This day came the parties by their attorneys and consent to continue this cause until next term. It was so ordered by the Court.

**

HUGH MC GUFFIN vs G. W. ELAM

#17 Pg 414

This day came the Plaintiff by his attorney and no person came to answer Plaintiff, and on motion, Court ordered that judgement be entered in this case and Plaintiff recover of Defendant the sum of Three Hundred Fifty Dollars and twenty nine cents and all costs of suit in this behalf expended, for which execution may issue.

**

R. B. WALLACE vs U. S. CUMMINGS

#30 Pg 414

This day came the Plaintiff by his attorney, and on a motion that the judgement entered final on the eighth day be set aside and was to be entered on the eleventh day. The Court ordered the sum of One Hundred Twenty Dollars debt and Six Dollars seventy five cents interest, or a total sum of One Hundred Twenty Six Dollars and seventy five cents together with costs of suit in this behalf expended and execution may issue.

**

**SHACKELFORD & SAMPSON vs
WILLIAM LANDRUM**

#35 Pg 414

This day came the parties by their attorneys. The Defendant demurs to Plaintiff's petition being withdrawn by Defendant's attorney. And therefore came a Jury of good and lawful men, to wit: R. F. Oliver, Wm. Dunlap, J. P. Hall, James B. Ford, E. B. Davis, H. S. Arnold, M. Saben, J. Worsham, R. Rogers, E. Uzzell, R. E. Pace, and Lem Smithers, who being elected, tried and sworn the truth to speak upon the issue joined as between the parties, upon their oaths do say, "We the Jury find for the Plaintiff in the sum of One Hundred Thirteen Dollars and thirty three cents debt and interest, together with costs of suit in this behalf expended, for which execution may issue." Signed E. B. Davis, Foreman.

Court ordered that Defendant pay One Hundred Thirteen Dollars and thirty three cents debt and interest and costs of suit.

* *

GEORGE W. ROGERS vs E. M. GRAY

#37 Pg 415

Appeal from Justice Court. This day came the Plaintiff by his attorney, and on motion, Court ordered a Judgement by Default against Defendant to be entered on the eleventh day of the term.

* *

**JOEL KING vs NEIL ROBINSON, LOUIS DUPREE
& LEWIS G. DUPREE**

#45 Pg 415

This day came the parties by their attorneys, and on a motion of Plaintiff, it is ordered by the Court that said Plaintiff be permitted to amend his petition and this cause continued to next term at Plaintiff's cost. Case continued.

* *

THOMAS P. WARE vs SHELTON & E. B. DAVIS

Pg 415

This day came the Defendants by their attorneys and on motion, Court ordered the Plaintiff to give security for payment of costs of suit on or before the first day of the next term or case will be dismissed.

* *

**WILLIAM CHILDERS vs R. C. BURNS &
G. C. NELSON**

#582 Pg 415

No persons appearing on either side, it is considered by the Court that this cause be continued until next term of this Court.

* *

**A. B. MC COWAN, USE OF ANDERSON WORLEY
vs DAVID M. BULLOCK & SAMUEL GRIMMETT**

#52 Pg 415

Appeal. Parties came by their attorneys and settled this cause and Defendants confess judgement for the sum of Two Dollars and costs of suit. It is therefore considered by the Court that Plaintiffs recover of Defendant and their Securities H. B. Boston and William Patterson on appeal, the sum of Two Dollars and costs of suit by them expended, for which execution may issue.

* *

**A. POPE, USE OF LEM G. CLEPPER vs
B. H. HALSTED**

#54 Pg 416

Appeal. This day came the parties by their attorneys, and a Jury of good and lawful men came, to wit: R. F. Oliver, Will Dunlap, J. P. Hall, Jas. Farris, E. B. Davis, Hezekiel H. S. Arnold, M. Saben, J. Worsham, R. Rogers, E. Uzzell, R. E. Pace, and Lem Smithers, who being elected, tried and sworn the truth to speak upon the issue joined between the parties, upon their oaths do say, "We the Jury find for the Plaintiff the sum of Twenty One Dollars and fifty two cents." Signed E. B. Davis, Foreman.

It is considered by the Court that the Plaintiff recover of Defendant and his Security in appeal, George Stonum, the sum of Twenty One Dollars and fifty two cents debt together with the costs in this behalf expended in Justice Court as well as in this Court and that execution may issue for the same, also for the further sum of Two Dollars and fifteen cents damages.

* *

**J. E. WADE, USE OF C. ENNIS vs #56
W. M. ROBERTS**

Pg 416

Appeal. This day came the parties by their attorneys, and Defendant having pled in abatement that he was not sued in the proper jurisdiction; and thereupon came a Jury of good and lawful men, to wit: R. F. Oliver, Wm. Dunlap, J. P. Hall, James B. Ford, E. B. Davis, H. S. Archer, Mark Saben, J. Worsham, R. Rogers, E. Uzzell, R. E. Pace, and Lem Smith, who being elected, tried and sworn the truth to speak upon the issues joined between the parties, upon their oaths do say, "We the Jury find for the Defendant upon the grounds of being improperly sued." Signed E. B. Davis, Foreman.

It is considered by the Court that the Defendant recover of the Plaintiff the costs of suit in this behalf expended, for which execution may issue, and Plaintiffs have leave to withdraw the note upon which this action was founded.

* *

JAMES MC COWAN vs JOHN D. PITTS

#58 Pg 417

This day came the Plaintiff by his attorney and Defendant in his own proper person and says nothing in bar or preclusion to the recovery of this action and confesses judgement for the sum of Thirty Dollars and costs of suit on condition of a stay of execution of sixty days, and Plaintiff accepts the judgement by confession. It is therefore considered by the Court that the said Plaintiff recover of and against the said Defendant and his Security in appeal, Andrew Harper, the sum of Thirty Dollars confessed as aforesaid and the costs of suit in Justice Court as well as the costs of this Court and that execution be stayed sixty days, after which execution may issue.

* *

BENJAMIN HARRIS vs JOHN M. LEWIS

#46 Pg 417

This day came Defendant by his attorney, and no person came for the Plaintiff, after being solemnly called and answering not. On motion of attorney for Defendant, Court ordered this suit to be dismissed for want of prosecution and Plaintiff to recover nothing by reason of his petition and that Defendant recover of said Plaintiff and James McCowan, his Security for costs of suit in this behalf expended, for which execution may issue.

* *

STATE OF TEXAS vs WILLIAM R. WHEELIS

#17 Pg 418

Grand Larceny. This day came the parties, the State by Samuel D. Hay, Esqr., District Attorney, and others, and the Defendant by his attorneys Megginson & White, and Wheelis being arraigned for a plea to the Indictment, offers a plea in abatement, upon which the Plaintiff joins issue in replication, which said Defendant by his attorney demurred, which demur was overruled for further plea to the Indictment, and the Defendant pleads over the plea of "Not Guilty." on which the parties join the issues. And thereupon came a Jury of good and lawful men, to wit: H. W. Fields, R. S. Willis, John Womack, Charles Weaver, George W. Brooks, Joshua S. Betts, James R. Mathews, James Jeffries, John C. Harrison, John Watkins, Benjamin Rigsby and N. K. Alston, who being elected, tried, empaneled and sworn the truth to speak upon the issues joined between the said parties, upon their oaths do say, "We the Jury find the prisoner Guilty of Grand Larceny and assess the amount of the property stolen, Fourteen Thousand Six Hundred and Thirteen Dollars and assess the time of an imprisonment at ten days." Signed John Womack, Foreman.

Whereupon the Defendant, by his attorneys, move the Court in arrest of judgement upon grounds stated and sustain the motion filed among the papers filed among the papers of the cause and entered upon the Motion

Docket were the motion being argued and considered and sustained by the Court the verdict of Guilty set aside and cause continued and the Defendant remained in custody. On further motion of attorneys for Defendant, W. R. Wheeler was admitted to bail in the sum of Two Thousand Dollars and two Securities each in the sum of Five Hundred Dollars.

**

**ASA HOXIE, SURVIVING PARTNER OF BAILEY, #412 Pg 419
GAY & HOXIE vs JOHN C. OGBURN**

Debt. This day came the parties by their attorneys and the papers on file in this cause not being produced in Court, the parties consent to a continuance of the Court until the next term. It is therefore considered by the Court that this cause is continued to next term.

**

HENRY H. GOFF vs THE REPUBLIC #336 Pg 419

In this case, by leave of the Court, Plaintiff has withdrawn his land certificate which was filed in the cause.

**

And thereupon Court adjourned until tomorrow morning at 8 o'clock.

Friday September 18, 1846

Court met according to adjournment with Honorable John B. Jones presiding.

JAMES R. JENKINS vs AVERETT #218 Pg 419

This day came the Plaintiff by his attorney and suggests the death of the Defendant. And on motion, it is ordered by the Court that Scire facias issue against the Representative of said Defendant and this cause continued until the next term of Court.

**

**REPUBLIC (NOW STATE) OF TEXAS vs #100 Pg 419
JOHN CHOAT**

State's Attorney S. D. Hay came and on motion, Court ordered Pluries copies be directed to Harris County. Case continued.

**

STATE OF TEXAS vs JOHN S. HARRISON #173 Pg 420

Murder. On September 15th, 1846, on motion of S. D. Hay, Esqr., the District Attorney for State of Texas, it was ordered by the Court that the Clerk of

Court issue a special Venire facias to try this cause, upon which order the following was issued:

STATE OF TEXAS § **District Court Fall Term 1846**
COUNTY OF MONTGOMERY §

TO THE SHERIFF OF SAID COUNTY: You are hereby commanded to summon thirty six good and lawful men of Montgomery County out of whom may be had and elected a special jury to try the case wherein John S. Harrison, Defendant, upon an Indictment of murder found at this term of Court and now pending in the said Court against him, said John S. Harrison. Herein, fail not under the penalty of law and you then and there have this writ with you endorsed thereon.

Given under my hand and private seal (for want of a seal for this Court) this 15th day of September, A. D. 1846.

/s/ Lem C. Clepper, Clerk of District Court, Montgomery County, Texas

And, thereupon on the 16th day of September A. D. 1846, the Sheriff made the following return of said Venire facias: Received September 15, 1846 and served Venire on the following persons as good and lawful men to serve as jurors in the within named case, to wit: R. F. Oliver, William Simonton, John Womack, Mark Saben, John P. Hall, Richard S. Willis, Appleton Gay, D. H. McGary, Alex Whitaker, Joshua S. Betts, George W. Brooks, E. B. Davis, James McRea, Alexander McRea, Thos. B. Rankin, James R. Mathews, John Fridge, Benjamin Rigsby, N. K. Alston, R. D. Westcott, John C. Harrison, B. D. Kelton, John Watkins, William Miller, E. Uzzell, Richard Pace, Charles Weaver, Peter Pincham, James Jeffries, K. S. Arnold, Isreal Worsham, Lem Smith, William Dunlap, James B. Ford, James Mitchell, Rolly Rogers.

/s/ Samuel Grimmett, Sheriff, Montgomery County September 16, 1846

* *

STATE OF TEXAS vs JOHN S. HARRISON #173 Pg 420

Murder. This day came the State by S. D. Hay, Esqr., and J. S. Harrison in his own proper person, and on motion and affidavit of S. D. Hay, District Attorney, the Court ordered this cause to be continued until the next term of this Court.

* *

Motion to change the venue to Walker County made on the fourth day of term and withdrawn by the attorneys on this twelfth day.

**

PETER PINCHAM & W. B. PINCHAM vs H. SHEETS & CO. #38 Pg 423

Motion to change the venue to Walker County withdrawn.

**

MANN & WOOD vs JAMES LAWSON #488 Pg 423

Motion to dismiss Bill, for want of equity, informality and authority. Court sustained motion to dissolve the injunction.

**

DUDLEY RUNNELS vs J. H. WHITESIDE Pg 423

Motion to dismiss in Certiorari withdrawn.

**

DUDLEY RUNNELS vs A. D. KINNARD Pg 423

Motion to dismiss in Certiorari withdrawn.

**

A. ARMSTRONG vs C. ROGERS #429 Pg 423

Motion for a new trial sustained and case continued.

**

H. HARVILL vs C. W. LEVIN Pg 423

Motion in arrest of Judgement overruled by the Court.

**

WILLIAM MYERS vs C. B. CORLEY #457 Pg 423

Motion for costs of suit withdrawn.

**

JAMES MCCOWN vs PLEASANT GRAY #388 Pg 423

Motion for a new trial dismissed by the Court.

**

the statute in such cases made and provided and citing John O. Hightower to be and appear at this time of the Court, to plead, answer or demur to matters and things in the Plaintiff's petition set forth.

And the said John O. Hightower having wholly failed and made default therein, it is therefore ordered, adjudged and decreed by the Court that the right, title and interest in and to the said six hundred acres of land in Plaintiff's petition mentioned and described which said right, title and interest was as fully appears by the answers of the Defendant Robinson was by the said William Robinson conveyed to the said John O. Robinson and the same is hereby vested in Almon H. Mason and wife, Jane S. Mason. Said 600 acres being the south part or portion of the said twelve hundred acres of land purchased as aforesaid and being a part or portion of the headright league of said Defendant Robinson and being the land upon which the Plaintiff resides and which is included within the following metes and bounds, to wit:

"Beginning at the North West corner of the said twelve hundred acres of land sold and conveyed as aforesaid and which is also a corner of the headright league of the said William Robinson, thence South 35° East, 845 varas with the original line of said Robinson's league to a corner, a Post and Mound prairie from which a Post Oak twenty inches in diameter bears North 33° East 57 6/100 varas distance, and a Blackjack twelve inches in diameter bears South 65° East 72 varas. Thence South 30° East 1,017 varas to corner from which a Black Oak twenty four inches in diameter bears North 61° East 8 2/100 varas distance and a Post Oak twenty four inches in diameter bears South 35° West 18 8/100 varas distance. Thence North 75° East 475 varas to a corner from which a Blackjack twelve inches diameter bears North 11° West 18 6/100 varas distance and a Post Oak 12 inches in diameter bears South 26 ° West 14 7/100 varas distance. Thence South 15° East 700 varas to a corner from which a Blackjack 11 inches in diameter bears North 29° 30' West 14 8/100 varas distance and a Pine seven inches in diameter bears North 9° East 12 2/100 varas distance. Thence North 75° East 635 varas to a corner Post from a Pine 24 inches in diameter bears South 2° East 25 2/100 varas and a Pine 12 inches in diameter bears North 8° East 17 2/100 varas.

Thence North 15° West 3,075 varas intersecting the North boundary of Robinson's league at a Post from which a Post Oak 14 inches in diameter bears North 35° West 14 8/100 varas distance and a Post Oak 18 inches in diameter bears [blank]. Thence South 56° West with the original line of said league 1,773 varas to the place of beginning, containing six hundred acres of land, hereby divesting said Robinson and Hightower, their heirs and assigns of all right, title, interest, control or ownership whatsoever in and to any part

thereof, together with all and singular the improvements thereon contained." And it is further ordered, adjudged and decreed by the Court that a copy of the decree under the hand of the Clerk be considered a sufficient title in favor of the Plaintiff, Almon H. Mason and Jane S. Mason, his wife."

This decree is entered as on the seventh day of this Court Nunc pro tune and that the Defendant Robinson recover of Plaintiff his costs of suit in this behalf expended.

* *

T. J. WARE vs H. F. SHELTON & E. B. DAVIS

Pg 426

Motion for security of costs of suit to be given by Plaintiff and Court sustained motion, and it was ordered accordingly.

* *

JOEL KING vs NEIL ROBINSON

#45 Pg 426

Motion for security of costs sustained by Court, and it was ordered accordingly.

* *

And thereupon Court adjourned until tomorrow morning at 8 o'clock.

Thursday September 19, 1846

Court met pursuant to adjournment with those present, Honorable John B. Jones and same officers as on yesterday.

###

THESE PAGES NOT TRANSCRIBED.

BENJM H. HALSTED vs GEORGE STONUM

#541 ½ Pg 486

On application of the attorney for Plaintiff, ordered by the Court that he have leave to withdraw the account filed in this cause.

* *

**GEO. STONUM vs B. HALSTED, WM R. FOWLER
& JOHN W. FOWLER**

#542 Pg 486

Motion for change of venue. Affidavit of John F. McGuffin, John W. Williams, Mathias Shannon, John Womack and George Stonum. Motion sustained and order of change of venue granted by the Court.

**

**GEORGE A. FLOYD, ADM vs STEPHEN G.
MC CLENNY & SAMUEL MC COWAN**

#301 Pg 486

Motion for new trial. Motion overruled by the Court.

**

Court adjourned until tomorrow morning.

Saturday March 13, 1847

Court met pursuant to adjournment. Present and presiding, the Honorable C. W. Buckley, Judge of Seventh Judicial District, officers as yesterday. Court being opened, the following orders and proceedings were had and entered, to wit:

**CARTWRIGHT FOR USE OF LEVIN vs
DAN W. EDGERLY**

#475 Pg 486

On motion of E. B. Tarver, Esqr., leave granted Defendant to amend.

**

**HENRY H. WILLIAMS FOR USE OF H. H.
WILLIAMS vs A. MC DONALD**

#566 Pg 486

On motion of attorney for Defendant, it is ordered by the Court that Defendant have leave to withdraw Affidavit and to amend generally.

**

JOHN PATTERSON vs B. B. GOODRICH

#342 Pg 487

Motion for a new trial – continued.

**

**FOWLER FENN FOR USE OF [blank] vs
ALEXANDER MC COWN & JAMES MC COWN**

#410 Pg 487

Motion for new trial overruled.

**

DANIEL W. EDGERLY vs CHARLES W. LEVIN

#428 Pg 487

On motion of attorneys for Plaintiff to set aside the non-suit. The motion is taken under advisement until next term.

**

BENJAMIN H. HALSTED vs GEORGE STONUM #541 Pg 487

This day came the Plaintiff by his attorney and moves the Court to set aside the non-suit entered in this cause at a previous day, which motion being agreed by counsel is sustained by the Court, and cause reinstated on Plaintiff paying all costs of suit and have leave to amend, and on motion of attorney for Defendant, leave to amend granted.

* *

**JOEL KING vs NEIL ROBINSON, LEWIS G. #577 Pg 487
DUPREE & LEWIS DUPREE**

On motion of attorney for Defendants, it is ordered by the Court that Defendants have leave to amend.

* *

STATE OF TEXAS vs E. ALLARDO #602 Pg 487

This day came the parties by their attorneys and the motion of Defendant to quash the warrant issued herein sustained, and on motion of District Attorney, it is ordered by the Court that Alias writ issue against Defendant.

* *

PETER J. WILLIS vs W. H. FOWLER #609 Pg 487

This day came the parties by their attorneys and on motion of attorney for Plaintiff, the Writ issued therein is quashed and on further motion, Court orders that Defendant have leave to withdraw his answer in this cause and on motion of attorney for Plaintiff it is ordered by Court that Plaintiff have Alias writ and leave to annul the petition.

* *

STATE OF TEXAS vs WRIGHT WILLIAMS #227 Pg 488

Be it remembered on this the 13th day of March 1847 on the twelfth day of term of the Court, comes the State by S. O. Hay, Esqr., and Defendant by his attorneys and also came on to be heard and determined motion of Defendant in assent of the Judgment, the verdict being rendered by the Jury and entered at a previous day of the term and agreement being had, both for and against the said motion with the law being fully understood by the Court, the motion is ordered by the Court. It is ordered, adjudged and decreed by the Court that Wright Williams, the Defendant, having been found guilty of Exhibiting a Faro Bank, and he is hereby fined the sum of One Thousand Dollars or six months imprisonment and that said Defendant be and remain in the custody of the Sheriff of Montgomery County until he shall fully pay the sum of One Thousand Dollars or six months confinement in the jail of the County, and all costs of suit in this prosecution expended.

**

On this last day of the Term, Lem G. Clepper, Clerk of the District Court presents to the Court evidence that neither fines nor penalties on tax fees have been collected or received by him.

**

STATE OF TEXAS vs SOLOMON RUMFIELD #215 Pg 488

Betting at Faro. Motion in assent of Judgment overruled.

**

STATE OF TEXAS vs ALBERT GRIMES #216 Pg 488

Betting at Faro. Motion in assent of Judgment overruled.

**

STATE OF TEXAS vs HUGH CHANDLER #231 Pg 488

Betting at Faro. Motion in assent of Judgment overruled.

**

STATE OF TEXAS vs J. F. MC GUFFIN #317 Pg 488

Betting at Faro. Motion in assent of Judgment overruled.

**

STATE OF TEXAS vs WILLIAM SIMONTON #228 Pg 488

Betting at Faro. Motion in assent of Judgment overruled.

**

Ordered by the Court that the claim of Samuel Grimmet as Sheriff of Montgomery County for Fifty Dollars as office services up to this date is hereby allowed and granted by the Court.

**

JAMES W. THOMPSON & ELIZABETH THOMPSON vs STATE OF TEXAS #62 Pg 489

On application of attorney for Plaintiff, it is considered by the Court that Plaintiffs have permission to withdraw the original deed filed in this cause by deposition, a copy thereof in the terms of the law.

**

This day came the parties by their attorneys and submit to the Court as following agreement a compromise and settlement of matters at issue between them, viz: In the above entitled causes marked on the docket viz papers as above: #543, #544, #545, and #546, it is agreed by the parties by their attorneys that the three first named causes go off the docket and be dismissed at the costs of the Plaintiff and the last named causes vs Alfred M. Deveroux and Samuel G. Deveroux be dismissed at their costs except as to the Plaintiff's witnesses which are to be paid by the Plaintiff. It is further agreed that the verdict recovered in Case #545 in favor of the Defendant, wholly remitted for the debt amounting to Two Hundred Dollars and seventy eight cents, to all on which we sign our names this March 13, 1847. Signed N. Hart Davis, attorney for Plaintiff and Megginson & Smyth for Defendants.

