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INVENTORY OF THE COUNTY ARCHIVES

OF TEXAS

Prepared by

The Texas Historical Records Survey
Division of Professional and Service Projects
Work Projects Administration

No. 94

GUADALUPE COUNTY (SEGUIN)

* * * * * * *

San Antonio, Texas
The Texas Historical Records Survey
December 1939

BOUND BY HILL BOOKBINDERY AUSTIN, TEXAS

OLD GUADALUPE COUNTY COURTHOUSE
Built in 1858

NEW COURTHOUSE
GUADALUPE COUNTY, TEXAS
Erected 1936

FOREWORD

The Inventory of the County Archives of Texas is one of a number of bibliographies of historical materials prepared throughout the United States by workers on the Historical Records Survey Program of the Work Projects Administration. The publication herewith presented, an inventory of the archives of Guadalupe County, is number 94 of the Texas series of counties.

The Historical Records Survey Program was undertaken in the winter of 1935-36 for the purpose of providing useful employment to needy unemployed historians, lawyers, teachers, and research and clerical workers. In carrying out this objective, the project was organized to compile inventories of historical materials, particularly the unpublished government documents and records which are basic in the administration of local government, and which provide invaluable data for students of political, economic, and social history. The archival guide herewith presented is intended to meet the requirements of day-to-day administration by the officials of the county, and also the needs of lawyers, business men and other citizens who require facts from the public records for the proper conduct of their affairs. The volume is so designed that it can be used by the historian in his research in the unprinted sources in the same way he uses the library card catalog for printed sources.

The inventories produced by the Historical Records Survey Program attempt to do more than give merely a list of records--they attempt further to sketch in the historical background of the county or other unit of government, and to describe precisely and in detail the organization and functions of the government agencies whose records they list. The county, town, and other local inventories of the entire state will, when completed, constitute an encyclopedia of local government as well as a bibliography of local archives.

The successful conclusion of the work of the Historical Records Survey Program, even in a single county, would not be possible without the support of public officials, historical and legal specialists, and many other groups in the community. Their cooperation is gratefully acknowledged.

The Survey Program was organized and has been directed by Luther H. Evans, and operates as a nation-wide series of locally sponsored projects in the Division of Professional and Service Projects, of which Mrs. Florence Kerr, Assistant Commissioner, is in charge.

F. C. HARRINGTON
Commissioner

703102

PREFACE

The Texas Historical Records Survey is a unit of the Texas State-wide Records Project sponsored by the Bureau of Research in the Social Sciences, of The University of Texas, and operates under the Research and Records Section of the Division of Professional and Service Projects of the Work Projects Administration. It was organized on November 1, 1939, to carry on the work of the Texas unit of the Historical Records Survey, which operated as part of a Federal Project through August 31, 1939, and as a separate state-wide project from September 1 through October 31.

Early in 1936, following the establishment of the Survey in November 1935 by executive letter of President Roosevelt, Luther H. Evans, National Director, organized the Survey and extended it to every state in the Union. In Texas, it was initiated on March 14, 1936, with J. Frank Davis, State Supervisor of the Federal Writers' Project, as State Supervisor, and Ike Moore as assistant. The Survey became an independent part of Federal Project No. 1 in November, and Mr. Moore was made State Supervisor, with Charles W. Hodges as assistant; Mr. Davis continued as State Supervisor of the Writers' Project. When Mr. Moore resigned on February 1, 1939, to accept the directorship of the San Jacinto Museum of History, Mr. Hodges became State Supervisor. Mr. Hodges resigned on October 31, 1939, to become State Field Supervisor of the Texas State-wide Records Project. Paul E. Fidler has been State Supervisor of the Texas State-wide Records Project since its organization on October 16, 1939, and John W. B. Foringer became Assistant State Supervisor in charge of the Texas Historical Records Survey editorial unit on November 1, 1939.

The object of the Survey in Texas is the preparation of complete inventories of the records of each county, municipality, and other governmental unit. The Inventory of the County Archives of Texas will, when completed, consist of a separate volume for each county of the state. Each volume is numbered according to the particular county's respective position in the alphabetical list of the 254 counties. Thus the volume for Guadalupe County, herewith presented, is No. 94. Units of the Inventory are issued in mimeographed form for free distribution to state and local public officials, public libraries in Texas, and to a limited number of libraries and governmental agencies outside the state. Requests for information concerning particular units should be addressed to the State Supervisor of the Texas State-wide Records Project.

Guadalupe County was created in 1846, the first year of statehood, and its basic records, well preserved through the years, are extant from that date. The Guadalupe County inventory was initiated by Perry Davis, Supervisor of the San Antonio district, on February 17, 1937. Field work was done by M. W. Fiske, Thomas Ragsdale, Ida Richter, Theron Beckwith, and Thomas E. Willis, and was completed on April 7, 1937. A recheck of workers' forms was made by Stanley H. Holm, Charles F. Harding, and James Royall during February and March 1939, under the direction of Mr. Davis and Virginia Blair Newton, Editor-in-chief.

Preface

The present publication consists of two parts. The first is composed of a historical sketch, an essay on the governmental organization and records system, a discussion of the conditions under which the records are preserved, and a section devoted to abbreviations, symbols, and explanatory notes. The second, the inventory proper, is composed of a separate section for each of the county departments, arranged in the following order: administrative, recording, judicial, law enforcement, fiscal, and miscellaneous agencies and offices. The legal status of each office and agency has been treated in a section prefatory to the listing of the records. Record titles are arranged under the office of origin or final destination and by subject. Although a condensed form of entry is used, information is given as to the limiting dates of each extant record series, its contents, arrangement, indexing, type of recording, and location. A full-text copy of the "Town Book" of Seguin has been included as an appendix.

Field workers and recheckers are responsible for the accuracy of the entries. The historical sketch was written by Mary Lewis Jones and Mary Fall Clee; the essay on governmental organization and records system, by James Royall; the discussion of housing of records, by Mary Rebecca Chaffin; the legal essays for each office were written by John H. Faulk and Edward A. Burns. Maps and charts were prepared by John M. Steinfeldt, Jr. Louisa Aja compiled the indexes. Virginia Huff, Supervising Editor, and Aartje Van Beekum, assistant, edited the volume. Blanche B. La Dura had charge of stencil-cutting and proofreading.

The Survey appreciates the cordial support of WPA officials in all of its undertakings, and the courteous cooperation of Guadalupe County officials. Editorial criticism of Dr. Evans, Director of the WPA Historical Records Survey Program, his assistant, Edythe Weiner, and John C. L. Andreassen, Regional Supervisor, has been of real value. The Survey is particularly grateful to the Reverend Laurence J. Fitzsimon, Pastor of St. James Catholic Church, Seguin, who read the first draft of the historical sketch and furnished much additional information on the early history of Seguin and Guadalupe County, and to Thomas S. Sutherland, of the General Land Office, who gave valuable aid in the determination of county boundary lines.

1901 Smith-Young Tower
San Antonio, Texas
December 18, 1939

Paul E. Fidler
State Supervisor
Texas State-wide Records Project

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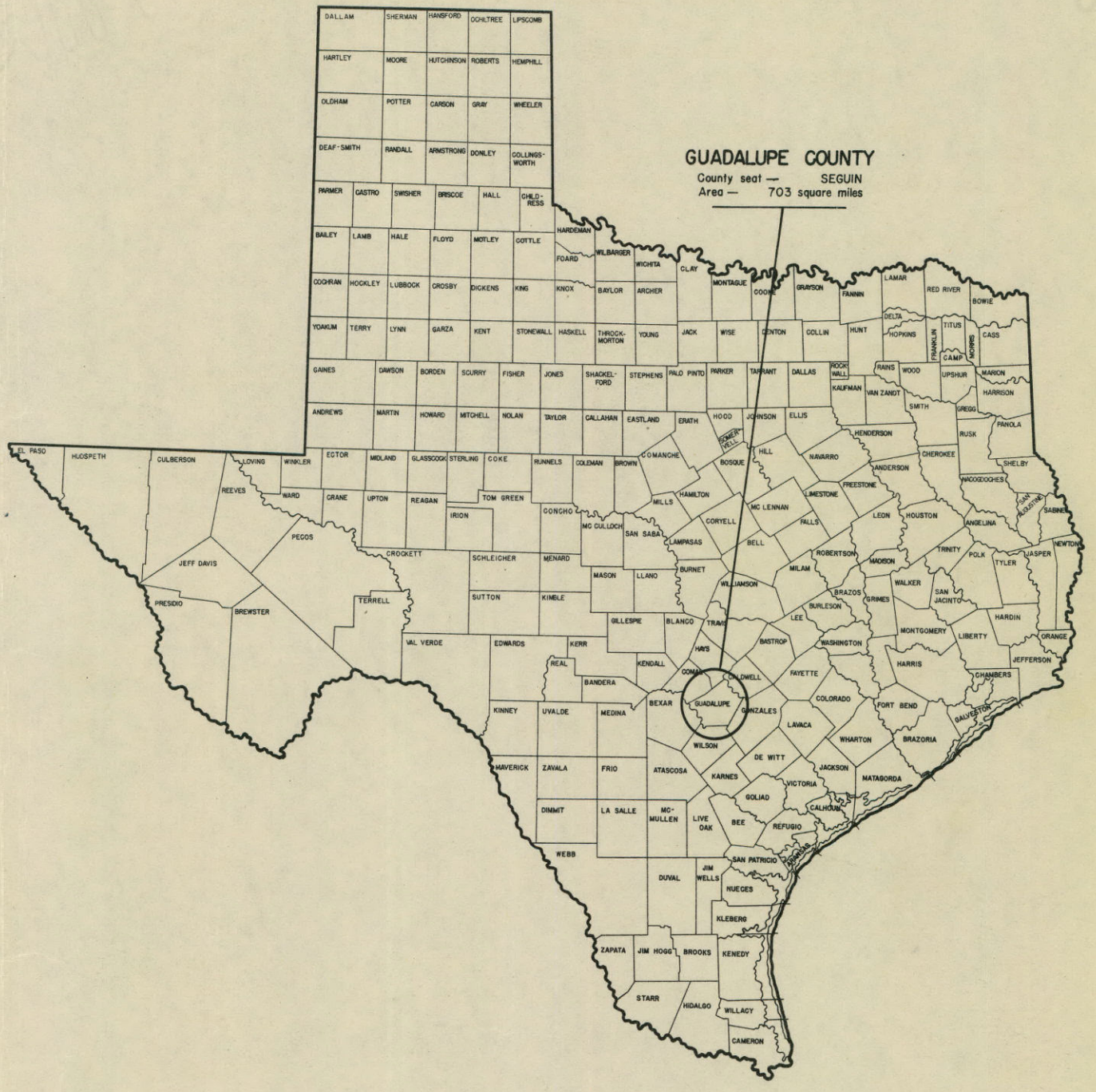
GUADALUPE COUNTY
County seat — SEGUIN
Area — 703 square miles
DALLAM
SHERMAN
HANSFORD
OCHILTREE
LIPSCOMB
HARTLEY
MOORE
HUTCHINSON
ROBERTS
HEMPHILL
OLDHAM
POTTER
CARSON
GRAY
WHEELER
DEAF SMITH
RANDALL
ARMSTRONG
DONLEY
COLLINGSWORTH
PARMER
CASTRO
SWISHER
BRISCOE
HALL
CHILDRESS
HARDEMAN
FOARD
WILBARGER
WICHITA
CLAY
BAILEY
LAMB
HALE
FLOYD
MOTLEY
COTTLE
MONTAGUE
COOKE
GRAYSON
FANNIN
LAMAR
RED RIVER
BOWIE
COCHRAN
HOCKLEY
LUBBOCK
CROSBY
DICKENS
KING
KNOX
BAYLOR
ARCHER
YOAKUM
TERRY
LYNN
GARZA
KENT
STONEWALL
HASKELL
THROCKMORTON
YOUNG
JACK
WISE
DENTON
COLLIN
HUNT
DELTA
HOPKINS
FRANKLIN
TITUS
MORRIS
CASS
CAMP
GAINES
DAWSON
BORDEN
SCURRY
FISHER
JONES
SHACKELFORD
STEPHENS
PALO PINTO
PARKER
TARRANT
DALLAS
ROCKWALL
KAUFMAN
RAINS
WOOD
UPSHUR
MARION
HARRISON
VAN ZANDT
SMITH
GREGG
ANDREWS
MARTIN
HOWARD
MITCHELL
NOLAN
TAYLOR
CALLAHAN
EASTLAND
ERATH
HOOD
JOHNSON
ELLIS
PANOLA
RUSK
HENDERSON
SOMERVELL
EL PASO
HUDSPETH
CULBERSON
LOVING
WINKLER
ECTOR
MIDLAND
GLASSCOCK
STERLING
COKE
RUNNELS
COLEMAN
BROWN
COMANCHE
BOSQUE
HILL
NAVARRO
CHEROKEE
ANDERSON
SHELBY
REEVES
WARD
CRANE
UPTON
REAGAN
IRION
TOM GREEN
CONCHO
MILLS
HAMILTON
MC LENNAN
LIMESTONE
FREESTONE
NACOGDOCHES
SAN AUGUSTINE
SABINE
PECOS
MC CULLOCH
SAN SABA
CORYELL
FALLS
LEON
HOUSTON
ANGELINA
JEFF DAVIS
CROCKETT
SCHLEICHER
MENARD
LAMPASAS
BELL
ROBERTSON
MADISON
TRINITY
POLK
TYLER
JASPER
NEWTON
MASON
LLANO
BURNET
WILLIAMSON
MILAM
PRESIDIO
BREWSTER
TERRELL
SUTTON
KIMBLE
BRAZOS
GRIMES
WALKER
SAN JACINTO
BURLESON
GILLESPIE
BLANCO
TRAVIS
LEE
HARDIN
MONTGOMERY
LIBERTY
ORANGE
VAL VERDE
EDWARDS
KERR
HAYS
BASTROP
WASHINGTON
JEFFERSON
REAL
KENDALL
COMAL
CALDWELL
FAYETTE
HARRIS
CHAMBERS
BANDERA
BEXAR
GUADALUPE
GONZALES
COLORADO
FORT BEND
GALVESTON
KINNEY
UVALDE
MEDINA
LAVACA
WHARTON
BRAZORIA
WILSON
DE WITT
MAVERICK
ZAVALA
FRIO
ATASCOSA
KARNES
JACKSON
MATAGORDA
VICTORIA
GOLIAD
DIMMIT
LA SALLE
MC-MULLEN
LIVE OAK
BEE
CALHOUN
REFUGIO
ARANSAS
WEBB
SAN PATRICIO
JIM WELLS
DUVAL
NUECES
KLEBERG
ZAPATA
JIM HOGG
BROOKS
KENEDY
STARR
HIDALGO
WILLACY
CAMERON

1. HISTORICAL SKETCH

Guadalupe County, with its seat of government at Seguin, is located in south Texas along the Guadalupe River, east of San Antonio. It has a level to hilly surface, with loam and sandy soils predominating, and with a sparse timbering of mesquite, post oak, live oak, black walnut, and pecan.

Long before the coming of white man, the territory now comprising Guadalupe County was the hunting ground of the Lipan Indians, a tribe of the Apaches.[1] Rather to the east of what was known as the Apacheria, the region was visited only occasionally by the more savage Apache tribes. The Comanches, too, frequently raided the neighborhood, but were not permanent inhabitants.[2]

Although it is not definitely known when the region was first penetrated by white men, it is believed by some historians that Cabeza de Vaca, in his wanderings over Texas, must have passed along the Guadalupe and through this territory.[3] La Salle, exploring inland from Fort St. Louis on Matagorda Bay, probably followed the river into the vicinity of the present Guadalupe County.[4]

It was, however, the Anglo-American colonization of Texas that brought the first recorded visit of white men to the territory now within the boundaries of Guadalupe County. These men were colonists of the empresario Green B. DeWitt.[5]

DeWitt, a native of Kentucky, journeyed from the Missouri territory to Mexico City as early as 1822 to seek an empresario contract similar to that of Moses and Stephen F. Austin. He secured his contract on April 15, 1825, from the Mexican government which succeeded the Iturbide regime, his grant including all the land within the present boundaries of Guadalupe County except a narrow strip along the southwest side.[6]

On the list of DeWitt's original settlers appears the name of Umphries (Humphrey) Branch, who was one of the first colonists to come from Missouri to the town of Gonzales, DeWitt's first settlement. Shortly after he arrived in the colony, Branch explored along the Guadalupe River northward to the present site of Seguin, where he decided to locate his claim. In 1831 he received title to a league of land on the site which he had chosen,

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1. Frederick W. Hodge, Handbook of American Indians, 2 parts (Washington, 1907), I, 768, cited hereafter as Hodge, Handbook.
2. Herbert E. Bolton (ed.), Athanase de Mezieres and the Louisiana-Texas Frontier, 1768-1780, 2 vols. (Cleveland, 1914), I, 24; George Castor Martin (comp.), "Indian Tribes of Texas," ms., 14, 21; Rupert N. Richardson, The Comanche Barrier to South Plains Settlement (Glendale, 1933), 51, 52; A. J. Sowell, Early Settlers and Indian Fighters of Southwest Texas (Austin, 1900), 425, cited hereafter as Sowell, Early Settlers.
3. Carlos E. Castaneda, Our Catholic Heritage in Texas, 3 vols. (Austin, 1936, 1938), I, folding map.
4. Ibid.
5. Sowell, Early Settlers, 409, 410.
6. Ethel Zively Rather, "DeWitt's Colony," in Southwestern Historical Quarterly (Austin, 1897--), VIII (1904-5), 98, 100, 101, cited hereafter as Rather, "DeWitt's Colony."

and John Sowell, who had accompanied him on the exploring trip, received title to an adjoining league in the bend of the river below.[7]

In 1832 Branch and Sowell, along with other settlers, tried to establish a new community on their lands. Branch, who had married a daughter of John Sowell, built a cabin on his land. The Sowell family, after building their home in 1832, planted and harvested their first corn crop in 1833. But it was not long before trouble with the Indians forced the small band to forego their attempts at homebuilding and retire to Gonzales.[8] Branch had become so discouraged with the hardships of frontier life that he sold his land to Thomas R. Miller and Joseph S. Martin, and left the country.[9] For several years after the failure of Branch and Sowell, no further attempt was made to settle the region north of Gonzales on the Guadalupe River. During these years the colonists at Gonzales were kept busy not only with Indian troubles, but with the Texas Revolution, and therefore were necessarily more concerned with maintaining their own settlement than with establishing a second.[10]

By the summer of 1838, however, Martin had sold to James Campbell, Matthew Caldwell, and Arthur Swift three shares of the land he had purchased from Branch. The fourth share he retained for himself. On August 12, 1838, having formed a company, the four men advertised a sale of lots in a town which they had laid out on their land.[11] With John and Asa Sowell, who had already located near the town site, and with Ben and Henry McCulloch, Andrew Neill, James H. Callahan, Wilson Randall, and T. N. Menter, who bought shares, these men settled in the new town, which was called Walnut Springs.[12] At one of the early town meetings, held on September 22, 1838, the shareholders officially agreed by a vote of nineteen to six to name their town Walnut Springs.[13] This name is thought to have been chosen because of the fact that near the town was a large and particularly beautiful spring set in a grove of walnut trees.[14]

By 1839 some of the settlers had become dissatisfied with the long name of their settlement. Therefore, in a council meeting of February 25, 1839, a motion was made that the name of the village be changed. Some of the shareholders insisted that the name Walnut Springs be retained; others favored Tuscumbia, for a favorite tune of the times; but a majority wished to change the name to Seguin. When the names Tuscumbia and Seguin were placed before the voters, the resulting count was eighteen to seven in favor of Seguin.[15] Thus the town of Walnut Springs was officially renamed

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7. A. J. Sowell, Incidents Connected With the Early History of Guadalupe County (Seguin, n.d.), 4, cited hereafter as Sowell, Incidents.
8. Laurence J. Fitzsimon, History of Seguin (San Antonio, 1938), 6, cited hereafter as Fitzsimon, Seguin; Sowell, Incidents, 5-9.
9. Fitzsimon, Seguin, 6.
10. Sowell, Early Settlers, 413,414.
11. Laura J. Irvine, "Sketch of Guadalupe County," in American Sketch Book (Austin, 1874-83), VII (1882), 5, 6, cited hereafter as Irvine, "Sketch."
12. Sowell, Incidents, 19.
13. Town Book of Seguin (see Appendix), 79, in Guadalupe County, Deed Record (see entry no. 86), A, cited hereafter as Town Book.
14. Irvine, "Sketch," 6; Sowell, Incidents, 19.
15. Town Book, 79.

