(p. 102) May term A.D. 1849
21st May 1849
District Court held. Present: Honorable Bennett H. Martin presiding, Andrew J. Fowler, Prosecuting Attorney, William Jenkins, Sheriff, Samuel B. Pryor, Clerk of said court. Judgements and decrees — Sheriff returned the jurors list issued the 27th February 1849 except for the following people: Thomas Butler, Peter Harrison, Burrel Hunter, George W. Gunnells, James Parrish. Those not answering: Daniel Herring, Alexander W. Perry, William Coombs, John Hill, John R. Bell, James Chapman, John Gore, Edward Cook, Thomas Stone, William Rollins, Thacker V. Griffin, Levin G. Coombs, all excused by the court. Those to serve on Grand Jury: Joshua Barker, Noah Good, David R. Cameron, John Nix, Cornelius Cox, John Jackson, John C. Cook, Solomon Dixon, Noah Henderson, John S. Beeman, Thomas Crutchfield, John Cole, William M. Cochran, Thomas Cheneweth, Jeremiah Halford, John W. Gorbit; William M. Cochran selected foreman of Grand Jury. John Hibbert, Bailiff. There being only one juror left it was ordered that the clerk issue a summons for 23 others to serve on Petit Jury for the present term.

(p. 103) Tuesday May 22nd 1849
Jurors summoned: Henderson Couch, John Langley, John McCommas, A. B. Danks, Morris Ferris, Joshua McAnts, Silas Leonard, Robert Ray, John Cox, George Cox, William C. Trimble, Andrew J. Nanny, James M. Houx, Benjamin F. Bethurum, Albert Moor, Andrew J. Mannin, Francis A. Winn, Benjamin Andrews, Jefferson Tilley, Perry Linney, Calvin G. Cole, William W. Conover.

Bush & Gouger vs Huitt & Tilley. In Debt.
Death of Plaintiff Bush; the suit be revived in the name of Sarah Ann Bush, Adminx. The cause to be placed at the heel of the docket.

State of Texas vs Jesse T. Veal. Vending of Clocks
without a Licence.
Defendant acquitted and to recover his costs.

William P. Carder vs Daniel Murry. Trespass to Try Title.
Defendant to recover from the plaintiff his costs and charges.

(p. 104)
William G. Gavin vs William P. Carder. On Appeal.
Jury: Henderson Couch, foreman; William Hughes, John Langley, John McCommas, Levi Turner, A. B. Danks, Morris Ferris, Joshua McAnts, George S. C. Leonard, Robert Ray, John Cox, George Cox. Verdict: Find for the Plaintiff the amount of the note, interest and costs of the suit, sum of note $5.+ 90 cents interest.

Hannah Underwood vs Norman Underwood. Divorce.
Defendant failing to appear. Jury is: Jefferson Tilley, Foreman, William C. Trimble, Andrew J. Nanny, James M. Houx, Ben F. Bethurum, Albert Moore, Andrew J. Mannin, Francis A. Winn,

Benjamin Andrews, Perry Linney, Calvin G. Cole, William W. Conover. [Continued on p. 105]

(p. 105)
[Continued from p. 104] Decreed by court that Hannah Underwood and Norman Underwood be divorced. Hannah Underwood to pay costs.
(p. 106) Wednesday May 23rd 1849
State of Texas vs Anthony Leak. Disturbing Religious Worship.
Defendant pleaded not guilty. The jury: William Hughes, John Langley, John McCommas, Levi Turner, Silas Leonard, John Cox, George Cox, Robert Wilburn, McClain Robertson, David Shahan, Joseph King, Jefferson Campbell. Defendant found not guilty. J. Mc. Robertson, foreman.

State of Texas vs Anthony Leak. Cruelty to Slaves.
Pleads not guilty. Jury: William C. Trimble, Andrew T. Nanny, B. F. Bethurum, James M. Houx, John Cole, William P. Carder, Francis A. Winn, Benjamin Andrews, Jefferson Tilley, Perry Linney, Calvin G. Cole, William W. Conover. (p. 107) Defendant found not guilty, Jefferson Tilley, foreman.