Wherefore it is ordered and decreed by the Court that the Agreement stand on the Judgment of the Court and in the cause last named wherein Julian S. Deveroux is Plaintiff and Alfred M. Deveroux and Samuel G. Deveroux are Defendants and that the Plaintiff have and recover of the Defendants for use of Officers of the Court, all costs in said suit contained except the Witnesses' fees therein and in the other causes between them, Defendant recovers of Plaintiff his costs as heretofore adjudged.

Ordered by the Court that all causes, motions, Rules of Prosecution not otherwise disposed of continue until the next term of Court. Whereupon Court adjourned until Court in course.

/s/ C. W. Buckley, Judge Presiding

Attest: Lem G. Clepper, District Clerk Montgomery County

* *

**STATE OF TEXAS §
COUNTY OF MONTGOMERY §**

Pg 492

Be it remembered that on the nineteenth day of May AD Eighteen Hundred Forty Seven at the Office of the County Clerk in the state aforesaid, William H. Fowler, Clerk, and Lem G. Clepper, Clerk of the District Court of said State and County, and A. B. Martin, a Justice of Peace in and for the County and State aforesaid in Precinct No. 2, moved to draw a Jury to serve at the Fall Term of the District Court of said County, to be holden in and for the Seventh Judicial District of said State on the First Monday in September next, 1847, when the following persons were drawn as good and lawful jurors of the county and state aforesaid:

1. Charles Edwards
2. R. E. Pace
3. Wm. P. Bird
4. T. B. Rankin
5. John P. Hall
6. Frank Womack
7. Thos. S. Chambers
8. John Williams
9. A. H. White
10. John W. Fowler
11. Ben Rigsby
12. Henry Alston
13. John Pyle
14. Elijah Collard
15. A. M. Springer
16. John Thomas
17. C. W. Levin
18. J. R. Matthews

19. Cyrus Dykeman
20. S. A. Shepard
21. E. Mezzell
22. Noah Griffith
23. A. E. Springer
24. Peter Johnson
25. Wm. Atkins
26. L. C. Weaver
27. Wm. S. Taylor
28. P. J. Willis
29. Richard Williams
30. Wm. Frearm
31. Larkin McNeal
32. James Jeffrys
33. Robt. Simonton
34. Jos. Henson
35. J. M. Springer
36. L. G. Stokes

STATE OF TEXAS

§

Pg. 493

COUNTY OF MONTGOMERY

§

At the drawing of the Jury to serve at the Fall Term 1847 of the District Court for said County on Wednesday the 19th day of May 1847, the undersigned Clerk of the District Court for said County that the within thirty six named persons were drawn as legally qualified Jurors. Therein mentioned are the same when drawn was deposited in Jury Box No. 2.

Witness: Lem G. Clepper, District Clerk, Montgomery County

Given under my hand and private seal, there being no seal furnished said Court, this May 19th 1847.

Lem G. Clepper, District Clerk, Montgomery County

**

STATE OF TEXAS

§

Pg. 493

COUNTY OF MONTGOMERY

§

At a drawing of a Jury to serve at the Fall Term of the District Court in and for said County, the undersigned Clerk of the County Court in and for said County, do certify that the within named thirty six persons were drawn as legally qualified Jurors as therein mentioned, and when drawn was deposited in Jury Box No. 2.

Witnesseth: Wm. H. Fowler, Clerk County Court, Montgomery County

Given under my hand and seal of office at office in Town of Montgomery, this May 19th 1847.

/s/ Wm. H. Fowler, Clerk County Court, Montgomery County, Texas

* *

STATE OF TEXAS

§

Pg. 493

COUNTY OF MONTGOMERY

§

This is to certify that the within thirty six persons were drawn by the Clerk of the District Court and the Clerk of the County Court as above stated and in my presence on this 19th day of May 1847.

/s/ R. B. Martin, Justice of the Peace

Filed in my office the 19th day of May 1847 and recorded in Jury Book, A folio 52 & 3 on the 5th July, 1847.

/s/ Wm. H. Fowler, County Clerk, Montgomery County

by H. B. Boston, Deputy

Upon the drawing of the Jury in Vacation venire facias was issued by Calvin McCormick, Deputy Clerk for Lem G. Clepper, Clerk, District Court, and delivered to the Sheriff in the following words and figures, to wit:

STATE OF TEXAS

§

Pg. 494

COUNTY OF MONTGOMERY

§

You are hereby commanded to summon Charles Edwards, R. E. Pace, Wm. P. Bird, T. B. Rankin, John P. Hall, Frank Womack, Thos. S. Chambers, John Williams, A. H. White, John W. Fowler, Ben Rigsby, Henry Alston, John Pyle, Elijah Collard, A. M. Springer, John Thomas, C. W. Levin J. R. Matthews, Syrus Dykeman S. A. Shepard, E. Mezzell, Noah Griffith, A. E. Springer, Peter Johnson, Wm. Atkins, L. C. Weaver, Wm. S. Taylor, P. J. Willes, Richard Williams, Wm. Fream, Larkin McNealy, James Jeffrys, Robt. Simonton, Jos. Henson, J. M. Springer, L. G. Stokes personally to be and appear before the Honorable District Court to be holden in and for said County at the Courthouse thereof in the Town of Montgomery in the first Monday of September 1867 and attend from day to day until discharged, then and there to serve as Jurors at said Term. Herein fail not under the penalty of the law and have you then and there this Writ with your return therein.

Witness: Lem G. Clepper, Clerk, District Court of Montgomery County

Given under my hand and the impress of the Seal of said Court this the fifth day of July A.D. 1847.

/s/ Lem G. Clepper, Clerk of District Court Montgomery County

By Calvin McCormick, Deputy Clerk

Endorsed.: Came to hand July 5, 1847 Thomas Betts, Sheriff, Montgomery County, executed the within Venire by giving personal notice to each of the within named Jurors except Larkin McNeil upon whom I executed the same by leaving a written note at his dwelling house being the usual place of his abode in the care of his wife, which was done previous to this date. To all of which I certify this 25th day of August 1847.

/s/ Thomas Betts, Sheriff, Montgomery County

* *

STATE OF TEXAS

§

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COUNTY OF MONTGOMERY

§

Be it remembered that a term of the District Court was holden in and for the County of Montgomery on the sixth day and first Monday of September 1847. Present the Honorable O. M. Roberts, Judge of the Fifth Judicial District for said State having exchanged circuits with the Honorable C. W. Buckley, Judge of the Seventh Judicial District, Samuel D. Hay, Esqr., District Attorney, Lem G. Clepper, Clerk by his deputy H. B. Boston, and Thomas Betts, Sheriff of said Court in said County.

* *

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Monday September 6, 1847

Court being opened by the Sheriff at 11 o'clock a. m.

On motion of Samuel D. Hay, District Attorney for the Seventh Judicial District, duly elected, qualified as such, and it appearing to the satisfaction of the Court that the Venire facias issued in vacation was not entered in strict compliance with the letter of the statute, the same is quashed. It is therefore ordered by the Court that a Venire facias issue forthwith, returnable at 2 o'clock p. m. instant, which special Venire is in the following words of [illegible], to wit:

STATE OF TEXAS

§

District Court Fall Term 1847

COUNTY OF MONTGOMERY

§

To the Sheriff of said County, Greetings. In the name and by the authority of the State Judicial District, on motion of Samuel D. Hay, District Attorney, duly elected, qualified and commissioned as such officer, and it appearing to the satisfaction of the Court that the Venire facias on the 15th day of July 1847 for Jurors to serve at the Fall Term 1847 of the Honorable District Court for Montgomery County and tested and delivered is wholly insufficient.

It is therefore considered by the Court that said Venire facias be quashed and that the Clerk be required to issue forth with a Writ of Venire facias commanding the Sheriff of said County to summons thirty six good and lawful men, legally qualified Jurors, to serve as such Jurors at the present term of Court.

You are hereby commanded to summons thirty six lawful men of said County, legally qualified Jurors to appear instanter before the Honorable District Court for said County to serve as Jurors at this Fall Term 1847. Herein fail not under the penalty of the law and make due return of this Court according to law, at two o'clock this day.

Witness: Lem G. Clepper, Clerk of the District Court of Montgomery

Given under my hand and seal of said Court this 6th day of September 1847.

/s/ Lem G. Clepper, Montgomery County District Court
W. C. Boykin by Deputy H. B. Boston

Upon which Venire the Sheriff of said County made the following return, to wit: Came to hand 6th September 1847 and served on the following persons personally as good and lawful men, legally qualified Jurors, to wit: R. E. Pace, T. B. Rankin, Henry Alston, John P. Hall, Frank Womack, Thos Chambers, A. H. White, John W. Fowler, Benj. Rigby, A. W. Springer, John Thomas, Cyrus Dikeman, Elisha Uzzell, A. E. Springer, Gill McCaleb, W. B. D. Smith, Rolly Rogers, Clinch Pilkinton, Wm Atkins, S. G. Weaver, W. S. Raylor, P. J. Willis, W. Fream, Larkin McNeil, James Jeffrys, Joseph Henson, G. S. Stotts, Robert Simonton, Richard Williams, Charles W. Levin, Alex Whitaker, Andrew Park, Alex McGowan, Jas R. Matthew, Peter B. Irvine, and George W. Brooks.

To all of which I certify to be done this September 6th day 1847.
/s/ Thomas Betts, Sheriff Montgomery County

Which Writ and return thereon as made by the Sheriff being examined by the Court and considered fully sufficient, it is ordered by the Court that said Venire facias be entered upon the minutes as the Venire for this the Fall Term of the Court.

From the thirty six persons summoned for Jury by authority of the Venire last mentioned, it is considered by the Court that twenty one names be drawn for Grand Jurors. Whereupon, in the presence of the Court, the following were chosen, to wit: George W. Brooks, James R. Mathews, A. W. Springer, Thomas B. Rankin, Andrew Park, George S. Stotts, Pete J. Willis, Alexander

McCowan, William Atkins, Rolley Rogers, William Fream, Frank H. Womack, John P. Hall, Elisha Uzzell, Joseph Henson, Richard E. Pace, Abel H. White, Thomas Chambers, Alexander Whitaker, Robert Simonton, and Benjamin Rigby, who, being elected, chosen and empaneled, tried and charged according to law and each and severally being called, sworn and examined as to their qualification as Grand Jurors and being received by the Court as such were finally charged and instructed by the Judge touching their duties and were committed to the custody of Albert Grimes, as Bailiff who was specially sworn and charged as such officer to attend the Grand Jury during the present term of service.

Whereupon His Honor from the twenty one elected Grand Jurors appointed and selected Rolley Rogers as Foreman of the Grand Jury of the County of Montgomery during the present service, who was first sworn in the words of the law, and the remainder twenty were also each and severally sworn, charges committed as aforesaid.

It is considered by the Court that Noah Griffith, Elijah Collard, J. M. Springer, Peter Johnson, C. O. Edwards, C. W. Levin, T. B. Irvins, and John Thomas be excused from further attendance as Jurors during the present term.

By reason of default made, W. P. Bird, John W. Williams, John Pyle, S. A. Shepperd, and Gill McCaleb being each called came not, failed to attend. It is ordered by the Court that said defaulting Jurors, by reason of their non-attendance be each fined in the sum of Forty Dollars and the Clerk to issue Scire facias against each of them returnable to next term of this Court.

* *

JAMES W. JENKINS vs PHILLIP AVERETT #238 Pg 496

On motion of attorney for Plaintiff, it is ordered by Court that Pluries writ of Scire facias issue for representatives of Defendant and cause continued.

* *

EDWARD BAILEY vs ROBERT R. GRAVES #380 Pg 496

Injunction. For causes made known to the Court, the suit is continued for want of parties, there being no representative of Edward Bailey.

* *

**JOHN TAYLOR USE OF JOHN DORSEY
vs JACOB H. SHEPPERD**

#396 Pg 496

On motion of attorney for the Plaintiff, it is considered by the Court that Pluries writ of Scire facias issue against representative of John Dorsey when known cause continued.

* *

HOLLY ARNOLD vs JOHN EUBANKS

#412 Pg 496

This day came the parties by their attorneys and agree to continue this cause, which is ordered accordingly by the Court.

* *

A. ARMSTRONG vs CELIA ROGERS

#420 Pg 497

On motion of attorney for the Defendant, it is considered by the Court that Defendant have leave to amend pleadings, subject to legal exceptions.

* *

**WILLIAM MEYERS vs CORNER B. CORLEY
& MARY CORLEY**

#457 Pg 497

This sixth day of September 1847 came the Plaintiff by his attorney N. H. Davis and suggests to the Court the death of Mary Corley, one of the Defendants, and asks that this suit proceed against Corner B. Corley, the surviving Defendant.

* *

**THOMAS ELLINGTON vs ELIZA W. LACY &
HER HUSBAND CHARLES WEAVER**

#556 Pg 497

This day came attorney for Plaintiff and on his motion, it is ordered by the Court that Alias scire facias issue against representative of Plaintiff and Pluries citation and copy of petition against Chas Weaver, all to Sheriff of Grimes County.

* *

MOSE ROYSDEN vs CHARLES W. LEVIN

#555 Pg 497

In this cause, rule for Security for costs was entered at last term and now this day came Thomas E. Bradberry of the County of Grimes and acknowledges himself as Security for the Prosecution on behalf of Plaintiff and that in case of the non-payment after Judgment, he binds himself to pay the same according to the order of this Court.

* *

W. B. WINSCOAT vs MARGARET WINSCOAT #583 Pg 497

Divorce. On motion of attorney for Plaintiff, it is ordered by the Court that Alias publication be made according to law and cause continued.

**

JOHN SHACKELFORD & HENRY SAMPSON vs #35 Pg 498
NANCY LANDRUM & G. D. GAY, EXECUTOR OF
WM LANDRUM, DEC'D

On motion of attorney for Defendant, it is considered by the Court that Defendants have leave to amend their pleadings subject to legal exceptions.

**

JAMES H. PRICE vs BENJ. H. HALSTED #620 Pg 498

This day came the Plaintiff by his attorney and says he intends no further to prosecute this suit and agrees to pay all costs incurred. It is therefore considered by the Court that Defendant have and recover of the Plaintiff for the use of the officers of Court all costs of suit in this cause expended, for which execution may issue.

**

DAVID S. BOYD vs APPLETON GAY & #637 Pg 498
THOMAS GAY

On motion of Plaintiff for Plaintiff, it is considered by the Court that he have leave to amend, subject to legal exceptions.

**

Whereupon Court adjourned until tomorrow morning, 8 o'clock .

Tuesday September 7, 1847

Court met according to adjournment. Present and presiding, His Honor, O. M. Roberts, Judge, in place of C. W. Buckley, Judge, and same officers as yesterday.

Court being opened, the following orders were had and entered, to wit:

Upon suggestion of S. D. Hay, District Attorney, it is ordered by the Court that Friday the 10th instant be set apart for State's day and trial of criminal docket.

**

C. H. STERN & C. D. STERN vs JOHN MARTIN #69 Pg 499

This day came the counsel for the Defendant and suggested the death of John Martin, and on motion it is ordered by the Court that Scire facias issue to the legal representative of Defendant when known and cause continued until next term.

**

JAS. KNIGHT vs W. J. C. PEARCE #216 Pg 499

This day came the parties by their attorneys and on motion of attorney for Plaintiff, it is therefore considered by the Court that the Plaintiff have leave to amend subject to legal exceptions and this cause be continued by consent of the parties.

**

MISSISSIPPI UNION BANK vs B. A. OLIPHANT #277 Pg 499

This day came the Defendant by his attorney and on motion of attorney for Defendant, it is ordered by the Court that the Defendant have leave to amend his pleadings subject to all exceptions.

**

MISSISSIPPI UNION BANK vs JOHN HUME & EZEKIEL OSBURN #278 Pg 500

This day came the Defendant by his attorney and on motion, it is ordered by the Court that Defendant have leave to amend his pleadings subject to all legal exceptions.

**

CHARLES MC KIM vs R. R. GRAVES #336 Pg 500

This day came the parties by their attorneys and agree to continue this cause until next term, which is ordered accordingly.

**

J. J. GOODMAN vs WM. WOOD ET AL #343 Pg 500

In this cause, comes the parties by attorneys and agree to continue this cause and on motion, it is ordered by the Court that publication be made in the terms of the law to make parties Defendants.

**

WM. WOOD vs J. J. GOODMAN #347 Pg 500

Ordered by the Court that any proceedings in this cause be suspended by the continuance of the preceding case.

**

S. L. TRAWICK vs S. J. TRAWICK

#357 Pg 500

On motion of attorney for Defendant, the death of Defendant suggested and cause continued for parties.

**

L. F. WILLIAMS vs O. T. KELTON

#498 Pg 500

This day came the parties by their attorneys and agree to continue this cause, which is ordered accordingly.

**

N. TAYLOR, ADM vs S. A. ROBERTS

#494 Pg 500

This day came the attorneys for Plaintiff and on motion it is ordered by this Court that Alias scire facias issue against representative of Plaintiff and cause continued until next term.

**

**WILLIAM BUTLER vs THOMAS J. HAYNE,
EXECUTOR**

#448 Pg 501

This day came the attorneys for Sarah Butler and suggest the death of William Butler, the Plaintiff and makes herself party Plaintiff as the representative of Wm Butler and Executrix, and on further motion of attorney for Plaintiff, it is ordered by the Court that Alias process issue against A. G. Hayne, Executor of Defendant, to Sheriff of Washington County.

**

WILLIAM MANN & R. WOOD vs JAMES LAWSON

#448 Pg 501

This day came the parties by their attorneys and the Plaintiff Mann by attorneys agrees to dismiss his bill, and by agreement of the parties the Executor enjoined to issue as if no bill has been filed. It is ordered by the Court that the Defendant Lawson have and recover of the Plaintiff Mann all costs of suit in this cause in his behalf expended, for which execution may issue.

**

**JOHN LEIGH vs JOSEPH HENSEN &
LEM G. CLEPPER**

#632 Pg 501

This day came the Plaintiff by his attorney and on motion, it is considered by the Court that Judgment by Default nisi against Henson be entered herein.

**

**JOSEPH W. EVANS, ADM OF MINOR HEIRS #636 Pg 501
OF JAS. S. HARRISON, DEC'D vs R. OAKLEY**

This day came Plaintiff by his attorney and on motion, it is ordered by the Court that Judgment by Default nisi be entered herein.

**

A. S. BOYD vs A. GAY & T. A. GAY #637 Pg 501

This day came the Plaintiff by his attorney and on motion, it is ordered by the Court that Judgment by Default nisi be entered herein.

**

**M. EVANS FOR USE OF M. JOHNSON vs #645 Pg 502
F. S. SPILLER**

This day came Plaintiff by his attorney and on motion, it is ordered by the Court that Judgment by Default nisi be entered herein.

**

JOHN RICE JONES vs SOLOMON SMITH, ADM #253 Pg 502

This day came the Plaintiff's attorney and suggests the death of John Rice Jones and on motion it is ordered by the Court that J. B. McFarland be recognized an Administratrix de bonus non.

**

**ELI B. WARREN, USE OF BENNETT BLAKE #421 Pg 502
vs MARK ROLLINS**

On motion, this cause is continued by reason of the absence of Plaintiff's attorney.

**

J. M. STANTON vs JOHN VAUGHN #436 Pg 502

In this cause, on motion of attorney for Plaintiff, it is considered by the Court citation issue to Sheriff of Grimes County and continued.

**

A. TOPE vs E. TOPE #441 Pg 502

It appearing to the satisfaction of the Court that the attorney for Plaintiff is absent and no person representing Defendant, cause is continued until next term.

**

M. BURNETT vs ALBERT CLOYCE #454 Pg 502

This cause continued generally.

**

**M. A. & T. C. MC GUFFIN vs
SAMUEL MC GUFFIN**

#469 Pg 502

This day came the parties by their attorneys and agree to continue this cause, which is ordered accordingly.

**

W. C. TURNER vs W. B. GOODMAN

#474 Pg 502

In this cause for want of parties, on motion, is continued until next term.

**

**Y. T. YOUNG, USE OF T. K. ROBERTS
vs WM. GOODMAN**

#549 Pg 503

This day came the attorney for Plaintiff and suggests the death of Defendant. It is therefore considered by the Court that Scire facias issue against representative of Defendant.

**

MORSE & ROEPTON vs CHAS W. LEVIN

#555 Pg 503

This day on motion, it is agreed and ordered by the Court that Thomas C. Bradbury, who was received as the present Security for costs of suit, be released from his liability and that the cause stands continued and Rule for Costs against Plaintiff be removed. It is therefore considered and ordered by the Court that unless the Plaintiff gives Security for costs, the cause will stand demurred under rule.

**

P. J. WILLIS vs F. W. FOWLER, L. G.

#609 Pg 503

This day came the Plaintiff by his attorney and on motion it is considered by the Court that Judgment by Default nisi be entered herein.

**

W. A. JOHNSON vs SAMUEL R. KONE

#634 Pg 503

This day came the Plaintiff by his attorney and on motion, it is considered by the Court that Judgment by Default nisi be entered herein and that Defendant appear and answer the petition of Plaintiff within the time prescribed by law, or Judgment by Default will be entered against him.

**

ELIJAH PRICE vs L. S. MOORING

#419 Pg 503

This day came the parties by their attorneys and thereupon came a Jury of good and lawful men, to wit: W. S. Taylor, John W. Fowler, Lewis Weaver, Larkin McNeal, A. E. Springer, W. B. D. Smith, Henry Alston, C. Dikeman, James Jeffreys, Clinch Pilkinson, Richard Weller, and Isreal Worsham, who being elected, chosen, sworn and empaneled, the truth to speak and a true verdict to render upon the issues, joined between the parties upon their oaths, do say, "We the Jury cannot agree," whereupon the parties by their attorneys agree that Judgment Final be entered as upon the Verdict of the Jury to allow the credit on the back of the note. It is: Therefore ordered and considered by the Court that the Plaintiff Elijah Price have and recover from L. S. Mooring the Defendant the sum of Three Hundred and Twenty Three Dollars and six cents being the principal and interest due and owing on the Plaintiff's demand as well as all of the costs of suit in this cause in his behalf expended, for which execution may issue.