Seguin, in honor of Juan N. Seguin, a young Mexican who had fought on the side of the revolutionists in the battle of San Jacinto.[16]

Although it was not the scene of any famous Indian fights, the region around Seguin was subjected to many raids and minor skirmishes. The Lipan Indians were friendly;[17] but the Comanches, attracted by the herds of cattle and horses pastured on the grazing lands around the village, were unable to resist such excellent opportunities for horse-stealing. Hence, shortly after the settlement was founded, it became evident that some sort of protective agency would be necessary. A company of men, organized by Matthew Caldwell, served as protection not only against Indian raids, but also against pillage by roving bands of Mexicans, remnants of Santa Anna's army, who had allied themselves with the Indians.[18] In 1839 there occurred a battle near Geronimo Creek in which General Edward Burleson's men defeated the nondescript army of Negroes, Mexicans, and Indians led by Vicente Cordova.[19] Minor skirmishes, none of which was individually important, continued to occur with alarming regularity throughout the period of the Republic.[20]

On January 29, 1842, the County of Guadalupe was created "for judicial and all other purposes...except that of separate representation." In the act of creation were set forth the boundaries and the name of the new county.[21] The name was taken from the Guadalupe River, which flows through the county from northwest to southeast. This river had been named by Alonzo de Leon, who on his first expedition to Texas in 1689, gave it the name of "Our Lady of Guadalupe, whom we had brought from Coahuila as our protectress, and whom we had painted on our royal standard."[22]

Guadalupe County, however, was not organized in 1842 under the act of creation, for in the same year a decision of the Supreme Court of the Republic of Texas declared the creation of such "judicial counties" uncon-

16. Guadalupe Gazette-Bulletin, Historical Centennial Edition, Apr. 30, 1936, quoting letter of John R. King, who suggested the name Seguin.
17. Hodge, Handbook, I,768, says Lipans became allies of whites in 1839; Sowell, Early Settlers, 425.
18. Sowell, Incidents, 21, 22. Caldwell's men defeated the Mexicans at Salado in 1842 and compelled them to retire to the Rio Grande. Fitzsimon, Seguin, 12.
19. Fitzsimon, Seguin, 12; J.W. Wilbarger, Indian Depredations in Texas (Austin, 1890), 151-157.
20. In fact, as late as 1845, when Prince Carl Solms-Braunfels was considering Seguin as a location for his German colony, the Indian raids were still so frequent in that neighborhood that he continued his journey northward to the present site of New Braunfels in Comal County. Sowell, Incidents, 44.
21. H.P.N. Gammel, Laws of Texas, 10 vols. (Austin, 1898), II, 750, 751, cited hereafter as Gammel, Laws. See map of these boundaries, p. 12.
22. Elizabeth Howard West, "De Leon's Expedition of 1689," in Southwestern Historical Quarterly (Austin, 1897--), VIII (1904-5), 211.

stitutional.[23] Nor was the county organized until after Texas had become the twenty-eighth state of the Union, and the Legislature of the State of Texas had by act of March 30, 1846, created Guadalupe County and defined its boundaries.[24] On March 24, 1846, Seguin was declared the county seat of Guadalupe County.[25]

During the summer of the year 1846, German immigrants, under the Society for the Protection of German Immigrants in Texas, settled on what was known as Horton's League. Hortonton, as the new settlement was named, was then in Guadalupe County. However, this German settlement and several others east of the Guadalupe River were so closely allied in language and in sentiment with the settlement at New Braunfels that their citizens petitioned the legislature for a change in the boundaries of Guadalupe and Comal Counties, to place their land within Comal.[26]

Guadalupe County was finally organized on August 7, 1846, and the following officers were installed: Thomas H. Duggan, county clerk; Milton Osborne, sheriff; Asa J. L. Sowell, district clerk; William G. King, assessor and collector; George W. Price, constable; Michael Erskine, chief justice; and William Tom, William Beard, James A. Day, and Jeremiah S. Calvert, commissioners.[27]

Soon after its organization, Guadalupe County began an attempt to facilitate travel through the region under its jurisdiction. On August 24, 1846, the clerk was ordered to correspond with the county courts of Bastrop, Fayette, and Gonzales Counties, soliciting their cooperation in opening roads from Seguin to Bastrop and La Grange. A committee was appointed to lay out a road to Gonzales, and the hands of the Flores Rancho were appointed to work the road from Seguin to San Antonio as far as the county line. Rates for the numerous ferries across the Guadalupe were also established at this time, and the license fee for their operators was set.[28]

Within the year of her organization, Guadalupe County set up a body of men called the Patrols, for protection against Indian raids, and for the capture and return of run-away slaves. On January 11, 1847, the court commissioned Joseph F. Johnson captain of a Patrol to be composed of five men: French Smith, T. A. Johnson, Abner Harris, A. W. Lay, and M. R. Lewis. Later, other companies were organized to guard the several sections into which the county was divided. The Patrols were continued into the period of the Civil War, during which time, composed chiefly of boys and old men, they were the only home guards for the county.[29]

Shortly after the organization of Guadalupe County, Seguin was described

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23. Stockton v. Montgomery, James Wilmer Dallam (comp.), Opinions of the Supreme Court of Texas from 1840 to 1844 Inclusive (St. Louis, 1882), 473, cited hereafter as Dallam, Opinions..
24. Gammel, Laws, II, 1339. See map of these boundaries, p. 12.
25. Gammel, Laws, II, 1320.
26. Rudolph L. Biesele, History of the German Settlements in Texas (Austin, 1930), 164, 166-168. On Feb. 8, 1871, an act was approved that transferred fifty-four square miles of territory from Guadalupe County to Comal. Gammel, Laws, VI, 906.
27. Guadalupe County, Commissioners Civil Minutes (see entry no. 1), A, 1, cited hereafter as Com. Civ. Min.
28. Ibid., 2.
29. Ibid., 6, 9, 10, 15, passim.

as "a hamlet with houses half-hidden beneath the live oaks under which they were scattered."[30] Previous to the building of the first courthouse, court was sometimes held under these trees.[31]

When it was impossible to carry on the business of the court under the trees, court was held in one of the private homes.[32] On October 12, 1846, the court ordered that Joseph F. Johnson and Thomas H. Duggan be appointed to contract for the building of a frame courthouse, 16 by 24 feet.[33] This building, completed in 1848, was soon found to be too small; and on February 21, 1849, some alterations were ordered, not only because the courthouse was inconvenient, but also because the "Sons of Temperance of Jackson Division No. 9, and many other citizens are in favor of such alterations."[34] However, even with changes, the first courthouse was inadequate, and on August 26, 1856, a contract for a new building was accepted.[35] Funds for its construction had been made available through the passage of a law granting the state taxes for 1856-1857 to the counties, to be used for the construction of public buildings, or in payment for buildings already constructed.[36] The new courthouse, a two-story concrete structure with a hipped roof of cypress shingles, was completed on April 26, 1858. Its dimensions were 30 by 50 feet.[37]

By 1848, when her first courthouse was built, Guadalupe County was in need of several other buildings. Following annexation, her population had been increased by a large influx of immigrant settlers. Many new houses had been built. A saw and grist mill, and a little later a cotton gin, had been constructed. But no buildings had as yet been set aside for use by churches and schools. In 1849 the Methodist congregation, organized in 1841 by the Reverend J. P. Sneed, built the first church in the town of Seguin. Prior to this time, the Methodists, Baptists, Presbyterians, and Episcopalians, all organized congregations, had met in private homes or in the courthouse. The Methodists now courteously allowed the other denominations use of their church building. In 1857 the second church in Seguin was constructed. It was a concrete building, and was shared by the Baptists and Presbyterians.[38] Other churches were built at a much later date, and some services were still being held in the courthouse when the practice was forbidden at the beginning of the Civil War.[39]

In the early days of Guadalupe County, educational facilities were rather poor. Many of the citizens sent their children away to Virginia and other states of the South. Pioneer work in the field of education for Guadalupe County had been done by the Reverend David Thompson, who taught

30. Ferdinand Roemer, Texas 1845-1847 (San Antonio, 1935), 90.
31. Fitzsimon, Seguin, 15.
32. Com. Civ. Min., A, 4, 10.
33. Ibid., 5.
34. Ibid., 47.
35. Ibid., 256.
36. Gammel, Laws, IV, 461.
37. Com. Civ. Min., A, 255-259, 291, 311.
38. Fitzsimon, Seguin, 16. In the forties, Dr. John E. Park invented a kind of "concrete," the raw materials for which were available near Sequin. This building material superseded logs and rough lumber in Sequin. J. De Cordova, Texas: Her Resources and her Public Men (Philadelphia, 1858), 277, cited hereafter as De Cordova, Texas.
39. Com. Civ. Min., A, 524, B, 110.

school in a log cabin in Seguin. With the rapid growth of the town, however, it soon became necessary for the people to have some local school which their children might attend. In 1848 a charter was granted to William E. Jones, Michael Erskine, Dr. John E. Park, Joseph F. Johnson, and Martin R. Lewis for the establishment of "Guadalupe College." In 1849 another group secured a charter for the Guadalupe High School Association. At this point the promoters of Guadalupe College abandoned their idea and joined with the others. A building was constructed in Seguin, and in 1850 the school was attended by a student body of one hundred members. The Association then erected a second building for a Female Academy and reserved the first for a Male Academy. Other schools came into being as time passed, and many changes occurred, but the first building constructed by the Guadalupe High School Association is still in existence and has seen continuous service as a school building since its dedication in 1850.[40]

The year 1853 was one of the most important in the annals of Guadalupe County. On February 7, Seguin and Guadalupe City were incorporated as one unit. On June 14, John R. King was mayor under the new charter.[41] On September 17, 1853, there appeared the first edition of the first newspaper published in Seguin. This was the Texan Mercury, which soon published a letter describing the town of Seguin as follows:

> When I hove in sight of Seguin, I thought it the most beautiful sight I had seen. The town is built in a lovely grove of Live Oaks, and stands upon elevated situation, sloping gently each way from the center, and the citizens have shown good taste by allowing the trees to stand, not cutting them down, even those on the street. On reaching the town, I alighted at the splendid hotel of Dr. W. S. Read. Seguin is handsomely laid off in modern style. The buildings generally, have an air of neatness and comfort, and much good taste has been displayed in all improvements of the town. There are two large and handsome two-story stone buildings erected for a male and female seminary which shows, at one glance, the intelligence and spirit of its inhabitants.[42]

In the same year, improvements were made in the stage coach service through the county, and also in the mail service, which at that time came through by stage coach and by Horse Mail lines.[43]

The next few years, from 1854 to 1860, were years of prosperity, marked by important events. In 1855 there occurred the last of the Indian raids into the county. The second newspaper, the Seguin Journal, made its first appearance on November 22, 1856.[44] By 1857 there were three post offices in Guadalupe County, besides the one established in 1846 at Seguin. These were at Bonito, Orchard, and Valley.[45] In 1858 the second courthouse

40. Fitzsimon, Seguin, 16, 17.
41. Ibid., 17, 18. According to some writers, the first mayor of Seguin was Dr. John D. Anderson. Ibid., 18.
42. Ibid.
43. Ibid., 19.
44. Ibid., 21, 22.
45. De Cordova, Texas, 342-347.

was completed and accepted for use.[46] By 1860 the census of Guadalupe County showed a total population of 5,444, and Seguin had risen from a relatively unimportant frontier village to a city of comparative importance in the state.

At the beginning of the Civil War, Guadalupe County citizens took the oath of allegiance to the Confederacy and undertook to carry their part of the burdens imposed by war.[47] One of the most important duties of the commissioners court during the course of the war was providing transportation for the various troops from Guadalupe County. On July 15, 1861, the court ordered that General T.R. Jefferson be paid two hundred dollars for transporting the Seguin Knights, Captain Nat Benton's company, from Seguin to Brenham.[48] Relief for the families of soldiers away at the war was also undertaken. And on June 14, 1862, the court appropriated three hundred dollars to aid the citizens of Galveston who were driven from their homes by threatened bombardment. A letter was written to the Mayor of Houston, asking him to invite the Galveston families to come to Guadalupe County, and to inform them that provision had been made for their support.[49] Aside from these duties, which were more public than private, the people of Guadalupe County had many other new tasks imposed upon them by the war. Cotton cards were shipped into the county,[50] and the women were kept busy carding, spinning, and weaving to make cloth for the families at home and for the men in the Confederate Army. In addition, the women, young boys, and older men were responsible for whatever crops were raised, for the management of the slaves in the county, and for the continuance of local governmental affairs. The prosperity of the 1850's, carried over into the first years of the war, was not equal to the strain, but vanished completely with the defeat of the South.[51]

With the end of the war came problems of Reconstruction, for Guadalupe County as for other counties over the state. Nat Benton, H. Volcker, and C. West were elected to office, and proceeded to the performance of their official duties; but as it turned out, they had not been elected by qualified voters, and their official acts were invalidated. Later, however, they were reinstated in office.[52] Confederate money, of course, became worthless, and was destroyed.[53] A special tax was levied to help defray the indebtedness of the county.[54]

With the levy of a tax of five cents on the dollar to provide school tuition for indigent children, Guadalupe County, on February 18, 1867, took her first real step toward recovery from the ill effects of the Civil War.[55] In spite of the evils of Reconstruction--the substitution of military authority for civil, represented by a company of Federal soldiers stationed at Seguin; and maladjustments of farm labor occasioned by the establishment of the Freedman's Bureau--Guadalupe County gradually recovered during the sixties. In 1870 a new newspaper, the Guadalupe Times, appeared in Seguin.

46. Com. Civ. Min., A, 311.
47. Ibid., 518.
48. Ibid., 519. Brenham was a terminus of a railroad to Louisiana.
49. Ibid., B, 7.
50. Ibid., 30.
51. Fitzsimon, Seguin, 28.
52. Com. Civ. Min, B, 130.
53. Ibid., 200
54. Ibid., 212.
55. Ibid., 158.

The re-election of Governor Richard Coke and the return of a Democratic majority to each house of the legislature in 1876 marked the end of Reconstruction in Texas.[56]

Between 1870 and 1875 four new churches were erected in Seguin by the Methodists, Lutherans, Roman Catholics, and by the German Methodists. In 1876, the Presbyterians and Episcopalians built new churches.[57]

By 1877 changes were being made in the Seguin schools. In that year the Jesuit Fathers purchased the property of the Guadalupe Female Academy and converted it into a Roman Catholic school for boys, called Guadalupe College; and in 1878, three Incarnate Word Sisters opened a school, which they transferred the next year to the building formerly occupied by the Guadalupe Male Academy. This school was known as St. Joseph's Convent. In 1878, too, the Episcopal Church established two schools in Seguin, St. Andrew's Academy for boys, and the Montgomery Institute for girls. In the Lutheran church building a school established in 1870 continued to operate, being supported partially by the city of Seguin, and partially by the Lutheran Church.[58]

The third important development of the seventies was the coming of the railroad to Seguin and Guadalupe County. Guadalupe County, even before the war, had entertained hopes of having a railroad within her boundaries, but all plans had failed to materialize. The Buffalo Bayou, Brazos, and Colorado line had reached Alleyton in 1860, and the Colorado River at Columbus in 1865. In July 1873 the citizens of San Antonio raised a subsidy of $500,000 to bring the road to their city by March 1875. The company changed its name to Galveston, Harrisburg, and San Antonio Railway, and started the work of laying the new tracks. In the spring of 1875 the rails crossed the San Marcos River into Guadalupe County, and in 1876 the trains reached Seguin. By 1877 the line reached San Antonio, and the first train arrived there on February 19, 1877. The laying of the tracks through Guadalupe County gave rise to two new towns, Marion, near the crossing on the Guadalupe, and Kingsbury, near the crossing on the San Marcos. Since the line passed Seguin at a point quite distant from the commercial center of the town, an undeveloped portion of the town had to be improved as a route to the depot.[59]

The coming of the railroad resulted in a large increase in the population of the county, from 7,283 in 1870 to 12,202 in 1880. Schools, churches, and public buildings, as has been noted, were improved to meet the demands of this increase in population.

The new towns of Marion and Kingsbury offered Seguin a commercial rivalry she had not heretofore known, and all three towns became important business centers of the county.[60] By 1887 the Galveston, Harrisburg, and San Antonio Railway had thirty-seven miles of track in the county. Sixteen schools, with a total of eighty-six teachers, served a school population of 3,802.[61]

The period of progress which had been inaugurated in the seventies continued until the outbreak of the World War in 1917. New commercial

56. Fitzsimon, Seguin, 29.
57. Ibid., 29, 30.
58. Ibid., 32.
59. Ibid., 31.
60. Ibid.
61. Texas Agricultural and Statistical Report, 1888 (Austin, 1889), 91.

buildings, new schools, and new churches were constructed. Telephone service, a street railway, and city parks were established in Seguin. Several theaters and literary societies also came into being during this period.[62]

With the declaration of war on April 6, 1917, the people of Guadalupe County prepared to help. A Red Cross chapter was organized; "Loyalty Day" was celebrated; and men began to leave for the military camps. Over nine hundred men from Guadalupe County saw service overseas, several of whom were killed in action. About $300,000 was subscribed from Guadalupe County by the purchase of Liberty Bonds, and the Red Cross raised large amounts of money at various times.[63]

After the war, Guadalupe County experienced another period of progress in the twenties. A series of dams was constructed on the Guadalupe River for hydro-electric power, and the growth of the city made necessary the construction of a new high school building in 1927. In 1929 a new filtration plant was completed, and a new hospital building was erected. In the same year oil was discovered on Darst Creek, and the county was carried through the worst years of the depression on the boom which resulted. In 1935 the new municipal building was erected in Seguin and in 1936, a new courthouse. In 1938 a centennial celebration in Seguin marked the one-hundredth anniversary of its existence. A large new park was opened, and many improvements were made over the city.[64]

A great portion of the wealth of the county is derived from the oil industry, since it produces a large amount of petroleum. The county also has deposits of sulphur, lignite, and brick clay. Agriculture and stock raising are among the important pursuits, with cotton the major crop. Utilization of water power from the Guadalupe River has continued to the present time, and additional development of this source of cheap power, now used by flour mills and hydro-electric plants, may result in Guadalupe County's becoming a manufacturing center.

Seguin has remained the largest town of the county. A study of the population statistics for Guadalupe County shows a steady increase from 1,511 in 1850 to 28,925 in 1930.

62. Fitzsimon, Seguin, 32-44.
63. Ibid., 44.
64. Ibid., 45, 48

Explanation of Map

The name Guadalupe was first applied to a political subdivision of Texas when the Congress of the Republic, on January 29, 1842, passed an act creating a county called Guadalupe, for judicial and administrative purposes only.[1] The right of separate representation was denied, and because of this fact, the Supreme Court, during its January term 1842, declared the creation of judicial counties unconstitutional.[2]

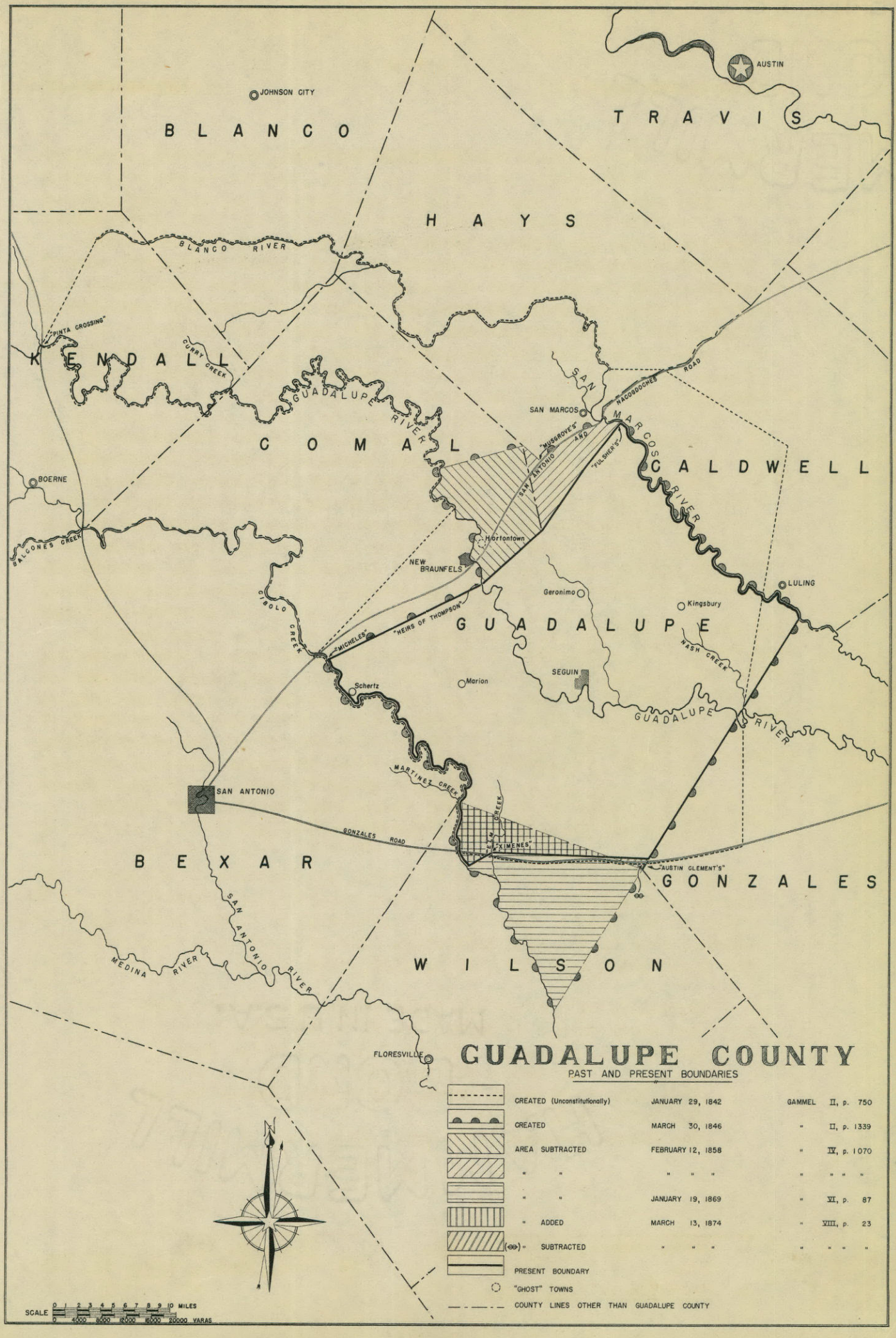
The first state legislature on March 30, 1846, created Guadalupe County in conformity with the Constitution of 1845, and defined its boundaries as follows:

> Beginning at the mouth of Nash's Creek, on the north-east bank of the Guadalupe river in Gonzales county; running thence, north thirty-four degrees east, to the river San Marcos; thence, up the river San Marcos, with its meanders, to the point where the old San Antonio and Nacogdoches road crosses the same; thence, running with said road in a western direction to the south-west corner of a survey made for J. A. Musgrove, fronting on said old road; thence, running north, fifty degrees west, two thousand five hundred varas; thence, running south, seventy-five degrees west, to the river Guadalupe; thence, down the river Guadalupe with its meanders, to the lower corner of survey, No. 21, in class, No. 3, made for the heirs of Thompson; thence with the lower line of said survey, south, sixty-five degrees west, to its south-west corner; thence running to a point on the river Cibolo, where the lower line of a survey of one league (No. 114,) made for V. Michili, crosses said river Cibolo in Bexar county; thence down the river Cibolo with its meanders, to a point from which a line running north, thirty-four degrees east, would strike the mouth of Nash's Creek; thence ...[3]

Study of existing maps failed to reveal the location of the survey made for J. A. Musgrove. Its location was determined by checking all of the files in the General Land Office, pertaining to tracts bordering the San Antonio road in the area indicated. The only evidence found appears in the field notes made for John R. King, which read:

> Beginning at a stake and mound on the San Antonio road and south corner of Survey No. 37 in the name of ~~Musgrave~~ L. S. Yeates Thence N 45° W with the South the same & Ed^{d} Burleson's survey No. 18 West line of ~~Musgrave Survey~~ and passing ~~Survey~~ ~~No. 18~~ the latter's W. corner ~~for Edward Burleson~~ 5,073 varas to a mound of stone

1. 1842, Gammel, Laws, II, 750, 751.
2. Stockton v. Montgomery, Dallam, Opinions, 473.
3. 1846, Gammel, Laws, II, 1339.