State of Texas vs Frederick Ballard. Murder.
Case continued until next term.

State of Texas vs Henry C. Long. Gaming.
Neither defendant nor his security, John N. Bryan, appeared. Judgement by default for the sum of $200—the amount of the bond.

State of Texas vs Henry C. Long. Gaming.
Neither defendant nor his security, John N. Bryan, appeared. Judgement by default for the sum of $200—the amount of the bond.

(p. 108)
State of Texas vs Henry C. Long. Gaming.
Neither defendant nor his security, John N. Bryan, appeared. Judgement by default for the sum of $200—the amount of the bond.

State of Texas vs Henderson Couch. Gaming.
Judgement by default is set aside upon payment of costs and state enters Nolle Prosequi.

State of Texas vs Henderson Couch. Gaming.
Pleads guilty. Jury: William P. Carder, William Hughes, John Langley, John McCommas, Levi Turner, A. B. Danks, Morris Ferris, Joshua McAnts, Silas Leonard, Robert Ray, John Cox, George Cox. Verdict: Fine $10., Joshua McAnts, foreman. To pay fine together with all costs.

(p. 109)
State of Texas vs Henderson Couch. Permitting Gaming.
Judgement set aside upon payment of costs.

State of Texas vs Jefferson Tilley. Gaming.
Defendant pleads guilty. Jury: William C. Trimble, Andrew T. Nanny, James M. Houx, B. F. Bethurum, John P. Cole, Andrew J. Mannin, Francis A. Winn, Ben Andrews, William P. Carder, Perry Linney, Calvin G. Cole, William W. Conover. Assessed fine at $10. C. G. Cole, foreman. To pay fine and costs.

(p. 110)
State of Texas vs Jefferson Tilley. Gaming.
Judgement set aside upon payment of all costs.

State of Texas vs Jefferson Tilley. Gaming.
Judgement set aside upon payment of all costs.

State of Texas vs William Traughber. Gaming.
Pleaded guilty. Jury: Henderson Couch, William Hughes, John Langley, John McCommas, Levi Turner, A. B. Danks, Morris Ferris, Joshua McAnts, Silas Leonard, Robert Ray, John Cox, George Cox. Verdict: fined $10. Henderson Couch, foreman. To pay costs and fine.

(p. 111)
State of Texas vs William Traughber. Gaming.
Judgement set aside upon payment of costs.

State of Texas vs William Traughber. Betting at “21.”
Judgement set aside upon payment of costs.

State of Texas vs William Traughber. Permitting “21” to be dealt.
Judgement set aside upon payment of costs.

State of Texas vs William Traughber. Gaming.
State enters a Nolle Prosequi plea.

(p. 112)
State of Texas vs James Bryant. Gaming.
Case continued until next term and attachment awarded against James Beeman, a witness.

State of Texas vs James Bryant. Gaming.
State enters a Nolle Prosequi plea.

State of Texas vs William Walton. Gaming.
State enters a Nolle Prosequi plea.

State of Texas vs William Walton. Permitting Gaming.
State enters a Nolle Prosequi plea.

State of Texas vs William Walton. Gaming.

Pleads guilty. Jury: William C. Trimble, Andrew T. Nanny,, James M. Houx, B. F. Bethurum, John P. Cole, A. J. Mannin, Francis A. Winn, Ben Andrews, Jefferson Tilley, Perry Linney, Calvin G. Cole, William W. Conover. Verdict: Fine of $10. C. G. Cole, foreman. To pay fine and court costs.

(p. 113)
State of Texas vs William Walton. Retailing Spirituous Liquors
without a licence.
Judgement to be set aside upon payment of costs.

State of Texas vs James J. Godman Gaming.
& William D. Mask, Security.
Defendants failed to appear. Forfeit $200. bond.