* *

WILLIAM MYERS vs CORNER B. CORLEY

#457 Pg 504

This day came the parties by their attorneys and attorney for Plaintiff agrees to take a non-suit. It is considered by the Court that the Defendant have and recover of Plaintiff all costs not heretofore adjudged against the Defendant and that execution issue against him for the same.

* *

And thereupon the Court adjourned until tomorrow morning, 8 o'clock.

Wednesday September 8, 1847

Court met according to adjournment. Present and presiding His Honor O. M. Roberts, Judge in place of C. W. Buckley, Judge, and the same officers as on yesterday.

Court being opened, the following orders were had and entered, to wit:

B. F. IRVINE vs P. W. FORD

#223 Pg 505

Appeal. This day came the parties by their attorney and agree to continue this cause. It is ordered accordingly.

* *

WILLIAM H. FOWLER vs PLEASANT GRAY

#389 Pg 505

This day came the parties by their attorneys and thereupon came a Jury of good and lawful men, to wit: William S. Taylor, Timothy Cude, Lewis G.

Weaver, Larkin McNeal, Alfred E. Springer, Wiley B. D. Smith, Henry Alston, Cyrus Dikeman, James Jeffries, Clinch Pilkinton, Richard Williams, and Isreal Worsham, who being elected, tried and sworn the truth to speak, and a true verdict to render between the parties upon their oaths do say, "We the Jury find for the Plaintiff and assess the damages at One Hundred and Fifty Dollars as principal and interest." Signed James B. Jeffries, Foreman.

It is therefore considered by the Court that the Plaintiff have and recover of the Defendant One Hundred Dollars principal and the further sum of Fifty Dollars as interest, making in all the sum of One Hundred and Fifty Dollars principal and interest by the Jury aforesaid, together with all costs by him in this behalf expended, for which execution may issue.

* *

HENRY SHOLES vs JAMES POWELL

#529 Pg 503

Appeal. This day came attorney for the Plaintiff and says he intends no further to prosecute this suit and demans his suit. It is considered by the Court that Defendant have and recover of Plaintiff for the use of the officers of the Court the costs of suit in this behalf expended, for which execution may issue.

* *

**MATHEW CARTWRIGHT FOR USE OF
CHARLES W. LEVIN vs DANIEL W. EBERLY**

#475 Pg 506

This day came the parties by their attorneys and thereupon came a Jury of good and lawful men, to wit: W. S. Taylor, Timothy Cude, Lewis G. Weaver, Larkin McNeal, R. C. Springer, W. B. D. Smith, Henry Alston, Cyrus Dismukes, James Jeffreys, Clinch Pilkinton, Richard Williams, Isreal Worsham who being elected, tried and sworn the truth to speak and a true verdict to render according to law and evidence upon the issues joined between the parties, upon their oaths do say, "We the Jury find in favor of the Defendant." Signed Jas Jeffries, Foreman.

It is therefore considered and ordered by the Court that the Plaintiff recover nothing by reason of his plaint in petition mentioned and that Defendant go hence, and the Plaintiff pay all costs of suit in this cause expended, for which execution may issue.

* *

WM. LITTLE vs W. W. ARRINGTON

#487 Pg 506

Appeal. This day came Plaintiff by his attorney and on his motion, it is considered by the Court that Alias writ of certiorari issue to complete the record from Court below and cause continued.

**

W. H. SPILLERS vs NIXON & BENNETT #508 Pg 506

This day came attorneys for Plaintiff and on motion, it is considered by the Court that Alias writ and copy of petition issue against D. Nixon directed to Harris County and cause continued.

**

JOHN M. LEWIS vs CALVIN S. HAMILTON #511 Pg 506

This day came the parties by their attorneys and the Plaintiff continues this cause on affidavit.

**

ELI B. W. SPIVY vs JOHN D. PITTS #547 Pg 507

This day came the parties by their attorneys and agree to continue this cause generally, which is ordered accordingly.

**

JOHN L. BRYAN, ADM vs JOHN B. GOODMAN #554 Pg 507

For want of sufficient process on motion, it is considered by the Court that this cause be continued generally.

**

DANIEL H. MC GARY vs JOHN J. TUCKER #564 Pg 507

In this cause, no papers appearing, it is considered by the Court that the same be continued.

**

J. T. GILBERT vs J. M. & E. THOMPSON #568 Pg 507

This day came Defendant's attorney and suggests to Court the death of Elizabeth Thompson, one of Defendants.

**

A. W. SPRINGER vs STATE OF TEXAS #580 Pg 507

This day came the Plaintiff by his attorney and by agreement continues this cause as on Affidavit of Plaintiff.

**

W. B. GOODMAN vs JOHN F. MC GUFFIN #594 Pg 507

This day came Plaintiff's attorney and suggests to Court the death of Plaintiff and on motion of said attorney, it is considered by the Court that Scire facias issue against Representative where known and cause continued until next term.

* *

**JOSEPH LINDLEY vs THOMAS MC IVER
& ANN MC IVER**

#596 Pg 508

This day came the Plaintiff's attorney and suggests the death of Thomas T. McIver, one of the Defendants and asks of the Court that the cause proceed against Ann McIver, the surviving Defendant.

* *

S. L. TRAWICK vs S. J. TRAWICK

#357 Pg 508

In this cause came Thomas B. White, one of the attorneys for Defendant and asked of the Court that the names of White & McWater marked as attorneys for Defendant be erased from the docket and defense of this suit, which being considered by the Court is granted and ordered accordingly.

* *

Whereupon, Court adjourned until tomorrow morning 7 o'clock .

Thursday September 9, 1847

Court met according to adjournment. Present and presiding the Honorable O. M. Roberts, Judge in place of His Honor C. W. Buckley, Judge, and same officers as on yesterday. The following orders were had and entered, to wit:

MORSE & ROYSTON vs CHARLES W. LEVIN

#555 Pg 508

This day came the parties by their attorneys and thereupon came a Jury of good and lawful men, to wit: W. W. Taylor, Timothy Cude, Lewis G. Weaver, Larkin McNeal, R. C. Springer, W. B. D. Smith, Henry Alston, Cyrus Dismukes, James Jeffreys, Clinch Pilkinton, Richard Williams, Isreal Worsham who being elected, tried and sworn the truth to speak and a true verdict to render according to law and evidence upon the issues between the parties, upon their oaths do say, "We the Jury find for the Defendant." Signed Jas. B. Jeffreys, Foreman.

It is considered and ordered by the Court that the Plaintiffs recover nothing by reason of their plaint in their petition mentioned and that Defendant go hence without charge and the Plaintiff pay all costs of suit in this cause expended, for which execution may issue.

* *

MISSISSIPPI UNION BANK vs B. A. OLIPHANT #277 Pg 509

This day came the parties by their attorneys and consented that the Judgment of the Court in this cause, that the Plaintiff have and recover of the Defendant B. A. Oliphant the sum of Eleven Hundred and Twenty Five Dollars which may be discharged by payment of the said amount by the first Monday of March 1848 in the Notes of Mississippi Union Bank together with the costs of suit in this cause in his behalf expended for which Judgment and costs after that first Monday of March aforesaid. Execution may issue.

* *

**MISSISSIPPI UNION BANK vs JOHN HUME #278 Pg 509
& EZEKIEL OSBURN**

This day came the parties by their attorneys and consented that the following be the Judgment of the Court in this cause, that the Plaintiff have and recover of the Defendant John Hume the sum of Two Thousand Dollars which may be discharged by the payment of the said amount by the first Monday of March 1848 in the Notes of the Mississippi Union Bank together with the costs of suit in this cause in his behalf expended for which Judgment and costs after the first Monday of March aforesaid. Execution may issue.

* *

JOSEPH LINDLEY vs ANN MC IVER, SURVIVOR #596 Pg 509

In this cause on motion of the attorney for Plaintiff, it is considered by the Court that Judgment by Default nisi be entered herein.

* *

W. H. FOWLER vs PLEASANT GRAY #389 Pg 510

This day the attorney for Plaintiff came into Court and gave notice of appeal to the Supreme Court which is granted in the terms of the law.

* *

A. ARMSTRONG vs CELIA ROGERS, ADMX #420 Pg 510

In this cause upon argument, the Plaintiff's exceptions to Defendant's pleas were sustained by the Court. This day came the parties by their attorneys and Affidavit of Defendant, this cause continued.

* *

BENJ. H. HALSTED vs GEORGE STONUM #541 ½ Pg 510

This day came the parties by their attorneys and the Plaintiff agrees to dismiss his suit. It is therefore considered and ordered by the Court that the Defendant have and recover of the Plaintiff all costs of suit in this cause in his behalf expended, for which execution may issue for the use of the Officers of the Court.

**

JOHN RICE JONES, ADM vs SOLOMON SMITH, ADM

#253 Pg 510

This day came the attorneys for Defendant and on motion it is considered by the Court that Defendant have leave to amend pleadings subject to legal exceptions.

**

Pg 511

This day came the Jurors into open court and presents the following Indictments against the following persons, to wit:

JAMES JOHNSON	Playing Cards
THOMAS COTTON	Exhibiting a Faro Bank
JOHN F. MC GUFFIN	Betting at Faro
WELLEAN THOMAS	An Affray
JOHN SIMPSON	An Affray
CHARLES GARRETT	Betting at Faro
SOLOMON RUMSFIELD	Betting at Faro
L. G. CLEPPER	An Affray
HENRY EPPS	An Affray
STERLING MAYFIELD	Playing Cards
GEORGE NEW	Betting at Faro
MATHIUS SHANNON	Assault and Battery
M. W. FIELD	Exhibiting Faro Bank
WILLIAM THOMAS	Playing Cards
R. B. MARTIN	Betting at Faro
GEO W. BROOKS	Betting at Faro
WILLIAM SIMONTON	Betting at Faro
L. G. CLEPPER	An Affray
THOS BETTS	An Affray
THOMAS C. HOWELL	Betting at Faro
THOS BETTS	An Affray
W. H. FOWLER	An Affray
W. H. FOWLER	Betting at Faro
H. B. BOSTON	Betting at Faro

Which several Indictments were returned into open court. True bills signed by Rolley Rogers, Foreman of the Grand Jury and ordered by the Court to be entered accordingly.

**

Whereupon Court adjourned until tomorrow morning, 8 o'clock .

Friday September 10, 1847

Court met according to adjournment. Present and acting, the Honorable O. M. Roberts, Judge, in place of C. W. Buckley, Judge, and the same officers as on yesterday. Court being opened, the following orders were had and entered, to wit:

REPUBLIC, NEW STATE OF TEXAS vs #100 Pg 511
JOHN CHOAT

This day came the State by her attorney, S. D. Hay Esqr, and on his motion it is considered by the Court that Pluries capias and Scire facias issue against the Defendant and cause continued until next term.

* *

REPUBLIC, NEW STATE OF TEXAS vs #127 Pg 511
J. J. KUYKENDALL

Assault & Battery. This day came the State by S. D. Hay, Esqr., District Attorney and on his motion, it is considered and ordered by the Court that an Alias capias issue against the Defendant, and cause continued.

* *

REPUBLIC, NEW STATE OF TEXAS vs #138 Pg 511
THOS. BETTS

This day came the parties by their attorneys and arguments being heard following the Indictment in this cause, it is considered by the Court that the Indictment be quashed, that the Defendant go hence without day and State of Texas pay all costs of this prosecution.

* *

REPUBLIC, NEW STATE OF TEXAS vs #141, 142 Pg 512
A. MC DONALD

This day came the State by S. D. Hay, Esqr., District Attorney, and on his motion, it is considered and ordered by the Court that Capias issue against Defendant in each of these Indictments and cause continued.

* *

REPUBLIC, NEW STATE OF TEXAS vs #145, 150 Pg 512
HARRIS & JONES

This day came into Court S. D. Hays, Esqr., District Attorney for the Seventh Judicial District, and says he intends no further to prosecute the said Harris (Playing Cards) and Jones (Rape) for the offense stated in the Bills of

Indictment as therein found and enters a Nolle prosequi. It is considered and ordered by the Court that the Defendants go hence without day.

**

**REPUBLIC, NEW STATE OF TEXAS vs
WM. ALSOBROOK**

#151 Pg 512

On motion of S. D. Hay, Esqr., District Attorney, it is considered and ordered by the Court that Capias issue against Defendant directed to Sheriff of Limestone County and continued.

**

**REPUBLIC, NEW STATE OF TEXAS vs
HUGH CHANDLER**

#165 Pg 512

Exhibiting Faro Bank. This day came the State by her Attorney, and the Defendant being called, failed to appear and on motion of Plaintiff's attorney, it is considered and ordered by the Court that Defendant forfeit his recognizance and that Default nisi be entered for the penalty therein and Capias issue against him and Scire facias against said Chandler and the Securities on his recognizance returnable to next term of Court and case continued.

**

STATE OF TEXAS

Pg 513

On this date came into Court the State of Texas by her attorney, S. D. Hay, Esqr., District Attorney for the Seventh Judicial District, and by permission of the Court, says he intends no further to prosecute the several Defendants here stated upon the Indictments found at the Spring term of this Court 1847 and enters a Nolle prosequi, to wit:

THOS. BETTS	Betting at Faro	#220
ROLAND MC HENRY	Betting at Faro	#221
JOSEPH DREW	Assault to Kill	#222
DAVID C. MALONE	Assault to Kill	#223
CLAIBORNE VARNER	Branding Fillies	#224
J. S. WORSHAM	Assault & Battery	#225
J. C. MEGGINSON	Betting at Faro	#226
W. H. FOWLER	Betting at Faro	#227
JOSEPH DREW	Betting at Faro	#229
HUGH CHANDLER	Exhibiting Faro Bank	#232
R. B. MARTIN	Betting at Faro	#234

It is considered and ordered by the Court that the several above named Defendants go hence without day.

**

STATE OF TEXAS vs THOMAS COTTON #236 Pg 513

This day came the parties by their attorneys and the Defendant in his own proper person being arraigned under the Indictment for Exhibiting a Faro Bank for plea thereto says "Not Guilty." Also, on showing for continuance verified by the Court that the cause be continued and Defendant have leave to file other pleas subject to legal exceptions.

**

STATE OF TEXAS vs WM. THOMAS #238 Pg 513 & JOHN SIMPSON

Affray. On motion of S. D. Hay, Esqr., District Attorney, it is considered and ordered by the Court that Alias capias issue against Wm. Thomas, one of the Defendants, and cause continued.

**

STATE OF TEXAS vs CHARLES GARRETT #239 Pg 514

Betting at Faro. Continued and Alias capias to issue against Defendant. So ordered by the Court.

**

STATE OF TEXAS Pg 514

On this date came into Court the State of Texas by her attorney, S. D. Hay, Esqr., District Attorney for the Seventh Judicial District, and by permission of the Court, says he intends no further to prosecute the several Defendants here stated upon the Indictments found at the Spring term of this Court 1847 and enters a Nolle prosequi, to wit:

SOLOMON RUMFIELD	Betting at Faro	#240
LEM G. CLEPPER	An Affray	#241
HENRY EPPS	An Affray	#241
STERLING MAYFIELD	Playing Cards	#242
GEORGE NERR	Betting at Faro	#243
MATHEW SHANNON	Assault & Battery	#244
M. W. FIELDS	Exhibiting Faro Bank	#245
WM. THOMAS	Playing Cards	3246

On this day came S. D. Hay, Esqr., District Attorney, and on his motion, it is considered and ordered by the Court that the Indictments #240, 241, 242,

243, 244, 245 and 246 for the offenses charged be continued and that Alias capias issue against each of the Defendants.

* *

Returns of Grand Jury

This day came into Court the Grand Jury by Rolley Rogers their Foreman and Albert Grimes their Bailiff and presented to Court the following Indictments upon which there were found true bills, to wit: For a Riot: Joseph Henson, John Landrum, W. Dickerson (whose first name is unknown to the Jury), James Dorsey, Edward W. Cawthorn, Nathaniel K. Alston, George W. Mason, John Ford, Joseph Hefflin, Epaphros J. Reynold, Hugh B. Boston, Archilaus Pope, Louis Neil, Lemuel G. Clepper, Eliphalet L. Arnold, James W. Price, Moses G. McGuffin, Elisha Uzzell, Richard E. Pace, Maxwell W. Fields, William H. Fowler, James Andrews, Moses O. Diamond, Jeremiah Worsham, Hugh McGuffin and Joseph C. Clark; and Joshua Epps for an Assault & Battery. True Bill.

* *

STATE OF TEXAS vs ROBERT B. MARTIN

#247 Pg 514

Betting at Faro. This day came the parties by their attorneys and the Defendant in his own proper person and being arraigned under an Indictment for Betting at Faro for plea thereto says "Not Guilty." Thereupon came a Jury of good and lawful men, to wit: Cym Dikeman, Lewis G. Weaver, W. B. D. Smith, W. S. Taylor, Richard Williams, Henry Alston, Isreal Worsham, Clinch Pilkenton, G. B. Jeffreys, Larkin McNeil, A. E. Springer, and John Fridge, who being elected, tried and sworn and empaneled, the truth to speak and a true Verdict to render according to law and evidence, upon the issue of traverse joined between the parties and being returned for consideration under charge of their Bailiff returns to Court and by consent of attorneys for parties were allowed to disperse until 9 o'clock tomorrow under special directions of the Judge.

* *

STATE OF TEXAS vs JOHN F. MC GUFFIN

#37 Pg 515

This day came into open court the Defendant and acknowledged being indebted to J. Pinckney Henderson, Governor of the State of Texas, and to his successor in office in the sum of One Hundred Dollars to be levied of his goods and chattels, lands and tenements for the use of the State of Texas, to be void upon condition that the said John F. McGuffin shall be and personally appear before the Honorable District Court now in session and attend from day to day and term to term until discharged to answer the State of Texas on

an Indictment for Betting at Faro found in said Court against him and shall not depart the Court without leave of the Court.

Also came J. G. W. Pierson and James R. Mathews into open court and acknowledged themselves indebted to J. Pinckney Henderson, Governor of the State of Texas, and to his successor in office in the sum of One Hundred Dollars to be levied of their goods and chattels, lands and tenements for the use of the State of Texas, to be void upon condition that John F. McGuffin make his personal appearance before the District Court now in session and attend from day to day and term to term and not depart the Court without leave thereof.

* *

And thereupon, the Court adjourned until tomorrow morning, 9 o'clock .

Saturday Sept 11, 1847

Court met according to adjournment. Court being opened, present and presiding, the Honorable O. M. Roberts in place of C. W. Buckley, Judge and same officers as on yesterday when the orders were had and entered, to wit:

JOHN L. BRYAN, ADM vs JOHN B. GOODMAN #554 Pg 516

This day came the Plaintiff by his attorney and dismisses this suit and on motion leave is granted by the Court to withdraw the note on which this action is brought. It is therefore considered by the Court that Defendant recover of the Plaintiff for the use of the officers of the Court the costs of suit in this behalf expended and that execution issue.

* *

**JOSEPH T. GILBERT vs JAMES M. THOMPSON #568 Pg 516
& ELIZABETH THOMPSON**

This day came the parties by their attorneys and on motion of attorney for Plaintiff the bill in this cause is dismissed for want of Equity. It is therefore considered and ordered by the Court that the Plaintiff recover of the Defendant all costs of suit by them in this behalf expended for which execution may issue, and that the Clerk of this Court to issue his Writ of Precedence to the Justice who tried the cause below to proceed in his Judgment as though no Certiorari had been taken.

* *

J. J. HENNIS vs J. G. W. PIERSON, CLAIMANT #576 Pg 516

This day came the parties and agree to continue this cause until the next term of the Court. It is ordered accordingly.

* *

JAMES C. MC CULLOCK ET OP vs DUDLEY J. WHITE, EXECUTOR #624 Pg 517

This day came the Plaintiffs by their attorneys. On motion, it is considered and ordered by the Court that Alias citation and copy of Petition issue against Defendant to Grimes County. Case continued.

* *

WM. A. JOHNSON vs SAMUEL R. KONE #634 Pg 517

Debt. This day came the Defendant by his attorney and files his answer. It is therefore considered and ordered by the Court that Judgment nisi entered on the second day of this term be set aside.

* *

JOSEPH M. EVANS vs RUBEN OAKLEY #636 Pg 517

Trespass. This day came the Defendant by his attorneys and files his answer. It is therefore considered by the Court that the Judgment by Default nisi entered on the second day of this term be set aside.

* *

DAVID S. BOYD vs APPLETON GAY & THOMAS GAY #637 Pg 517

Assumpsit. This day came the Defendants by their attorney and files his answer. It is considered and ordered by the Court that Judgment by Default nisi entered on the second day of the term be set aside.

* *

JOHN W. WILLIAMS vs APPLETON GAY #638 Pg 518

Assumpsit. This day came the Plaintiff by his attorney and the Defendant failed to appear by himself or counsel. It is considered and ordered by the Court that the Plaintiff have and recover of the Defendant, the amount of his debt as prayed for in his petition, viz One Hundred and Ninety Dollars and fifty five cents debt and the further sum of Twenty Two Dollars and eighty cents interest, making in all the sum of Two Hundred and Twelve Dollars and thirty five cents together with all costs by him in this behalf expended, for which execution may issue.

* *

STATE OF TEXAS vs ROBERT B. MARTIN

#247 Pg 519

Betting at Faro. This day came into Court the Jury who says they cannot agree, and by consent of parties the Jury is withdrawn and a mistrial is entered. It is considered and ordered by the Court that the cause stand continued until next term of this Court.