JOHNSON CITY
AUSTIN
BLANCO
TRAVIS
HAYS
BLANCO RIVER
"PINTA CROSSING"
CURRY CREEK
KENDALL
GUADALUPE RIVER
SAN MARCOS
NACOGDOCHES ROAD
COMAL
"MUSGROVE'S" AND "FULSHER'S" SAN ANTONIO
CALDWELL
BOERNE
SAN MARCOS RIVER
Hortontown
NEW BRAUNFELS
CIBOLO CREEK
"MICHELES"
"HEIRS OF THOMPSON"
Geronimo
Kingsbury
LULING
GUADALUPE
NASH CREEK
SEGUIN
Marion
Schertz
GUADALUPE RIVER
MARTINEZ CREEK
SAN ANTONIO
"X IMENES"
GONZALES ROAD
"AUSTIN CLEMENT'S"
BEXAR
GONZALES
MEDINA RIVER
SAN ANTONIO RIVER
WILSON
FLORESVILLE
GUADALUPE COUNTY
PAST AND PRESENT BOUNDARIES
CREATED (Unconstitutionally) JANUARY 29, 1842 GAMMEL II, p. 750
CREATED MARCH 30, 1846 " II, p. 1339
AREA SUBTRACTED FEBRUARY 12, 1858 " IV, p. 1070
" " " " " " "
" " JANUARY 19, 1869 " VI, p. 87
" ADDED MARCH 13, 1874 " VIII, p. 23
(ee) " SUBTRACTED " " " " " " "
PRESENT BOUNDARY
"GHOST" TOWNS
COUNTY LINES OTHER THAN GUADALUPE COUNTY
SCALE 0 1 2 3 4 5 6 7 8 9 10 MILES
0 4000 8000 12000 16000 20000 VARAS

> Thence S 45° W. 500 varas to a stone mound for the West corner of this survey - Thence S 45° E 4974 varas to and with the North East line of survey no. 21 - to the San Antonio road a stake and mound - Thence with the road N 56° E 520 varas to the beginning.[4]

The field notes of this survey, made by James R. Pace, District Surveyor of the Travis Land District, June 28, 1847, have been corrected, evidently at a later date, to read "L. S. Yeates" instead of "Musgrave."[5]

The act creating Blanco County on February 12, 1858, altered the boundary line between Hays and Guadalupe Counties. This line, the present boundary line between Hays and Guadalupe, was defined as follows:

> ... beginning at the upper corner of league No. 19, in the name of B. and G. Fulsher, on the San Marcos river; thence with the north-west boundary of said survey, and survey No. 62, in the name of Andrew Mitchell, to said Mitchell's western corner; thence in a straight line to the south-east corner of Comal county as heretofore defined in this act; ...[6]

As a result of a petition presented to the legislature by residents of the territory surrounding the settlement of Hortonton, a portion of Guadalupe County was added to Comal County. The revised and present boundary line between Comal and Guadalupe Counties was defined on February 12, 1858, as follows:

> ... to the lower line of the N. Micheles league No. 114, being the present corner of said Comal county; thence in a direct line as now existing to the south-west corner of survey No. 21, in the name of John Thompson; thence with the south line of said league north 65° east, to its lower corner on the Guadalupe river; thence north 50° east seven miles: ...[7]

The southern boundary line of Guadalupe County has been altered twice. The first time was by declaration in constitutional convention, passed on January 19, 1869, "Attaching parts of Guadalupe county to Wilson county, and changing the name of Wilson county to that of 'Cibolo,' " which defined the boundaries as follows:

> That all that part of the county of Guadalupe lying and being south of a direct line running from the mouth of Martinez Creek, in the Cibolo river, to the extreme western corner of Gonzales county, be, and the same is hereby attached to, and shall hereafter constitute part and parcel of Wilson County.[8]

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4. Travis 2nd Class, File 49, General Land Office, Austin.
5. John W. Hawkins, Chief Clerk, General Land Office, Austin, to Charles W. Hodges, State Supervisor, Historical Records Survey, San Antonio, Mar. 24, 1939.
6. 1858, Gammel, Laws, IV, 1071.
7. Ibid.
8. 1869, ibid., VI, 87.

(First entry, p. 122) Explanation of Map

The second revision, on March 13, 1874, enlarged and defined the boundaries of Wilson County:

> ... with the line of Gonzales county to the southeast boundary line of Guadalupe county; thence with the said southeast line of Guadalupe county to the northeast line of the Austin Clement's survey; thence with the said northeast line of Clement's survey to the north corner of the same; thence on a direct line to the point where the northwest line of the Manuel Ximene's survey crosses Elm creek, thence with the said northwest line of the Ximene's survey to the Cibolo creek; ...[9]

The present boundary lines of Guadalupe County may be defined as follows: "Beginning at the mouth of Nash's Creek, on the north-east bank of the Guadalupe river in Gonzales county; running thence, north thirty-four degrees east, to the river San Marcos; thence, up the river San Marcos, with its meanders..." [10] "... /to/ the upper corner of league No. 19, in the name of B. and G. Fulsher, on the San Marcos river; thence with the north-west boundary of said survey, and survey No. 62, in the name of Andrew Mitchell, to said Mitchell's western corner; thence in a straight line to the south-east corner of Comal county..." [11] thence in a straight line to the lower corner of the John Thompson survey, No. 21, thence in a straight line along the south of the John Thompson survey to the lower line of N. Michele's league, No. 114, on Cibolo Creek,[12] "... thence down the river Cibolo with its meanders, ..."[13] to a point where a line drawn along the northwest line of Manuel Ximene's survey would cross the Cibolo, from that point in a straight line to where the northwest line of Manuel Ximene's survey crosses Elm Creek, thence east in a straight line to the northeast corner of Austin Clement's survey,[14] thence northeast along a line running north, thirty-four degrees east, which would strike the mouth of Nash's Creek.[15]

9. 1874, Gammel, Laws, VIII, 23.
10. 1846, ibid., II, 1339.
11. 1858, ibid., IV, 1071.
12. 1871, ibid., VI, 906.
13. 1846, ibid., II, 1339.
14. 1874, ibid., VIII, 23.
15. 1846, ibid., II, 1339.

(First entry, p. 122)

2. GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM

Governmental Organization

Legal Status of the County

The county, as a unit of government, is earlier in point of time than either the state or the town. The civil division of the state into counties had its origin in England, where they preceded the organization of the Kingdom itself. Under the Kingdom they were continued because of recognized necessities in government.[1]

The idea of government by means of counties was imported to the American colonies with the common law of England, and, entering naturally into the frame of all their colonial governments, it passed by easy transition and necessary consequence into the governments of the states.[2]

Upon gaining independence from Mexico, Texas did not have to wait for statehood to enjoy political and economic intercourse with the states of the American union, and, as a result, it at once began consciously and unconsciously to shape its institutions and practices in the moulds of an established system of American jurisprudence. Among the earliest laws adopted by the Congress of the Republic were those designed to conform Texas counties to the American conception of those local units of government.

One distinguishing feature of the American county is the source of its being; it is the creature of the legislative body of the state. Its rights, privileges, and powers may be enlarged or curtailed, and its property and property rights controlled from time to time, in the discretion of the legislature, subject to constitutional restrictions.[3] To enumerate subjects over which this authority may be exercised would necessitate an enumeration of all the ordinary activities of a county.[4]

Of the countless definitions of a county given by the Texas courts in reported cases, few attempt comprehensiveness; most of them, in giving prominence to certain distinguishing features necessary to a decision in the particular case under consideration, purposely omit other elements of a complete definition. Comprehensively considered in the light of many

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1. Corpus Juris, 72 vols. (New York, 1912-37), vol. 15, p. 388, par. 1.
2. Ibid.
3. Milam County v. Bateman (1880), 54 Texas Reports (St. Louis, 1881--), 153, cited hereafter as Tex.
4. Ruling Case Law, 28 vols. (Northport, N.Y., 1914-21), vol. 7, p. 926, par. 6, cited hereafter as RCL.

decisions, a county may be said to be a political or civil subdivision of the state with some of the powers of a corporation, created out of territory of the state by the sovereign will in accordance with constitutional limitations, without special regard to the will of those residing within its limits, to aid as an integral part and agent of the state in the enforcement and administration of laws, powers, and policies common to the whole state, as distinguished from those of municipal concern.[5]

Counties in Texas are bodies corporate and politic,[6] but in the strict sense of the term they are not municipal corporations.[7] They have only such corporate powers and character as they are vested with to aid them in the effectual accomplishment of the purposes of their creation. The most common and probably the most proper classification of counties is the one that places them in the category of quasi-corporations.[8] As so used, the term quasi-corporation is employed to distinguish counties from municipal corporations proper, such as cities and towns which act under charters endowing them with corporate life and powers requested by the inhabitants for their peculiar and special advantage and convenience.[9]

The corporate capacity of the county extends only to matters related to its property and pecuniary rights and obligations.[10] Furthermore, the fact that a county has certain rights recognized in law as its own does not sever it as a body from the state, but only allows local officers to exercise and perform in the name of the county certain powers and duties which otherwise would have to be exercised and performed in the name of the state. The institution and officering of counties being merely a means of government, the counties remain parts of the machinery that constitutes the public system.[11]

Since laws with which the county is concerned are state laws, it neither has nor needs to have legislative powers. To clothe a county with legislative power would be an entrenchment upon the maxim that the laws

5. Bell County v. Alexander (1858), 22 Tex. 351. City of Galveston v. Posnainsky (1884), 62 Tex. 118. Hamilton v. Garrett (1884), 62 Tex. 602. Bexar County v. Linden (1920), 110 Tex. 339; 220 Southwestern Reporter (St. Paul, 1886--), 761, cited hereafter as SW. Johnston v. Llano County (Tex. Civ. App., 1897), 39 SW 995.
6. 1846, Gammel, Laws, II, 1626; Vernon's Annotated Revised Civil Statutes of the State of Texas, Revision of 1925 (Kansas City, Mo., 1926--), Art. 1572, cited hereafter as RCS, 1925.
7. Milam County v. Bateman (1880), 54 Tex. 153. Johnston v. Llano County (Tex. Civ. App., 1897), 39 SW 995. Yantis v. Montague County (Tex. Civ. App., 1908), 110 SW 161.
8. King County v. Martin (Tex. Civ. App., 1915), 173 SW 960.
9. 7 RCL 925, par. 5.
10. Ibid.
11. Heigel v. Wichita County (1892), 84 Tex. 392; 19 SW 562.

of the state may be made only by the duly elected representatives of the people acting in their legislative capacity in general assembly, and that the legislative power vested in them may not be delegated.[12] But, the delegation of legislative power must be distinguished from legislation bestowing upon counties certain powers of local regulation. For illustration, it has been held that the act creating the office of county school superintendent and authorizing the county commissioners, when in their judgment they might deem it advisable, to provide for the election of the superintendent,[13] was not a delegation of legislative power.[14]

While the state has conferred upon counties certain of its powers and functions, counties are not in all respects elevated to the dignity of a sovereign power; they lack many of the attributes of sovereignty.[15] Apparently, counties have only those prerogatives of the sovereign which have come to them through the adoption of the common law or by virtue of express constitutional or statutory provisions. For illustration, their immunity from suits in tort is upheld by the courts upon the application of the rule of the common law precluding such suits,[16] whereas in a case in which there was no statute expressly exempting counties from certain provisions of the statute of limitations, and in which, of course, there was no applicable rule of common law, counties were held to be subject to the limitation prescribed by the statute, even though it expressly exempted the state from its provisions. The court said that the relation of a county to the state as a subdivision thereof was not such as to include it in a grant of immunity to the state as a sovereign power, in the absence of express provision of the statute extending it to counties.[17]

Power to create counties has been vested in the legislative body by each of the constitutions of Texas, subject to certain limitations. The Constitution of the Republic required a petition of 100 free male inhabitants of the territory sought to be laid off and an area of 900 square miles before a new county might be established.[18] It also provided that each county should be entitled to at least one Representative in the House.[19]

The first state constitution and all subsequent constitutions omit the requirement of petition for a new county. The Constitution of 1845 provided that each new county should have an area of at least 900 square miles, that a two-thirds vote of the legislature was necessary to reduce an existing county to an area less than 900 square miles by the creation of a new county, and that a new county, as to representation, be considered

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12. State v. Swisher (1856), 17 Tex. 441. Stanfield v. State (1892), 83 Tex. 317; 18 SW 577.
13. 1893, Gammel, Laws, IX, 924.
14. Stanfield v. State (1892), 83 Tex. 317; 18 SW 577.
15. Bell County v. Alexander (1858), 22 Tex. 351. Johnston v. Llano County (Tex. Civ. App., 1897), 39 SW 995.
16. Angelina County v. Bond (Tex. Civ. App., 1929), 16 (2nd series) SW 338.
17. Johnston v. Llano County (Tex. Civ. App., 1897), 39 SW 995.
18. 1836, Gammel, Laws, I, 1074.
19. Ibid., 1069.

part of the parent county or counties until the number of its inhabitants entitled it to separate representation. All of these provisions were retained in the next three constitutions, those of 1861, 1866, and 1869. The Constitution of 1866 added the further requirement precedent to creation, of 120 qualified resident jurors in the territory to be embraced; the Constitution of 1869 increased the number of jurors to 150, and prohibited the reduction of the number in the parent county or counties to less than 150, by the creation of a new county.[20]

The legislature's power to create counties is subject to numerous restrictions by the present state constitution, adopted in 1876. In the territory of the state lying outside the counties existing at the time of the adoption of the constitution, no new county may be created with an area less than 900 square miles, "unless prevented by pre-existing boundary lines" or the state line in border counties; such new counties must be in a square form unless prevented by preexisting boundaries. Within the territory of any county or counties existing at the time of adoption, no new county may be created with an area of less than 700 square miles, nor may any county existing at that time be reduced to an area of less than 700 square miles, except, in either case, by vote of two-thirds of each house of the legislature.

No new county may be created so as to approach nearer than 12 miles to the county seat of the parent county. The constitution further provides that when any part of a county is stricken off an existing county and attached to, or created into another county, such part is obligated to pay its proportion of all the existing liabilities of the county from which it is taken, in the manner to be prescribed by law.[21] The act of 1887 creating Mills County from territory lying within certain counties then existing undertook to require the new county to discharge its pro rata share of the liabilities of each of the parent counties "in proportion to the territory taken and the territory remaining to the old county."[22] In 1892 this provision was declared unconstitutional upon the ground that it ignored the taxable value of the property embraced within the new county in its relation to that of the property in the old counties, and therefore entrenched upon the rule of the constitution requiring taxation to be "equal and uniform."[23] In consequence of the decision in the Mills County case, the legislature in the following year enacted a general law defining the measure of liability of counties which had been or might thereafter be created out of the territory of other counties, for their share of the indebtedness of the parent counties, making the proportionate value of the property in the excised territory to the value of the property remaining in the old county or counties the measure of liability.[24]

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20. 1845, Gammel, Laws, II, 1295; 1861, ibid., V, 21, 22; 1866, ibid., 878; 1869, ibid., VII, 423.
21. Constitution of the State of Texas, Art. IX, sec. 1, cited hereafter as Const., 1876.
22. 1887, Gammel, Laws, IX, 823.
23. Mills County v. Brown (1892), 85 Tex. 391; 20 SW 81.
24. 1893, Gammel, Laws, X, 554.

Usually the boundaries of counties have been fixed and defined by the acts creating them, but in some instances such acts have made provision for surveys to establish the boundaries. General laws provide the forums and the procedure for the determination of county boundary disputes.

While, as already stated, counties are created by the sovereign will without special regard to the will of the inhabitants of the territory embraced within them, the constitution has given full opportunity for the expression of the will of the inhabitants in the matter of transferring territory from one county to another; it provides that no part of an existing county may be detached from it and attached to another county until the proposition has been submitted, in such manner as may be provided by law, to a vote of the electors of both counties, and been approved by a majority vote in each.[25] The legislature has provided for the procedure in such elections. The election is called by the county judge or judges of the county or counties affected, upon the petition of 50 qualified voters of either county or both counties. If the proposition is defeated, it may not be resubmitted within five years.[26]

Any county court believing the boundaries of its county indefinite, is authorized to appoint a surveyor to establish the lines. The county courts of counties affected must be notified in order that they may appoint surveyors to assist in running the lines. If the surveyors fail to agree, the commissioner of the general land office informs the surveyors of the specific points of beginning and ending.[27] A county is allowed to bring suit against an adjoining county to establish a mutual boundary line; the suit must be brought in the district court of a county of an adjoining judicial district, whose boundaries are not to be affected by the decision, and whose county seat is nearest the county seat of the county suing.[28]

In creating a new county, the legislature has sometimes appointed, or provided for the appointment of commissioners with full power to call an election for county officers in the new county and to perform other acts necessary to its organization. This procedure has most frequently been prescribed in the act creating the new county, but sometimes it has been provided for in a separate contemporaneous act. It has been prescribed, as a rule, in the case of a county created out of unorganized territory, but not always; it has been made to apply as well to a county carved out of the territory of an already existing and organized one.[29]

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25. Const., 1876, Art. IX, sec. 1.
26. RCS, 1925, Arts. 1555-1562.
27. 1879, Gammel, Laws, VIII, 1437, 1438; RCS, 1925, Arts. 1582-1590.
28. 1897, Gammel, Laws, X, 1276, 1277; RCS, 1925, Arts. 1591, 1592.
29. See, for illustration, act providing for organization of Presidio, El Paso, Worth, and Santa Fe Counties, created out of unorganized territory, Gammel, Laws, III, 474, 475; and act creating and providing for organization of Wilson County, created from existing counties, ibid., IV, 1468-1470.

A general and additional means for the organization of counties has been provided. If there is no officer in an unorganized county authorized to effect its organization, the county judge of the nearest organized county may order an election for county officers in the unorganized county, and at the same time make provision for holding the election.[30]

But, because most of the counties created since statehood have been carved out of the territory of counties organized and existing at the time of creation of the new counties, the procedure for the organization of new counties most frequently followed has been the one prescribed by the general act of March 20, 1848, an act in force today.[31] The act was substantially a reenactment of the provisions of an earlier statute, the one of April 11, 1846, [32] except that the first act applied only to new counties then already created, whereas the second applies to all new counties, whether then already created or thereafter to be established. As it is now incorporated in the revised statutes, the act of 1848 provides that upon the creation of a new county out of territory of an older county, the commissioners court of the parent county shall lay off and divide the new county into convenient precincts for the election of justices of the peace and other precinct officers, and shall as well provide for the election of county officers, at the first general election after the creation of the new county. Where the new county has been created from the territory of more than one county, the duties incident to its organization are imposed upon the commissioners court of the county whose territory has been the most heavily reduced by the establishment of the new county.[33]

The severance of a new county from an old one, however, is not completed until the new county is fully organized; until then, the new county remains to all intents and purposes part and parcel of the old county.[34] For example, the placing of a new county in a judicial district other than the one in which the old county is situate does not of itself break the attachment of the new to the old.[35]

A law of 1866, one of those also incorporated in the current revisal of the statutes, provides that when a county for any cause loses its organization, it shall be, for judicial and surveying purposes, attached to the organized county whose county seat is nearest, and that all instruments required or authorized to be recorded under the registration laws and emanating from the unorganized county be recorded in the county to which it is attached.[36]

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30. RCS, 1925, Art. 1571.
31. 1848, Gammel, Laws, III, 284, 285; RCS, 1925, Arts. 1563-1566.
32. 1846, Gammel, Laws, II, 1380.
33. RCS, 1925, Arts. 1563-1566a.
34. O'Shea v. Twohig (1852), 9 Tex. 336.
35. Lumpkin v. Muncy (1886), 66 Tex. 311. Baker v. Beck (1889), 74 Tex. 562.
36. 1866, Gammel, Laws, V, 1008; RCS, 1925, Art. 1567.

Again, laws relating to particular unorganized counties have sometimes provided for their attachment to organized counties for designated purposes.[37]

By an act adopted in 1874, as amended in 1918, a means is provided whereby an unorganized county remaining for any reason attached to an organized county, may secure organization.[38] Seventy-five or more of the qualified voters of the unorganized county may, by petition signed by them and presented to the commissioners court of the organized county, compel the court to proceed to the performance of its prescribed duty.[39]

In the absence of constitutional restrictions, the power of the legislature to create and organize counties carries with it the power to locate and change the county seats of counties created.[40] Prior to the adoption of a constitutional amendment in 1873, forbidding the legislature to locate or change county seats by local or special laws, the act creating a new county sometimes designated the city, town, or place at which its seat of government was to be located, sometimes delegated the power to the commissioners appointed to organize the county, and sometimes provided for the submission of the matter to popular referendum. The present constitution forbids the legislature to pass local or special laws "Locating or changing county seats."[41] In consequence, general laws that govern in these matters have been enacted.

While it denies to the legislature power to enact local or special laws changing county seats, the constitution expressly confers upon it the power to regulate the manner of their removal; this power, however, is itself subject to the condition that no county seat already established at a point within five miles of the geographical center of the county shall be removed, except by a vote of two-thirds of all the electors voting on the subject.[42]

The chief aim of the legislature in the enactment of general laws providing for elections to determine the location of county seats in the first instance, as well as for elections for the removal of those already established, has been to promote the constitutional policy which seeks to encourage the location of county seats at geographical points best calculated to serve the convenience of the inhabitants.[43]

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37. See, for example, act attaching Presidio County to El Paso in probate and other judicial matters, 1852, Gammel Laws, III, 969, 970.
38. 1874, ibid., VIII, 189-191; 1918, Acts of the 35th Texas Legislature, 4th C.S., 17, cited hereafter as Legis.; RCS, 1925, Art. 1568.
39. By act as originally passed, the number of required petitioners was 150. 1874, Gammel, Laws, VIII, 190.
40. Walker v. Tarrant County (1857), 20 Tex. 16.
41. 1873, Gammel, Laws, VIII, 236; Const., 1876, Art. III, sec. 56.
42. Ibid., Art. IX, sec. 2.
43. The present constitutional policy has its origin in an early act of the Congress of the Republic. 1838, Gammel, Laws, I, 1474, 1475.