(p. 114)
State of Texas vs William W. Conover. Gaming.
Pleads not guilty. Jury: Henderson Couch, William Hughes, John Langley, John McCommas, Levi Turner, William J. Walker, A. B. Danks, Joshua McAnts, Silas Leonard, Robert Ray, John Cox, George Cox. Found guilty, fined $10. Henderson Couch, foreman. Costs to be paid.

State of Texas vs William P. Carder. Gaming.
Pleads guilty. Jury: William C. Trimble, Andrew T. Nanny, James M. Houx, B. F. Bethurum, John P. Cole, A. J. Mannin, Francis A. Winn, Abraham Hart, Jefferson Tilley, Perry Linney, William W. Conover. Verdict: assessed a fine of $10 and to pay court costs.

(p. 115) Thursday May 24th 1849
State of Texas vs Anthony Bledsoe. Gaming.
States enters a Nolle Prosequi

State of Texas vs Alburtus Crutchfield. Gaming.
Pleads not guilty. Jury: Henderson Couch, William Hughes, John Langley, John McCommas, Levi Turner, A. B. Danks, John P. Cole, Joshua McAnts, Silas Leonard, Robert Ray, John Cox, George Cox. Verdict: Assessed a fine of $10. H. Couch, foreman. To pay fine and costs.

(p. 116)
State of Texas vs Jackson Doherty. Dealing “21.”
Defendant moved to quash to venire for a jury and also quash said indictment, this was overruled. Therefore, he filed his plea Misnomer. Jury: Jefferson Tilley, William C. Trimble, T. Nanny, James M. Houx, B. F. Bethurum, Anthony Bledsoe, A. J. Mannin, Benjamin Andrews, Perry Linney, William W. Conover, Calvin G. Cole, A. T. Myers. Verdict: Find for the defendant, Jefferson Tilley, foreman. Doherty to recover his costs.

(p. 117)
State of Texas vs McClain Robinson. Gaming.
Pleads not guilty. Jury: Henderson Couch, William Hughes, John Langley, John McCommas,

Levi Turner, A. B. Danks, John P. Cole, Joshua McAnts, Robert Ray, George Cox, John Cox, Silas Leonard. Fined $10. H. Couch, foreman. To pay fine and costs.

State of Texas vs John C. McCoy. Gaming.
Pleads guilty. Jury: Henderson Couch, William Hughes, John Langley, John McCommas, Levi Turner, A. B. Danks, John P. Cole, Joshua McAnts, Robert Ray, George Cox, John Cox, Silas Leonard. Fined $10. To pay fine and costs.

(p. 118)
State of Texas vs John N. Bryan. Gaming.
Pleads guilty. Jury: William C. Trimble, Andrew T. Nanny, James M. Houx, B. F. Bethurum, Andrew J. Mannin, William P. Carder, Benjamin Andrews, Jefferson Tilley, Perry Linney, William W. Conover, Henderson Couch, William Hughes. Fined $10, Henderson Couch, foreman. To pay fine and costs.

State of Texas vs Thomas Collins. Gaming.
Pleads not guilty. Jury: Henderson Couch, William Hughes, John Langley, John McCommas, Levi Turner, A. B. Danks, John P. Cole, Joshua McAnts, Robert Ray, George Cox, John Cox, Silas Leonard. H. Couch, foreman. Verdict: not guilty and to recover his costs.

(p. 119)
State of Texas vs Calvin Cole. Gaming.
Pleads not guilty. Jury: Jefferson Tilley, William Trimble, Andrew Nanny, James M. Houx, B. F. Bethurum, A. J. Manning, T. C. Hawpe, Obediah Knight, Perry Linney, William W. Conover, William P. Carder, Benjamin Andrews. Fine $10. Jefferson Tilley, foreman. To pay fine and costs.

State of Texas vs Alexander Harwood. Gaming.
Pleads not guilty. Jury: Henderson Couch, William Hughes, John Langley, John McCommas, Levi Turner, A. B. Danks, John P. Cole, Joshua McAnts, Robert Ray, John Cox, George Cox, Silas Leonard. Verdict: guilty, fine $10, H. Couch, foreman. To pay fine and costs.