**

STATE OF TEXAS vs GEORGE H. BROOKS

#248 Pg 519

Betting at Faro. This day came the State of Texas, S. D. Hay, Esqr., District Attorney and the Defendant in his own person and being arraigned for plea says, "Not Guilty."

**

STATE OF TEXAS vs WILLIAM SIMONTON

#249 Pg 519

Betting at Faro. This day came the parties by their attorneys and this cause continued on Affidavit of Defendant.

**

STATE OF TEXAS vs THOMAS C. HOWELL

#251 Pg 519

Betting at Faro. This day came the parties by their attorneys and cause continued on Affidavit of Defendant.

**

**STATE OF TEXAS vs THOMAS BETTS
& JOHN W. FOWLER**

#252 Pg 519

Affray. This day came the State of Texas by her attorney, S. D. Hay, Esqr., and the Defendants in their own proper persons, and for plea say "Guilty," and thereupon came a Jury of good and lawful men, Cyrus Dikeman, Lewis G. Weaver, Wiley B. D. Smith, William S. Taylor, Henry Alston, Isreal Worsham, Clinch Pilkinton, B. Jeffreys, Larkin McNeil, A. E. Springer, Charles B. Stewart, and William Miller, who being elected, empaneled, tried and sworn the truth to speak upon their oaths, do say, "We the Jurors assess the fine at one cent." Signed James B. Jeffries, Foreman.

**

STATE OF TEXAS vs WILLIAM H. FOWLER

#253 Pg 520

Betting at Faro. This day came the State of Texas by S. D. Hay, Esqr., and also came into Court the Defendant in his own proper person and for plea says, "Not Guilty." And therefore came a Jury of good and lawful men, to wit: L. G. Weaver, W. B. D. Smith, H. Alston, C. Pilkinton, J. B. Jeffries, L. McNeil, A. E. Springer, J. Clark, W. B. Sinscott, G. W. James, A. Worley, and E. Cooksey, who being elected, empaneled, tried and sworn a true verdict to

render according to law and evidence, upon their oaths do say, "We the Jury find the Defendant Guilty and assess the amount at Twenty Five Dollars." Signed J. B. Jeffries, Foreman.

It is therefore considered and ordered by the Court that the Defendant remain in the custody of the Sheriff until the fine and the costs are paid.

* *

STATE OF TEXAS vs E. L. ARNOLD

Riot Pg 520

This day came the Defendant into open court and acknowledged himself indebted to the State of Texas in the sum of Two Thousand Dollars to be levied of his goods, chattels, land and tenements for the use of the State of Texas to be void on condition that the said E. L. Arnold shall be and personally appear before the Honorable District Court now in session and attend from day to day and term to term to answer the State of Texas on an Indictment for a Riot found against him at the Fall term of said Court and shall not depart without leave of the Court.

Also, came M. W. Field into open court and acknowledged himself indebted to the said State of Texas in the sum of Two Thousand Dollars to be void on condition that E. L. Arnold make his personal appearance before the District Court now in session from day to day and term to term and shall not depart without leave of the Court.

* *

STATE OF TEXAS vs E. J. ARNOLD

Riot Pg 521

This day came into open court the Defendant to acknowledge himself indebted to the State of Texas in the sum of Two Hundred Dollars to be levied of his goods, chattels, lands and tenement to be void on condition that he make his personal appearance before the Honorable District Court now in session and attend from day to day, term to term, to answer to the State of Texas on an Indictment for a Riot and shall not depart the Court without leave of the same.

Also came and acknowledged himself indebted to the State of Texas and for the use of the State for the sum of Two Thousand Dollars to be levied of his goods, chattels, lands and tenements to be void on condition that E. J. Arnold make his personal appearance before the Honorable District Court now in session and attend from day to day and term to term and shall not depart the Court without the leave thereof.

* *

STATE OF TEXAS vs M. O. DIAMOND

Riot Pg 521

This day came into open court the Defendant and acknowledged himself indebted to the State of Texas in the sum of Two Thousand Dollars to be levied of his goods, chattels, lands and tenement conditioned that he make his personal appearance before the Honorable District Court now in session and attend from day to day and term to term and shall not depart the Court thereof without leave of the Court to answer the State for an Indictment for a Riot.

Also came A. McGowan into open court and acknowledged himself indebted to the State in the sum of Two Thousand Dollars to be levied of his goods, chattels, lands and tenements conditioned that M. O. Diamond shall make his personal appearance before the District Court now in session and attend from day to day, term to term and shall not depart the Court without leave thereof – to answer the State of Texas on an Indictment for Riot.

* *

STATE OF TEXAS vs JEREMIAH WORSHAM

Riot Pg 522

This day came into open court the Defendant and acknowledged himself indebted to the State of Texas in the sum o Two Thousand Dollars to be levied on his goods, chattels, land and tenements for the use of the State of Texas conditioned that he shall personally appear before the Honorable District Court now in session and attend from day to day and term to term to answer the State of Texas on an Indictment for a Riot and not depart the Court without the leave thereof.

* *

STATE OF TEXAS vs JOHN LANDRUM

Riot Pg 522

This day came into open court and it appearing to the Court that Defendant is not of age, and thereupon came into open court Jeremiah Worsham and acknowledges himself in debt to the State of Texas in the sum of Two Thousand Dollars conditioned that John Landrum shall make his personal appearance before the Honorable District Court now in session and attend from day to day and term to term to answer the State of Texas on an Indictment for a Riot and shall not depart the Court without leave thereof.

* *

STATE OF TEXAS vs M. W. FIELD

Riot Pg 523

This day came into open court the Defendant and acknowledges himself in debt to the State of Texas in the sum of Two Thousand Dollars to be levied of his goods, chattels, lands and tenements – conditioned that he make his personal appearance before the District Court now in session and attend day

to day, term to term, to answer the State of Texas on an Indictment for a Riot and shall not depart the Court without leave thereof.

* *

STATE OF TEXAS vs JAMES H. PRICE

Riot Pg 523

This day came into open court the Defendant and acknowledges himself indebted to the State of Texas in the sum of Two Thousand Dollars conditioned that he personally appear before the District Court now in session and attend from day to day and term to term to answer the State of Texas on an Indictment for a Riot and shall not depart without leave of the Court.

Also came into open court E. J. Arnold and acknowledges themselves each indebted to the State of Texas in the sum of One Thousand Dollars conditioned that J. H. Price make his personal appearance before the District Court now in session and attend from day to day and term to term to answer the State of Texas on an Indictment for a Riot, and shall not depart the Court without the leave thereof.

* *

STATE OF TEXAS vs E. W. CAWTHORN

Riot Pg 524

This day came into open court the Defendant and acknowledges himself indebted to the State of Texas in the sum of Two Thousand Dollars conditioned that the said Defendant will make his personal appearance before the District Court now in session and attend from day to day and term to term to answer the State of Texas on an Indictment for a Riot and shall not depart the Court without leave thereof.

Also came E. J. Arnold and James H. Price and acknowledged themselves indebted to the State of Texas each in the sum of One Thousand Dollars conditioned that E. W. Cawthorn make his personal appearance before the District Court now in session and attend from day to day, term to term, to answer the State of Texas for an Indictment for a Riot and shall not depart without leave of the Court.

* *

STATE OF TEXAS vs JOSEPH HENSON

Riot Pg 524

This day came into open court the Defendant and acknowledges himself indebted to the State of Texas in the sum of One Thousand Dollars conditioned that he shall make his personal appearance before the District Court now in session and attend from day to day and term to term to answer the State of Texas in an Indictment for Riot and shall not depart the Court without leave thereof.

Also came Wm. M. Rankin into open court and acknowledges himself indebted to the State of Texas in the sum of One Thousand Dollars conditioned that Joseph Henson shall make his personal appearance before the District Court now in session and attend from day to day and term to term to answer the State of Texas on an Indictment for a Riot and shall not depart this Court without the leave thereof.

* *

STATE OF TEXAS vs LEWIS NEAL

Riot Pg 525

This day came into open court the Defendant and Wm Rankin, his Security and acknowledged themselves indebted to the State of Texas in the sum of One Thousand Dollars to be levied of their goods, chattels, lands and tenements, to be void upon condition that the said Lewis Neal shall be and personally appear before the District Court now in session, and attend from day to day, term to term, to answer the State of Texas on an Indictment for a Riot and shall not depart the Court without the leave thereof.

* *

STATE OF TEXAS vs JOSEPH HEFLIN

Riot Pg 525

This day came into open court the Defendant and E. J. Arnold as his Security and acknowledged themselves indebted to the State of Texas for the use of the State of Texas the sum of One Thousand Dollars to be levied of their goods, chattels, lands and tenements conditioned that the said Joseph Heflin shall make his personal appearance before the District Court now in session and attend from day to day and term to term to answer the State of Texas on an Indictment for a Riot and shall not depart the Court without the leave thereof.

* *

And thereupon the Court adjourned until Monday morning, 9 o'clock .

Monday September 13, 1847

Court met pursuant to adjournment. Present and presiding, the Honorable O. M. Roberts in place of C. W. Buckley, Judge, and same officers as on Saturday. And the following orders were had and entered, to wit:

STATE OF TEXAS vs JOHN F. MC GUFFIN

#237 Pg 526

This day came the parties by their attorneys and upon showing of Defendant verified by Affidavit, this cause continued until the next term.

* *

STATE OF TEXAS vs H. B. BOSTON

#254 Pg 526

This day came the parties by their attorneys and the Defendant in his own proper person being arraigned for plea to the Indictment says, "Guilty." Thereupon came a Jury of good and lawful men, to wit: G. D. Gay, A. Gay, J. C. Clark, Elbert Grimes, James Smith, G. W. Brooks, J. P. Hall, J. Simpson, Wm. M. Robert, J. W. Williams, Timothy Cude, and George W. James, who being elected, tried, sworn, empaneled to assess the fine against Defendant, upon their oaths do say, "We the Jury fine the Defendant the sum of Twenty Dollars." Signed Appleton Gay, Foreman.

It is considered and ordered by the Court that Defendant make his fine by the payment of Twenty Dollars as assessed by the Jury and all costs of suit in this prosecution incurred.

* *

**STATE OF TEXAS vs JOSEPH HENSON, JOHN LANDON,
WM. DICKERSON, JAMES DORSEY, ET AL**

Pg 526

This day came S. D. Hay, Esqr., and on his application this cause is continued until next term.

* *

**H. M. HART & CO. vs THOMAS C. #432
BRADBURY, ADM**

Pg 527

This day came the parties by their attorneys and thereupon Defendant's counsel files exceptions to this amended petition and argument being had and heard, it is considered by the Court that the exceptions aforesaid be overruled and Plaintiff's amendment be allowed to be filed upon the terms of payment of the costs of suit. Thereupon the Plaintiff's attorney having filed his exception to Defendant's plea in abatement, which being submitted to the Court and argument heard, the exceptions overruled to which opinion of the Court the Plaintiff by attorney excepted, and thereupon Judgment is entered and upon verdict of the Jury for Defendant upon plea in abatement. It is so considered and ordered by the Court that Defendant have and recover all costs of suit in this cause expended, for which execution may issue.

* *

JOHN PATTERSON vs BENJ. B. GOODRICH

#342 Pg 527

This day came the parties by their attorneys and the motion for new trial in this cause argued and fully understood by the Court, it is considered and ordered by the Court that the motion for new trial be overruled, the Court being restrained in its action by the nature of the issues presented in the

pleadings. Thereupon the Plaintiff by his attorney gives notice of appeal to the Supreme Court which is granted in terms of the law.

**

THOMAS A. GAY, ADM OF T. GAY, DEC'D vs #409 Pg 527
JOHN F. MC GUFFIN

This day came the parties by their attorneys and the showing of Defendant verified by Affidavit is considered sufficient. It is therefore ordered by the Court that this cause be continued accordingly.

**

PIERRE BLANCHETT vs WM C. WINTERS #516 Pg 527
& LEVINA WINTERS

The parties by their attorneys appear and the showing of Plaintiff for a continuance verified by Affidavit is considered sufficient and ordered accordingly by the Court.

**

JOEL KING vs NEILL ROBINSON, #577 Pg 527
LEM G. DUPREE & LEWIS DUPREE

This day came the parties by their attorneys and on motion of attorney for Defendants, It is considered by the Court that Defendant have leave to withdraw his exceptions to Plaintiff's amended petition and to amend and file further exceptions to Plaintiff's amended petition and to amend and file further exceptions, subject to all legal exceptions.

**

THOMAS R. TEEL & LUCY S. WOOD vs #631 Pg 528
J. W. BARRETT

This day came the Defendant by his attorney and suggests diminution of record in the Court below, which being examined by the Court, the cause is continued for Alias process to next term.

**

JOHN T. HALL & WM. GILLAM vs#639 Pg 528
JOHN SIMPSON

This day came the parties by their attorneys and the Appellant agrees to dismiss his appeal. It is therefore considered and ordered by the Court that the Plaintiff have and recover of Defendant and his Security on appeal all costs of suit in this Court in this cause expended for which execution may issue.

**

STATE OF TEXAS vs GEO. W. BROOKS

#248 Pg 528

This day came the parties by their attorneys and the Defendant in his own proper person and withdraws his plea of "Not Guilty" as placed at a former day of this Court and for plea of Indictment says "Guilty." Therefore came a Jury of good and lawful men, to wit: Lewis Neal, A. Gay, A. Grimes, James Smith, Jno Simpson, W. M. Roberts, Jno Williams, Timothy Cude, Geo W. James, John W. Fowler, Joseph C. Clark, and Owen Shannon, who being elected, tried empaneled and sworn the fine to assess against Defendant upon being Guilty for Betting at Faro upon their oaths do say, "We the Jury fine the Defendant in the sum of Twenty Dollars." Signed Appleton Gay, Foreman.

It is therefore considered by the Court that Defendant make his fine by payment of Twenty Dollars assessed by the Jury, and all costs in this suit.

* *

STATE OF TEXAS vs N. K. ALSTON

Riot Pg 529

This day came into open court the Defendant and also came Elisha Uzzell and acknowledged themselves indebted to the State of Texas for the use of the State in the sum of Two Thousand Dollars to be levied on their goods and chattels, lands and tenements, respectively, and conditioned that N. K. Alston make his personal appearance before the District Court now in session and attend from day to day and term to term to answer the State of Texas on an Indictment for a Riot and shall not depart the Court without leave of the same.

* *

STATE OF TEXAS vs ELISHA UZZELL

Riot Pg 529

This day came into open court the Defendant and also came N. K. Alston as his Security and acknowledged themselves indebted to the State of Texas for the use of the State in the sum of Two Thousand Dollars, to be levied of their goods, chattels, lands and tenements, conditioned that Elisha Uzzell shall make his personal appearance before the District Court now in session and attend from day to day, term to term, to answer the State of Texas on an Indictment for a Riot and shall not depart the Court without leave thereof.

* *

STATE OF TEXAS vs R. E. PACE Riot

Pg 529

This day came into open court the Defendant and C. W. Cawthorn as his Security and acknowledged themselves indebted to the State of Texas for the use of the State in the sum of Two Thousand Dollars to be levied of their goods and chattels, lands and tenements, respectively, conditioned that the said R. E. Pace make his personal appearance before the District Court now in

session and attend from day to day and term to term to answer the State of Texas on an Indictment for a Riot and not depart the Court without the leave thereof.

* *

STATE OF TEXAS vs JOHN SIMPSON **Affray Pg 530**

This day came into open court the Defendant and acknowledges himself indebted to the State of Texas, for the use of the State in the sum of One Hundred Dollars to be levied of his goods and chattels, lands and tenements conditioned that the said John Simpson shall make his personal appearance before the District Court now in session and attend from day to day, term to term to answer the State of Texas on an Indictment for an Affray and shall not depart the Court without leave thereof.

* *

STATE OF TEXAS vs JOSEPH C. CLARK **#256 Pg 530**
& JOSHUA EPPS

Affray. This day came the State of Texas by S. D. Hay, Esqr., and Defendant Joseph C. Clark in his own proper person and for plea says, "Not Guilty." And thereupon came a Jury of good and lawful men, to wit: Appleton Gay and eleven others, whereupon the District Attorney says he will no further prosecute the Defendant in this Indictment and enters a Nolle prosequi. It is considered and ordered by the Court to go hence without day.

* *

STATE OF TEXAS vs JAMES JOHNSON **#235 Pg 530**

This day came S. D. Hay, Esqr., and on his motion it is considered and ordered by the Court that Alias capias issue against Defendant and cause continued.

* *

Whereupon Court adjourned until tomorrow morning, 8 o'clock .

Tuesday September 14, 1847

Court met according to adjournment, present and presiding O. M. Roberts, Judge, in place of C. W. Buckley, Judge, and same officers as on yesterday. Court being opened, the following orders had and entered, to wit:

**JOHN RICE JONES BY J. B. MC FARLAND,
ADM DE BONIS NON vs EMELY SMITH,
ADMX OF SOL SMITH**

#253 Pg 531

This day came the parties by their attorneys and by consent of counsel, both parties have leave to amend and cause continued. It is considered by the Court that all amendments be filed within three months.

* *

SAMUEL W. EDGERLY vs CHARLES W. LEVIN

#428 Pg 532

This day came the parties by their attorneys and thereupon came to be heard as determined the motion of Plaintiff for new trial and after arguments being had and fully understood by the Court, it is considered and ordered that the motion be set aside and overruled and the Supplemental Affidavit of Plaintiff's attorney stricken out.

* *

**PIERRE BLANCHETT vs WM C. WINTERS
& LEVINA WINTERS**

#516 Pg 531

This day came the parties by their attorneys and thereupon came a Jury of good and lawful men, to wit: John W. Williams, James W. Smith, George W. James, John Simpson, James Page, Lewis Neal, Wm. S. Gilliam, E. Dean, Nelson Owen, A. Gay, A. Hanna and Henry Alston, who being elected, tried, empaneled and sworn the truth to speak, and a true verdict to render according to law and evidence upon the issues joined between the parties upon their oaths do say, "We the Jury cannot agree." It is therefore considered and ordered by the Court, with consent of attorneys for the parties, that a mistrial be entered and cause continued so that both parties have leave to amend subject to all legal exceptions.

* *

A. THOUVENIN vs B. B. GOODRICH

#521 Pg 532

This day came the parties by their attorneys and this cause continued for want of papers.

* *

JOHN J. WHITESIDES vs JOHN F. CRAWFORD

#572 Pg 532

This day came the parties by their attorneys, and thereupon came a Jury of good and lawful men, to wit: John W. Williams, James W. Smith, George W. James, Lewis Neal, John Timson, James Page, William L. Gillian, Elisha Dean, Nelson Owen, A. Hanna, Appleton Gay and Henry Alston, who being elected, tried and sworn the truth to speak upon the issues joined between the parties

upon their oaths do say, "We the Jury find for the Defendant Crawford in the count below." Signed Appleton Gay, Foreman.

It is therefore considered and ordered by the Court that the Defendant Crawford have and recover of the Plaintiff John J. Whitesides all the costs of suit in this behalf expended for which execution may issue.

* *

WM. M. RICE & E. B. NICKELS vs R. H. HANNAY #573 Pg 532

This day came the Plaintiff, William M. Rice and Ebenezer B. Nichols, by their attorney, and it appearing to the Court that the Defendant Robert M. Hannay has been duly warned by publication of process against him in *The Texas Banner*, a newspaper published in Walker County, for eight successive weeks before the last term of this Court and Default nisi having been entered against Defendant at said term, and he failing to appear and answer as required, it is considered and adjudged by the Court that the Plaintiff have and recover of the Defendant such damages as they have sustained and inasmuch as the damages are in litigation and uncertain, it is ordered that a Jury be empaneled to assess the same, and continued by the Plaintiff until next term.

* *

WILLIAM MC LEAN vs ROBERT M. HANNEY #574 Pg 533

This day came on this cause to be heard and no person appearing. It is considered by the Court that the same stand continued.

* *

**JOEL KING vs NEILL ROBINSON, #577 Pg 533
LEWIS G. DUPREE & LEWIS DUPREE**

This day came the parties by their attorneys and arguments being had and fully understood by the Court, it is considered by the Court the Defendants exception to Plaintiff's amended petition be sustained and the Defendant having plead further the Statute of Limitations which being considered by the Court, thereupon came a Jury of good and lawful men, to wit: J. W. Williams, J. W. Smith, G. W. James, Lewis Neal, Jno Simpson, Jas Page, W. L. Gillam, E. Dean, Nelson Owen, A. Hanna, A. Gay, and H. Alston, who being elected, tried and empaneled, and sworn the truth to speak and a true verdict to render upon the issues joined between the parties, upon their oaths do say, "We the Jury find for the Defendants, that the claim was barred by the Statute of Limitations." Signed A. Gay, Foreman.

It is therefore considered and ordered by the Court that Defendant be discharged and the Plaintiff pay all costs of suit in this cause expended for

which execution may issue, to which opinion of the Court sustaining the Defendant's exceptions, the Plaintiff by attorney gives notice of appeal which is granted by the Court in terms of the law.

* *

THOMAS HORSELY vs J. A. MC GARY #581 Pg 533

In this cause no party appearing, it is continued generally.

* *

**A. G. TERRY, USE OF SAMUEL ANDERS #644 Pg 533
vs W. S. TAYLOR**

This day came the parties by their attorneys and consent to continue this cause generally which is ordered accordingly by the Court.

**M. EVANS, USE OF MALCOLM JOHNSON #645 Pg 534
vs S. F. SPILLERS**

This day came the parties by their attorneys and on motion it is considered by the Court that both Plaintiff and Defendant have leave to amend, subject to all legal exceptions and on showing of Defendant verified by Affidavit, this cause continued.