A general law provides for elections to determine the location of county seats in new counties. A place within five miles of the geographical center of the county becomes the county seat upon receiving a simple majority of the votes cast; a place not so located must receive a two-thirds majority. County seat elections are conducted in the manner required in the case of an election for the officers of the new county.[44]

The legislature, in providing for elections for the removal of county seats, has not only observed the constitutional limitations upon its power in such matters, but, in its effort to promote the policy of the organic law that looks to the convenience of the inhabitants of counties, has also required a two-thirds majority of all votes cast to remove a county seat, except where the proposition is to remove it from a point more than five miles from the geographical center of the county to a point within the five-mile radius, when a simple majority is sufficient.[45]

Statutes make provision for the calling of an election when it is proposed to remove a county seat. The county judge, upon the application of a specified number of freeholders and qualified voters, is required to designate a day for the election. The election having been held, no subsequent election for the same purpose may be held for five years thereafter, except in one instance: where the proposition is to remove, to a location on a railroad, a county seat located more than five miles from a railroad operating as a common carrier, in which case, the subsequent election may be called within two years after the first, upon proper application.[46]

In determining the question as to the exact geographical center of the county, as it arises in an election for the removal of a county seat, the certificate of the commissioner of the general land office designating such point controls,[47] but at a subsequent election, especially when the exterior boundaries of a county have been changed, voters are entitled to a new certificate from the land commissioner.[48]

The Congress of the Republic passed special acts in 1841 and 1842 attempting to create a number of counties "for judicial and all other purposes. . . except that of separate representation."[49] Among these subdivisions was a county called Guadalupe.[50] The Supreme Court of Texas held that the creation of these "judicial counties" was in violation of the

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44. 1881, Gammel, Laws, IX, 159; RCS, 1925, Art. 1594. 1883, Gammel, Laws, IX, 388; RCS, 1925, Art. 1593.
45. 1879, Gammel, Laws, VIII, 1384; 1927, 40th Legis., 1st C.S., 7; RCS, 1925, Art. 1595.
46. 1893, Gammel, Laws, X, 594; 1919, 36th Legis., 2nd C.S., 77; RCS, 1925, Art. 1596. 1879, Gammel, Laws, VIII, 1384; 1927, 40th Legis., 264; RCS, 1925, Art. 1601.
47. 1879, Gammel, Laws, VIII, 1385; RCS, 1925, Art. 1597.
48. Ralls v. Parrish (1912), 105 Tex. 253; 147 SW 564.
49. See Gammel, Laws, II, 513, 520, 529, 538, 558, 617, 708, 746, 752, 754, 759, 761, 763.
50. 1842, ibid., 750, 751.

provision of the Constitution guaranteeing to every county the right to have at least one Representative.[51]

Guadalupe County, one of the 31 counties created by the first legislature of the state, was created on March 30, 1846,[52] in pursuance of enabling provisions of the Constitution of 1845.[53] It was carved out of the counties of Bexar and Gonzales, and was organized under an act, also of the first legislature, providing generally for the organization of new counties.[54] The act of creation established the boundaries of the county.[55] The boundaries have been altered on four occasions.[56] The town of Seguin was designated the county seat by an act contemporaneous with the act of creation, [57] and has ever since remained the seat of government.

Structural Development

Guadalupe County began to function as a political subdivision of the state with the first meeting of its county court, on August 7, 1846, when the official bonds of its first elected county officers were approved.[58] These officers had been selected at an election held on July 13, 1846.[59]

Administrative powers of the county were vested in the county court, composed of the chief justice and four county commissioners. The county clerk was clerk of the court. All of these officers were popularly elective for two-year terms.[60]

The recording function was performed by the county clerk.[61]

The judiciary of the county was composed of the district court of the judicial district of which the county was a part, the probate court, and the several justice of the peace courts, all provided for by the constitution and organized by the legislature.

The district court was the court of unlimited original jurisdiction in civil and criminal causes, and was vested with appellate jurisdiction in cases tried in the inferior court of probate in the county. A district judge for each judicial district was appointed by the governor with the consent of two-thirds of the senate, to serve a six-year term; a district attorney for each district was elected by joint vote of both houses of the legislature to hold office two years; a district clerk for each county was elected by its voters to serve four years.[62] For each term, a grand jury was drawn and

51. Stockton v. Montgomery (1842), Dallam, Opinions, 473.
52. 1846, Gammel, Laws, II, 1339.
53. 1845, ibid., 1295.
54. 1846, ibid., 1380.
55. Ibid., 1339.
56. 1858, ibid., IV, 1071; 1869, ibid., VI, 87; 1874, ibid., VIII, 23.
57. 1846, ibid., II, 1320.
58. Com. Civ. Min., A, 1.
59. Guadalupe County, Deed Record (see entry no. 85), A, 2, cited hereafter as Deed Record.
60. 1846, Gammel, Laws, II, 1639-1644.
61. Ibid., 1542-1547.
62. 1845, ibid., 1285, 1286; 1846, ibid., 1506-1512.

empaneled to inquire of and present all crimes and offenses cognizable by the court. The body was composed of not more than 23 nor fewer than 13 members.[63] In 1850, by constitutional amendment, the offices of district judge and attorney became elective by the voters of the judicial district.[64]

By constitutional provision, the legislature was directed to establish an inferior tribunal with probate jurisdiction in each county;[65] accordingly, in 1846 the probate court was organized, with a probate judge elected from the county at large to serve two years to preside.[66] The county clerk was ex-officio clerk of the probate court.[67] This separate probate court existed for only two years, for in 1848 probate jurisdiction was transferred to the county court, with the chief justice as presiding judge.[68]

The judiciary article of the constitution provided for the election of a "convenient number" of justices of the peace in each county to hold office two years, and granted them such civil and criminal jurisdiction as might be provided by law.[69] Statute authorized two justices in each justice precinct, and gave them limited civil and criminal jurisdiction.[70] The number of justice precincts in the county was determined by the county court.[71]

Law enforcement officers were the sheriff, coroner, constables, and district attorney, all provided by the constitution.[72] The sheriff was elected from the county at large to hold office two years. He was the chief peace officer of the county, the process and attendance officer of the district and probate courts, and the keeper of the jail.[73] The coroner, selected by the county electorate to serve two years, was also a conservator of the peace in the county. He served processes if there was no sheriff, or if the sheriff was disqualified. For the investigation of unnatural deaths, he had power to summon a jury and witnesses.[74] One constable was elected in each justice precinct by the voters of the precinct, to serve two years. Constables were charged with conserving the peace throughout the county, serving all processes legally directed to them, and attending the justice courts of their precincts.[75] The district attorney attended all terms of the district court, conducted prosecutions for crimes and offenses cognizable in it, and prosecuted and defended all other actions in which the state was interested. He also gave written opinions to the county treasurer and tax assessor-collector in all cases touching the public interest or concerning state revenue, and gave directions to the district clerk and sheriff, necessary to insure collection of judgments in favor of the state.[76]

Fiscal officers were the tax assessor-collector and the county treasurer. The office of assessor-collector was provided for by the constitution,[77] and made elective for a two-year term by the legislature.[78] The legislature

63. 1846, Gammel, Laws, II, 1479.
64. 1850, ibid., III, 474.
65. 1845, ibid., II, 1287.
66. 1846, ibid., 1614-1624.
67. Ibid., 1616, 1640.
68. 1848, ibid., III, 113, 118.
69. 1845, ibid., II, 1286, 1287.
70. 1846, ibid., 1604-1614.
71. Ibid., 1642.
72. 1845, ibid., 1286.
73. 1846, ibid., 1571-1575.
74. Ibid., 1664-1669.
75. Ibid., 1567-1570.
76. Ibid., 1601-1604.
77. 1845, ibid., 1294.
78. 1846, ibid., 1653.

directed the county court to appoint a county treasurer to hold office two years.[79] By an act of 1850, the office of county treasurer became elective.[80]

Supervisory and administrative control of the public schools of the county was vested in the members of the county court, who constituted a board of school commissioners.[81]

Members of the county court sat as a county board of land commissioners to investigate claims on the government for headrights and to issue certificates for land to bona fide claimants, until their authority as land commissioners expired on February 1, 1856.[82]

The act of the first legislature establishing the general land office of the state contained the provision that the counties of the Republic, as they existed on February 15, 1846, should become land districts of the state for the election of a district surveyor for a two-year term. It further provided that no new county created by the legislature should be made a separate land district; each new county remained a part of the district from which it was created.[83] This provision relating to newly created counties was applicable to the new county of Guadalupe. By an act of the second legislature, new counties were entitled to elect a county surveyor every two years, and to become separate land districts of the state.[84]

Under the new state constitution adopted in 1861 to conform the organic law to changed conditions incident to Secession, no alterations in structure of county government were effected.

To meet problems occasioned by the defeat of the Confederacy, and seeking readmission to the Union, the people of Texas adopted another constitution in 1866. This document and legislative acts pursuant to it continued the county offices and agencies established before the war; created the office of county attorney and a board of school examiners; changed the title of chief justice to county judge, and designated the administrative body police court; gave all county and precinct officers four-year terms; and gave the county court limited original jurisdiction in civil and criminal causes, in addition to probate jurisdiction.

Administrative powers of the county were vested by the constitution in the police court, whose members were four county commissioners, elected by the qualified voters of their respective commissioners' precincts, and the judge of the county court, and whose clerk was the clerk of the county court.[85]

The recording function continued tc be performed by the clerk of the county court.[86]

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79. 1846, Gammel, Laws, II, 1644.
80. 1850, ibid., III, 521.
81. 1840, ibid., II, 320; 1845, ibid., 1156; 1854, ibid., III, 1461.
82. 1846, ibid., II, 1643; 1853, ibid., III, 1324; 1854, ibid., 1563-1566.
83. 1846, ibid., II, 1540, 1541.
84. 1848, ibid., III, 153-155.
85. 1866, ibid., V, 868, 869.
86. 1846, ibid., II, 1542-1547.

The judiciary of the county was, by constitutional provision, composed of the district court, the county court, and the several justice courts. The scope of the civil jurisdiction of the district court was extended to include exclusive cognizance of a number of actions without regard to the amount in controversy; its criminal jurisdiction remained as it was under the Constitution of 1845; its appellate jurisdiction was extended to cases originating in all of the inferior courts of the county. The offices of district judge and district attorney continued to be filled by the electors of the judicial district; their terms of office were eight and four years, respectively. The voters of the county elected the clerk of the district court.[87] The act of 1846 regulating the selection of grand jurors continued in force.[88]

In addition to probate jurisdiction, as exercised since 1848, the county court was given limited civil jurisdiction, criminal jurisdiction over misdemeanors and petty offenses, and power to apprentice minors. The judge and clerk of the county court were elected from the county at large.

Two justices of the peace in each of the justice precincts of the county continued to exercise the limited civil and criminal jurisdiction vested in justices of the peace by laws in force at the time of the adoption of the constitution.[89]

The constitution provided for the election of the sheriff, coroner, district attorney, and a sufficient number of constables, and created a new county law enforcement officer--the county attorney, to be appointed by the police court.[90] The legislature gave the county attorney the specific duties of representing the county and state in all cases to which either was party in the county court; representing the state, in the absence of the district attorney, in all proceedings before committing magistrates; and attending sessions of the police court.[91]

Fiscal officers were the tax assessor-collector and the county treasurer. The constitution provided for the office of tax assessor-collector,[92] and the legislature made the office elective by the voters of the county.[93] No new legislation was enacted concerning the office of county treasurer; the act of 1850 authorizing the election of county treasurers remained in force.[94]

Members of the police court constituted a board of school commissioners for forming school districts and calling elections therein, and distributing funds among the districts. A board of school examiners, composed of five members appointive by the police court, was created to examine applicants for teaching positions in the county public schools and to issue certificates, and to exercise supervision over the conducting of schools.[95]

87. 1866, Gammel, Laws, V, 864-868.
88. 1846, ibid., II, 1479.
89. 1866, ibid., V, 868, 869.
90. Ibid.
91. Ibid., 969, 970.
92. Ibid., 878.
93. Ibid., 1052.
94. 1850, ibid., III, 521.
95. 1866, ibid., V, 1088-1092.

The county was entitled to elect a county surveyor by authorization of the act of 1848.[96]

Because the Congress of the United States refused to readmit Texas into the Union with the Constitution of 1866 in effect, a new constitution was framed during 1868 and 1869 and adopted by the people on November 30, 1869. This constitution, under which Texas was granted full fellowship in the Union in 1870, introduced radical changes in county government. The number of county agencies and officials was greatly reduced. The offices of county judge, county commissioners, county clerk, tax assessor-collector, and coroner were omitted; their functions were divided among the officials retained. Several changes were made in the manner of selection of officials. The county court as a trial court was omitted.

Administrative powers of the county were vested by the constitution in the county court, composed of the five justices of the peace of the county, or any three of them, with the justice residing at the county seat as presiding justice. The district clerk was ex-officio clerk of the county court.[97]

The recording function was performed by the district clerk.[98]

The judiciary of the county was composed of the district court and five justice of the peace courts. The district court became the court of original probate jurisdiction in the county; its former civil and criminal jurisdiction was retained, and its civil jurisdiction was further extended to include all cases in which the state was interested; its appellate jurisdiction remained the same, extending to all cases originating in the inferior courts of the county. The district judge was appointed by the governor, with the advice and consent of the senate, for an eight-year term. The district attorney was elected by the voters of the judicial district; the district clerk by the voters of the county; both served four years.[99] By an act of 1871, the number of grand jurors drawn at each term of the district court was limited to not more than 20 nor less than 15.[100]

To the limited civil and criminal jurisdiction already vested in the justice courts a number of civil causes was added. Five justices of the peace were authorized for each county; they were elected by the voters of their respective precincts, and their term was four years.[101]

Law enforcement officers were the sheriff, district attorney, five constables (one for each justice precinct), and the county attorney, all of whom were given four-year terms. The sheriff was selected by the county electorate; the district attorney, by the voters of the judicial district; the constables were appointed by the county court,[102] as was the county

96. 1848, Gammel, Laws, III, 153-155.
97. 1869, ibid., VII, 412, 414; 1870, ibid., VI, 282-286.
98. 1869, ibid., VII, 412.
99. Ibid., 411-413.
100. 1871, ibid., 62.
101. 1869, ibid., 414; 1870, ibid., VI, 261-282.
102. 1869, ibid., VII, 413-415.

attorney.[103] The act of 1870 authorizing the appointment of county attorneys was repealed the next year.[104] The functions formerly exercised by the coroner devolved upon justices of the peace and constables.[105]

The constitution provided that assessments of taxes be made by the justices of the peace as assessors in their precincts; tax collections, by the sheriff.[106] By constitutional amendment adopted in 1873 the assessing and collecting functions were combined in the one office of tax assessor-collector, and the officer was to be elected by the voters of the county to serve a four-year term.[107]

The office of county treasurer was continued by authorization of the act of 1850 making the office elective by the voters of the county.[108]

Under an act of 1870, members of the county court constituted a board of school directors, and this board appointed a board of three school examiners,[109] but an act passed three years later created a separate board of school directors, composed of five members elected from their respective justice precincts, to hold office four years. This board elected one of its members president, and by virtue of such election, the president became ex-officio county school superintendent. The board of examiners was dispensed with; the superintendent was charged with examining teachers.[110]

The office of county surveyor was continued by authorization of the act of 1848 entitling each corporate county to elect its own surveyor.[111]

The office of public weigher was created in 1875 by the legislature. The governor appointed public weighers to serve in towns and communities where public interest necessitated the office; their terms of office were two years.[112]

In 1871 the legislature created the county office of inspector of hides and animals. The officer was to be appointed by the governor, and was to hold office four years.[113] By reenactment in the same year, however, the office became elective for two years.[114]

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103. 1870, Gammel, Laws, VI, 285, 286.
104. 1871, ibid., 937.
105. 1869, ibid., VII, 415; 1870, ibid., VI, 278.
106. 1869, ibid., VII, 424; 1870, ibid., VI, 378, 398.
107. Ibid., VIII, 236.
108. 1850, ibid., III, 521. See Collins et al. v. Tracy (1872), 36 Tex. 546, holding it to be obvious, since the constitution of 1869 was silent respecting the office of county treasurer, that the antecedent laws providing for that office and prescribing its duties, were still in force.
109. 1870, Gammel, Laws, VI, 288, 289.
110. 1873, ibid., VII, 540.
111. 1848, ibid., III, 153-155.
112. 1875, ibid., VIII, 534.
113. 1871, ibid., VI, 1014.
114. Ibid., VII, 9, 10.

By provisions of the present constitution, adopted in 1876, most of the county offices and agencies authorized prior to the adoption of the Constitution of 1869 were restored. The legislature has, from time to time, created new county offices and agencies under powers granted it by the constitution, and a few changes in structure of county government have been effected by constitutional amendment.

Administrative power of the county is vested by the constitution in the commissioners court, composed of the county judge and four county commissioners; commissioners are elected for two-year terms by the voters of their respective precincts.[115] The county clerk is clerk of the commissioners court.[116]

The recording function is performed by the county clerk.[117]

The judiciary of the county consists of the district court, the county court, and the justice of the peace courts. The district court exercises original civil and criminal jurisdiction, and appellate jurisdiction and general control over the commissioners court and over probate matters originating in the county court.[118] The district judge and attorney are elected by the voters of the judicial district to serve four- and two-year terms, respectively.[119] The district clerk is elected by the voters of the county to hold office two years.[120] The grand jury is composed of 12 members, 9 of whom constitute a quorum, selected by 3 jury commissioners appointed at each term of the district court by the district judge.[121]

The county court has exclusive original probate jurisdiction, limited original civil and criminal jurisdiction, and appellate jurisdiction over cases originating in the justice of the peace courts.[122] The county judge and county clerk are elected by the voters of the county, and hold office for two years.[123]

Justice of the peace courts exercise limited original civil and criminal jurisdiction.[124] The number of justice precincts in the county must be not less than four nor more than eight. In each precinct, the voters elect one justice to serve two years; in any precinct containing a city of 8,000 or more inhabitants, however, two justices are elected.[125]

Law enforcement officers are the sheriff, district attorney, county attorney, and constables. The sheriff and county attorney are elected by the voters of the county; one constable is elected in each justice precinct by the voters of the precinct, the district attorney is elected by the voters of the judicial district; all serve two-year terms.[126]

115. Const., 1876, Art. V, sec. 18.
116. Ibid., sec. 20.
117. Ibid.
118. Ibid., sec. 8.
119. Ibid., secs. 7, 21; 1879, Gammel, Laws, VIII, 1394, 1395.
120. Const., 1876, Art. V, sec. 9.
121. Ibid., sec. 13; 1876, Gammel, Laws, VIII, 915.
122. Const., 1876, Art. V, sec. 16.
123. Ibid., secs. 15, 20.
124. Ibid., sec. 19.
125. Ibid., sec. 18.
126. Ibid., secs. 23, 21, 18.

The constitution in its original form provided for the election of a tax assessor in each county, by its qualified electors, to serve a two-year term,[127] and gave the duty of collecting taxes to the sheriff, except in counties having 10,000 or more inhabitants, in which a collector was to be elected for a two-year term.[128] Guadalupe County elected a separate tax collector in 1892.[129] By constitutional amendment adopted in 1932, the assessing and collecting functions were again combined; a tax assessor-collector in counties of 10,000 or more population was provided for; in smaller counties the sheriff was designated ex-officio assessor-collector.[130] Guadalupe County elected a tax assessor-collector at the next general election in 1934.[131]

The commissioners court constitutes a board of equalization, for equalizing the valuation of all property subject to or rendered for taxation.[132]

The county treasurer is elected by the voters of the county and holds office two years.[133]

By general law, the legislature created the office of county auditor in 1905 for counties containing a city with a population of 25,000 or more.[134] Under the act as later amended to include all counties having a tax valuation of $15,000,000 or more,[135] the first county auditor in Guadalupe County was appointed by the district judge on October 1, 1925.[136] The office was abolished in Guadalupe County by authorization of an act of the legislature in 1937.[137]

The legislature created the county board of school trustees in 1911. It was composed of five members, elected annually from the county at large to serve two-year terms.[138] Since 1915, the board has been composed of five members, one elected from the county at large by the voters of the common and independent school districts, and the other four from their respective commissioners' precincts; their terms are so arranged that two trustees are elected one year and three the next.[139]

County judges served as ex-officio school superintendents in all counties from 1876[140] until 1887, when the commissioners courts were authorized to establish the elective office of county school superintendent for their counties, at their discretion.[141] The commissioners court of Guadalupe County

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127. Const., 1876, Art. VIII, sec. 14.
128. Ibid., sec. 16.
129. Guadalupe County, Record of Election Returns (see entry no. 71), unmarked vol., p. 3, cited hereafter as Election Returns.
130. 1933, 43rd Legis., 598.
131. Election Returns, vol. 3, p. 68.
132. Const., 1876, Art. VIII, sec. 18.
133. Ibid., Art. XVI, sec. 44; 1876, Gammel, Laws, VIII, 1035.
134. 1905, 29th Legis., 381.
135. 1917, 35th Legis., 337.
136. Guadalupe County, Civil Minutes District Court (see entry no. 215), N, 313, cited hereafter as Civ. Min. Dist. Ct.
137. RCS, 1925, Art. 1645a-2.
138. 1911, 32nd Legis., 36.
139. 1915, 34th Legis., 69.
140. 1876, Gammel, Laws, VIII, 1035-1046.
141. 1887, ibid., IX, 924.

established the office in the county in 1901.[142] Law in force since 1905 requires each county with a scholastic population of 3,000 or more to elect a county school superintendent.[143] The term of office was two years until it was increased to four in 1930.[144]

The school law of 1876 provided for a board of school examiners, composed of three members, appointed for each scholastic year by the county judge.[145] Since 1911, this board has been composed of two members, appointed by the county superintendent. Members serve during the superintendent's pleasure, and meet at his call.[146]

The county surveyor is elected by the qualified voters of the county for a two-year term.[147]

Public weighers are appointed by the governor in cities and towns where the receipts of cotton and other commodities justify the appointment. In justice precincts whose receipts are small in quantity, the voters may elect a public weigher. Public weighers serve two-year terms.[148]

The office of inspector of hides and animals was filled in Guadalupe County by direction of a general law of 1871[149] until the county was exempted from its provisions in 1895.[150]

Since the county exists for the purpose of administering locally the powers and policies of the state, its chief functions are those that have to do with the registration of instruments involving property rights, the administration of justice, the assessment and collection of taxes, the diffusion of education, the construction and maintenance of highways and other public works, the care of the poor, and the promotion of health and hygiene.