(p. 120)
State of Texas vs James Cole. A[ssault] & B[attery].
Pleads not guilty. Jury: William C. Trimble, Andrew Nanny, James Houx, A. B. Danks, B. F. Bethurum, A. T. Myers, A. J. Manning, T. C. Hawpe, Obediah Knight, Perry Linney, William Conover, William P. Carder, Benjamin Andrews. Found not guilty. A. T. Nanny, foreman. To recover costs.

State of Texas vs Daniel Crumppecker. Gaming.
Pleads guilty. Jury: William C. Trimble, Andrew Nanny, James M. Houx, B. F. Bethurum, A. T. Myers, A. J. Manning, T. C. Hawpe, Obediah Knight, Perry Linney, William W. Conover, William P. Carder, B. Andrews. Fined $10, A. T. Nanny, foreman. Pay fine and costs.

(p. 121)
State of Texas vs Andrew T. Manning. Gaming.

Pleads not guilty. Jury: Henderson Couch, William Hughes, John Langley, John McCommas, Levi Turner, A. B. Danks, John P. Cole, Joshua McAnts, Robert Ray, John Cox, George Cox, Silas Leonard. State entered Nolle Prosequi. Defendant acquitted and to recover cost.

Horace Burnham vs David R. Cameron. Trespass.
Leave granted plaintiff to amend his petition and ordered a survey of disputed land.

Bills of Indictment, William M. Cochran, foreman.
Samuel B. Pryor & Peter Haught Gaming
Henry C. Long A & B

Grand Jury permitted to retire.

(p. 122)
Came into court Jesse H. Kelly, principal and Jefferson Tilley and William James, securities put up $300 bond. Charge of Assault and Battery to be preferred against him by the State of Texas.

State of Texas vs Andrew S. Jackson. A & B with intent
to commit murder.
Pleads not guilty. Jury: William Hughes, John Langley, Levi Turner, Joshua McAnts, Silas Leonard, T. C. Hawpe, Robert Wilburn, Joseph King, John Scurlock, John Fondron, William Pruitt, John Thomas. Found not guilty. Joshua McAnts, foreman. To recover costs.

(p. 123) Friday May 25th 1849
State of Texas vs George Linney. Gaming.
Case continued and attachment amended against William J. Hickling, a witness.

State of Texas vs George Linney. A[ssault] & B[attery].
Indictment quashed.

State of Texas vs Joseph Pington. Gaming.
Case continued until next term.

State of Texas vs Jesse Smith, Joseph Disturbing Religious Worship.
Yates & Anderson Wheeler.
Case continued until next term.

(p. 124)
State of Texas vs William Chinault. A[ssault] & B[attery].
Case continued. An alias summoned for James J. Godman.

State of Texas vs John Thomas. A[ssault] & B[attery].
Pleads not guilty. Jury: Henderson Couch, William Hughes, John Langley, John McCommas, Levi Turner, A. B. Danks, John Fondron, Joshua McAnts, Joseph King, George Cox, John Cox,

Silas Leonard. Found guilty, assessed fine of $10, Henderson Couch, foreman. To pay fine and costs.

State of Texas vs Thomas McDowell. Gaming.
Pleads not guilty. Jury: William C. Trimble, Andrew Nanny, James M. Houx, B. F. Bethurum, A. J. Manning, Francis A. Winn, Benjamin Andrews, Jefferson Tilley, Perry Linney, Calvin G. Cole, William W. Conover, John Horton. Found guilty, assessed $10, Jefferson Tilley, Foreman. To pay fine and court costs.

(p. 125)
State of Texas vs Jefferson Campbell. Gaming.
Pleads not guilty. Jury: Henderson Couch, William Hughes, John Langley, John McCommas, Levi Turner, A. B. Danks, John Fondron,

Joshua McAnts, Robert Ray, George Cox, John Cox, Silas __[surname not recorded; probably Leonard]. Found not guilty, Henderson Couch, foreman.