* *

**THE PRESIDENT & DIRECTORS OF THE #334 Pg 534
STATE BANK OF ALABAMA vs
WILLIAM SIMONTON**

In this case came the parties, the said Plaintiffs by their attorney, B. Gillespie and the Defendant by his attorney, B. C. Franklin, and on motion of said Plaintiff to enter the Judgment of this Court made at the Spring term 1845 in this case Nunc pro tunc and said motion having been heard and considered of and by the Court and it appearing to the Court from the bill of exceptions signed by the presiding Judge and which was also entered at length in the minutes of the Court at that term, that said Judge at the said term aforesaid in said case did sustain the Defendant's exception to the Plaintiff's petition, and this Court now proceeding to render the Judgment which said Court then should have rendered in said case, doth order, adjudge and decree that Defendant William Simonton go hence without day and recover of the Plaintiff his costs in this behalf expended.

* *

STATE OF TEXAS vs HUGH CHANDLER #199 Pg 534

Attachment for Contempt. This day came into Court the Defendant Hugh Chandler and filed his Affidavit and Showing for a Contempt of Court which

being considered and fully understood by the Judge, it is considered and ordered that Defendant be fined in the sum of Ten Dollars and that he remain in the custody of the Sheriff until the same be paid.

* *

HUGH B. BOSTON vs ALBERT GRIMES

#646 Pg 535

This day came the Plaintiff and on his motion, it is considered by the Court that Judgment by Default nisi be entered and cause continued.

* *

Whereupon the Court adjourns until tomorrow morning 8 o'clock .

Wednesday September 15, 1847

Court met according to adjournment. Present and acting, O. M. Roberts, Judge, in place of C. W. Buckley, Judge, and the same officers as on yesterday. Court being opened, the following orders and proceedings were had and entered, to wit:

**STEPHEN MC LAUGHLIN, GUARDIAN vs
ELVIRA MARSHALL, GUARDIAN &
P. J. WILLIS, GUARDIAN**

#633 Pg 535

This day came the parties by their attorneys and the Plaintiff having made showing, it is considered by the Court that their cause be continued as on Affidavit of Plaintiff.

* *

**JOHN LEIGH vs JOSEPH HENSON
& LEM G. CLEPPER**

#632 Pg 535

This day the Defendant Henson files his answer and for the want of sufficient process, on motion of attorney for Plaintiff, this cause is continued ,and Plaintiff has leave to amend, subject to all legal exceptions.

* *

WM S. TAYLOR vs JOHN W. WILLIAMS

#630 Pg 535

This day came the parties by their attorneys and thereupon came a Jury of good and lawful men, to wit: M. W. Field, James W. Smith, G. W. James, S. Simpson, Jas. Page, W. L. Gillon, E. Dean, Nelson Owen, H. Alston, T. Chambers, C. B. Stewart, and A. McCowan, who being tried, elected, empaneled and sworn the truth to speak and a true verdict to render according to law and evidence upon their oaths do say, "We the Jury find for

the Plaintiff Taylor and assess the damages at Twenty Two Dollars and sixty eight cents." C. B. Stewart.

It is therefore considered and ordered by the Court that the Plaintiff Taylor have and recover of Defendant Williams the sum of Twenty Two Dollars and sixty eight cents as assessed by the Jury and all costs of suit and that Plaintiff Taylor pay the costs in the Court below, for which execution may issue.

* *

ALEXANDER BRYAN vs OLEVE P. KELTON #247 Pg 536

This day came the parties and their attorneys and agree to continue this cause until the next term which is ordered accordingly by the Court.

* *

**JOHN LANDRUM, USE OF JOSEPH HENSON #611 Pg 536
vs JAMES H. PRICE**

Appeal. This day came the parties, the Plaintiff by his attorney and the Defendant in his own proper person and by agreement the Judgment of the Court below is affirmed. It is considered and ordered by the Court that the Plaintiff have and recover of the Defendant and his Securities P. J. Willis and E. J. Arnold the sum of Sixty Eight Dollars and seven cents debt and Six Dollars and eighty seven cents Dollars damages together with all costs of suit in this cause expended, for which execution may issue.

* *

**REPUBLIC, NOW STATE OF TEXAS vs #614 Pg. 536
WRIGHT WILLIAMS**

Scire Facias. This day came the State of Texas by her attorney S. D. Hay, Esqr., and the Defendant not appearing and being solemnly called, came not, but made default. It is therefore considered and ordered by the Court that the State of Texas have and recover of Defendant the sum of Five Hundred Dollars and the costs of Scire facias and that execution issue for the same.

* *

STATE OF TEXAS vs ALBERT GRIMES #216 Pg 537

This day His Honor the Judge proceeded to enter the fine against Defendant for Contempt of Court by leaving the Jury Box. It is considered and ordered by the Court that the Defendant be fined in the sum of Three Dollars to be discharged by two days attendance on the Jury at this term of the Court deducted from his attendance.

* *

STATE OF TEXAS vs JOHN W. WILLIAMS

Pg 537

Defaulting Juror. Upon the showing of Defendant, and it appearing to the satisfaction of the Court, that the fine of Four Dollars be remitted.

**

STATE OF TEXAS vs EDMOND A. CLARK

Pg 537

Defaulting Witness. Ordered by the Court that E. A. Clark be fined in the sum of Twenty Dollars and Scire facias issue returnable to the next term, and cause continued.

**

WM. A. JOHNSON vs SAMUEL R. KONE

#634 Pg 537

This day came the parties by their attorneys and for sufficient cause shown, verified by Affidavit of Defendant, this cause is continued until the next term.

**

**BEN C. FRANKLIN, USE OF O. S. MITCHELL vs
STATE OF TEXAS**

#635 Pg 537

Suit for Land. This day came the parties by their attorneys and agree to continue this cause which is ordered accordingly.

**

J. M. EVANS, GUARDIAN vs R. OAKLEY

#636 Pg 538

This day came the parties by their attorneys and after argument being heard and fully understood by the Court, it is considered by the Court that Defendant's demurrer to Plaintiff's petition be sustained and that the Defendant have and recover of J. M. Evans all costs of suit in this cause in his behalf expended, for which execution may issue against said Evans; and thereupon the attorneys gave notice of appeal to Supreme Court which is granted in terms of the law.

**

**DAVID S. BOYD vs APPLETON GAY
& THOMAS GAY**

#637 Pg 538

Assumpsit. This day came the parties by their attorneys and for sufficient cause shown and verified by Affidavit of Default is ordered by the Court that this cause be continued until next term.

**

A. MONTGOMERY ADM vs STATE OF TEXAS

#640 Pg 538

This cause continued generally by consent of the parties. So ordered by the Court.

**

**WM. H. FOWLER AS CLERK vs
FRANKLIN MORRIS, LEM G. CLEPPER
& ALBERT GRIMES**

#641 Pg 538

This day the attorney for Plaintiff and for want of sufficient service and on motion of attorney for Plaintiff this cause continued for Alias process to issue.

**

WM. H. FOWLER vs LEM G. CLEPPER

#642 Pg 538

This cause continued for want of service and on motion it is considered by the Court that Writ and Capias issue..

**

**WM. H. FOWLER vs LEM. G. CLEPPER
& JOHN W. FOWLER**

#643 Pg 538

This day came the Plaintiff and on his motion it is considered and ordered by the Court that Plaintiff have leave to amend subject to legal exceptions and process issue against parties.

**

W. H. SPILLERS vs NIXSON BENNETT

#508 Pg 539

This day came the Plaintiff by his attorney and withdraws his order for process as heretofore entered which is ordered accordingly by the Court.

**

MORSE & ROYSTON vs CHARLES W. LEVIN

#555 Pg 539

This day came the Plaintiff by his attorney and gave notice of appeal which is granted in terms of the law.

**

HEZEKIAH JACKSON vs JOHN F. CRAWFORD

#592 Pg 539

This day came the parties by their attorneys and continued upon Affidavit of Crawford which is ordered accordingly.

**

**WILLIAM CHILDERS vs R. C. BURNS
& G. C. NELSON**

#582 Pg 539

This day came the parties by their attorneys and waiving the right of trial by Jury, submitted the cause to the Court for adjudication, and the Defendants' exceptions being heard and overruled and the evidence submitted, it is considered and adjudged by the Court that the appeal of the Defendant be

dismissed and that the Plaintiff William Childers have and recover of the Defendants R. C. Burns and G. C. Nelson and also against the Security on the Appeal Bond, Daniel Bird, in the sum of Sixty Six Dollars and seventy eight cents for his debt and damages for detention therefor and ten per cent damages on appeal together with all costs sustained in the Court below and in this Court, for which execution may issue.

* *

STATE OF TEXAS vs W. H. FOWLER #253 Pg 540

This day came into Court S. D. Hay, District Attorney, and on his motion it is considered and ordered by the Court that the order entered in this cause at a previous day of this Term that the Defendant remain in custody of the Sheriff and be set aside and the Defendant go hence without day and hereby released.

* *

JOSEPH LINDLEY vs ANN MC IVER, SURVIVOR #546 Pg 540

This day came the parties by their attorneys and this cause continued as in Affidavit of Defendant.

* *

**LEM G. CLEPPER & JOHN H. FOWLER vs #597 Pg 540
BENJ. H. HALSTED, P. J. WILLIS & R. S. WILLIS**

Injunction. This day came the parties and for sufficient cause shown verified by Affidavit, it is therefore considered by the Court that this cause be continued on Affidavit of Plaintiff Fowler.

* *

**DANIEL GILLILAND vs P. HALL, ADM OF #600 Pg 540
A. MUNDY, DEC'D**

Bill. This day came the parties by their attorneys and on motion it is considered by the Court that the Defendant have leave to amend subject to all legal exceptions, also that Plaintiff have leave to amend so as to bring in the Heirs of the Estate of A. Mundy, Deceased, and cause continued.

* *

LEM G. CLEPPER vs JOSEPH NYMAN #601 Pg 540

This day came the Plaintiff and on motion ordered by the Court that Alias publications and cause continued until next Term.

* *

STATE OF TEXAS vs E. ALLARD

#602 Pg 541

This day came the parties by their attorneys and on motion ordered by the Court that Judgment by default be entered on this the tenth day of the Term, and cause continued.

**

**P. J. WILLIS vs JOHN W. FOWLER,
LEM G. CLEPPER, & BENJ. H. HALSTED**

#605 Pg 541

This day came the parties by their attorneys and for sufficient cause shown, verified by Affidavit, it is considered and ordered by the Court that this cause stand continued on Affidavit of Defendant J. W. Fowler.

**

M. W. FIELD vs B. H. HALSTED & E. ARNOLD

#608 Pg 541

Appeal. This day came the parties by their attorneys and for sufficient cause shown verified by Affidavit, to wit, it is considered and ordered by the Court that this cause stand continued until next Term on Affidavit of Defendant Halsted.

**

PETER J. WILLIS vs W. H. FOWLER

#609 Pg 541

This day came the parties by their attorneys and for sufficient cause shown, verified by Affidavit, it is considered and ordered by the Court that this cause be continued until next Term on Affidavit of Defendant.

**

BENJ. H. HALSTED vs SAMUEL GRIMMETT

#612 Pg 541

Appeal. This day came the parties by their attorneys and the death of Defendant being suggested and on motion of Plaintiff, it is ordered by the Court that Scire facias issue against the legal representative and cause continued.

**

JAMES W. ROBINSON vs JAMES M. WILLIAM #615 Pg 542

This day came the Plaintiff by his attorney and on his motion, it is ordered by the Court that Alias publication be made according to law and cause continued.

**

BENJ. H. HALSTED vs THOS. C. HALSTED

#618 Pg 542

This day came the parties by their attorneys and agree to continue this cause. It is therefore ordered accordingly.

**

**JOHN SHACKLEFORD & H. SAMPSON
vs NANCY LANDRUM & GREEN D. GAY, EXN**

#35 Pg 542

This day came the parties by their attorneys and on motion of attorney for Plaintiff it is considered and ordered by the Court that Plaintiff have leave to amend subject to all legal exceptions and cause continued upon the payment of all costs of this Term by the Plaintiff by the next Term of the Court.

**

LEM G. CLEPPER vs WRIGHT WILLIAMS

#621 Pg 542

This day came the Plaintiff by his attorney and on motion Judgment by Default nisi is entered and cause continued until next Term.

**

WM. RICE vs STATE OF TEXAS

#622 Pg 542

This cause is continued generally. N. H. Davis, Esquire, appointed to assist the District Attorney.

**

GEORGE CUMBERLAND vs STATE OF TEXAS

#623 Pg 543

For sufficient cause appearing to the Court, this suit is continued generally.

**

A. GRIMES vs T. T. MC IVER

#628 Pg 543

The Plaintiff continues this cause by the consent of the Court.

**

**REPUBLIC, NOW STATE OF TEXAS vs
JAMES MC MILLION JP**

#629 Pg 543

This cause is continued by the Court for want of papers.

**

STATE OF TEXAS vs W. H. FOWLER

Pg 543

Riot. This day came into open court the Defendant and also came Sm. Simonton as his Security and acknowledged themselves indebted to the State for the use of the State in the sum of Five Thousand Dollars to be levied of their goods, chattels, lands and tenements conditioned that W. H. Fowler shall make his personal appearance before Honorable District Court at the next Term and attend from day to day and term to term to answer the State of Texas on an Indictment for a riot and shall not depart the Court without leave thereof.

**

STATE OF TEXAS vs HUGH B. BOSTON

Pg 543

Riot. This day came into open court the Defendant and also came J. H. Price as his Security and acknowledged themselves indebted to the State of Texas for the use of the State in the sum of Two Thousand Dollars to be levied of their goods, chattels, lands and tenements conditioned that Hugh B. Boston shall make his personal appearance before the Honorable District Court at the next Term and attend from day to day and term to term to answer the State of Texas on an Indictment for a Riot and shall not depart the Court without leave thereof.

**

STATE OF TEXAS vs HUGH CHANDLER

#231 Pg 544

Motion. This day came on to be heard the motion of S. D. Hay, District Attorney, to remand the Defendant into custody under a Verdict and Judgment at the Spring Term 1847, which being argued and understood, it is considered and ordered by the Court that Capias issue against said Chandler returnable to next term of the Court, bail to be taken in the sum of One Hundred Dollars.

**

STATE OF TEXAS vs ALBERT GRIMES

#216 Pg 544

Motion. This day came on to be heard the motion of S. D. Hay, District Attorney, to remand the Defendant into custody under a Verdict and Judgment at the Spring Term 1847, which being argued and understood, it is considered and ordered by the Court that Capias issue against said Grimes returnable to next term of the Court, bail to be taken in the sum of One Hundred Dollars.

**

L. F. WILLIAMS vs O. P. KELTON

#498 Pg 544

Upon notice given Plaintiff's attorney in this cause on motion of Clerk of the Court, it is considered and ordered by the Court that Plaintiff give Security for all costs of suit before first day of next Term.

**

ROBERT F. OLIVER vs BENJ. H. HALSTED

#609 Pg 544

The parties by their attorneys appear and the motion to correct the Bill of Costs taxed on Execution came on to be heard and being argued by counsel, it is considered by the Court that the motion to re-tax the costs be sustained

so far as respect to the commissions of the Coroner upon the sum of execution which are hereby stricken from the fee bills.

**

Ordered by the Court that all other suits, motions, and rules not otherwise disposed of are hereby continued until next term of this Court.

**

Whereupon Court adjourns until Court in course this Thursday morning 16 September 1847.

Examined and approved.

/s/ O. M. Roberts, District Judge, Presiding

Attest: Lem G. Clepper, Clerk, Montgomery County District Court

By his Deputy H. B. Boston

**

STATE OF TEXAS § Pg 546
COUNTY OF MONTGOMERY §

At the drawing of the Jury to serve at the Spring Term of the District Court for the said County on Saturday the 22nd day of January, 1848.

STATE OF TEXAS § Pg 547
COUNTY OF MONTGOMERY §

Be it remembered that on the 22nd day of January, A.D. 1848, at the office of the County Clerk of Montgomery County in the State aforesaid, Hugh B. Boston, Clerk of said County Court, and Lem G. Clepper of the District Court of said County in the State aforesaid and Robert B. Martin, a Justice of the Peace in and for the County of Montgomery in the State aforesaid in Precinct No. 2 in said County, proceeded to draw a Jury to serve at the Spring Term of the District Court of said County, to be holden for the Seventh Judicial District of said State in the first Monday in March next 1848, when the following were drawn as good and lawful Jurors for the County and for State aforesaid: Miles Elkins, Nelson Orvin, Samuel R. Kine, Benjamin H. Halsted, Geo. W. Reding, H. L. Bays, Williford Cartwright, John W. Barrett, Lewis Pearce, Charles B. Stuart, Richard Insel, John B. McGuffin, Thomas Chatham, William Heflin, Evan Comer, Lemuel Smith, Gill McCaleb, Major Wetherford, Henry T. Moistin, James Comer, William H. Spillers, Thomas W. Hay, Edmund A. Clark, David Pevehouse, James H. Mitchell, William P. Bird, Joseph Heflin, Benjamin Newton, Andrew Park, Samuel Fowler, John S. Millinia, John T. Watkins, E. L. Arnold, Boswell Baker, Jesse Womack, and John Pyle.

STATE OF TEXAS §
COUNTY OF MONTGOMERY §

Pg 547

At a drawing of the Jury to serve at the Spring Term of the District Court 1848, for said County on Saturday the twenty-second day of January 1848, the undersigned Clerk of the District Court for said County, the within thirty-six persons as legal qualified jurors as therein mentioned and the same when drawn was deposited in Jury Box No. 2.

Witness Lem G. Clepper, Clerk, Montgomery County District Court.

Given under my hand and seal of office, this the 22nd of January A. D. 1848.

/s/ Lem G. Clepper, Clerk, Montgomery County District Court. Signed and sealed.

STATE OF TEXAS §
COUNTY OF MONTGOMERY §

Pg 548

This is to certify that the within thirty-six persons were drawn by the Clerk of the District Court and the County Clerk at the Office of the County Clerk on the 22nd of January A. D. 1848 as above states in my presence.

R. B. Martin, J.P., Beat No. 2 Montgomery County

Upon drawing of the said Jury in vacation, a Venire facias was issued by Lem G. Clepper, Clerk of the District Court, and delivered to the Sheriff of said County on the 25th day of January A. D. 1848 in the following words and figures to wit:

STATE OF TEXAS §
COUNTY OF MONTGOMERY §

TO THE SHERIFF OF SAID COUNTY, GREETINGS

You are hereby commanded to summon Miles Elkins, Nelson Orvin, Samuel R. Kine, Benjamin H. Halsted, George W. Reding, H. L. Bays, Willeford Cartwright, John W. Barrett, Lewis Pearce, Charles B. Stuart, Richard Insel, John F. McGuffin, Thos. Chatham, William Heflin, Even Comer, Lemuel Smith, G. U. McCaleb, Major Weatherford, Henry T. Moister, James Comer, William H. Spillard, Thomas W. Jay, Edmund A. Clark, David Pevehouse, James H. Mitchell, William P. Bird, Joseph Heflin, Benjamin Newton, Andrew Park, Samuel Fowler, John S. Milliman, John T. Watkins, E. L. Arnold, Boswell Baker, Jesse Womack, and John Pyle to personally be and appear before the Honorable District Court to be holden in and for said County of Montgomery at the Court House in the Town of Montgomery on the first Monday in March next A. D. 1848 then and there to serve as Jurors at the Spring Term of said Court aforesaid.

Witness Lem G. Clepper, Clerk, District Court Montgomery County

Given under my hand and seal of office at offices in the Town of Montgomery, this the 25th day of January A. D. 1848.

/s/ Lem G. Clepper, Clerk of the District Court of Montgomery County
Came to hand January 25, 1848.

Thomas Betts, Sheriff, Montgomery County

I hereby certified that I have summoned personally twelve of the above named persons this February 28, 1848.

I hereby certify that I have summoned twenty-two of the above named persons. James Comer and Boswell Baker not found in this County.

W. H. Fowler, Deputy Sheriff, February 28, 1848

* *

Monday March 6, 1848
Spring Term

Court being opened by the Sheriff at 1 o'clock p.m.

STATE OF TEXAS

§

Pg 549

COUNTY OF MONTGOMERY

§

Be it remembered that a District Court was begun and holden in and for the County of Montgomery on the 6th day of March A. D. 1848. Present the Honorable C. W. Buckley, Judge of the Seventh Judicial District; Samuel D. Hay, District Attorney for said District; Lem G. Clepper, Clerk; and E. G. Comer, ex officio Sheriff of said County, there being no Sheriff.

A Jury for the Spring Term 1848 of the District Court of said Montgomery County having been drawn in vacation in accordance with the statutes of the State of Texas and the venire issued to Sheriff of Montgomery County and returned the same as entered on the two foregoing pages and signed by said Sheriff and his Deputy and thereupon was present eighteen of said Jurors summoned as aforesaid from the present Grand Jury and the same being elected as good and lawful Grand Jurors, to wit: Miles Elkins, John L. Wadkins, Even Corner, Wm. Hulin, J. W. Barrett, Thomas Chatham, Milford Cartwright, Nelson Orvin, George W. Redding, John Pyle, James H. Mitchell, Andrew Park, William H. Spelling, E. L. Arnold, Thos. W. Hay, Samuel Fowler, David Pevehouse; and out of the body of the Grand Jury the Court selected Charles B. Stewart Foreman of said Jury, who being sworn by the Court in the words and form presented by the Statute and the remainder being sworn also a Grand Jurors as prescribed by the Statutes and charged by the Court. John McGuffin appointed by the Court to take charge of the Grand Jury, also sworn by the Court and Bailiff to take charge of and attend said Jury.

It is considered by the Court that Major Wetherford, Samuel R. Kone, E. A. Clark, Henry Moister, and Jesse Womack, Lewis Pew, Joseph Heflin, Richard Insall, and Benjamin Newton be excused as Jurors at the present term.