Registration of Title to Property

If the importance of any function performed by a county through its officers is to be estimated by the direct and proximate interest of the general public, it is to be admitted that services performed by the county clerk as recorder under the registration laws of the state are by far the most important. The main body of the registration laws enacted by the first legislature[151] has been brought forward through mesne revisals into the

142. Com. Civ. Min., D, 113.
143. 1905, 29th Legis., 263.
144. 1887, Gammel, Laws, IX, 924; 1930, 41st Legis., 5th C.S., 207.
145. 1876, Gammel, Laws, VIII, 1040.
146. 1911, 32nd Legis., 195.
147. Const., 1876, Art. XVI, sec. 44; 1876, Gammel, Laws, VIII, 1035.
148. RCS, 1925, Arts. 5681, 5683.
149. 1871, Gammel, Laws, VI, 1014.
150. "Revised Civil Statutes, Revision of 1895," Art. 5043, in Revised Statutes of Texas (Austin, 1895), cited hereafter as RCS, 1895.
151. 1846, Gammel, Laws, II, 1542-1547.

current revision of the statutes, and, together with some earlier acts[152] and a number of supplemental and amendatory acts, is the law in force today.[153]

One purpose of the registration laws is the preservation of the evidence of written instruments involving the title to or interests in property. The primary purpose and the essence of such laws, however, is to give notice of the contents of the instrument, so that those dealing subsequently with the property may be protected against fraud and imposition by having placed within their reach full information with respect to the mutual rights and obligations of the original parties to the instrument in relation to the property, and the resulting burdens resting upon the property itself.

Constructive notice as an element in the law of recording is purely statutory. It was unknown to the common law of England;[154] indeed, under the common law there was no system of registration, so that between conflicting conveyances from the same source the one which was prior in time was prior in right.[155] And, of course, registration systems founded upon the idea of constructive notice were unknown to the laws of Spain or Mexico in force in Texas prior to the Revolution and the establishment of the Republic.[156]

Under laws in force prior to the Revolution, contracts were reduced to writing upon stamped paper by the proper officer. The originals (protocols) remained as archives of his office, and copies (testimonios) were given to the parties.[157]

At an early date in the history of Austin's Colony, Austin petitioned the government of the State of Coahuila and Texas for, and obtained an order authorizing the transfer of all the records of the colony "that were on loose sheets of paper, into a large bound register or record book." The order provided that documents thus transferred should have the same validity in law as the originals.[158] In DeWitt's Colony similar record books were used.[159]

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152. 1836, Gammel, Laws, I, 1215, 1216; 1839, ibid., II, 52; 1840, ibid., 327-332.
153. RCS, 1925, Title 115. None of the systems, such as the Torrens System (named for the author of the Australian Act of 1857, the underlying principles of which the system follows), looking to the registration of titles to land, as distinguished from the practice under registration acts generally of recording or registering the evidence of such titles, and in use in a few of the states, has ever been adopted in Texas. Neither has Texas yet deemed it necessary or wise to adopt the Uniform Land Registration Act approved by the National Conference of Commissioners on Uniform State Laws.
154. Ball v. Norton (Tex. Comm. App., 1922), 238 SW 889.
155. 23 RCL 171, par. 24.
156. RCS, 1925, annotations to Art. 6591.
157. Ibid.
158. Gammel, Laws, I, 15.
159. Rather, "DeWitt's Colony," 115.

Articles V and VI of the Plan and Powers of the Provisional Government of Texas, adopted November 13, 1835, constituted a provisional judiciary consisting of two judges for each jurisdiction. These courts were declared to be courts of record for conveyances, which were to be made in English. The use of stamped paper was dispensed with. By Article XIV, all land commissioners, empresarios, surveyors, and all persons concerned with the location of land were ordered to cease their operations "during the agitated and unsettled state of the country," and provision was made for the appointment of suitable persons to take charge of all the archives belonging to the several land offices and to deposit them in safe places "secure from the ravages of fire, or the devastation of enemies." By the same article, the archives of primary judges, alcaldes, and other municipal officers of the several jurisdictions were ordered to be handed over to their successors in office immediately after their election or appointment, and the archives of the several political chiefs of the Departments of Nacogdoches, Brazoria, and Bexar were directed to be transmitted to the governor and council for their disposition.[160] Records of the proceedings of the General Council, including reports made by the committees appointed to execute the provisions of Article XIV, show those provisions to have been carried out with reasonable success, despite the obstacles placed in the way of enforcement by refractory officials and land speculators.[161]

By section 16 of an Ordinance and Decree of the Provisional Government, approved January 22, 1836, the clerk in each municipality was required to take charge of the papers, archives, and dockets of the judge's court in his municipality, and to "record all deeds and other conveyances, register wills, and keep a record of all suits and cases in the said judge's court."[162]

But, in none of these orders of the Provisional Government and in none of those practices authorized and followed in the colonies was the idea of constructive notice of influence or even in mind; preservation of the records and the perpetuation of the evidence of titles was apparently the sole consideration. Austin based his application for the order authorizing the use of record books upon the "future security of the settlers, that the records should be placed in such shape, as would render them less liable to be lost or defaced, than they would in their original state."[163]

The act of the first Congress of the Republic, organizing the superior courts and defining their powers and jurisdiction, may be said to be the first recognition in Texas of the salutary effects of recording for the purpose of giving constructive notice as a protection against secret and fraudulent conveyances. Section 40 of the act reads:

> No deed, conveyance, lien, or other instrument of writing, shall take effect as regards the interests and rights of third parties, until the same shall have been duly proven and presented to the court, as required by this act, for the recording

160. Gammel, Laws, I, 538, 541, 542.
161. Ibid., 621, 635, 640-643, 700-702, 707-711, 718, 719, 978.
162. Ibid., 1043, 1044.
163. Ibid., 15.

> of land titles. And it shall be the duty of the clerk to note particularly the time when such deed, conveyance, lien, or other instrument is presented, and to record them in the order in which they are presented.[164]

It will be noted that the language of this statute is in the negative. While its positive implications are plain enough, it remained for the fourth Congress to declare in affirmative language the effect of a failure to record a "deed, conveyance, lien, or other instrument of writing." By section 4 of an act "concerning conveyances," approved February 5, 1840, such instruments were declared "void as to all creditors and subsequent purchasers for valuable consideration without notice, unless they be acknowledged, or proved and lodged with the clerk, to be recorded" according to the directions of the act, but were at the same time declared to be valid as between the original parties and their heirs and as to subsequent purchasers with actual notice thereof, without being recorded. Section 12 relates to the necessity of re-recording an instrument in another county where the property involved has been removed to the other county, and section 13 gives to the deposit of the instrument for record the full effect of actual recording.[165]

Few additional acts affecting the law of registration were passed by the Congress of the Republic. Those of importance were: an act providing that neither real nor chattel mortgages should operate as liens unless recorded within 90 days from the passage of the act or the date of execution;[166] an act providing for certain formalities in the matter of proving instruments for record, and making copies of deeds and other instruments evidencing the title to land admissable to record, when the originals executed in conformity with laws existing at their dates, remain in the public archives, and when the copies are duly certified by the proper officers;[167] an act giving a lien to master builders and mechanics erecting buildings pursuant to written contracts, and requiring, in order to continue the life of the lien, the recordation of such written contracts within 30 days from the time of their execution, and providing further that such liens should not have priority over recorded mortgages or legal encumbrances existing anterior to the time of the contract;[168] an act providing for the recording of certain instruments in order to avoid the imputation of fraud;[169] and an act requiring county clerks to record in well-bound books a synopsis of the land certificates returned to the general land office as genuine and legal by commissioners appointed under authority of the act to investigate fraudulent land certificates.[170]

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164. 1836, Gammel, Laws, I, 1216.
165. 1840, ibid., II, 328, 330. Secs. 4 and 12 of this act brought forward in RCS, 1925, as Arts. 6627, 6645.
166. 1838, Gammel, Laws, I, 1482; repealed 1840, ibid., II, 244.
167. 1839, ibid., 52; RCS, 1925, Art. 6625.
168. 1839, Gammel, Laws, II, 66, 67.
169. 1840, ibid., 202, 203.
170. Ibid., 316.

Forty-three days after the act of the first legislature of the state, creating the county of Guadalupe,[171] the same legislature passed the act of May 12, 1846, to "provide for the Registry of Deeds, and other Instruments of Writing," already referred to as being incorporated, for the most part, in the current revision of the statutes as the basic provisions of the registration laws in force in Texas today.[172] It was the good fortune of Texas that its first legislature had before it the patterns of tried and proven registration systems, for at an early date in this country statutes were enacted in the several states requiring the registration of conveyances in order to keep them valid against subsequent bona fide purchasers and encumbrancers.[173] These statutes, originating in the recognition of the principle of constructive notice as one of harsh necessity, are now unshakably established in the economic life of the states and of the nation, for it may now be stated as an axiom of the business world that titles incapable of being traced and established by some form of public record are practically unmerchantable.[174]

Articles 6591-6662, collected under "Title 115-Registration" of the current revision of the statutes, prescribe the formalities as to the execution and proof of instruments to be observed in order to entitle them to record,[175] the method of recordation,[176] the books and indexes which are to be kept;[177] describe the general nature of the instruments which come within the purview of the statutes, and specifically mention some of them.[178] But, by no means are all the registration statutes embraced within these 72 articles of the revisal; other articles are to be read into the main body of the registration laws.[179]

While no attempt is here made to make an exhaustive statement upon the subject, the instruments coming within the contemplation of the registration laws are, for the most part: conveyances of estates of inheritance and freehold in lands and tenements, and for terms of years, including land patents from the state, tax deeds, deeds of sheriffs, commissioners, and other officers authorized to sell and convey lands under, or by virtue of the judgments and decrees of the courts of the state, deeds and conveyances by executors, administrators, and guardians, deeds of settlement upon marriage, conveyances of crops, growing timber, and timber rights, and oil and gas leases; bonds for title, and executory contracts for the sale of lands, tenements, and hereditaments, and interests in and concerning the same, including options and located land certificates; assignments and transfers of such executory contracts, as well as instruments rescinding and canceling the same; powers of attorney appointing attorneys in fact with various

171. 1846, Gammel, Laws, II, 1339.
172. Ibid., 1542-1547.
173. Note in American and English Annotated Cases (Northport, N.Y., 1906--), vol. 22, p. 195 et seq.
174. Title & Docket Restoration Co. v. Kerrigan (Calif. Sup. Ct., 1906), 88 Pacific Reporter (St. Paul, 1889--) 356.
175. RCS, 1925, Arts. 6602-6615.
176. Ibid., Art. 6595.
177. Ibid., Arts. 6591, 6593, 6594, 6597-6599, 6601.
178. Ibid., Arts. 6591, 6594, 6595, 6634-6662.
179. For example, see ibid., Arts. 5363, 5522, 7258.

powers, including the power to sell, convey, mortgage, and otherwise dispose of and encumber real or personal property, or both; wills and codicils; bills of sale and transfers of choses in action and incorporeal hereditaments, including unlocated land certificates; instruments conveying title to land together with personal property; mortgages of real estate, deeds of trust, deeds with reservation of vendors' liens; vendor lien notes, and other agreements creating liens upon lands and tenements; laborers', mechanics', contractors', and landlords' liens; certified copies of judgments; lis pendens notices; writs of attachment; federal tax liens; assignments and transfers of mortgages, trust deeds, and liens upon real estate, and instruments extending the maturity of the same; instruments acknowledging the payment and satisfaction of mortgages, trust deeds, and liens upon real estate, and instruments releasing the same; chattel mortgages, bills of sale, contracts for the sale of goods and chattels with reservations of title as security for the payment of purchase money; assignments of judgments and interests therein, as well as instruments acknowledging the payment and satisfaction of judgments, and instruments releasing the same; assignments for the benefit of creditors; tax receipts, contracts made in consideration of marriage; schedules of the separate property of married women; proofs of heirship; homestead designations; mining claim location notices; marks and brands; trade marks; certificates of assumed trade names; estray notices; reports and records of alien-owned lands; plats of cemetery grounds; releases of oil and gas leases upon public lands; statements of adoption prior to passage of act of 42nd legislature;[180] certificates of limited partnership; maps and plats showing the location of proposed causeways.

The act of 1846, as incorporated in the current revisal of the statutes, like the act of 1840, provides that an instrument required or authorized to be recorded thereunder "shall be considered as recorded from the time it was deposited for record."[181]

Clerks are required to keep a book in which shall be entered in alphabetical order all instruments, if in proper form, deposited with them for record, with a notation of the time of the deposit of the instrument; the alphabetical order is by the name of the party filing the instrument.[182] This book, usually labeled "Register of Instruments Filed for Record,"[183] is used to determine the order of priority in the filing of instruments and the order in which they are to be entered in the record books.[184]

Clerks are required to keep alphabetical indexes in form prescribed by the statute.[185]

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180. Adoption is by proceeding in the district court since 1931, 42nd Legis., 300.
181. 1846, Gammel, Laws, II, 1545; RCS, 1925, Art. 6596.
182. 1846, Gammel, Laws, II, 1545; RCS, 1925, Art. 6594.
183. See entry no. 80; note title variation.
184. Kennard v. Mabry (1890), 78 Tex. 151; 14 SW 272.
185. RCS, 1925, Arts. 6597, 6598.

Instruments executed since August 22, 1897, must be in English. Those in foreign languages executed prior to that date, to be entitled to record, must be accompanied by correct translations, properly authenticated; the translation must be recorded with the instrument.[186]

As a general rule, but with some exceptions such as chattel mortgages,[187] instruments recorded under the registration statutes, together with the acknowledgments, proofs, affidavits, and certificates thereto attached, must be recorded "word for word and letter for letter,"[188] in the office of the county clerk of the county where the property is situate, and in well-bound books kept for that purpose.[189] In some cases, such as judgments[190] and some federal tax liens,[191] the instruments are not in syntatic form, but are themselves abstracts made and certified by the proper officials.

The Texas courts have said that the registration laws were designed to furnish a substitute for livery of seizin,[192] and are an extension of the principle of the statute of frauds: "one statute requires the contract to be in writing, the other declares that it shall not take effect as against the rights of third parties, unless it is also registered. The object of both laws is to prevent and suppress frauds."[193]

With the exception of the period during which the Constitution of 1869 was in force, the county clerks have always been the recorders within the counties charged with the duty of recording instruments required or authorized to be recorded under the registration laws.[194] Under the Constitution of 1869, in force until April 18, 1876, the district clerks were the recorders.[195]

Judiciary--Jurisdiction of the Courts

The Texas supreme court has defined the jurisdiction of a court to be the power or authority conferred upon it by the constitution and laws to hear and determine causes between parties, and to carry its judgments into effect.[196]

Since jurisdiction is conferred upon courts by constitutional provisions and statutes enacted in pursuance thereof, the extent of the jurisdictional powers of the several courts of Texas has, of course, varied from time to time in accordance with variations in such provisions and statutes. A historical synopsis of these variations in constitutional provisions and in

186. RCS, 1925, Art. 6629.
187. Ibid., Arts. 5494, 5497; see entry nos. 98, 100, 101.
188. RCS, 1925, Art. 6595.
189. Ibid., Art. 6591.
190. Ibid., Arts. 5447, 5448; see entry no. 104.
191. Ibid., Art. 6644; see entry no. 108.
192. Watkins v. Edwards (1859), 23 Tex. 443.
193. Grumbles v. Sneed (1858), 22 Tex. 565.
194. 1836, Gammel, Laws, I, 1215; Const., 1876, Art. V, sec. 20.
195. 1869, Gammel, Laws, VII, 412.
196. Withers v. Patterson (1864), 27 Tex. 491. Cleveland v. Ward (1926), 116 Tex. 1; 285 SW 1063.

some of the essential statutes from the time of the organization of Guadalupe County to the adoption of the amendments of the present constitution in 1891 is here presented, followed by a summarization of the jurisdictional powers of the several courts today. Because it has never been affected by provisions of state constitutions or statutes, the jurisdiction of the courts of the state acting as agents of the Federal Government in naturalization cases is treated of in an appended statement.

The jurisdiction of courts only as it relates to the subject matter of actions and proceedings is within the scope of this article. No attempt is made to treat of such topics as the territorial jurisdiction of courts; the acquisition of jurisdiction over the parties to actions by process or other means; the power of courts to issue writs in the enforcement of their jurisdiction; jurisdiction as it depends upon the local character of actions, on the one hand, or upon their character as transitory actions, on the other; or jurisdiction as it is related to the subject of pleading. Neither is the jurisdiction of examining courts, nor all of the ex-officio powers of judges included.

Under each of the several constitutions of the state, the original jurisdiction of a court over any given civil action or proceeding has, as a rule, been made to depend either upon the nature of the action or proceeding itself, or upon the amount in controversy, or upon both. The common law forms of action never having been adopted in Texas, each of the constitutions, by express provision to that effect, has conferred civil jurisdiction upon the courts, without any distinction between law and equity.

With respect to the original jurisdiction of a court in a criminal cause, the grade of the offense involved has, as a rule, been the determining factor.

Appellate jurisdiction is defined to be the "power and authority conferred upon a superior court to hear and determine causes which have been tried in inferior courts."[197] By applicable provisions of constitutions and statutes, the appellate jurisdiction of a court has sometimes been made to depend upon the nature of the cause of action and sometimes upon the nature of the question of which a determination is sought. And, of course, the subject is one inextricably involved in the one having to do with the rank of courts.

A. Under the Constitution of 1845

Original Jurisdiction--Civil. Section 10 of the judiciary article of the Constitution of 1845 gave jurisdiction to the district courts, as courts of the first instance, in all suits on behalf of the state to recover penalties, forfeitures, and escheats, and in all suits for divorce. Section 15 provided that original jurisdiction in probate proceedings should be vested in an inferior court to be established by the legislature in each county. By the same section "original jurisdiction," and "general control"

197. Brownsville v. Basse (1875), 43 Tex. 440; 106 SW 326.

over such inferior courts, and "original jurisdiction and control over executors, administrators, guardians and minors" were given to the district courts, to be exercised under such regulations as might be prescribed by law. Such were the grants of jurisdiction by the 1845 constitution as the same were made to depend upon the nature of the subject matter of actions and proceedings.[198]

The effect of these constitutional grants of jurisdiction was to give to the district courts exclusive original jurisdiction in suits on behalf of the state to recover penalties, forfeitures, and escheats, and in suits for divorce, and to the probate courts exclusive original jurisdiction in probate matters, as the scope and nature of those matters were defined by the constitution.[199]

By the act of May 11, 1846, to organize the district courts, jurisdiction of "all suits for the recovery of land" was also conferred upon the district courts. By the same act it was provided that they should have "general control" over the probate courts, and original jurisdiction in probate matters where the judge or clerk of probate was interested.[200]

The act of February 11, 1850, supplementary to an act of March 16, 1848, to regulate elections, conferred jurisdiction upon the district courts in election contests involving the offices of district attorney, district judge, justices of the supreme court, the commissioner of the general land office, the state comptroller, the attorney general, and the state treasurer.[201]

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198. 1845, Gammel, Laws, II, 1286, 1287.

199. See Myers v. State (Tex. Civ. App., 1907), 105 SW 408, declaring that portion of the act of 1907, 30th Legis., 156, attempting to confer on a court other than the district court, jurisdiction in a suit on behalf of the state to recover a penalty, ineffective as being in violation of the Constitution of 1876, in which was brought forward the provision of the 1845 constitution, giving jurisdiction in such suits to the district courts. The holding was based upon the well established principle that where jurisdiction over a particular subject matter is conferred in express terms by the constitution upon one court and not upon another, it is to be presumed that it was intended that the jurisdiction thus conferred should be exclusive, and that the legislature should be precluded from conferring such jurisdiction upon any other court. The principle, of course, applies with equal force to suits for divorce. See Lauraine v. Ashe (1917), 109 Tex. 69, 191 SW 563, holding the jurisdiction of county courts under later but similar constitutional and statutory provisions to be exclusive in probate matters, and discussing original jurisdiction of the district courts in certain matters affecting executors, administrators, and guardians, and the estates of decedents, when the jurisdiction of the probate court proves inadequate.

200. 1846, Gammel, Laws, II, 1507.

201. 1848, ibid., III, 120-126; 1850, ibid., 601.

In 1860 the district court became the exclusive forum for the determination of condemnation suits by railroad companies. The act of February 8, 1860, in delegating to railroad companies the power of eminent domain and regulating their use of the power, made provision for a proceeding before commissioners, to be appointed by the chief justice of the county where the land sought to be condemned was situate, with a view to settle disputes between the owner of the property and the company, but further provided that either party, if dissatisfied with the decision of the commissioners, should have the right to file a petition in the district court, and that such suit should proceed as in "ordinary cases" in that court.[202]

By an act approved on May 11, 1846, probate courts were established in the counties, in obedience to the requirements of the constitution, and by virtue of the constitutional provisions already referred to, those courts became vested with the power to appoint guardians, grant letters testimentary and of administration; to settle accounts of executors, administrators, and guardians, and to transact business appertaining to estates.[203] But this act organizing the probate court was repealed by an act approved March 16, 1848, effective from and after the first Monday of the following August. It gave probate jurisdiction to the county court, with the chief justice acting ex-officio as the probate judge,[204] and acts of March 20 regulated proceedings in the county court pertaining to the estates of deceased persons and to guardianships.[205]

By an act of 1848 regulating elections, one power of a trial court--that of hearing contests arising out of elections for county officers--was granted the county court composed of the chief justice and the county commissioners,[206] a court which theretofore under the Constitution of 1845 had exercised administrative powers only.[207]

An act of 1858 to organize the state lunatic asylum and to provide for the maintenance and care of the insane, gave to the chief justices of the counties the power to conduct lunacy hearings, and prescribed the procedure to be followed in committing insane persons to the asylum.[208]

It was not until the act of March 20, 1848, reorganizing the justice courts that civil jurisdiction conferred upon these courts was in anywise made to depend upon the nature of the action or proceeding involved.[209] Section 25 of the act attempted to confer jurisdiction upon the justice courts in "all suits and actions in behalf of the state or any county thereof, or any individual, to recover penalties, fines and forfeitures," of $100 or less.[210] The same section gave them jurisdiction over suits in behalf of the state, or a county, for any violation of the revenue law of the state, where the matter in controversy did not exceed $100.[211]

202. 1860, Gammel, Laws, IV, 1423, 1424.
203. 1846, ibid., II, 1614-1624.
204. 1848, ibid., III, 113, 118.
205. Ibid., 235-297.
206. Ibid., 124, 125.
207. 1846, ibid., II, 1639-1644
208. 1858, ibid., IV, 986-992.
209. 1848, ibid., III, 163-181.
210. Ibid., 169. See Myers v. State, footnote 199, for question as to the constitutionality of this provision of the act.
211. 1848, Gammel, Laws, III, 169.