State of Texas vs Benjamin Frost. Defaulting Witness.
Defendant discharged.

(p. 126)
State of Texas vs William Keen. Defaulting Witness.
Defendant discharged.

State of Texas vs Sanders Elliott. A[ssault] & B[attery].
Case continued until next term.

State of Texas vs Samuel B. Pryor. Gaming.
Pleads not guilty. Jury: William C. Trimble, Andrew Nanny, James M. Houx, B. F. Bethurum, Andrew J. Manning, Francis A. Winn, Benjamin Andrews, Jefferson Tilley, Perry Linney, Calvin G. Cole, William M. Conover, John Horton. Find the defendant guilty. Assessed fine of $10, Jefferson Tilley, foreman. Defendant moved for a new trial which was motion was overruled.

(p. 127)
State of Texas vs Joseph King. Appeal.
Defendant moves to quash which motion was overruled by the court.

William J. Hicklin vs William P. Carder. Appeal.
Plaintiff moved to dismiss for want of a sufficient appeal bond.

Ann Durall vs David Bradshaw. Appeal.
Defendant given leave to file a new bond which was then filed.

Horace Burnham vs David R. Cameron. Trespass.
Defendant moved the court for a rule against the plaintiff for security for costs. Motion sustained.

Levi Turner vs Morris Ferris. Assumpsit.
Plaintiff filed his bond for security.

(p. 128)
William P. Carder vs Tilley & Newton. Assumpsit.
Defendant moved the court for a rule against the plaintiff for security for cost. Motion sustained.

William J. Walker vs William Myers & John W. Smith. Debt.
Defendant moved the court for a rule against the plaintiff for security for cost. Motion sustained.

Morris Ferris vs Levi Turner. Trespass.
By agreement of parties, cause continued.

Levi Turner vs Morris Ferris. Assumpsit.
By agreement of parties, the case continued.

Bailiss Edens vs Albert G. Walker. Trespass.
By agreement the case is dismissed at the cost of the defendant. Leave is given to withdraw the original papers.

(p. 129)
Sam G. Newton & William I. Walker, assignees Debt.
of Charles A. Warfield vs Robert Sloan.
Defendant filed for continuance which was granted and leave was granted to amend answer.

Bush & Gouger vs Huitt & Tilley. Debt.
Case continued until next term.

State of Texas vs Joseph Coombs Trespass on Timber.
& William Coombs.
Defendants plead not guilty. Prosecuting Attorney enters Nolle Prosequi.
John Henry & Edward Cunningham vs Jefferson Tilley. Debt.
Defendant did not appear. Process having been duly served the plaintiffs to recover the sum of $569.59, the amount of the debt plus interest making total $651.02. Also, defendant to pay court costs.

(p. 130)
John B. Hibbert is allowed the sum of $1.50 per day for five days for total $7.50 as bailiff for May term.

Grand Jury returned true bills for the following indictments:
Adam Haught & Calvin G. Cole Gaming
Alexander Harwood & Peter Haught Gaming
Jesse H. Kelley A & B
Henderson Couch & John Allen Gaming
Sam B. Pryor & Peter Haught Gaming

Grand Jury discharged.

Samuel G. Newton & William I. Walker, assignees Debt.
of Charles A. Warfield vs Robert Sloan.
Submitted to court without intervention of a jury. Plaintiffs to recover of the defendant the sum of $140. principal & $14.30 interest and all costs and expenses.

(p. 131) Saturday May 26th, 1849
State of Texas vs William Freeland. Gaming.
Defendant filed his Demurrer and leave granted to amend plea.

State of Texas vs William Freeland. Gaming.
Defendant filed his Demurrer and leave granted to amend plea.

(p. 132)
State of Texas vs Robert Woodruff. Gaming.
Defendant filed his Demurrer and leave granted to amend plea.