Defaulting Jurors: B. H. Halsted, H. L. Bays, Lemuel Smith, Gill McCaleb, Wm. Byrd, and John Melliman being each called, came not but failed to attend. It is ordered by the Court that said Defaulting Jurors by reason of their non-attendance be each fined in the sum of Twenty Five Dollars and that the Clerk issue Scire facias against each of them returnable to the next term of this Court.

It is ordered by the Court that the Clerk issue a Special Venire to the Acting Sheriff of the County of Montgomery to summon twelve Petit Jurors returnable tomorrow morning at 9 o'clock.

Whereupon Court adjourned until tomorrow morning at 9 o'clock.

Tuesday March 7, 1848

Court met according to adjournment. Same officers present as on yesterday. Court being opened, the following orders were had and entered, to wit:

On suggestion of S. D. Hay, District Attorney, it is ordered by the Court that Saturday the 11th instant be set apart for State's day and trial of criminal docket.

PETER J. WILLIS vs WM. H. FOWLER

#648 Pg 551

Ordered by the Court that Judgment by Default be entered herein against the Defendant on this the second day of the term and Plaintiff have leave to amend subject to all legal exceptions.

**

WILLIAM MYERS vs CORNER B. CORLEY

#652 Pg 551

Ordered by the Court that Judgment be entered against Defendant herein on this second day of the term.

**

JOHN THOMAS vs JOHN HALL & ELISHA UZZEL #653 Pg 551
Ordered by the Court that Judgment by Default be entered against Defendant herein on this second day of term.

**

ANTONY UNLIN vs JOHN B. CHESHER #655 Pg 551
Ordered by the Court that Judgment by Default be entered against Defendant herein on this second day of term.

**

PETER J. WILLIS vs JOHN W. FOWLER & LEM G. CLEPPER #636 Pg 552
Ordered by the Court that Judgment by Default be entered against Defendants herein on this second day of term.

**

CHRISTOPHER H. STERNES & WIFE vs JOHN MARLIN #69 Pg 552
This day came the parties by their attorneys and upon motion, it is ordered by the Court that Scire facias issue to Limestone County to Administrator of John Marlin and continued by consent.

**

PETER W. FORD vs B. F. IRVIN #233 Pg 552
This day came the Defendant and dismisses as to P. B. Irvin and it is ordered by the Court that Alias scire facias issue to the representative of B. F. Irvin when known and continued.

**

JAMES R. JENKINS vs PHILIP AVERETT #238 Pg 552
Ordered by the Court that Alias acire facias issue to the representatives of Defendant and case continued.

**

The acting Sheriff returns the Venire facias issued yesterday on which he makes the following return. I hereby certify that I have summoned the following named persons to serve as Jurors for the present term of the Court: M. W. Fields, Elisha Uzzel, Elbert Epps, John Ware, Alexander Whitaker, Peter J. Willis, Alexander McCowan, G. McGuffin, John W. Fowler, J. S. Betts, William L. Gilliam, John Williams. Given under my hand this sixth day of March A. D. 1848. E. G. Collier, Coroner and Ex Officio Sheriff of Montgomery County.

By his Deputy, Calvin McCormack.

It is considered by the Court that John W. Fowler summoned in the above Venire be excused from further attendance on the Jury at this term.

It is considered by the Court that the fine entered against Lem Smith on yesterday be remitted and on satisfactorily showing to the Court same is excused from further attendance during this term.

It is ordered by the Court that the following persons who were summoned under the special Venire issued on yesterday be sworn as Jurors for the present term, to wit: M. W. Fields, Elisha Uzzell, Elbert Epps, John Ware, Alex McGowan, Alex Whitaker, Peter J. Willis, William L. Gillian, John W. Williams and Thomas B. Rankin previously summoned to fill said Jury was empaneled and sworn.

JOHN J. GOODMAN vs WILLIAM WOOD ET AL #343 Pg 553

This cause came on to be heard, and no parties appearing, it is ordered by the Court that the same be continued to next term.

* *

WILLIAM WOOD vs JOHN J. GOODMAN #340 Pg 553

It is ordered by the Court that Alias publication be made in accordance with law, and this cause stands continued until next term.

* *

SINGLETON TRAWICK vs SEBRIN I. TRAWICK #357 Pg 553

This cause came on to be heard and no parties appearing, it is ordered by the Court that the same stand continued for want of appearance.

* *

EDWARD BAILEY vs R. W. GRAVES #351 Pg 553

This cause came on to be heard and no parties appearing, it is ordered by the Court that the same be continued until next term.

* *

JOHN TAYLOR, USE OF J. DORSEY #595 Pg 553

Continued until next term.

* *

JAMES F. WILLIAMS vs OLIVER P. KELTON #498 Pg 554

This cause came on to be heard and neither party appearing, it is ordered by the Court that the same stands continued until next term.

**

THOMAS A. GAY, ADM FOR THOMAS GAY, DEC'D vs JOHN F. MC GUFFIN #409 Pg 554

This day came on to be heard and the Plaintiff neither appearing in person nor by his attorney, it is therefore ordered by the Court that this cause be dismissed and that the Defendant have and recover from the Plaintiff all costs in this behalf expended, for which execution may issue.

**

RANSOM H. BYRNE vs JACOB CROFT #435 Pg 554

This cause came on to be heard and no party appearing, it is ordered by the Court that the same stand continued until next term.

**

JAMES M. STANTON vs JOHN VAUGHT #436 Pg 554

Ordered by the Court that this cause stand continued for want of appearance until next term.

**

A. ARMSTRONG vs CELIA ROGERS, ADMX #420 Pg 555

This cause coming on to be heard in the regular order and the Defendant by her attorney Yocum and Perry appeared and the Plaintiff solemnly called to appear and prosecute said suit and no one appearing, it is therefore ordered, adjudged and decreed by the Court that this suit be dismissed for want of prosecution and that the Defendant go hence without day and recover of the Plaintiff her costs in this behalf expended and that she have execution issue for the same.

**

ARCHELOUS POPE vs ELIZABETH POPE #441 Pg 555

This cause coming on to be heard in its regular order and the Plaintiff failing to appear and give Security for costs and as required under a previous order of this Court, it is therefore ordered by the Court that this suit be dismissed for want of Security of cost and that the Defendant go hence without day and have and recover of the Plaintiff her costs in this behalf, for which execution may issue.

**

WILLIAM MC CLAIN vs ROBERT HANNAY

#573 Pg 555

This day came the Plaintiff by his attorneys and the Defendant having failed to appear and answer, it is considered by the Court that the conditional Judgment by Default rendered herein at the past term of this Court be now made final, and the amount being unliquidated, it is ordered by the Court that a Jury be empaneled to ascertain the same. Therefore came a Jury of good and lawful men, to wit: John W. Williams, Thos. B. Rankin, Alan Whitaker, Joshua L. Betts, Alex McCowan, Elisha Uzzell, M. G. McGuffin, Elbert Eppes, P. J. Willis, M. W. Fields, John Ware, and William Gilliland, who being elected, tried and sworn well and truly to assess the Plaintiff's damages, upon their oaths do say they find for the Plaintiff, Three Hundred and Fifty Dollars. It is therefore considered by the Court that Plaintiff recover of Defendant said sum of Three Hundred and Fifty Dollars and also the costs of this suit and execution issue.

* *

WILLIAM BUTLER vs THOMAS J. HAYNE

#448 Pg 556

This day came the Plaintiff by his attorney and on motion it is ordered by the Court that Process seisin issue to Washington County to the Executors of Thomas J. Hayne and cause continued to next term.

* *

MATHEW BURNETT vs ALBERT CLOYCE

#454 Pg 556

This cause coming on to be heard in its regular order, and the Plaintiff failing to give Security for costs as required under a previous order of this Court, it is therefore ordered by the Court that the suit be dismissed for want of Security and that the Defendant go hence without day and have and recover of the Plaintiff all costs in this behalf expended for which execution shall issue.

* *

W. C. TURNER vs W. B. GOODMAN

#474 Pg 556

No parties appearing, this cause stands continued for want of parties until next term.

* *

WM. LITTLE vs WM. ARRINGTON

#457 Pg 556

This cause being called and attorney for Plaintiff suggests the death of Plaintiff and cause continued.

* *

NATHAN TAYLOR, ADM vs SAMUEL A. ROBERTS #494 Pg 556
Continued by the Court.
* *

PEARL BLANCHETT vs W. C. WINTERS & LAURA WINTERS #516 Pg 557
Continued by Court until next term.
* *

PEARL BLANCHETT vs JOHN WINTERS #518 Pg 557
Continued by Court until next term.
* *

FRANKLIN & CO. vs MILTON ESTELL #540 Pg 557
Continued by Court to next term.
* *

A. THUVENEN vs B. GOODRICH #521 Pg 557
Continued to next term.
* *

ELI B. SPIVY vs JOHN D. PITTS #547 Pg 557
Continued by consent until next term.
* *

T. P. YOUNG, USE OF T. K. ROBERTS vs WM. GOODMAN #548 Pg 557
This day comes into Court A. G. Perry, attorney for Plaintiff and suggests the death of T. K. Roberts.
* *

WM. H. SPILLERS vs NIXON & BENNETT #508 Pg 557
Continued by Plaintiff.
* *

HENRY JACKSON, APPELLEE vs JOHN F. CRAWFORD, APPELLANT #592 Pg 558
This day came the parties by their attorneys and thereupon the counsel for the Appellant says he will no longer prosecute his appeal and thereupon dismisses the same. It is therefore ordered by the Court that the appeal and proceedings be ordered to the Court below to proceed to collect the Judgment

and costs in this Court and that the Appellee recover the costs of this appeal in the District Court, for which execution may issue.

* *

DANIEL H. MC GARY vs JOHN S. TUCKER #564 Pg 558

This cause came on to be heard and Plaintiff having requested the Clerk of this Court to have his suit dismissed, and on motion of Clerk, it is ordered by the Court that this suit be dismissed and that the Defendant have and recover of the Plaintiff all costs in this suit.

I, Lem G. Clepper, clerk of said Court, do award all costs in this behalf expanded.

* *

Ordered by the Court that Robert B. Martin be fined the sum of One Dollar for smoking in open court and that Scire facias issue returnable to the next term of this Court.

* *

**J. J. HENNIS, PLAINTIFF IN EXECUTION vs #576 Pg 559
THOMAS THURMAN, DEFENDANT IN
EXECUTION & J. G. W. PEARSON, CLAIMANT**

Continued as on Affidavit of Plaintiff.

* *

A. J. MC GARY vs THOMAS HOSLEY #581 Pg 559

Continued for want of appearance until next term.

* *

W. B. WAINSCOTT vs MARGARET WAINSCOTT #583 Pg 559

This day came the Plaintiff by his attorney and says he intends no further to present his suit, therefore dismisses the same. It is therefore ordered by the Court that this cause be dismissed and that Defendant have and recover of Plaintiff all costs in this behalf expended, for which execution may issue.

* *

WM. B. GOODMAN vs JOHN F. MC GUFFIN #594 Pg 559

Alias Scire facias and continued until next term.

* *

**DANIEL GILLILAND vs PRECILLA HALL,
ADMX FOR A. NUNDLEY, DEC'D**

#600 Pg 559

It is ordered by the Court that Alias process issue to the Sheriff for and continued to the next term.

**

**LEM G. CLEPPER & JOHN W. FOWLER vs
BENJ. H. HALSTED, PETER J. WILLIS &
RICHARD S. WILLIS**

#597 Pg 560

Be it remembered that on this the 7th day of March 1848 and in this the second day of the term of our honorable Court, this cause was and is regularly reached and called for twice and the Plaintiffs failing to appear and prosecute their suit and wholly making default therein, and Defendant appearing by their attorneys and moved the Court to dismiss this cause for want of presence and that Defendant go hence without day and recover of Plaintiff their costs of suit by them on their behalf expended, for which execution may issue.

**

**JOSEPH LINDLEY vs THOS. MC IVER
& ANN MC IVER**

#596 Pg 560

Be it remembered that on this seventh day of March 1848 and the second day of this term of our Honorable Court, this cause was and is regularly reached and called for trial and the Plaintiff appeared by attorneys and Plaintiff to dismiss his suit. It is therefore considered by the Court that this cause be dismissed and that Defendant go hence without day and have and recover against Plaintiff all costs of suit in this behalf expended, for which execution may issue.

**

Whereupon Court adjourned until tomorrow morning 10 o'clock.

Wednesday March 8, 1848

Court met according to adjournment, present and presiding C. W. Buckley, Judge, and same officers as in previous day of this term.

It is ordered by the Court that the fine entered at a previous day of the term of this Court against Benjamin H. Halsted and Lemuel Smith, Defaulting Jurors, be remitted and the order for Scire facias be set aside.

M. A. & T. C. MC GUFFIN vs SAMUEL MC GUFFIN #469 Pg 560

This cause came on for trial this the 8th day of March and third day of term and a Jury being empaneled and the evidence and pleading being had before the Jury on this day and the argument is suspended until tomorrow morning 10 o'clock and by consent of counsel on both sides, the Jury is permitted to separate under a charge of the Court.

* *

Whereupon the Court adjourned until tomorrow morning, 10 o'clock.

Thursday March 9, 1848

Court met according to adjournment, same officers as on each previous day of this term.

M. A. & T. C. MC GUFFIN vs SAMUEL MC GUFFIN #469 Pg 560

This cause came on to be heard and being submitted to the Jury on yesterday and in this the 9th day of the month, counsel being fully heard and understood, His Honor C. W. Buckley presented to the Jury the following interrogatories to find the facts arising in the case, which findings of the Jury and issues of fact, are as follows, to wit:

Were William McGuffin and Mary Ann Jackson, one of the present Plaintiffs, ever married? If yes, when and how married?	They were in 1833 by bond.
Did they live together as husband and wife?	Yes, they did.
Did they recognize each other as such?	Yes, they did.
How long did they live together as such?	Until 1835.
Is Plaintiff T. C. McGuffin the child of Wm. McGuffin and M. A. Hale, the other Plaintiff?	He is.
Was he recognized as such by William McGuffin?	He was.
Were the goods, etc., in the possession of William McGuffin when he died, the property of Samuel McGuffin?	They were.
Did Samuel McGuffin get possession of them after the death of William?	He did.
Were the Plaintiff M. A. Hale and Charles H. Rice ever married? When?	Yes. April 1838.

When did William McGuffin die?	November 1838.
When did William McGuffin and M. A. Hale, one of the Plaintiffs, separate?	Before May 1835.
What was the value of the property belonging to William McGuffin at his death? Of what did it consist?	Fifteen Thousand Dollars. Lands.
How did William McGuffin get the goods, etc?	He got them from Samuel McGuffin on commission to sell for one half the property.

Signed P. J. Willis, Foreman.
* *

This day comes into Open Court the Grand Jury and present the following indictments against the following persons, to wit:

WRIGHT WILLIAMS	Exhibiting a Faro
J. C. BELLEW	Permitting a Faro
ROBERT B. MARTIN	Exhibiting a Faro
THOMAS COTTON	Exhibiting a Faro
JOHN TINSLEY	Exhibiting a Faro
ABRAHAM TAYLOR	Exhibiting a Faro
JOHN SIMPSON	Assault with Intent to Kill
HUGH CHANDLER	Assault & Battery
ANTONY URBIN	Assault & Battery
JOSEPH WORSHAM	Refusing to Work Road as Overseer (which several indictments were returned in Open Court)

True bill signed by Charles B. Stewart, Foreman of the Grand Jury, and ordered the Court to enter accordingly.
* *

On motion of A. P. Wiley, Esqr., in address made to the Court as follows, to wit: The Grand Jury in closing their Inquest asks of the Court leave to make the following remarks:

“The sentiments uttered by Your Honor in the able and lucid charge given to them expressing abhorrence for the detestable vice and crime of gambling, whose corrupting influences and fruitful evils present themselves so forcibly to the observation of every right-minded person, meets with a feeling and hearty

response from the breast of every member of the Jury. And, they have taken occasion to express their esteem and regard for you as an estimable citizen and to affirm their entire confidence that you will continue as an upright officer of the law with eyes closed to all else but justice, humanity and Courtesy to vindicate its dignity, and advance the well being of society.

They have felt from an early period of the County organization the injuries and asking consequences of the prevalence of this vice, and they deeply regret to say that among those who have participated in its practice, who have given aid and comfort to its notaries, have been ranked, not only the intelligent and informed of our County, but some of the most enlightened visiting members of the Bar.

It is too obvious to require elucidation, that if the example of those whose position in society and knowledge, give them influence and dictation as placed before the community, their injurious and vitiating effects must prove of proportioned extent and magnitude. And hence it is believed that the correction of the evils of Gambling, their prevention, as much if not more, depends upon the determination of the community, to put it down, and the better example of those whose intelligence and moral enlightenment render their conduct inexpensible, than the vindication of morality and of the law by its officers.

The members of the Jury, with other citizens of the County, have entered into a solemn compact to the effect, that they will not permit gambling in any of its various forms to take place within their houses, or upon any property belonging to them, or of which they have any control, that they will without favor or affection, seek to bring to conviction and punishment, every individual who shall within the County permit gambling in his house or be in any way concerned in gambling; and that they will not vote for or sustain any person, for any trust office or preferment, who shall in any way encourage or participate in the vice of gambling.

If, in the performance of these obligations, they are sustained by the officers drawing the Jury and prosecuting the offense and having charged the convicting party, they believe that gambling will very shortly be wholly suppressed within the limits of the County. This remark is not intended to imply in the least degree any unwillingness or incompetency in these officers but simply to express the conviction of the fact that gambling can be here suppressed. And, they would further remark their confidence that these officers are fully and morally impressed with a just sense of their high responsibility in this respect.

The Jury in adopting a custom which appears to them useful – prevent in other states – have examined the Record Book of Deeds and the Probate Courts, and find that they are kept in a proper and clerk-like manner by the worthy incumbent of the Clerk’s Office.

The condition of the affairs of the County and the proceedings of the County Court have also been regarded, and they regret to state and express the opinion that the members of the County Court do not seem to be impressed with that high sense of their important usefulness which their intelligence presupposes.

It has been a practice of the County Court to appropriate for themselves for their service the best payments to be had, while other claims equally just and meritorious for services equally high and much more important to Society await a most uncertain means of remuneration, meeting with no consideration whatever from the County Court . The wrong here committed against the Juries of the County is such that they not speak of it in less terms than as of a great injustice to the Jurors and a practice of great enipriety [impropriety].

The Grand Jury would respectfully ask of this Court and Bar, their exceptions in favor of a repeal of the County Tax imposed on suits instituted in the District Court. It is taxing the claims of those seeking justice; it is unequal in its character, falling heavily upon part of the community and therefore unjustifiable. And further, their aid in procuring the passage of laws which will ensure to the Clerk and Officers of the Court the due payment of their fees of office. Under the present provisions of the law, a large part of their fees are wholly lost to them, the remainder greatly delayed in payment while their services in State cases may be wholly gratuitous. However great the abilities of the officers and their desire to be useful, they will grow sick and become neglectful of their duties, when inadequately remunerated.

The importance of having good officers who will discharge their duties, obey and sustain the mandates of the law is too apparent to need remarking, but the means by which service of competent and efficient officers can be secured are not properly considered.”

* *

Whereupon the Court adjourned until tomorrow morning 10 o’clock .

Friday March 10, 1848

Court met according to adjournment, present and presiding, Honorable D. W. Buckley, Judge, and same officers as on yesterday. The Court being opened, the following proceedings were held and entered, to wit:

STATE OF TEXAS vs HUGH CHANDLER #256 Pg 564

Assault & Battery. This day came into open court the Defendant Hugh Chandler and also comes William Simonton as his Security and acknowledge themselves indebted to the State of Texas for the use of the State aforesaid in the sum of Two Hundred Dollars to be levied of their respective goods, chattels, lands and tenements, conditioned that Hugh Chandler shall make his personal appearance before the Honorable District Court now in session and attend from day to day and from term to term to answer the State of Texas on an Indictment for Assault and Battery on John Simpson and shall not depart from the Court without the leave thereof.

* *

STATE OF TEXAS vs ROBERT B. MARTIN #257 Pg 564

This day comes into open court the Defendant Robert B. Martin and also comes into open court James H. Price as his Security and acknowledges themselves indebted to the State of Texas for the use of the State aforesaid in the sum of Two Thousand Dollars to be levied of their respective property, goods, chattels, lands and tenements, conditioned that Robert B. Martin shall make his personal appearance before the Honorable District Court now in session and attend from day to day and from term to term to answer the State of Texas on an Indictment for Exhibiting a Faro Bank and shall not depart from the Court without leave thereof.

* *

RICE & NICHOLS vs R. M. HANNY #573 Pg 564

In this cause heretofore a Judgment Final by Default has been rendered in behalf of the Plaintiff against the Defendant and a Court of inquiry awarded to assess the damages of the Plaintiff. This day came a Jury of good and lawful men, to wit: Peter J. Willis and eleven others, who being empaneled and sworn truly to assess the damages of the Plaintiff and having heard the evidence for verdict, say "We, the Jury, find for the Plaintiff Eight Hundred and Sixty Five Dollars and seventy eight cents." Signed Peter J. Willis, Foreman.

It is therefore adjudged and decreed that the Plaintiff William M. Rice and Ebenezer B. Nichols have and recover of the Defendant Robert M. Hanny the sum of Eight Hundred and Sixty Five Dollars and seventy eight cents by the

Jury assessed together with all costs by them in and about this suit sustained, for which execution may issue.

**

HENRY JACKSON vs JOHN F. CRAWFORD #592 Pg 566

This day comes the Defendant by attorney and upon motion filed and entered at a previous day of this term of the Court, the same being argued by the counsel and understood by the Court, it is therefore ordered by the Court that the motion of Defendant be overruled.