With respect to the original civil jurisdiction of the several courts, as the same was made to depend upon the amount in controversy, a number of statutes, as well as the provisions of the constitution itself must be noted. Section 10 of the judiciary article of the constitution gave to the district courts jurisdiction of "all suits, complaints and pleas whatever," when the matter in controversy was valued at, or amounted to $100, exclusive of interest.[212] By the act of May 11, 1846, organizing the courts of the justices of the peace, they were given jurisdiction over "all suits and actions for the recovery of money on any account, bill, bond, promissory note, or other written instrument, or for specific articles," where the amount in controversy did not exceed $100 "exclusive of the interest, costs and damages," and over all "actions for torts, trespasses and other injuries, as well to person as to property, sounding in damages," when the damages claimed did not exceed $100.[213] Section 25 of the act of 1848 reorganizing the justice courts was a substantial repetition of sections 13 and 29 of the act of 1846 organizing the justice courts and giving them jurisdiction in civil actions where the amount in controversy did not exceed $100.[214]

Original Jurisdiction--Criminal. The judiciary article of the constitution invested the district courts with unlimited original jurisdiction in criminal causes. Section 10 of the article provided in very simple language that those courts should have original jurisdiction "in all criminal cases." This provision was never construed to mean that the jurisdiction of the district courts "in all criminal cases" should be exclusive; on the contrary, the provision, taken in connection with other sections of the constitution, was construed at an early date as giving the legislature power to confer jurisdiction in criminal cases upon inferior courts, concurrent with that of the district courts.[215]

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212. 1845, Gammel, Laws, II, 1286.

213. 1846, ibid., 1608, 1613. See Love and Chappell v. McIntyre (1848), 3 Tex. 10, in which the constitutionality of these provisions was attacked in the supreme court in a case upon a debt for exactly $100, instituted in a justice court, and appealed to the district court, where the appeal was dismissed on the ground that as to actions where the amount in controversy was $100 or more, original jurisdiction was vested exclusively in the district courts by the constitution, and that since the justice court was therefore without jurisdiction in the first instance, the district court was without jurisdiction on appeal. The supreme court reversed the ruling of the district court, holding that in the absence of an express provision of the constitution making the jurisdiction of a court exclusive when its jurisdiction was made to depend upon the amount in controversy alone, it was competent for the legislature to give concurrent jurisdiction to other courts in suits involving $100 or more; in such cases, the legislature was under no constitutional limitation.

214. 1848, Gammel, Laws, III, 169. See Johnson v. Happell (1848), 4 Tex. 96, in which the constitutionality of this grant of jurisdiction was again attacked in the supreme court in a suit for exactly $100, originally instituted in a justice court in Guadalupe County. Upon the authority of Love and Chappell v. McIntyre (see footnote 213), the court upheld the constitutionality of the act.

215. Burdette v. State (1852), 9 Tex. 43.

The act of 1846 to organize the district courts, in defining their original jurisdiction in criminal cases, repeated the language of the constitution, but excepted from their jurisdiction those criminal cases exclusively cognizable by justices of the peace. The district courts in criminal cases were declared to have all the powers "incident and belonging to courts of oyer and terminer, and general jail delivery."[216]

By the act to organize the justice courts, the legislature conferred original jurisdiction upon them over breaches of the peace, assaults and batteries, riots and affrays, in which the fine did not exceed $50, subject, however, to the further provision that such grant of jurisdiction should not extend to any case in which deadly weapons might be used, or in which the use of deadly weapons might be attempted.[217] Subject to the same proviso, the jurisdiction of the justice courts was extended by the act to reorganize the justice courts, to include all breaches of the peace, assaults and batteries, riot and affrays, and all misdemeanors, where the "fine, forfeiture, or penalty" did not exceed $100. [218]

Appellate Jurisdiction--Civil. Under the Constitution of 1845 the appellate courts were the supreme court and the district courts. The jurisdiction of the supreme court was, according to the provisions of section 3 of the judiciary article, appellate only, with such exceptions and under such regulations as the legislature should make with respect to criminal cases and appeals from interlocutory judgments. Section 15 gave to the district courts appellate jurisdiction in cases originating in the inferior courts of probate to be created by the legislature pursuant to constitutional requirements.[219]

By the statute to organize the supreme court, approved May 12, 1846, its jurisdiction was defined as extending to all manner of "causes and controversies," which might be brought before it, "from the district or any other courts of the State," and which might be cognizable in the supreme court, according to the constitution and laws.[220]

216. 1846, Gammel, Laws, II, 1507.
217. Ibid., 1606.
218. 1848, ibid., III, 169.
219. 1845, ibid., II, 1285, 1287.
220. 1846, ibid., 1555.

Section 20 of the act to organize the justice courts attempted to give the right of appeal to any party aggrieved by "any final judgment of a justice of the peace, except on a stay bond," to the district court.[221]

Appellate Jurisdiction--Criminal. Criminal, as well as civil cases were expressly included in the "causes and controversies" over which the supreme court was to exercise its jurisdiction as defined by the act of May 12, 1846,[222] but on May 13, 1846, an act "Regulating appeals to the Supreme Court, in Criminal Cases" was approved, and under its provisions the defendant to any indictment or prosecution for any criminal offense "in the district courts of this State," except in contempt cases, might appeal to the supreme court.[223] This act was adopted in pursuance of express provision of the constitution giving to the legislature the power to regulate the exercise of the supreme court's jurisdiction in criminal cases.[224]

The act of 1846 to organize the justice courts also attempted to confer appellate jurisdiction upon the district courts in criminal cases originating in the justice courts.[225]

B. Under the Constitution of 1861

The Constitution of 1861, adopted when Texas joined the Southern Confederacy, retained the provisions of the 1845 constitution with respect to the jurisdiction of the courts.

Only one act of the legislature enacted during the period when the Constitution of 1861 was in effect needs to be mentioned. By this act, approved January 3, 1862, all suits and matters that were pending in the "late District Courts of the United States of America in Texas" prior to March 2, 1861, and that were not cognizable in the courts of the Confederate States of America under the permanent Constitution of the Confederacy, were

221. 1846, Gammel, Laws, II, 1610. See Titus v. Latimer (1849), 5 Tex. 433, declaring the provision giving the right of appeal from the justice courts to the district courts unconstitutional; the court held that since the constitution conferred appellate jurisdiction upon the district court in probate matters, it would be presumed that the framers of the constitution intended that its appellate jurisdiction should be confined to those matters. See Able v. Bloomfield (1851), 6 Tex. 132, holding that under the Constitution of 1845, the only means by which the district courts could review a case originating in a justice court was by writ of certiorari. See Thomas v. State (1852), 9 Tex. 324, declaring unconstitutional an act of the legislature passed in 1852, attempting to make the writ of certiorari a ministerial writ to be issued by the district clerk.

222. 1846, Gammel Laws, II, 1555, 1556.

223. Ibid., 1636.

224. 1845, ibid., 1285.

225. 1846, ibid., 1610. See Thomas v. State, footnote 221, holding this provision to be unconstitutional.

ordered to be transferred to the appropriate district courts of the state. Those so pending in the United States Court at Austin were ordered transferred to the district court of Travis County, those from Tyler to the district court of Smith County, those from Galveston to the district court of Galveston County, and those from Brownsville to the district court of Cameron County. Like provision was made for the transfer of cases from the Supreme Court of the United States to the supreme court of the state.[226]

C. Under the Constitution of 1866

Original Jurisdiction--Civil. In addition to those actions over which they were given jurisdiction by the Constitutions of 1845 and 1861, the original jurisdiction of the district courts in civil actions, as it was made to depend upon the nature of the actions alone, was extended by the judiciary article of the 1866 constitution to include all suits to recover damages for slander or defamation of character, all suits for the trial of title to land, and all suits for the enforcement of liens. Jurisdiction of the district courts, insofar as it rested entirely upon the amount in controversy, remained the same as under the 1845 and 1861 constitutions. But, in one instance, their jurisdiction was made to depend both upon the nature of the action itself and the amount in controversy; jurisdiction over all suits for the trial of the right of property levied on by virtue of any writ of execution, sequestration, or attachment, when the property levied on was equal to, or exceeded in value $100, was conferred on these courts. The original jurisdiction of the district courts over courts of probate, over guardians, executors, and administrators, and in matters affecting the estates of decedents, as granted by former constitutions, was saved to those courts by the Constitution of 1866. [227]

The county courts were again vested with original jurisdiction in probate matters, and in addition, were given authority to apprentice minors. Section 16 of the judiciary article conferred upon them original jurisdiction in civil cases where the matter in controversy did not exceed $500, exclusive of interest, subject, however, to "such regulations, limitations and restrictions," as might be prescribed by law.[228]

Courts of the justices of the peace were to have such original jurisdiction in civil actions involving no more than $100, exclusive of interest, as might be provided by law.[229]

Under the Constitution of 1866, then, when construed in the light of cases already cited, the exclusive jurisdiction of the district courts, as courts of the first instance, extended not only to suits on behalf of the state to recover penalties, forfeitures, and escheats, and suits for divorce, but also to suits for slander and defamation of character, suits for the trial of title to land, suits for the enforcement of liens, and to suits for trial of the right of property levied on by virtue of a writ of execution,

226. 1862, Gammel, Laws, V, 469-471.
227. 1866, ibid., 866.
228. Ibid., 868.
229. Ibid., 869.

sequestration, or attachment when the value of the property levied on was $100 or more. The original jurisdiction of the county courts in probate matters proper and in apprenticeships was, of course, also exclusive.[230]

Under a like construction of the constitution, jurisdiction in civil cases, other than those enumerated in the preceding paragraph, was to be concurrent between the county courts and justice courts, when the amount involved did not exceed $100, and concurrent between the district courts and the county courts when the amount in controversy did not exceed $500, until changed by legislative action.[231]

However, by statute, the jurisdiction of the county court was limited to cases where the amount in controversy was not less than $100 and not more than $500. [232]

There was no new legislation under the 1866 constitution affecting the jurisdiction of the justices' courts; since their jurisdiction, as defined by the act of March 20, 1848, was entirely consistent with the provisions of the 1866 constitution, they continued to exercise it as so defined.

By an act approved October 27, 1866, the procedure in accordance with which the county courts were to exercise their jurisdiction in apprenticing minors was adopted.[233]

Original Jurisdiction--Criminal. The judiciary article of the 1866 constitution, like that in former constitutions, gave unlimited jurisdiction to the district courts in criminal causes, but also authorized the legislature to establish criminal district courts in the "principal cities" of the state, with such criminal jurisdiction, coextensive with the limits of the county wherein such city might be situated, and under such regulations as might be prescribed by law.[234]

The county courts were given jurisdiction of all misdemeanors and petty offenses, as the same were then or might thereafter be defined by law.[235]

With respect to their criminal jurisdiction also the justice courts continued to be controlled by the act of March 20, 1848. The constitution itself made no change in their jurisdiction, but left it to be regulated by the legislature.[236]

230. See cases cited in footnote 199, and see proviso to sec. 3 of act of 1866 (Gammel, Laws, V, 962) denying to the county courts jurisdiction in designated actions exclusively cognizable by the district courts.

231. See cases cited in footnotes 213, 214.
232. 1866, Gammel, Laws, V, 962.
233. Ibid., 979-981.
234. Ibid., 865, 866.
235. Ibid., 868.
236. Ibid., 869.

The first criminal district courts established in Texas were those in the cities of Galveston and Houston,[237] in the city of Jefferson,[238] and in the city of San Antonio.[239] The jurisdiction of the San Antonio court in all criminal cases was to be concurrent with that of the district court of Bexar County throughout the limits of the county, and that of the Jefferson court, with the district court of Marion County. The jurisdiction of the Galveston and Houston courts was made exclusive.

Appellate Jurisdiction--Civil. The appellate courts, as under former constitutions, were the supreme court and the district courts. The jurisdiction of the supreme court in civil cases remained as it was under the former constitutions. The appellate jurisdiction of the district courts in civil cases was extended to include not only cases originating in the county courts, as courts of probate, but also to cases originating in any inferior court.[240] The use of the broad language of this grant of jurisdiction was no doubt provoked by the decisions of the supreme court holding unconstitutional statutes enacted after the adoption of the 1845 constitution, attempting to confer appellate jurisdiction upon district courts in cases originating in the justice courts.[241]

Appellate Jurisdiction--Criminal. An important change in the jurisdiction of the supreme court over criminal cases was made. The grant of such jurisdiction in former constitutions had been, in general terms, made subject to such exceptions and regulations as the legislature should make, but the 1866 constitution limited this regulatory control to criminal cases "below the grade of felony." With this exception, the jurisdiction of the supreme court in criminal cases remained as it was under former constitutions. The extension of the appellate jurisdiction of the district courts to cases originating in any of the inferior courts was by express provision made to apply to criminal as well as to civil cases.[242]

D. Under the Constitution of 1869

Original Jurisdiction--Civil. The specific grant of jurisdiction to the district courts over suits for the trial of the right of property levied upon by virtue of writs of execution, sequestration, or attachment, as it appeared in the 1866 constitution, was omitted from the judiciary article of the constitution of 1869. Other specific grants of civil jurisdiction, as they were made to depend upon the nature of actions and as they appeared in the preceding constitution were retained. Moreover, the exclusive original jurisdiction of the district courts in civil cases was extended by the addition of an important class of proceedings over which they were to have cognizance, namely, probate proceedings. The jurisdiction in probate proceedings thus conferred was, by express provision to that effect, made exclusive. It was defined in language substantially the same as that employed in the 1866 constitution in its grant of probate jurisdiction to the county

237. 1866, Gammel, Laws, V, 951, 952.
238. Ibid., 1017.
239. Ibid., 1027.
240. Ibid., 865, 866.
241. See cases cited in footnote 221.
242. 1866, Gammel, Laws, V. 865, 866.

courts. The grant, likewise, was made subject to the same conditions as those appearing in the former constitution; it was to be subject to such rules and regulations as might be prescribed by law.[243]

The probate jurisdiction of the district courts was defined in great detail, and an elaborate code of procedure in accordance with which the jurisdiction was to be exercised was adopted, by an act of the legislature approved August 15, 1870. [244]

For the first time, then, the district courts became the probate courts within the counties.[245]

Another specific grant of jurisdiction, not contained in former constitutions, was the one giving to the district courts original jurisdiction in all "suits and cases" in which the state might be interested. The original jurisdiction of the district courts, as it was made to depend entirely upon the amount in controversy, remained as it was under the constitution of 1866. [246]

Under the provisions of section 20 of the judiciary article, the justices of the peace were to have such civil and criminal jurisdiction as should be provided by law.[247]

The act of August 13, 1870, "to organize the Courts of Justices of the Peace and County Courts, and to define their Jurisdiction and Duties," set forth the jurisdiction of the justice courts, as trial courts, with great particularity. The specific civil causes over which jurisdiction was granted included forcible entry and detainer cases, cases involving the right of personal property levied upon under writs of execution, sequestration, or attachment, issued out of the justice courts, and, where the amount in

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243. 1869, Gammel, Laws, VII, 411, 412.
244. 1870, ibid., VI, 315-373.
245. See Daniel v. Hutcheson (1893), 86 Tex. 51, 22 SW 933, noting that at the time of the adoption of the constitution, on Nov. 30, 1869, and until the reorganization of the state government, the state was under military rule, and that many of the district courts, therefore, did not begin to exercise probate jurisdiction until the autumn of 1870. See also entry no. 269.
246. 1869, Gammel, Laws, VII, 411, 412.
247. Ibid., 414. The justices of the peace of the county were also to constitute a court to act as the county administrative body. Ibid. The administrative court thus constituted became the county court by virtue of an act of the legislature passed at its first session after the adoption of the constitution. 1870, ibid., VI, 282-286. But the county court was not mentioned by name in the judiciary article, and apparently it was not within the contemplation of the constitution that it was to have any of the jurisdictional powers of a trial court.

controversy did not exceed $100, suits for the foreclosure of mortgages and liens upon personal property, and suits on behalf of the state, or any county, arising out of violations of the revenue laws.[248] Again, attempt was made to confer upon the justices of the peace jurisdiction in suits on behalf of the state, or any county, to recover penalties, fines, and forfeitures involving sums not in excess of $100.[249]

The jurisdiction of the justice courts, as it was made to depend entirely upon the amount in controversy, remained as it was under the act of May 11, 1846,[250] except that in actions sounding in tort, as well as in those arising from contract, interest and costs were to be excluded in determining the amount in controversy.[251]

While the county courts under the Constitution of 1869 were essentially administrative bodies, it is to be mentioned that they were given certain judicial powers essential to the performance of their administrative duties and to the enforcement of their administrative authority, among which were jurisdiction to try contests arising out of elections for county officers, and the power to punish as for contempt.[252]

It is to be noted also that an act of April 17, 1871,[253] directed that the presiding justices of the several counties should perform all the duties that were made encumbent upon the chief justices of the county courts by the act of 1858 to provide for the organization of the state lunatic asylum and for the care and maintenance of the insane.[254] By an act of November 13, 1871, the act of 1858 was amended in some matters relating to the procedure in lunacy hearings, but the jurisdictional powers of the presiding justice of the peace were so defined as to make them the same in all essential respects as those formerly conferred upon the chief justices of the county.[255]

Original Jurisdiction--Criminal. Again, unlimited jurisdiction was conferred upon the district courts in all criminal cases.[256]

As already stated, the constitution left it to the legislature to define the jurisdiction of the justices of the peace in criminal cases. Section 2 of the act of August 13, 1870, provided that the justice courts should have jurisdiction over all matters not enumerated in the act that might be cognizable by a justice of the peace under the laws of the state, and section 28

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248. 1870, Gammel, Laws, VI, 261-282.
249. Ibid., 261. See Myers v. State, footnote 199.
250. 1846, Gammel, Laws, II, 1608.
251. 1870, ibid., VI, 261. Acts conferring additional jurisdiction upon justices of the peace in certain counties (see, for example, act relating to presiding justices of Lamar and Fannin Counties, 1873, ibid., VII, 547-550), are not discussed because no such acts were passed affecting the justices of Guadalupe County.
252. 1870, ibid., VI, 282, 283.
253. 1871, ibid., 943.
254. See p. 40.
255. 1871, Gammel, Laws, VII, 26, 27.
256. 1869, ibid., 411.

directed that they should be governed in proceedings in criminal cases by the laws in force at the time of the passage of the act, where the same were not in conflict with the provisions of the act itself.[257] The criminal jurisdiction of the justice courts, therefore, remained as it was under the Constitution of 1866 and applicable statutes enacted in pursuance thereof.

Appellate Jurisdiction--Civil. As under former constitutions, the supreme court of the state and the district courts were the appellate courts under the Constitution of 1869. The jurisdiction of the supreme court was to be appellate only. Its jurisdiction in appeals from final judgments in civil cases was not restricted, except by the implications arising from the grants of appellate jurisdiction to the district courts in cases originating in the inferior courts, but with respect to interlocutory judgments its jurisdiction was to be subject to such exceptions and regulations as should be prescribed by the legislature. The district courts were given appellate jurisdiction in cases originating in the inferior courts, with such exceptions and under such regulations as should be prescribed by the legislature.[258]

Section 420 of the act of August 15, 1870, prescribed the procedure upon appeal from the district courts to the supreme court in matters of probate.[259] An act providing for appeals from interlocutory judgments, orders, and decrees of the district courts to the supreme court was approved November 1, 1871,[260] but was repealed by an act approved April 18, 1873.[261]

Section 11 of the act of August 13, 1870, to organize the justice and county courts, allowed appeals from the final judgments of justice courts to the district courts and provided the procedure incident thereto.[262]

Appellate Jurisdiction--Criminal. A restriction upon the right of appeal to the supreme court in criminal cases that was entirely new in the jurisprudence of the state was introduced into the judiciary article of the 1869 constitution; no appeal to the supreme court was allowed in such cases, unless one of the judges of the court, upon inspecting a transcript of the record, should be of the opinion that some error of law had been committed by the trial judge. It was encumbent upon the appellant to present the transcript of record for inspection within 60 days after the date of the trial, in accordance with such applicable rules of practice and procedure as the legislature should prescribe.[263] The act of the legislature approved May 24, 1871, "regulating appeals in criminal cases," provided the procedure in appeals from the district courts to the supreme court in criminal cases, and more especially in the matter of preparing and filing the required transcript of the record.[264]

257. 1870, Gammel, Laws, VI, 261, 281.
258. 1869, ibid., VII, 411, 412.
259. 1870, ibid., VI, 371.
260. 1871, ibid., VII, 19.
261. 1873, ibid., VII, 492.
262. 1870, ibid., VI, 272.
263. 1869, ibid., VII, 411.
264. 1871, ibid., VI, 1031, 1032.

But the provision of the constitution allowing appeals in criminal cases only upon an inspection of the record was not to remain in force for long; on December 2, 1873, the people ratified an amendment to the constitution removing the restriction. The amendment, taken in connection with other sections of the judiciary article, gave the supreme court jurisdiction in all criminal cases, except as it was limited by grants of appellate jurisdiction to the district courts in cases originating in the inferior courts.[265]

By an amendment to the constitution, also ratified December 2, 1873, the passage of local or special laws regulating the duties and jurisdiction of justices of the peace was interdicted.[266]

E. Under the Constitution of 1876

The judicial system of the state as it exists today was established by the judiciary article of the Constitution of 1876, as amended in 1891.