William Cochran vs Jefferson Tilley. Appeal.
Jury: William C. Trimble, James M. Houx, B. F. Bethurum, John P. Cole, Andrew J. Manning, Francis A. Winn, Perry Linney, William W. Conover, Edward Mills, Benjamin Andrews, Micajah Goodwin, Milford F. Falkner. [NOTE: Although recorded as Falkner this name should be Fortner.] Jury not agreeing, mistrial declared and case continued.

W. P. Carder vs Jefferson Tilley & S. G. Newton. Assumpsit.
Jury: William Hughes, John Langley, Levi Turner, A. B. Danks, Joshua McAnts, Robert Ray, John Cox, George Cox, Silas Leonard, John Fondron, David Shahan and George Leonard. (p. 133) Jury finds for the defendant— Joshua McAnts, foreman. Defendant to recover his costs from the plaintiff.

William I. Walker vs William Myers & John W. Smith. Debt.
Case continued.

Ordered that Samuel B. Pryor be allowed the sum of $25. for office rent for the last twelve months.

Ordered that Samuel B. Pryor be allowed the sum of $50. for extra fees as District Clerk for the last twelve months.

(p. 134)
William L. Mitchell vs William Coombs. Appeal.
Plaintiff to recover of the defendant the sum of $44.69 plus $2.26 interest and also $4.40 damage, whole sum $51.35, also to recover cost. Execution issued 8 Oct 1849.
J. M. Moore vs Jefferson Tilley, surviving Appeal.
partner of Huitt & Tilley.
Case continued until next term.

Mary J. Moon vs John Huitt, Appeal [crossed through].
S. G. Newton & Jefferson Tilley.
Case continued.

(p. 135)
Ann Durall vs David Bradshaw. Appeal.
Case continued until next term.

William J. Hicklin vs William P. Carder. Appeal.
Cause dismissed for want of sufficient bond. Plaintiff to recover of the defendant his cost.
Expunge.

Henry C. Long vs William P. Carder & John McCommas. Appeal.
Jury: William Hughes, John Langley, Levi Turner, Henderson Couch, A. B. Danks, Joshua McAnts, Robert Ray, George Cox, John Cox, Silas Leonard, John Fondron, David Shahan, & George Leonard. Jury finds for the plaintiff for $17.50 plus his costs in the case, also to recover costs of case before the JP.

(p. 136)
Benjamin Keefer vs John M. Crockett. Appeal.
Case continued.

John Mills vs Joseph King. Appeal.
Case continued.

State of Texas vs Joseph King. Appeal.
Case taken under advisement of the court.

J. M. Harding vs T. C. Hawpe. Appeal.
Case taken under advisement of the court.

Samuel B. Pryor, principal and William H. Hord, his security, a bond of $100 each.

(p. 137)
Perry Daken vs Milford F. Falkner. [should read Fortner] Appeal.
Case continued until next term.

George Linney vs John M. Crockett. Appeal.
Case continued until next term.

Court adjourned. B. H. Martin, Judge 9th Judicial District; Samuel B. Pryor, Clerk DCDC Tex.

(p. 138) ? [blank page]

(p. 139) 27th August 1849
Samuel B. Pryor, Clerk of the District Court, John W. Smith, by J. M. Crockett, Deputy, Clerk of said County, William M. Lennard an acting Justice of the Peace drew the names of the following persons to serve on the jury during the November term 1849: Andrew J. Nanny, Richard Bruton, John Cox, Samuel Beeman, Thomas M. Ellis, Josiah Ashlock, Thomas Chesher, Aaron West, William Cox, Albert G. Collins, James Armstrong, David Bradshaw, Charley Baker, John Butler, William James, William P. Overton, John W. Overton, Samuel Ramsey, Gideon Pemberton, Edwin Reid, James Anderson, John L. Pullium, Benjamin F. Andrews, Henry Clark, Samuel Hammock, William Flemming, Anthony Bledsoe, Thomas Burris, Isaac Elam, Wesly Cockeral, Calvin G. Cole, Joseph Graham, George W. Glover, A. Bledsoe, William F. Newton, John Robeson.

Revised: March 21, 2008