**

**G. W. BURNETT vs NAT ANDERSON #658 Pg 566
& A. WORLEY**

This day comes the parties; the Plaintiff by his attorney and the Defendant in his proper person and agree to dismiss this suit. It is therefore ordered by the Court that this suit be dismissed and Plaintiff have and recover of the Defendant his costs in this suit expended, for which execution may issue.

**

G. W. BURNETT vs WM. S. TAYLOR #659 Pg 566

This day comes the parties, the Plaintiff by his attorney and the Defendant in his proper person and agree that this cause be dismissed at the cost of the Defendant. It is therefore ordered by the Court that Plaintiff have and recover of the Defendant all costs in this behalf expended, for which execution may issue.

**

**A. J. PERRY, USE OF SAMUEL ANDREW vs #644 Pg 567
WM. S. TAYLOR**

This day comes the Plaintiff in his own proper person and dismisses his suit. It is therefore ordered by the Court that the Defendant have and recover of Plaintiff all costs in this behalf expended, for which execution may issue.

**

ALEX^R T. BRYAN vs O. P. KELTON #247 Pg 567

This day comes the counsel of Defendant and suggests the lunacy of Defendant O. P. Kelton, which is ordered to be entered of record.

**

JOHN M. LEWIS vs CALVIN L. HAMILTON

#511 Pg 567

This day came the parties by their attorneys and the Defendant's exceptions to Plaintiff's petition being overruled, and thereupon came a jury of good and lawful men, to wit: [No names entered]

and being empaneled, tried and sworn, well and truly to try the issues between the parties, upon their oaths, do say [No decision listed]

* *

Whereupon Court adjourned until tomorrow morning 10 o'clock .

Saturday March 11, 1848

Court met according to adjournment, same officers present as on each previous day.

A. M. SPRINGER vs STATE OF TEXAS

#580 Pg 568

This day came the parties by their attorneys and agree to continue this cause, which is ordered accordingly.

* *

PETER J. WILLIS vs WM. H. FOWLER

#609 Pg 568

This day came the Plaintiff by his attorney, and on motion it is ordered by the Court that the Plaintiff have leave to amend his petition subject to all legal exceptions.

* *

WILLIAM RICE vs STATE OF TEXAS

#622 Pg 568

This day came the Plaintiff by his attorney and the State by S. D. Hay, Esqr., District Attorney, and consent that this cause be changed to the said County of Polk. It is therefore ordered by the Court that the venue be changed to the said County of Polk, and further ordered by the Court that the Clerk of this Court send all of the original papers belonging to said cause together with a complete transcript of all proceedings to the District Court of Polk County and cause continued.

* *

WILLIAM MYERS vs CORNER B. CORLEY

#652 Pg 568

This day came the parties by their attorneys and agree to continue this cause, which is ordered accordingly.

* *

G. W. BURNETT vs JAMES SMITH

#657 Pg 568

This day came the parties by their attorneys and agree to continue this cause, which is ordered accordingly.

**

STATE OF TEXAS vs A. MC DONALD

#144 Pg 569

Retailing Spirits or Liquor. This day came the State by S. D. Hay, Esqr., District Attorney, and moves the Court for a rule against the Sheriff of Walker County for failing to serve return, Capias property on the Defendant. It is ordered by the Court that the Sheriff issue a rule against said Sheriff, to the Coroner of Walker County returnable to the next term of this Court and that Alias capias issue against the Defendant to the Sheriff of Walker County and continue to next term.

**

STATE OF TEXAS vs A. MC DONALD

#142 Pg 569

Selling Goods Without a License. This day came the Plaintiff by Samuel D. Hay, District Attorney, and on motion of said attorney, it is ordered by the Court that the rule be entered against the Sheriff of Walker County for failing to return Capias and that the Clerk of this Court do issue a copy of said rule against the Sheriff aforementioned returnable to the next term of this Court. It is further ordered that Alias capias issue to the Sheriff of the County of Walker against Defendant and continued until next term.

**

**REPUBLIC, NOW STATE OF TEXAS vs
ROBIN MC KENZEY**

#221 Pg 569

Perjury. This day comes Samuel D. Hay, District Attorney, and says he intends no further to prosecute this Indictment and enters a Nolle prosequi. It is ordered by the Court that this suit be dismissed and that the Defendant go hence without day and Plaintiff pays all costs in his behalf expended.

**

STATE OF TEXAS vs THOMAS COTTON

#236 Pg 569

Exhibiting a Faro Bank. This day comes the State by S. D. Hay, Esqr., and upon motion, it is ordered by the Court that Alias capias issue to the Sheriff of Walker County and continued to next term.

**

STATE OF TEXAS vs JOHN F. MC GUFFIN

#237 Pg 569

Betting at Faro. This cause came on to be tried and the witnesses failed to appear after being duly summoned and each being duly called came not, but

made default. It is therefore ordered by the Court that the said witnesses, Albert Grimes and William Atkins, be each fined in the sum of Twenty Five Dollars and attachment issue against each of them, returnable forthwith and that Scire facias issue against them to show cause why Fine nisi should not be made final.

* *

**STATE OF TEXAS vs JOHN SIMPSON
& WM. THOMAS**

#238 Pg 570

Affray. On motion of S. D. Hay, District Attorney, it is ordered by the Court that Alias capias be issued against John Simpson and cause continued.

This day comes S. D. Hay, District Attorney, and the Defendant William Thomas in his own proper person and thereupon came a Jury of good and lawful men, to wit: Peter J. Willis and eleven others, who being elected, tried and sworn a true verdict to render upon the issues joined between the parties according to law and evidence, upon their oaths do say, "We the Jury find the Defendant Not Guilty." It is considered by the Court that the Defendant go hence without day and the State of Texas pay all costs in this prosecution expended.

* *

STATE OF TEXAS vs CHARLES GARRETT

#269 Pg 570

Betting at Faro. On motion of S. D. Hay, District Attorney, it is ordered by the Court Pluries capias issue to the Sheriff of Harris County and cause continued until next term. And, it is further ordered that a rule be entered against the Sheriff of Montgomery County for failing to execute Alias capias, issued and returnable to the Spring Term of the District Court 1848.

* *

STATE OF TEXAS vs LEM G. CLEPPER

#241 Pg 570

An Affray. This day comes the State by Samuel D. Hay, District Attorney, and the Defendant in his own proper person and thereupon came a Jury of good and lawful men, to wit: Peter J. Willis and eleven others who being elected, tried, empaneled and sworn upon the issues joined and the fine to issue their oaths, do say, "We the Jury find the Defendant Guilty and assess his fine at ten cents."

It is therefore ordered by the Court that the Defendant make his fine by the payment of the sum of ten cents as assessed by the Jury and all costs of this suit in this cause and prosecution expended and that the Defendant be and

remain with the custody of the acting Sheriff of Montgomery County until the fine is paid and costs are fully paid and satisfied.

**

STATE OF TEXAS vs HENRY EPPS

#241 Pg 571

Affray. On motion of S. D. Hay, Esqr., District Attorney, it is ordered by the Court that Alias capias issue to Harris County and cause continued to next term.

**

STATE OF TEXAS vs STERLING MANSFIELD

#242 Pg 571

Playing at Cards. On motion of s. D. Hay, District Attorney, it is ordered by the Court that Alias capias issue to Harris County and cause continued to next term.

**

STATE OF TEXAS vs GEORGE NEW

#243 Pg 571

Playing at Cards. On motion of s. D. Hay, District Attorney, it is ordered by the Court that Alias capias issue to Harris County and cause continued to next term.

**

STATE OF TEXAS vs MATHIAS SHANNON

#244 Pg 571

On motion of S. D. Hay, District Attorney, it is ordered by the Court that Pluries capias issue to the Sheriff of Montgomery County and cause continued.

**

STATE OF TEXAS vs M. W. FIELDS

#245 Pg 571

Exhibiting a Faro Bank. This day came the parties by their attorneys, the State by her attorney S. D. Hay and the Defendant by H. N. Potter and for plea to the Indictment says "Not Guilty" and thereupon came a Jury of good and lawful men, to wit: A. McCowan and eleven others, who being elected, tried and sworn a true verdict to render according to the law and evidence, upon their oaths do say, "We the Jury find the Defendant Not Guilty."

It is therefore considered by the Court that the Defendant go hence without day and that the State of Texas pay all costs in the prosecution in this behalf expended.

**

STATE OF TEXAS vs SOLOMON RUMFIELD

#240 Pg 572

Betting at Vingt-et-un [blackjack]. This day came the Plaintiff by S. D. Hay, Esqr., and the Defendant in his own proper person. Albert Grimes, witness for the State, having been summoned and failing to appear and being called, came not, and wholly made default.

It is ordered by the Court that Albert Grimes be fined in the sum of Twenty Five Dollars and that Scire facias issue against him returnable to the next term and cause continued.

* *

STATE OF TEXAS vs SOLOMON RUMFIELD

#240 Pg 572

Betting at Vingt-et-un [blackjack]. This day came the Defendant and Lewis Neal, as his Security, and acknowledged themselves each indebted to the State of Texas for the use of the State of Texas in the sum of Two Hundred Dollars to be levied of their goods, chattels, lands and tenements conditioned that the said Solomon Rumfield shall make his personal appearance at the District Court now in session and attend from day to day and term to term and shall not depart the Court without the leave thereof.

* *

Thereupon the Court adjourned until Monday morning, 11 o'clock .

Monday, March 13, 1848

Court met according to adjournment. Present and presiding, the Honorable [Not named].

STATE OF TEXAS vs JOHN F. MC GUFFIN

#237 Pg 572

This day comes the State by her attorney, S. D. Hay, Esqr., and upon his motion, it is ordered by the Court that Alias attachment issue against Albert Grimes, returnable to the next term of this Court.

* *

STATE OF TEXAS vs WM. SIMONTON

#247 Pg 573

Betting at Faro. This day came the parties, the State by S. D. Hay, Esqr., District Attorney, and for plea to the Indictment says "Guilty" and thereupon came a Jury of good and lawful men, to wit: John Womack, Foreman, and eleven others who being elected, tried and sworn the truth to speak and fine to assess upon their oaths do say, "We the Jury assess the fine of Twenty Dollars." Signed John Womack, Foreman.

It is therefore ordered by the Court that the Defendant pay the fine assessed as aforesaid by the Jury and all costs in this cause expended and that he stand committed to the Common Jail of the Sheriff of Montgomery County until the fine and costs be fully paid.

**

**STATE OF TEXAS vs LEM G. CLEPPER
& THOMAS BETTS**

#250 Pg 573

This day comes the State by Samuel D. Hay and Lem Clepper in his own proper person and for plea to Indictment says "Not Guilty," upon which the parties by their attorneys join issue. Thereupon came a Jury of good and lawful men to wit: John Womack and eleven others who being elected, tried, empaneled and sworn a true verdict to render upon the issues joined between the parties upon their oaths do say, "We the Jury find the Defendant Not Guilty."

It is therefore ordered by the Court that the Defendant go hence without day and recover of the State of Texas all costs in this behalf expended.

And the Plaintiff comes by attorney and says that he intends no further to prosecute this suit against the other Defendant, Thomas Betts. It is therefore ordered by the Court that Defendant Betts go hence without day and have and recover of the State all costs in this behalf expended.

**

STATE OF TEXAS vs THOMAS C. HOWELL

#251 Pg 573

Betting at Faro. This day came the state of Texas by her attorney, S. D. Hay, and on motion, it is ordered by the Court that Alias capias issue to the Sheriff of Grimes County and case continued.

**

STATE OF TEXAS vs HUGH CHANDLER

#256 Pg 574

Assault & Battery. This day comes the parties, the State of Texas by S. D. Hay, Esqr., and the Defendant in his own proper person and for plea to the Indictment says, "Not Guilty." Thereupon came a Jury of good and lawful men, to wit: John Womack and eleven others who being elected, tried and empaneled and sworn a true verdict to render upon the issues joined between the parties, upon their oaths do say, "We the Jury find the Defendant Not Guilty."

It is ordered by the Court that the Defendant go hence without day and recover of the State of Texas all costs in this behalf expended.

**

STATE OF TEXAS vs ROBERT B. MARTIN
Exhibiting Faro. Cause continued by consent.

#257 Pg 574

**

STATE OF TEXAS vs ANTONY URBAN

#258 Pg 574

Assault & Battery. This day comes the State by Samuel D. Hay and Antony Urban in his proper person, and for plea to Indictment says "Not Guilty," upon which the parties joined issues, and thereupon came a Jury of good and lawful men, to wit: John Womack and eleven others who being elected, tried and sworn the truth to speak upon the issues joined and fine to assess upon their oaths do say, "We the Jury find the Defendant Guilty and assess his punishment at Fifty Dollars fine and twenty four hours imprisonment." Signed John Womack, Foreman.

It is therefore ordered by the Court that the Defendant pay his fine as assessed by the Jury and that the Clerk of this Court issue a Mittimus to the Coroner of the County of Montgomery ordering him to commit the Defendant to the toil of said County of Montgomery twenty four hours and to keep him in custody until he makes his fine by the payment of Fifty Dollars and costs in this behalf expended.

**

STATE OF TEXAS vs WHITE WILLIAMS

#259 Pg 574

Exhibiting Faro. This day comes State by Samuel D. Hay, District Attorney, and the Defendant in his own proper person and for plea to Indictment says "Not Guilty," upon which the parties joined issue and thereupon came a Jury of good and lawful men, to wit: John Womack and eleven others who being elected, tried and sworn the truth to speak upon the issues joined between the parties according to law and evidence upon their oaths do say, "We the Jury find Defendant guilty." Signed John Womack, Foreman.

It is ordered by the Court that the Defendant make his fine by the payment of One Thousand Dollars, the amount presented by the Statutes in such cases made and provided and that the Defendant be and remain in the County Jail of Montgomery until his fine and all costs of prosequi be fully paid and satisfied and the Clerk is ordered to issue a Mittimus directed to the Coroner to safely keep said Defendant as aforesaid.

**

JAMES KNIGHT vs W. J. C. PEARCE

#216 Pg 575

This day comes the parties and agree to continue this case until next term which is ordered accordingly.

**

CHARLES MC KUNN vs RUSSELL R. GRAVES

#336

Pg 575

This cause continued until next term.

**

HOLLY ARNOLD vs JOHN T. EUBANKS

#412

Pg 575

This day came the parties and agree to change the venue as per their Agreement filed in said cause. It is ordered by the Court that venue in this cause be changed to Grimes County and the Clerk of this Court is ordered to send up to the District Court of Grimes County the original papers in the cause together with a complete transcript of the proceeding in said cause certified to by said Clerk under seal of the Court.

**

GEORGE CUMBERLAND vs STATE OF TEXAS

#623

Pg 575

Continued by consent.

**

MC CULLOCK & WIFE vs DUDLEY J. WHITE

#624

Pg 575

Continued by consent.

**

**ELI B. SPIVEY, USE OF BENNETT BLAKE
vs MARK RAWLINS**

#421

Pg 576

Continued to next term.

**

**STEPHEN MC LAUGHLIN vs
JOSEPH MARSHALL ET AL**

#633

Pg 576

Continued as of Affidavit of Plaintiff.

**

HUGH B. BOSTON vs ALBERT GRIMES

#646

Pg 576

Appeal. This day came the Plaintiff in his own proper person and the Defendant having failed to plead answer or demurrer to Plaintiff's action and on motion of Plaintiff, it is ordered by the Court that Plaintiff have and recover of Defendant the sum of Twenty Nine Dollars and twelve cents debt and interest and Two Dollars ninety-one cents damages, making in all Thirty Two Dollars and three cents together with the cost of this Court in this behalf

expended, and also the costs in the Justice Court, for which execution may issue.

* *

THOMAS ROBINSON vs IVEY MC NEECE #651 Pg 576

On motion of Clerk, it is ordered by the Court that Plaintiff gives Security for costs and Alias writ and copy of petition issue and case continued to next term.

* *

ANTONY URBAN vs JOHN B. CHESHER #655 Pg 576

On motion of Plaintiff, it is ordered by the Court that the Plaintiff have leave to amend subject to legal exceptions. This day comes into open court E. G. Corner and acknowledges himself Security for all costs that may accrue in this action upon failure of the Plaintiff to pay under the order or decree of this Court.

* *

ANDREW ARMSTRONG vs CELIA ROGERS #420 Pg 576

This day came on to be heard the motion of the Plaintiff to reinstate this cause and after argument being had for and against said motion and the same being fully understood by the Court, it is ordered that Plaintiff's motion be overruled and said cause stand dismissed.

* *

JOHN R. JONES, ADM vs SOLOMON SMITH #253 Pg 577

This day came the parties by their attorneys and agree to continue their cause which is ordered accordingly.

* *

STATE OF TEXAS vs WILLIAM THOMAS #246 Pg 577

Playing Cards. This day came the Plaintiff by S. D. Hay, Esqr., Attorney for the 7th Judicial District of said State, and also came the Defendant in his own proper person and on motion, this cause is continued by Affidavit of the Defendant.

* *

And thereupon Court adjourned until tomorrow morning 10 o'clock .

Tuesday March 14, 1848

Court met according to adjournment. Present and presiding the Honorable C. W. Buckley, Judge, and same officers as on yesterday. Court being opened, the following proceedings were held and entered, to wit:

JOHN W. FOWLER & LEM G. CLEPPER vs #597 Pg 577
BENJ. H. HALSTED, P. J. WILLIS & R. J. WILLIS

Motion to Reinstate. This day came the parties by their attorneys and the motion to reinstate being fully understood by the Court, it is therefore considered by the Court that the motion be overruled.

**

THOMAS ELLINGTON vs ELIZA M. LACY #556 Pg 577
& CHARLES WEAVER

This day came the parties and filed an agreement to continue this cause, being filed on March 13, 1848 and 7th day of this term, which is entered now for then.

**

HENRY H. WILLIAMS vs #566 Pg 578
ALEXANDER MC DONALD

This day came the Defendant and on motion, it is ordered by the Court that the Defendant have leave to amend subject to all legal exceptions done on the 7th day of this term, which is entered now for then.

**

WILLIAM D. SMITH vs ISAIAH CALL #649 Pg 578

Attachment. This day came the Plaintiff and dismisses his suit. It is therefore considered by this Court that the Plaintiff recover nothing by this suit and that the Defendant recover of the Plaintiff for the use of the Officers of Court the cost of this suit expended, for which execution may issue.

**

STATE OF TEXAS vs ALBERT GRIMES #261 Pg 578

This day comes the Plaintiff by her attorney, S. D. Hay, Esqr., and it appearing to the satisfaction of the Court that Alias capias issue to the Defendant to the Sheriff of Montgomery County, and cause continued.

**

Ralph R. Briley, William H. Norman, William W. Ford, Gilbert F. McKinney, Lemuel Smith, Hugh Chandler, Alford E. Springer, Joseph M. Brown, and Benjamin H. Halsted, who being elected, tried, empaneled, sworn and charged the truth to speak upon the issues joined between the parties, upon their oaths do say, "We the Jury find the Defendants Not Guilty." Signed W. Simonton, Foreman.

It is therefore considered and ordered by he Court that the Defendants Joseph Henson, John Landrum, James Dorsey, Edmund Cawthorn, Nathaniel K. Alston, Joseph Heflin, Ephraim J. Arnold, Lewis Neal, Eliphalet L. Arnold, James H. Price, Elisha Uzzell, William H. Fowler, Jeremiah Worsham, and Lem G. Clepper go hence without day and that the State of Texas pay the costs of this prosecution in this Indictment expended.

* *

STATE OF TEXAS vs R. E. PACE

#255 Pg 580

This day came S. D. Hay, Esqr., and suggested the death of Defendant. It is ordered by the Court that the same be entered of record and the suit abate as to said R. E. Pace, deceased.

* *

JOHN M. LEWIS vs CALVIN S. HAMILTON

#511 Pg 580

Be it remembered that at the Spring Term of Eighteen Hundred and Forty Eight of the District Court held in and for the County of Montgomery, this cause came on to be heard and the pleadings of the Plaintiff and Defendant were submitted to the Court, and after hearing the pleadings of the evidence and the argument of counsel, the Jury returned a verdict in favor of the Plaintiff that he have and recover of the Defendant Lots number 159, 160, 161, 162, 163 and 164 in Block Twenty Four in the Town of Huntsville, now in Walker County, recently in County of Montgomery, according to the plat of said town of Huntsville, and it appearing to the Court from the verdict and the evidence produced on the trial that Pleasant Gray conveyed the lots aforesaid by deed to the Defendant Calvin L. Hamilton in fraud of the receipt of the Plaintiff, and it appearing that the legal title quieted and recorded, it is ordered, adjudged and decreed that the Plaintiff John M. Lewis have and recover of the Defendant the aforesaid lots or parcels of land and that he have his Writ of possession, and it is further ordered, considered and decreed that Calvin L. Hamilton within ten days make, execute and deliver, duly acknowledged, a good and sufficient deed conveying the legal and equitable title in and to the aforesaid lots or parcels of land to the said John M. Lewis, his heirs, executors, administrators and assignees; and on his failing to do so, it is ordered and decreed that this decree stand for the conveyance and that

he demand, hold, and take as vesting the legal and equitable title in and to the said several lots or parcels of land in the said John M. Lewis, his successors and assignees without further or other future action of said Calvin S. Hamilton, the costs of this suit, that execution may issue thereon.