(A). Under the Constitution in Original Form

Original Jurisdiction--Civil. Under the judiciary article of the Constitution of 1876 as it appeared in unamended form, the district courts retained original jurisdiction in suits on behalf of the state to recover penalties, forfeitures, and escheats, in suits for divorce, in suits to recover damages for slander or defamation of character, and in suits for the trial of title to land, as it had been conferred upon them by the Constitution of 1869. Again, their jurisdiction in suits for the trial of the right to property levied on by virtue of writs of execution, sequestration, or attachment, was restored as it had been given to them under the Constitution of 1861, except that it was to extend to such cases only when the amount in controversy should be valued at or amount to $500, exclusive of interest. Their jurisdiction in suits for the enforcement of liens, as it was made to depend upon the nature of the suit regardless of the amount in controversy, extended to liens upon land only. The district courts were again given original jurisdiction and control over executors, administrators, guardians, and minors, as such jurisdiction and control were then or might thereafter be defined by law.[267]

As it was to be determined solely by the amount in controversy, the jurisdiction of the district courts was made to extend to all suits, complaints, or pleas, when the matter in controversy was valued at or amounted to $500, exclusive of interest.[268]

The county courts again became trial courts, and were given exclusive original jurisdiction in all civil cases when the matter in controversy exceeded in value $200, but did not exceed $500, and concurrent jurisdiction with the district courts when the matter in controversy exceeded $500 but did not exceed $1,000, exclusive of interest. By express exception, the

265. 1873, Gammel, Laws, VIII, 236.
266. Ibid., 236, 237.
267. Const., 1876, Art. V, sec. 8.
268. Ibid.

county courts were denied jurisdiction in suits for the recovery of lands. They were again given the general jurisdiction of a probate court, and the authority to apprentice minors under the apprenticeship laws of the state.[269]

By the judiciary article, the justice courts were given jurisdiction in all civil cases where the amount in controversy was "$200 or less, exclusive of interest, except in such cases as came within the exclusive original jurisdiction of the district or county courts under other sections of the judiciary article or under statutes. And, in addition, they were granted "such other jurisdiction, civil and criminal," as might be provided by law, to be exercised under such regulations as might by law be prescribed.[270]

The commissioners courts, provided for by the new constitution, were to be the administrative bodies in the counties, as successors to the county courts established by the preceding constitution.[271]

A provision relating to the jurisdiction of courts that distinguished the constitution of 1876 from former Constitutions was the one giving to the legislature power, by local or general law, to "increase, diminish or change the civil and criminal jurisdiction of County Courts," and, in case of any such change, to "conform the jurisdiction of the other courts to such change."[272] Under no other constitution had the legislature had such broad powers in controlling the extent and scope of the jurisdictional powers of the courts, and never before, therefore, had it been so necessary, in determining the extent of the jurisdiction of a given court, to look to legislative enactments.

The fifteenth legislature, the first to convene after the adoption of the Constitution of 1876, enacted a large number of laws in pursuance of the extensive powers given it by the constitution to provide for the organization of new courts and to regulate the exercise of their jurisdiction, as well as the jurisdiction of tribunals in existence prior to the adoption of the constitution.

By an act approved June 16, 1876, the organization of a county court, as a trial court, in each county was provided for. The act made no such changes in the constitutional grants of jurisdiction as to evince intention on the part of the legislature at its first session to exercise the plenary powers given it to fix the scope of the jurisdiction of the county courts, but some definitive differences between the provisions of the act and those appearing in the judiciary article of the constitution must be noted. Section 3 of the act repeated the language of the judiciary article defining the original jurisdiction of the county courts in civil cases, as the same was made to depend upon the amount in controversy, but in addition expressly provided that the county courts should have "jurisdiction in the forfeitures and final judgment of all bonds taken in criminal cases" over which those courts had cognizance. Expressly excluded from the scope of their jurisdiction were all actions, regardless of the amount in controversy, for slander

269. Const., 1876, Art. V, sec. 16.
270. Ibid., sec. 19.
271. Ibid., sec. 18.
272. Ibid., sec. 22.

or defamation of character, for the recovery of lands, for the enforcement of liens on lands, for the recovery of escheats, and for the forfeiture of charters of "corporations and incorporated companies." Section 26 of the act gave the county courts power to hear and determine all motions against officers in claims for money received by them under executions or other process issued out of the county courts and not properly accounted for, and in other derelictions of official duty. Claims against attorneys and counselors at law, arising out of the relation of attorney and client, where the amount claimed was less than $1000, exclusive of interest, were also to be within the courts' jurisdiction. Section 4 defined the jurisdiction of the county courts in probate matters and in apprenticeships substantially as it had been set forth in the judiciary article of the constitution. Provision was made for the transfer to the county courts of all cases then pending in the district courts that, under the new constitution, were cognizable by the county courts.[273] By act approved August 9, 1876, a code of procedure in probate matters was adopted.[274]

With the act approved February 6, 1879, diminishing the jurisdiction of the county court of Leon County,[275] the legislature began the exercise of its discretionary powers under the constitution to determine the scope of the jurisdictional powers of the county courts, and from that day to this the powers of those courts in many of the counties have varied in extent from time to time in accordance with statutes that at times have divested them of all criminal jurisdiction and confined their civil jurisdiction to designated cases, including those in probate matters, and some others to be noted, and at other times have restored their full jurisdiction, civil and criminal, and redefined it.[276] In some counties, the jurisdiction of the county courts, once diminished has never been restored, whereas in others, including the County of Guadalupe, it has never been disturbed.

Under its power to conform the jurisdiction of other courts to the changes made in the powers of the county courts, acts diminishing the jurisdiction of the latter tribunals have usually enlarged the jurisdiction of the district courts in manner appropriate to the changes, and have directed that cases pending in the county court affected by the act be transferred to the district court of the county.[277]

In revising the statutes in 1879, the legislature gave to the county courts the jurisdiction theretofore exercised by the district courts[278] in

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273. 1876, Gammel, Laws, VIII, 853-855, 859. For act of 1881 requiring transfer of probate cases from the district courts to the county courts, see ibid., IX, 164, 165.
274. 1876, ibid., VIII, 929-967.
275. 1879, ibid., 1305, 1306.
276. For other statutes diminishing jurisdiction of various county courts, see ibid., 1368, 1377, IX, 53, 95, 105. For acts restoring jurisdiction, see ibid., 361, 397.
277. See, for illustration, acts cited in footnote 276.
278. 1860, Gammel, Laws, IV, 1423, 1424.

condemnation suits by railroad companies.[279] And, in 1885, a general act provided that all county courts whose civil jurisdiction had theretofore been or might thereafter be diminished should nevertheless be clothed with full jurisdiction in and over all matters of eminent domain of which the county courts had jurisdiction by the general laws of the state;[280] the act is still in force.[281]

Under the act approved August 15, 1876,[282] to amend the act of 1858, organizing the lunatic asylum of the state, and providing for the care and maintenance of the insane, the county judge was authorized to conduct lunacy hearings, with powers substantially the same as those exercised by the chief justices and presiding justices under former statutes. The main provisions of the 1876 act are still in force and form the basis of the present law governing lunacy hearings.[283]

An act approved August 17, 1876, made provision for the election of justices of the peace and defined their jurisdiction and powers. The justice courts were to have original jurisdiction in all such civil actions involving no more than $200, exclusive of interest, as were not, under the constitution and laws, within the exclusive jurisdiction of the district courts or the county courts. By express provision to that effect, such actions were to include those for the foreclosure of chattel mortgages and for the enforcement of liens upon personal property. Again, forcible entry and detainer cases were to be cognizable by the justice courts. The justices were empowered to effect forfeitures of bail bonds taken in their courts. Former laws defining the jurisdiction of the justice courts, that might be consistent with the new constitution and laws enacted pursuant to it, were retained in force by express provision to that effect.[284] By another act the district judges were directed to transfer all cases pending in their respective courts, over which the justice courts were given jurisdiction by the new constitution, to the latter courts.[285]

Since the district courts were among the courts already in existence at the time of the adoption of the constitution, and since their jurisdictional powers were clearly defined in self-executing provisions of the constitution itself, no statute providing for their organization and defining their jurisdiction was needed; the express and implied provisions of other statutes defining the powers of courts with related jurisdiction were sufficient to the purpose.

The commissioners courts, under an act approved July 22, 1876, by express provisions to that effect, were to exercise all the powers conferred by law upon county courts, as they existed prior to the adoption of the constitution,

279. "Revised Civil Statutes, Revision of 1879," Art. 4202, in Revised Statutes of Texas (Galveston, 1879), cited hereafter as RCS, 1879.
280. 1885, Gammel, Laws, IX, 697.
281. RCS, 1925, Art. 1960.
282. 1876, Gammel, Laws, VIII, 974-976.
283. RCS, 1925, Arts. 5550-5554, 5557-5561.
284. 1876, Gammel, Laws, VIII, 990-1004.
285. Ibid., 884, 885.

where the exercise of such powers were not in conflict with other provisions of the act. They, then, continued to have jurisdiction to try contests arising out of elections for county officers, and such other judicial powers as were necessary in the enforcement of their administrative authority, including the power to punish contempts.[286]

Original Jurisdiction--Criminal. Section 8 of the judiciary article gave to the district courts "original jurisdiction in criminal cases of the grade of felony." Section 16 granted original jurisdiction to the county courts in all misdemeanors when the fine to be imposed exceeded $200, except those that were then or thereafter might be, under the laws of the state, within the exclusive jurisdiction of the justices of the peace. But, in a county having a criminal district court, the county court was to be without criminal jurisdiction, unless the same should be expressly conferred upon it by the legislature. By section 19, the justices of the peace were to have jurisdiction in criminal cases when the fine to be imposed by law did not exceed $200.[287]

Power was given the legislature to establish criminal district courts and to prescribe their jurisdiction, upon the condition that no such court should be established unless the district marking its territorial jurisdiction should include a city of at least 30,000 inhabitants, and upon the further condition that such city "support said criminal district courts when established." The criminal district courts of Galveston and Harris Counties, however, were to continue in existence as then organized, subject to the future action of the legislature.[288]

One of the first acts adopted by the fifteenth legislature transferred to the district courts cases then pending in those criminal district courts created by the 1869 constitution that could not comply with the conditions set up by the new constitution, and, upon its adoption, therefore ceased to exist.[289] No new criminal district courts were created pursuant to the original judiciary article of the constitution.

The act of the fifteenth legislature approved June 16, 1876, to organize the county courts[290] was amended with respect to their criminal jurisdiction by the same legislature by an act approved August 18, 1876.[291] The original act gave the county courts exclusive original jurisdiction of all misdemeanors, except those involving official misconduct, and except those in which the highest penalty or fine to be imposed did not exceed $200; by the amendment, the exceptions were misdemeanors involving official misconduct, and those punishable by fine only and in the punishment of which the fine to be imposed did not exceed $200. The original act also excepted from the general grant of jurisdiction in criminal causes all county courts in counties having criminal district courts; the exception was omitted from the amendment.[292]

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286. 1876, Gammel, Laws, VIII, 887-890.
287. Const., 1876, Art. V.
288. Ibid., sec. 1.
289. 1876, Gammel, Laws, VIII, 848.
290. Ibid., 853, 860.
291. Ibid., 1008, 1009.
292. Since the exception appeared in the constitution itself (Art. V, sec. 16), its inclusion in the act as amended was probably considered unnecessary.

The original act provided that the language employed in the grant of jurisdiction to the county courts in criminal cases should not be so construed as to oust the district courts of jurisdiction in cases tried upon a charge of felony but in which the evidence as developed upon the trial was sufficient to sustain a charge of misdemeanor only; in such cases the district courts were to retain jurisdiction to hear and finally determine the issues. The amendment added an analogous provision applicable to the county courts in cases in which the offense charged might be within the jurisdiction of the county court but in which the evidence was only sufficient to sustain an offense below its jurisdiction.

The act organizing the justice courts also defined their criminal jurisdiction; they were to have original and concurrent jurisdiction with other courts in all cases arising under the criminal laws of the state in which punishment was to be by fine, not in excess of $200, except misdemeanor cases involving official misconduct.[293]

Appellate Jurisdiction--Civil. The appellate courts under the Constitution of 1876 having jurisdiction in civil cases were the supreme court, the court of appeals, the district courts, and the county courts. The court of appeals was new in the judiciary system of the state.

The jurisdiction of the supreme court was to be appellate only, and was to extend only to civil cases of which the district courts had original or appellate jurisdiction. Appeals from interlocutory judgments of the district courts were to be allowed only in such cases and under such regulations as might be prescribed by law.[294]

The court of appeals was a court of appellate jurisdiction only, and was to have jurisdiction in all civil cases of which the county courts had original or appellate jurisdiction, unless otherwise provided by law.[295] In the grant of appellate jurisdiction to the court of appeals in all civil cases of which the county courts had original jurisdiction, it was not intended to include probate cases within the meaning of the term "civil cases," because appellate jurisdiction in probate cases was given by express provision of another section of the judiciary article to the district courts.[296]

The district courts were given appellate jurisdiction and general control in probate matters over the county court.[297]

The county courts were given appellate jurisdiction in civil cases originating in the justice courts when the judgment appealed from exceeded $20. Cases brought to the county courts on appeal were not to be reviewed merely, but were to be tried de novo, and in cases thus re-tried in the

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293. 1876, Gammel, Laws, VIII, 991. See Logan v. State (1878), 5 Texas Court of Appeals (St. Louis, 1877-92), 306, cited hereafter as Tex. Ct. of App., holding jurisdiction of county and justice courts concurrent where fine did not exceed $200.
294. Const., 1876, Art. V, sec. 3.
295. Ibid., sec. 6
296. Ibid., sec. 8.
297. Ibid.; 1876, Gammel, Laws, VIII, 854.

county court in which the judgment of that court was no more than $100, the judgment was to be final. If the judgment was in excess of $100, appeal was to lie from the county court to the court of appeals.[298]

The provisions of the constitution relating to the court of appeals were for the most part self-executing. The act organizing the court, therefore, was very brief and simple in its provisions bearing upon the exercise of the court's jurisdiction. It provided for the transfer from the supreme court to the new court, of those cases of which it acquired exclusive jurisdiction under the constitution, and directed that in matters of practice and procedure it should follow the rules of the supreme court.[299]

Section 130 of the act of August 9, 1876, to regulated proceedings in probate matters in the county courts provided the procedure on appeals in those matters to the district courts.[300]

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298. Const., 1876, Art. V, sec. 16.

299. 1876, Gammel, Laws, VIII, 839, 840. The court of appeals was created because it had been found that more than one appellate court with state-wide jurisdiction was needed to keep pace with an ever-increasing volume of court business in the state, but it was soon discovered that the dockets of the new court and of the supreme court were congested to the point where still further aid was needed. In consequence, an act of July 9, 1879, made provision for commissioners of arbitration and award to be known as the "Commissioners of Appeals of the State of Texas," and defined their powers and duties. The commissioners, as the general or standing referees of the two state appellate courts, were authorized to hear and pronounce award in any civil case in either of the two courts when the parties or their attorneys might file written consent that the case be referred to the commissioners by the court. Conclusions reached and awards made by the commissioners were to be reported to the judges of the court of reference, who were then to enter such orders, judgments, or decrees as might be necessary to make the commissioners' decisions and awards effective as judgments of the courts. The conclusions and opinions of the commissioners did not have the force of precedent, and therefore were not to be published. 1879, ibid., IX, 62, 63. An act approved Feb. 9, 1881, amended the act of 1879, and empowered the supreme court and the court of appeals to refer civil cases to the commissioners of appeals "for examination and report" without the consent of the parties. The conclusions of the commissioners, when referred without consent, were to be used "to facilitate" the appellate courts in reaching their conclusions on the "law and facts of the case." Their conclusions, under the act as amended, were to be published as the opinions of the courts. 1881, ibid., 96. The commissioners of appeals were continued in force by subsequent legislatures meeting prior to the constitutional amendments of 1891. 1883, ibid., 331; 1889, ibid., 1077; 1891, ibid., X, 80.

300. 1876, ibid., VIII, 964.

The act of June 16, 1876, to organize the county courts gave them appellate jurisdiction in civil cases originating in the justice courts, when the judgment or amount in controversy exceeded $20, exclusive of costs.[301]

Appellate Jurisdiction--Criminal. It has already been noted that the jurisdiction of the supreme court was civil only.[302] The jurisdiction of the court of appeals extended to all criminal cases, without regard to the grade of the offenses involved.[303]

The district courts had no appellate jurisdiction in criminal cases.

The constitution gave the county courts appellate jurisdiction in criminal cases originating in the justice courts when the fine imposed did not exceed $20. Their judgments in such cases were to be final when a fine of no more than $100 was imposed, but if the fine exceeded that amount, appeal was to lie to the court of appeals.[304]

The appellate jurisdiction of the county courts, as defined by the act of 1876, to organize those courts, extended to criminal as well as civil cases originating in the justice courts, except, of course, in a county having a criminal district court. The act also gave the county courts appellate jurisdiction in cases from mayors' and recorders' courts, but this jurisdiction was not to attach until motion for new trial had been made and denied. The decisions of the county courts in appeals from mayors' and recorders' courts were to be final "when the judgment rendered, or fine imposed, or the amount in controversy" did not exceed $100, exclusive of interest and costs; where such amount exceeded $100, appeal from the decision of the county court lay to the criminal district court in counties served by such courts, but in a county having no criminal district court the appeal lay to the court of appeals.[305]

(B). Under the Amendments of 1891

Original Jurisdiction--Civil. For the first time in its history, the supreme court was to have a measure of original jurisdiction in addition to its powers as an appellate court; the amendments to the judiciary article provided that the legislature might confer original jurisdiction upon the court to issue writs of quo warranto and mandamus in such cases as it might specify, except as against the governor of the state.[306]

To the particular kinds of civil cases already within the original jurisdiction of the district courts under the judiciary article of the constitution in its original form, the amendments of 1891 added all election contest cases. The original civil jurisdiction of the district courts, as it was made to depend upon the amount in controversy alone, remained unchanged.[307]

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301. 1876, Gammel, Laws, VIII, 854.
302. See p. 55.
303. Const., 1876, Art. V, sec. 6.
304. Ibid., sec. 16.
305. 1876, Gammel, Laws, VIII, 854, 855.
306. Const., 1876, Art. V, sec. 3.
307. Ibid., sec. 8.

The extension of the jurisdiction of the district courts to include election contest cases, then, constituted the only change in the original civil jurisdiction of those courts, except as it was enlarged by a general provision of the amended judiciary article, which had neither appeared in the constitution as originally framed nor in any former constitution; the district courts were given "general original jurisdiction over all causes of action whatever" for which no remedy had been provided by the constitution or laws and with respect to which no provision had been made by the constitution or laws for the exercise of jurisdiction by any court.[308] The amendment also provided that the district courts should have such other jurisdiction, original and appellate, as might be provided by law.[309]

The county courts retained all their jurisdiction as courts of probate, and in apprenticeships. The original jurisdiction of the county courts in civil cases, as it was defined by the judiciary article in its original form, and as it had been controlled by statutes enacted in pursuance of the powers conferred upon the legislature to increase or diminish the jurisdiction of these courts, remained unchanged.[310]

The section of the judiciary article defining the jurisdiction of justices of the peace was not amended.[311]

Original Jurisdiction--Criminal. The amendments effected no change in the criminal jurisdiction of the district courts, except by virtue of the general provision relating to causes of action as to which there were no provisions of the constitution or statutes for remedy or jurisdiction, and the general provision giving the legislature power to confer upon the district courts additional jurisdiction. By specific grant, the district courts continued to have jurisdiction in all criminal cases of the grade of felony, and in misdemeanors involving official misconduct.[312]

The grant of original criminal jurisdiction to the county courts was in language substantially the same as that employed in the constitution in its original form, but, as in the case of their civil jurisdiction, the county courts continued under the amendments to exercise their criminal jurisdiction as it had been limited in some of the counties by local legislation.[313]

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308. Const., 1876, Art. V, sec. 3. See Dean v. State ex rel. Bailey (1895), 88 Tex. 290, holding that under this provision the district courts have power to determine the right of a case and apply the remedy, when no other court has jurisdiction over the cause.
309. Const., 1876, Art. V, sec. 8.
310. Ibid., sec. 16. See Muench v. Oppenheimer (1894), 86 Tex. 568, 26 SW 496, holding that the amendments did not have the effect of restoring to the county courts the jurisdiction that had previously been taken from them by acts diminishing their jurisdiction.
311. Const., 1876, Art. V, sec. 19.
312. Ibid., sec. 8.
313. Ibid., sec. 16. And see footnote 310.

While by express provision to that effect the criminal district courts of Galveston and Harris Counties were continued, the specific provision for the establishment of criminal district courts, as it appeared in the original judiciary article, was omitted from the amendments. But, a power broader than any before conferred upon the legislature, relating to the creation of new courts, was bestowed upon that department of the government by the amendments; the legislature was empowered to establish "such other courts" as it might deem necessary and to provide for their organization and jurisdiction. Concomitant power to conform the jurisdiction of the "District and other inferior courts" to the jurisdiction thus to be conferred upon newly established courts was given the legislature.[314] This broad provision was proposed and adopted in response to the need, which by 1891 had come into full recognition, that there should be provided a means more facile than that afforded by the slow and cumbersome process of constitutional amendment, of moulding the judicial system of the state from time to time to meet the ever-changing needs and conditions of the people.[315]

Appellate Jurisdiction--Civil. The court of appeals, established by the constitution in its original form, was not included in the judiciary system of the state established by the amendments of 1891, but other new courts with appellate jurisdiction were specifically provided for--the courts of civil appeals and the court of criminal appeals. Under the amendments, then, the courts with appellate jurisdiction were the supreme court, the courts of civil appeals, the court of criminal appeals, the district courts, and, in certain counties, the county courts. In Galveston and Harris Counties, the criminal district courts, of course, retained their appellate jurisdiction.