**

**RICE & NICHOLS vs R. M. HANNY
& SAMUEL W. WYBRANT**

#573 Pg 581

This day comes the Plaintiff by their attorneys and the Garnishee, Samuel W. Wybrant, by his attorney, and the Plaintiff moved for Judgment against the Defendant, said Wybrant as Garnishee in his answer and thereon by consent of the parties and the cause was submitted to the Court for adjudication of same on the pleading; and the same having been argued by counsel and considered by the Court, it is considered and adjudged by the Court that the Plaintiff have and recover of the said Samuel W. Wybrant as Garnishee in this cause the sum of Four Hundred Eighteen Dollars, the sum admitted by his answer to be owing from him to Defendant Hanny, including interest from which the Plaintiff may have execution against said Defendant Wybrant, which when paid shall be adjudged in this cause as part satisfaction of the debt and costs against the Defendant and R. M. Hanny.

**

Whereupon the Court adjourned until tomorrow nine o'clock .

Wednesday March 15, 1848

Court met according to adjournment, same officers as on each previous term of this day.

Ordered by the Court that the Clerk enter a fine of One Dollar against B. C. Franklin, P. W. Gray, and A. Wiley.

B. C. Franklin comes into open court and pays One Dollar, the fine assessed and entered against him in the preceding order. It is therefore ordered by the Court that B. C. Franklin be released from said fine by payment aforesaid.

**

W. A. JOHNSON vs SAMUEL R. KONE

#634 Pg 582

This day comes the parties by their attorneys and issues being joined, thereon came a Jury of good and lawful men, to wit: John Womack, Lewis Neal, Rolly Rogers, Wm. W. Ford, Wm. Adkins, Wm. Dunlap, John B. Cheshier, N. Gillis, Thos. R. Peale, Samuel Thomas, M. G. McGuffin, and Jesse Johnson, who

being empaneled and sworn and having heard the evidence for verdict do say, "We the Jury find for the Plaintiff, the sum of Three Hundred Dollars debt and damages." Signed John Womack, Foreman.

It is therefore considered and adjudged that the Plaintiff William A. Johnson have and recover of the Defendant Samuel R. Kone the sum of Three Hundred Four Dollars and twenty eight cents by the Jury assessed together with all costs in and about this suit sustained and that execution issue therefor.

* *

**DAVID S. BOYD vs APPLETON GAY
& THOMAS GAY**

#637

Pg 582

This day comes the parties by their attorneys and issue being joined thereon came a Jury of good and lawful men, to wit: John Womack, Lewis Neal, Rolly Rogers, W. W. Ford, W. Adkins, Wm. Dunlop, John B. Cheshier, Nathan Gilly, Thomas R. Peal, Samuel Thomas, M. G. McGuffin, and Jesse Johnson, who being empaneled, tried and sworn and having heard the evidence, for their verdict say, "We the Jury find for the Plaintiff One Hundred and Eighty Seven Dollars and fifty three cents and Eighteen Dollars and seventy seven cents interest." Signed John Womack, Foreman.

It is therefore ordered and adjudged by the Court that the Plaintiff, David S. Boyd, have and receive of Defendants Appleton Gay and Thomas Gay the sum of One Hundred and Eighty Seven Dollars and fifty three cents principal and the further sum of Eight Dollars and seventy seven cents damages, together with all costs in and about this suit sustained and that execution issue for same.

* *

**BENJAMIN C. FRANKLIN, ASSIGNS OF
D. I. MITCHELL vs STATE OF TEXAS**

#635

Pg 582

Continued by consent until the next term.

* *

**WM. H. FOWLER, CLERK PROBATE vs
F. MORRIS, LEM G. CLEPPER & ALBERT GRIMES**

#641

Pg 582

Continued for process.

* *

WM. H. FOWLER vs LEM G. CLEPPER

#642

Pg 583

Continued by Plaintiff.

* *

WM. H. FOWLER vs LEM G. CLEPPER #643 Pg 583
& JOHN W. FOWLER

Case continued by Plaintiff.

**

M. S. EVANS, USE OF W. JOHNSON #645 Pg 583
vs L. F. SPILLER

This day comes the parties by their attorneys, and the Defendant demurs to Plaintiff's petition for being overruled by the Court. It is therefore ordered by the Court that the Plaintiff, M. S. Evans, for the use of M. Johnson, have and recover of the Defendant, L. F. Spiller, the sum of Two Hundred Eighty Two Dollars and twenty cents debt and damages as found by the Jury together with all costs of this suit expended, for which execution may issue.

**

PETER J. WILLIS vs WM. H. FOWLER #648 Pg 583

Continued on Affidavit of Defendant, and Defendant has leave to amend, subject to all legal exceptions.

**

THOMAS BETTS, SHERIFF vs SAMUEL #650 Pg 583
MC GUFFIN, JAMES H. PRICE &
FRANKLIN BRIGGANS

Continued for process.

**

JOHN THOMAS vs JOHN P. HALL #653 Pg 583
& ELISHA UZZELL

Continued on Affidavit of Defendant Hall.

**

JAMES RICKEY vs LEM G. CLEPPER #654 Pg 584

Continued.

**

PETER J. WILLIS vs LEM G. CLEPPER #656 Pg 584
& JOHN W. FOWLER

Continued on Affidavit of Defendant.

**

ANTONY URBAN vs JOHN B. CHESHIER #655 Pg 584

This day came the parties by their attorneys and issues being joined between the parties, thereupon came a Jury of good and lawful men, to wit: John Womack, Lewis Neal, Rolly Rogers, W. W. Ford, Wm. Adkins, Wm. Dunlop, John Thomas, N. Grayless, Thomas R. Peal, Samuel Thomas, and M. G. McGuffin, who being elected, tried and sworn the truth to speak upon the issues joined between the parties, upon their oaths do say, "We the Jury find for the Defendant Sixty Three Dollars." Signed John Womack, Foreman.

It is therefore considered, ordered and adjudged that the Defendant, John B. Cheshier, have and recover of the Plaintiff, Antony Urban, the sum of Sixty Three Dollars as found by the Jury aforesaid together with all costs of suit in this behalf expended, for which execution may issue against Plaintiff and his Security, E. G. Collier, for costs.

**

THOMAS R. PEAL ET AL vs J. W. BARRETT #631 Pg 584

Continued to next term.

**

**JOHN LEIGH vs JOSEPH HENSON #632 Pg 584
& LEM G. CLEPPER**

Continued by Plaintiff.

**

LEM G. CLEPPER vs WRITE WILLIAMS #621 Pg 585

This day came the Plaintiff in his proper person and Defendant neither appearing by his attorney or in person to answer plea or demurrer to Plaintiffs petition, and it appearing to the satisfaction of the Court that this action is founded on a liquidated claim or demand, it is therefore considered by the Court that the Plaintiff Lem G. Clepper have and recover of the Defendant Write Williams the sum of One Hundred Sixty One Dollars and six cents principal and interest, the amount prayed for in Plaintiff's petition and together with all costs of suit in this behalf expended, for which execution may issue.

**

M. A. & T. C. MC GUFFIN vs SAMUEL MC GUFFIN #469 Pg 585

In this case, taken under advisement until next term.

**

**ALBERT GRIMES vs ANN MC IVER, ADMX &
T. T. MC IVER, DEC'D**

#628 Pg 585

Motion to Reinstate. This day came attorney for Plaintiff and suggested the death of Defendant T. T. McIver. It is therefore ordered by the Court that Scire facias issue versus his representative when known.

* *

THOMAS A. GAY vs J. F. MC GUFFIN

#409 Pg 585

Motion to Reinstate. This day came the parties and after argument being heard for and against said motion and being fully understood, it is sustained on payment of costs. It is therefore ordered by the Court that the same be entered on the docket and stand for trial at the next term.

* *

**PIERRE BLANCHETT vs WM. C. WINTERS
& WIFE**

#516 Pg 586

Motion. This day came the Plaintiff by his attorney and in his motion verified by Affidavit of Defendant and three citizens of the State. It is therefore considered and ordered by the Court that the venue in this cause be changed to Grimes County and further ordered by the Court that the Clerk of this Court be required to record all the papers which are a matter of record and send together with a complete transcript of all proceedings had in said Court to the District Court of Trinity County.

* *

PIERRE BLANCHETT vs JOHN WINTERS

#518 Pg 586

Motion. This day came the Plaintiff by his attorney and verified by the Affidavit of Defendant and three citizens of the State. It is therefore considered and ordered by the Court that the venue in this cause be changed to Grimes County and further ordered by the Court that the Clerk of this Court be required to record all the papers which are a matter of record and send together with a complete transcript of all proceedings had in said Court to the District Court of Grimes County.

* *

STATE OF TEXAS vs WRITE WILLIAMS

#259 Pg 586

Motion for New Trial. This day came the parties by their attorneys and after argument being heard both for and against said motion and the same being fully understood by the Court, motion is overruled.

* *

**JOHN THOMAS vs JOHN P. HALL
& ELISHA UZZELL**

#653 Pg 586

Motion to Quash Writ. This day came the parties by their attorneys and after arguments being heard both for and against said motion and the same being fully understood by the Court, motion is overruled.

* *

STATE OF TEXAS vs WRITE WILLIAMS

#259 Pg 587

This day came the parties by their attorneys and after arguments being heard both for and against said motion in arrest of Judgment and Verdict and the same being fully understood by the Court, motion is overruled. Defendant this day gives notice of appeal to the Supreme Court.

* *

STATE OF TEXAS vs ALLARD

#602 Pg 587

Ordered by the Court that the Clerk issue Alias process to Sheriff of Harris County and cause continued.

* *

STATE OF TEXAS vs JOHN TUNLY

#267 Pg 587

In this cause, it appearing to the satisfaction of the Court that the said John Tunly was convicted at the present term of the District Court for Keeping and Exhibiting a Faro Bank and was fined in the sum of One Thousand Dollars and was committed to the Jail of the County of Montgomery for six months in default of said fine and it further appearing to the satisfaction of the Court that the said Tunly on the night of the 14th March A. D. 1848 broke jail and escaped, it is therefore ordered by the Court that a Bench Warrant issue to County of Harris for the said Tunly.

* *

STATE OF TEXAS vs ANTONY URBAN

#258 Pg 587

In this cause, it appearing to the satisfaction of the Court that the said Antony Urban was convicted at the present term of the District Court for an assault on a German girl and was fined in the sum of Fifty Dollars and was committed to the Jail of Montgomery County for twenty four hours and there to remain until he made his fine of Fifty Dollars and all costs of suit, and it appearing to the satisfaction of the Court that the said Antony Urban on the night of the 14th March 1848 broke jail and escaped, it is therefore ordered by the Court that a Bench Warrant issue to the County of Harris for the said Antony Urban.

* *

Ordered by the Court that Thomas Betts, late Sheriff of Montgomery, have allowance of Twenty Nine Dollars and sixteen cents for Exe facias services for seven months as Sheriff of Montgomery County.

**

STATE OF TEXAS vs WRITE WILLIAMS

#327 Pg 588

In this cause, it appearing to the satisfaction of the Court from the evidence given in said cause that the said Write Williams was convicted at the March term of the District Court for Keeping and Exhibiting a Faro Bank, for which he was fined in the sum of One Thousand Dollars and was committed to the custody of the Sheriff of Montgomery County for six months in default of the payment of the said fine and the cost of suit, and it further appearing to the satisfaction of the Court that on or about the 11th day of April of the same year, the said Sheriff of Montgomery County departed this life, by which means the said Williams went at large without having paid to the said Sheriff the said fine of One Thousand Dollars or without having remained in the custody of said Sheriff the period prescribed by law for his office in default of his payment of the fine, and it is also of the satisfaction of the Court that notice has been given and service made upon the said Williams requiring him to come forward and show cause, if any he have, why the sentence of the Court promised against him at the said Spring Term 1847 should not now be executed upon him. The said Williams having neglected and failed to show cause, it is therefore ordered by the Court that Capias issue to the Sheriff of said County of Montgomery requiring him to take the body of said Write Williams and him safely keep in the Jail of said County for the period of six months provided that the said fine of dollars be not sooner paid.

**

STATE OF TEXAS vs HUGH CHANDLER

#231 Pg 588

This day comes into Court S. D. Hay, District Attorney, and the Plaintiff being solemnly called came not, but made default, and John F. McGuffin, his Security being also called to bring into Court the Defendant but wholly failed so to do, it is therefore ordered by the Court that the Defendant Hugh Chandler and his Security John F. McGuffin be cited to appear at the next term of this Court, and show cause, if any they have, why Judgment should not be rendered against them on their forfeiture bond under which they were so called.

**

**HENRY H. WILLIAMS vs ALEXANDER
MC DONALD**

#566 Pg 589

This day came the parties by their attorneys. Defendant demurred to Plaintiff's petition, being overruled by the Court. Thereupon came a Jury of good and lawful men, to wit: John Womack, Rolly Rogers, W. W. Ford, Frank Womack, William Dunlop, H. Gillis, Thomas R. Peal, W. Adkins, John Thomas, Peter J. Willis, and James H. Mitchell, who being elected, empaneled, tried and sworn the truth to speak upon the issues joined between the parties, upon their oaths do say, "We the Jury do find for the Plaintiff the sum of Three Thousand Four Hundred Ninety Five Dollars and eighty seven cents debt and damage found by the Jury, together with all costs of suit in this cause expended, for which execution issue.

* *

**PETER J. WILLIS vs JOHN W. FOWLER,
LEM G. CLEPPER & BENJAMIN HALSTED**

#605 Pg 589

Be it remembered that on this the 15th day of March A. D. 1848 came the Plaintiff by his attorney and Defendant Halsted came not, and Defendant John W. Fowler and Lem G. Clepper and Benjamin H. Halsted demurred to Plaintiff's petition whereupon all and singularly, the premises being seen and fully understood, and mature deliberations being therefore had, it appears to the Court that the petition and the allegations therein contained are sufficient in law. Therefore it is considered by the Court that the said demurrer of Defendant be overruled and the Plaintiff's exceptions to the plea first pleaded by the said Defendants Fowler and Clepper and all and singularly the premises being seen and by the Court fully understood and mature deliberation being thereupon had, it appears to the Court that the said plea first plead by the said Defendants Fowler and Clepper is not a sufficient ban to Plaintiff's action against them.

Therefore it is considered by the Court that Plaintiff's exceptions be sustained and to try the issues joined between the parties to be tried by the County. It is ordered by the Court that a Jury be empaneled, elected, tried and sworn. Whereupon came a Jury of good and lawful men, to wit: William Dunlop, Lewis Neal, Rolly Rogers, W. W. Ford, Wm. Adkins, John B. Cheshier, N. Gillis, Thomas R. Peal, Samuel Thomas, M. G. McGuffin, Jesse Johnson, and John Thomas, who being elected, tried and sworn well and truly to try the issues found between the parties and a true verdict render herein according to the law and the evidence given them, upon their oaths do say that they find for the Plaintiff the sum of Six Hundred Thirty One Dollars and ninety two cents.

Therefore, it is considered by the Court that the Plaintiff receive against the said Defendants John W. Fowler, Lem G. Clepper and Benjamin H. Halsted, the sum of Six Hundred Thirty One Dollarts and ninety two cents debt and

damages aforesaid by the Jury, above found, and his costs of suit in this behalf expended, for which execution may issue.

**

M. W. FIELDS, USE OF J. LANDRUM #608 Pg 590
vs BENJ. H. HALSTED & E. J. ARNOLD

Continued on Affidavit of Defendant Halsted until next term.

**

LEM G. CLEPPER vs JOSEPH NYMAN #601 Pg 590

This day comes the Plaintiff in his proper person and on his motion dismisses this suit. It is therefore ordered by the Court that the Plaintiff recover nothing by reason of this suit and further ordered that the same be dismissed and that the Defendant go hence without day and have and recover of the Plaintiff all costs of suit in this behalf expended.

**

BENJAMIN H. HALSTED vs SAMUEL GRIMMETT #612 Pg 590

Continued by consent.

**

JAMES W. ROBINSON vs JAMES M. WILLIAMS #615 Pg 590

Continued for process.

**

BENJAMIN H. HALSTED vs THOMAS C. HOWELL #618 Pg 590

Continued by consent.

**

WM. H. FOWLER vs LEM G. CLEPPER #642 Pg 590

Defendant has leave to amend subject.

**

WM. H. FOWLER vs LEM G. CLEPPER #640 Pg 590
& JOHN W. FOWLER

Lem G. Clepper has leave to amend subject, etc.

**

PETER J. WILLIS vs LEM G. CLEPPER #656 Pg 591
& JOHN W. FOWLER

Defendants have leave to amend subject to legal exceptions, etc.

**

Ordered by the Court that all other suits, motions, rules not otherwise disposed of, are hereby continued until next term of this Court.

Whereupon the Court adjourned until the first Monday of September next.

Attest: Lem G. Clepper, Clerk, Montgomery County District Court
Thursday March 16th, 1848
/s/ J. W. Buckley, Judge, Judicial District, State of Texas

* * * *

***Endexed by Z. E. Womack, Clerk
Montgomery County District Court***

OATHS OF OFFICE

REPUBLIC OF TEXAS §
COUNTY OF MONTGOMERY §

I solemnly swear in the presence of Almighty God that I will well and truly and faithfully discharge as Deputy Clerk the duties of the Clerk of the District Court for the county of Montgomery to the best of my skill and ability. So help me God.

/s/ W. H. Fowler

Sworn and subscribed to before me this 6th day of April 1840.

/s/ Charles B. Stewart, Clerk for the District Court, Montgomery County

THE REPUBLIC OF TEXAS §
COUNTY OF MONTGOMERY §

I, HUGH B. BOSTON, do solemnly swear that I will truly and faithfully discharge as Deputy Clerk the duties of the Clerk of the District Court for Montgomery County to the best of my skill and ability. So help me God.

/s/ Hugh B. Boston

Sworn to and Subscribed before me this 15th day of January A. D. 1846.

/s/ Lem G. Clepper, Clerk, District Court of Montgomery County

THE STATE OF TEXAS
COUNTY OF MONTGOMERY §

§

I, G. D. GAY, do solemnly swear that I will truly and faithfully discharge as Deputy Clerk of the Office of the District Court for the County of Montgomery to the best of my skill and ability. So help me God.

/s/ G. D. Gay

Sworn to and Subscribed before me Lem G. Clepper, Clerk of the District Court of Montgomery County this October 7, 1846.

/s/ Lem G. Clepper, Clerk

THE STATE OF TEXAS §
COUNTY OF MONTGOMERY §

I, THOMAS C. HOWELL, do solemnly swear that I will well and truly and faithfully perform and discharge as deputy clerk of the District Court for the county of the aforesaid to the best of my ability. So help me God.

/s/ Thos. C. Howell

Sworn to and Subscribed before me Lem G. Clepper, Clerk of the District Court of Montgomery County this Nov, 13, 1846.

/s/ Lem G. Clepper, Clerk

These oaths of office were inscribed on blank pages at the front of the minute book.

TIMELINES

2 Oct 1835	Texas Revolution Begins
2 Mar 1836	Republic of Texas Gains Independence from Mexico
14 Dec 1837	Creation of Montgomery County
29 Dec 1845	State of Texas Joins the Union as 28 th State

MONTGOMERY COUNTY DISTRICT COURT

25 Oct 1841	Fall Term Begins	Pg 3
25 Apr 1842	Spring Term Begins	Pg 42
	No Court held at Fall Term of 1842 due to Mexican invasion	Pg 65
27 Mar 1843	Spring Term Begins	Pg 65
	No Court held at Fall Term of 1843	Pg 122
25 Mar 1844	Spring Term Begins	Pg 122
23 Sep 1844	Fall Term Begins	Pg 172
31 Mar 1845	Spring Term Begins	Pg 209
29 Sep 1845	Fall Term Begins	Pg 263
__ Mar 1846	Spring Term Begins	Pg __
__ Sep 1846	Fall Term Begins	Pg __
01 Mar 1847	Spring Term Begins	Pg 430
06 Sep 1847	Fall Term Begins	Pg 494
06 Mar 1848	Spring Term Begins	Pg 546

METES AND BOUNDS SURVEY SYSTEM

By Gary JD Gingras, M.Arch.

BEARINGS

Property lines or *survey lines* are identified with a direction (*bearing* or *heading*) and a distance. An example is "N13° W 100 feet." This example uses the Compass Degree system of angle measurement.

Compass Degree bearings are given by specifying a compass point (north or south), a number of degrees, and then another compass point (east or west). For example, N13° W is a bearing.

The illustration shows examples of various bearings (or headings) at ten degree intervals. Each of the lines leaving the center of the diagram has its bearing shown at the end of the line. This system permits great precision, since each bearing can be specified in degrees, minutes, and seconds of angle. One minute is 1/60th of a degree, and one second is 1/60 th of a minute. Each degree is, therefore divided into 3,600 seconds, and a full circle is 360 degrees, or 1,296,000 seconds (nearly 1.3 million seconds.)

DISTANCES

Distances can be measured in a variety of units, but many US surveyors continue to use the foot as the basic unit of measurement. For most general-purpose surveys, the foot is divided into 1/100 ths. In building design and construction, it is convenient to note that 1/100 th of a foot is very close to 1/8 th of an inch.

www.iammea.org/ggingras/cad115/m&b_description

TEXAS LAND MEASURES

There was a time when land was measured in terms of varas, poles and leagues. Although today land is seldom measured in rods or varas, you may find this list of approximate conversions helpful.

One section = 640 acres

One mile = 1,900.8 varas = 5,280 feet = 1,760 yards = 320 rods = 80 chains

One acre = 5645.4 square varas = 43,560 square feet = 4,840 square yards = 160 square rods = 75.13 varas square = 69.57 yards square = 208.7 feet square = 10 square chains.

One vara = 33-1/3 inches

100 feet = 36 varas. One link = 7.92 inches

One rod or pole = 25 links = 5.94 varas = 5 1/2 yards = 16 1/2 feet

One chain = 4 rods = 100 links = 22 yards = 66 feet = 23.76 varas

One league = 5,000 varas square = 13,889 feet square = 4,428.4 acres

One labor = 1,000 varas square = 2,788 feet square = 177.136 acres

One caballerias = 108 acres

www.texaslandbank.com/measure