The supreme court's appellate jurisdiction was to be civil only, and was to extend to questions of law arising in cases over which the courts of civil appeals were to have appellate jurisdiction, under such restrictions and regulations as the legislature might prescribe. Pending the action of the legislature in the matter, the supreme court's appellate jurisdiction was limited by the amendment itself to questions of law in cases from any one of the courts of civil appeals as to which the judges of the court should disagree, to any case involving a question of law as to which there might be a conflict of decision between any two or more of the civil courts of appeal, and to any case in which a statute of the state might be held by one of the courts of civil appeals to be void.[316]

The courts of civil appeal were appellate courts only, and their jurisdiction was confined to civil cases. Their jurisdiction was made coextensive with the limits of their respective districts, and was to extend to all civil cases of which the district and county courts had original or appellate jurisdiction, under such restrictions and regulations as should be prescribed by law. Their decisions were to be conclusive on all questions of fact brought before them on appeal or error. Further provision was made for the

314. Const., 1876, Art. V, sec. 1.
315. Harris County v. Stewart (1897), 91 Tex. 144.
316. Const., 1876, Art. V, sec. 3.

transfer to the courts of civil appeals, as soon as practicable after their organization, of civil cases then pending in the court of appeals.[317]

The district courts continued to have appellate jurisdiction and general control over the county courts in probate matters, and, with such exceptions and under such regulations as should be prescribed by law, they were to have appellate jurisdiction and general supervisory control over commissioners courts.[318]

No change was effected in the appellate jurisdiction of the county courts in civil cases.[319]

Appellate Jurisdiction--Criminal. The court of criminal appeals was given appellate jurisdiction "in all criminal cases of whatever grade," with such exceptions and under such regulations as should be prescribed by law.[320]

No change was made in the appellate jurisdiction of the county courts in criminal cases, but provision was made for appeals from the criminal district courts, in counties having such courts, to the court of criminal appeals in cases arising in the justice courts, over which the criminal district courts had appellate jurisdiction.[321]

Shortly after the ratification of the amendments, the twenty-second legislature was called into extra session for the purpose, among others, of passing "all laws necessary to put in force and give effect" to the amendments so ratified.[322] Parts of laws passed at this extra session, convened March 14, 1892, are in force today as the basis of existing legislation dealing with the structure and jurisdiction of Texas courts.[323]

(C). Under Existing Laws

Since the judicial system within Guadalupe County is not controlled by local legislation either as to the structure or jurisdiction of its courts, the following statement on the jurisdiction of the several courts of the

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317. Const., 1876, Art. V, sec. 6.
318. Ibid., sec. 8.
319. Ibid., sec. 16.
320. Ibid., sec. 5.
321. Ibid., sec. 16.
322. 1892, Gammel, Laws, X, 363.
323. For acts relating to structure and jurisdiction of the supreme court, see ibid., 383; of the court of criminal appeals, see ibid., 398; of the courts of civil appeals, see ibid., 389; to practice in the county and district courts, see ibid., 406; and for act creating supreme judicial districts for courts of civil appeals, see ibid., 409.

state will be confined to jurisdiction as it has been conferred upon them by the constitution and general laws in force today.[324]

Original Jurisdiction--Civil. Pursuant to the powers given it by the amendments of 1891,[325] the legislature has conferred upon the supreme court original jurisdiction to issue the writs of mandamus and quo warranto to officers of the executive department of the government, except the governor,

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324. Under the legislature's broad constitutional power to establish new courts, and to diminish jurisdiction of county courts, and to conform jurisdiction of existing courts to the changes (Const., 1876, Art. V, sec. 22), numerous local laws have established judicial systems in particular counties, quite different from the systems established by general law.

In some of the larger counties, certain district courts are vested with civil jurisdiction only, their criminal jurisdiction having been transferred to criminal district courts (see, for example, 1903, 28th Legis., 22, as last amended, 1939, 46th Legis., S.B. No. 271, sec. 3).

In some counties, by virtue of local statutes, jurisdiction of criminal district courts over misdemeanors is concurrent with that of the county courts (see, for example, Vernon's Annotated Code of Criminal Procedure of the State of Texas Revision of 1925 (Kansas City, Mo., 1926--), Art. 52, par. 16, cited hereafter as CCP, 1925). See Belado v. State (Tex. Crim. App., 1918), 203 SW 773, holding that the establishment of criminal district court in a county does not deprive the county court of its criminal jurisdiction, if the law establishing the new court makes no provision conforming the jurisdiction of the county court to that of the new court.

Local legislation diminishing the jurisdiction of a county court has usually made a corresponding increase in that of the district court (see, for instance, CCP, 1925, Arts. 199, par. 1-108), but in a number of the larger counties, such legislation has, instead of increasing jurisdiction of the district courts, created additional county courts, to which have been transferred jurisdiction of those matters over which the original county courts have been denied cognizance (see 1907, 30th Legis., 15, for creation of Dallas County court at law, the first such court established; see RCS, 1925, Art. 1970, par. 63; CCP, 1925, Art. 52, par. 105, 106, 159; 1937, 45th Legis., 45; 1929, 41st Legis., 61, for other special county courts).

Local laws diminishing jurisdiction of various county courts and conferring it upon other courts, have applied to appellate as well as original jurisdiction; and by general law, in all counties in which civil jurisdiction of the county court has been transferred to the district courts, appeals and writs of certiorari may be prosecuted to remove cases from the justice courts to the district courts in the same manner and under the same circumstances as govern removal of such cases to the county courts by general law. RCS, 1925, Art. 2455; CCP, 1925, Art. 58.

325. Const., 1876, Art. V, sec. 3.

to compel the performance of their duties, whether such duties be judicial, ministerial, or discretionary.[326]

The district courts have original exclusive jurisdiction in civil cases of: 1) suits in behalf of the state to recover penalties, forfeitures, and escheats; 2) cases of divorce and dissolution of marriage; 3) suits to recover damages for slander or defamation of character; 4) suits for the trial of title to land and for the enforcement of liens thereon,[327] including suits to foreclose tax liens;[328] 5) suits for trial of the right to property levied on by virtue of any writ of execution, sequestration, or attachment, when the property levied on shall be equal to or exceed in value $500; 6) contested elections;[329] 7) proceedings wherein it is sought to have a child adjudged to be a dependent or neglected child;[330] 8) adoption proceedings;[331] 9) suits for the partition of real estate between joint owners or claimants;[332] 10) suits, complaints, or pleas, without regard to any distinction between law and equity, when the matter in controversy, exclusive of interest, shall be valued at more than $1,000;[333] 11) all causes of action for which no remedy has been provided by the constitution or laws, or with respect to which there is no provision of constitution or laws for the exercise of jurisdiction by any other court.[334]

The exclusiveness of the district court's jurisdiction in some of the enumerated actions and proceedings arises from constitutional grants of jurisdiction over those causes, without grant of the same jurisdiction to other courts; in others, from statutes expressly denying to other courts the power to hear and determine the causes; and in still others, from statutes providing specific remedies and designating the district court as the forum of original resort.

The original jurisdiction of the district courts is concurrent with the county courts in all civil actions and proceedings when the matter in controversy exceeds $500 and does not exceed $1,000, exclusive of interest, except those over which the jurisdiction of one or the other of those courts is exclusive.[335]

The county courts have exclusive original jurisdiction of: 1) probate matters; 2) apprenticeships;[336] 3) suits brought under the general condemna-

326. 1913, 33rd Legis., 107; 1917, 35th Legis., 140, 141; RCS, 1925, Arts. 1733, 1735.
327. RCS, 1925, Art. 1906.
328. Ibid., Art. 7326.
329. Ibid., Art. 1906.
330. Ibid., Art. 2329.
331. 1931, 42nd Legis., 300.
332. RCS, 1925, Art. 6083.
333. RCS, 1925, Art. 1906.
334. Const., 1876, Art. V, sec. 8.
335. Ibid., sec. 16; RCS, 1925, Art. 1950.
336. Const., 1876, Art. V, sec. 16; RCS, 1925, Arts. 3290, 4102, 201. It must be noted that, since the county courts established by the constitution derive their jurisdiction in probate matters and in apprenticeships from direct constitutional grant, none of the local acts diminishing their jurisdiction has ever attempted to strip them of their powers in these matters.

tion statute regulating the exercise of the power of eminent domain;[337] 4) all cases when the matter in controversy exceeds in value $200, but does not exceed $500, exclusive of interest.[338]

The original jurisdiction of the county courts is concurrent with the district courts in all civil cases when the amount in controversy exceeds $500 but does not exceed $1,000, exclusive of interest.[339]

The exclusive, as well as the concurrent jurisdiction of the county courts, as it is made to depend upon the amount in controversy alone, is restricted, however, by grants of exclusive jurisdiction to the district courts in specific causes and by a statute expressly denying to county courts jurisdiction of suits for slander or defamation of character; suits for the recovery of lands; suits for the enforcement of liens upon lands; suits in behalf of the state in escheats; suits for divorce; suits for the forfeiture of charters of corporations and incorporated companies; and

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337. RCS, 1925, Arts. 1960, 3264-3271. In revising the statutes in 1925, the legislature extended the scope of the railroad condemnation statute of 1860, as it was amended when incorporated in the revised statutes of 1879 (see p. 52,53), by providing that it should govern in the exercise of the power of eminent domain "in all cases." It must be noted, however, that the grant of jurisdiction to the county courts in suits instituted under the general condemnation statute, does not abrogate the provisions found in particular city charters, in statutes authorizing the formation of improvement districts of various kinds, in charters of railroad companies and other public service corporations. A charter of the kind referred to sometimes provides a special procedure applicable to the particular municipality, district, or company, following a course wholly different from that prescribed by the general act (see Todd v. Massey (Tex. Civ. App., 1930), 30 (2nd series) SW 532). The jurisdiction of the county courts under the general act is also restricted by a number of statutes enacted by the legislature since the adoption of the general act of 1925, that either provide special procedures or modify the procedure prescribed by the general such as those provided for in acts creating certain levee and navigation districts, and those conferring the power of eminent domain upon school trustees in certain counties (see, for illustration, 1929, 41st Legis., 5th C.S., 120; 1927, 40th Legis., ch. 82; see also White v. Maverick County Water Canal and Irrigation District No. 1 (Tex. Civ. App., 1931), 35 (2nd series) SW 107). Nor does the general act apply to the condemnation of private property for the purpose of opening public roads; the procedure in such cases is conducted under the orders of the commissioners courts (RCS, 1925, Arts. 6702-6716). Jurisdiction in condemnation suits instituted under the general act has sometimes been conferred on county courts at law (see RCS, 1925, Art. 1970, par. 143, for act creating county court at law of Eastland County).

338. Const., 1876, Art. V, sec. 16; RCS, 1925, Art. 1949.

339. Const., 1876, Art. V, sec. 16; RCS, 1925, Art. 1950.

suits for the trial of the right of property levied on by virtue of writs of execution, sequestration, or attachment, when the property so levied on is equal to or exceeds $500 in value.[340]

Under existing statutes, the county judges continue to conduct lunacy hearings.[341] Acts establishing state hospitals for epileptics, tuberculars, and cancer and pellagra victims have conferred upon the county judges power to pass upon applications of persons seeking admission to these institutions.[342] In addition, powers have been conferred upon the county judges by acts providing for the administration of particular laws, such as those giving them power to pass on applications for beer licenses,[343] and power concurrent with district judges, to appoint substitute assignees in cases of assignments for benefit of creditors.[344]

The justices of the peace have original civil jurisdiction of forcible entry and detainer cases, and of all cases when the amount in controversy, exclusive of interest, is $200 or less, including suits for the foreclosure of mortgages and liens on personal property.[345] The power to issue writs of attachment, garnishment, and sequestration is also among the express grants of jurisdiction to justices of the peace,[346] but expressly excluded from the scope of their jurisdiction are suits in behalf of the state to recover penalties, forfeitures, and escheats, suits for divorce, suits for slander or defamation of character, suits for the trial of title to land and for the enforcement of liens on land, and all other cases of which the district and county courts are given exclusive cognizance.[347] Another general provision designed to keep in force former laws relating to the jurisdiction of justices' courts is the one that authorized them to exercise jurisdiction over all matters not enumerated by the current revisal of the statutes but that nevertheless are "cognizable before a justice of the peace under any law of this State."[348]

Original Jurisdiction--Criminal. The district courts and the criminal district courts have original jurisdiction in all criminal cases of the grade of felony, and in all misdemeanors involving official misconduct.[349]

340. RCS, 1925, Art. 1951.
341. Ibid., Arts. 5550-5554.
342. See, for illustration, act of 1899, as amended, establishing Abilene State Hospital for epileptics, RCS, 1925, Arts. 3228-3240; act of 1911, as amended, establishing State Tuberculosis Hospital, ibid., Arts. 3239-3251; and act establishing State Cancer and Pellagra Hospital, 1929, 41st Legis., 400.
343. 1933, 43rd Legis., 294. Compare act relating to petitions for permits to sell liquors, 1906, 29th Legis., 2nd C.S., 261.
344. RCS, 1925, Art. 266.
345. Const., 1876, Art. V, sec. 19th; RCS, 1925, Art. 2387.
346. Ibid., Art. 2386.
347. Const., 1876, Art. V, sec. 19; RCS, 1925, Art. 2387.
348. Ibid., Art. 2386.
349. Const., 1876, Art. V, sec. 8; CCP, 1925, Art. 54.

The jurisdiction of the district courts in felony cases is exclusive,[350] and it therefore follows that they are the exclusive forums for the trial of all cases involving official misconduct; those involving misdemeanors, they try by virtue of the express grant of jurisdiction over such cases and those involving a felony, they hear under the authority of the general grant of jurisdiction over all felonies.[351]

While district courts by express provisions of the constitution and statute are given jurisdiction over misdemeanors involving official misconduct only,[352] they do sometimes, by application of a well established rule for determing the jurisdiction of courts, nevertheless hear and determine misdemeanor cases in which no official misconduct is involved. Under the rule, which in criminal cases is statutory in Texas, the jurisdiction of the district court is determined by the grade of the offense charged in the indictment and not by the proof in the case as developed upon the trial; if the indictment charges a felony, the court takes jurisdiction, and having taken it, retains it to hear and determine the case even though the evidence as developed shows a mere misdemeanor to be involved.[353]

In cases in which it is sought to have a child adjudged to be a delinquent child, as that term is defined by statute,[354] the jurisdiction of the district courts and the criminal district courts is concurrent with that of the county courts.[355]

Under the constitution and general laws of the state, the county courts have original jurisdiction of all misdemeanors, when the fine to be imposed exceeds $200, except those involving official misconduct and those of which the justice courts are given exclusive jurisdiction.[356] In misdemeanors, when the fine to be imposed exceeds $200, their jurisdiction is exclusive,[357] but in misdemeanors cognizable by justices of the peace, their jurisdiction is concurrent with that of the justice courts,[358] and in cases of juvenile delinquency their jurisdiction is concurrent with that of the district courts.[359]

The county courts have jurisdiction in the forfeiture and final judgment of all bonds and recognizances taken in criminal cases of which they have jurisdiction.[360]

Justices of the peace have jurisdiction in criminal cases, concurrent with the county courts, where the fine to be imposed by law does not exceed $200.[361] They are also given power to take forfeitures of bail bonds given for the appearance of any party at their courts, regardless of the amount

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350. Hughes v. State (Tex. Crim. App., 1912), 152 SW 912.
351. Hatch v. State (1881), 10 Tex. Ct. of App. 515.
352. Const., 1876, Art. V, sec. 8; CCP, 1925, Art. 54.
353. Ibid., Art. 55.
354. Ibid., Art. 1083.
355. 1907, 30th Legis., 137; 1913, 33rd Legis., 214; 1918, 35th Legis., 4th C.S., 43; RCS, 1925, Art. 2329.
356. Const., 1876, Art. V, sec. 16; CCP, 1925, Art. 56.
357. Ex parte Fagg (Tex. Crim. App., 1898), 44 SW 294.
358. Ballew v. State (Tex. Ct. App., 1888), 9 SW 765.
359. See footnote 355.
360. CCP, 1925, Art. 59.
361. Const., 1876, Art. V, sec. 19; CCP, 1925, Art. 60.

of the bond,[362] and to punish any party guilty of a contempt by fine not to exceed $25, or by imprisonment not to exceed one day.[363]

Appellate Jurisdiction--Civil. The appellate jurisdiction of the supreme court is civil only. Its jurisdiction is coextensive with the limits of the state, and extends to all questions of law arising in the following cases, when the same have been brought to the courts of civil appeals from final judgments of trial courts: 1) those in which the judges of the courts of civil appeals may disagree upon any question of law material to the decision; 2) those in which one of the courts of civil appeals holds differently from a prior decision of its own, or of another court of civil appeals, or of the supreme court, upon any such question of law, but, in such cases of conflict, the supreme court may, in its discretion, refuse the writ of error where the court is in agreement with the decision of the court of civil appeals in the case in which the application is filed; and in cases of such conflict with a previous opinion of the supreme court, the supreme court may, in its discretion, without the necessity of granting the writ and hearing the case, reverse and remand the same on the application for writ of error; 3) those involving the construction or validity of statutes necessary to a determination of the case; 4) those involving the revenues of the state; 5) those in which the railroad commission is a party; 6) in any case in which it is made to appear that an error of substantive law has been committed by the court of civil appeals which affects the judgment, but excluding those cases in which the jurisdiction of the court of civil appeals is made final by statute. In all cases where the judgment of the court of civil appeals is a correct one and where the principles of law declared in the opinion of the court are correctly determined, the supreme court must refuse the application; in all cases where the judgment of the court of civil appeals is a correct one but the supreme court is not satisfied that the opinion of the court of civil appeals in all respects has correctly declared the law, it must dismiss the case for want of jurisdiction.[364]

The act of March 14, 1892, dividing the state into supreme judicial districts and establishing a court of civil appeals in each district, created three districts and established three courts of civil appeals. Guadalupe County was placed in the third district.[365] Today there are 11 districts and, of course, 11 courts of civil appeals;[366] Guadalupe County is now in the fourth district.[367]

362. CCP, 1925, Art. 61.
363. RCS, 1925, Art. 2386.
364. Ibid., Art. 1728. Even with the establishment of the courts of civil appeals, the supreme court has been unable to dispatch the great volume of business brought to it for review, and, in consequence, the commission of appeals is now an important body in the structure of the appellate branch of the judiciary. Ibid., Arts. 1781-1800a; 1930, 41st Legis., 5th C.S., 121.
365. 1892, Gammel, Laws, X, 410.
366. RCS, 1925, Art. 1817.
367. Ibid., Art. 198.

The appellate jurisdiction of the courts of civil appeals extends to all civil cases within the limits of their respective districts of which the district and county courts have or assume jurisdiction, when the amount in controversy or the judgment rendered exceeds $100, exclusive of interest and costs.[368] Their judgments are conclusive upon the facts in all cases, and conclusive on the law and facts in the following cases: 1) any civil case appealed from a county court or from a district court, when, under the constitution, a county court would have had original or appellate jurisdiction to try it, except in probate matters and in cases involving the revenue laws of the state or the validity or construction of a statute, or cases involving conflicts between decisions of the courts of civil appeals or between a decision of a court of civil appeals and a decision of the supreme court; 2) all cases of slander; 3) all cases of divorce; 4) all cases of contested elections of every character other than for state officers, except where the validity of a statute is questioned by the decision; 5) in all appeals from interlocutory orders appointing receivers or trustees, or such other interlocutory appeals as may be allowed by law; 6) in all other cases as to law and facts, except where appellate jurisdiction is given to the supreme court and not made final in the courts of civil appeals. And, in none of these six instances is writ of error from the supreme court to the courts of civil appeals allowed.[369]

While the district court has appellate jurisdiction and supervisory control over the county commissioners court, its appellate jurisdiction over trial courts extends to probate matter only.[370]

The county courts have appellate jurisdiction in civil cases over which the justices of the peace have original jurisdiction when the judgment appealed from or the amount in controversy exceeds $20, exclusive of costs.[371]

Appellate Jurisdiction--Criminal. The only courts in Texas having appellate jurisdiction in criminal cases under the constitution and general laws of the state are the court of criminal appeals, the criminal district courts, and the county courts.

The appellate jurisdiction of the court of criminal appeals is co-extensive with the limits of the state, and extends to all criminal cases, except in cases appealed from any inferior court to the county court, or to any other court vested with direct appellate jurisdiction over cases originating in such inferior courts, in which the fine imposed as a result of the trial upon appeal does not exceed $100.[372]

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368. 1929, 41st Legis., 68.
369. RCS, 1925, Art. 1821, as amended 1929, 41st Legis., 68.
370. Const., 1876, Art. V, sec. 8; RCS, 1925, Arts. 1907, 1908.
371. Const., 1876, Art. V, sec. 16; RCS, 1925, Art. 1952.
372. Const., 1876, Art. V, sec. 5; CCP, 1925, Art. 53. As in the case of the supreme court, the volume of business in the court of criminal appeals has made necessary the creation of a commission of appeals to assist the court in the dispatch of cases on its docket. 1925, 39th Legis., 269; 1927, 40th Legis., 56; RCS, 1925, Art. 1811a; 1934, 43rd Legis., 14.

Under the constitution and general laws, the county courts have appellate jurisdiction in all criminal cases of which justice courts and other inferior courts have original jurisdiction, except in counties in which there are criminal district courts which have not been divested of their jurisdiction in criminal appeals by express provisions of statute.[373] Corporation courts are embraced within the phrase "other inferior courts" as it is employed in general statutes defining the appellate jurisdiction of county courts.[374]

F. Naturalization Proceedings

For many years after the organization of the state government in Texas, proceedings for the naturalization of aliens under Federal laws were among those found on the dockets of the district and county courts of the state. Under acts of the Congress of the United States, of April 14, 1802, and of May 26, 1824, jurisdiction to naturalize aliens in proper cases was given to certain Federal courts, and to any state or territorial court of record vested with common law jurisdiction and having a clerk and a seal.[375] At an early date, the Texas supreme court held the county courts of the state, as well as the district courts, to be courts of common law jurisdiction within the meaning of the acts of the Federal Congress just cited.[376] While states are under no constitutional obligation to furnish tribunals to aid in the administration of the naturalization laws of the Congress,[377] in Texas they have never been forbidden by any law of the state to assume jurisdiction in such proceedings. In assuming the jurisdiction, the state courts exercise a Federal authority and act as agents of the Federal Government.[378]

Since an act of the Federal Congress of June 29, 1906, the district courts have been the only courts of the state vested with jurisdiction to hear and determine petitions for citizenship. The act limited the jurisdiction in such matters to certain Federal courts, and to those state and territorial courts of record having a clerk and a seal, and vested with jurisdiction in actions at law or in equity, or at law and in equity, unlimited by the amount in controversy.[379]

The jurisdiction of the state courts in naturalization proceedings, important as it was in times when the Federal courts were inaccessible to but a few of the inhabitants of the state, is now seldom, if ever, exercised.

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373. Const., 1876, Art. V, sec. 16; CCP, 1925, Arts. 57, 58.
374. Ibid., Art. 876.
375. Federal Statutes Annotated (Northport, N.Y., 1903--), vol. 5, footnotes on p. 201, cited hereafter as Federal Stat.
376. Ex parte Burkhardt (1856), 16 Tex. 470.
377. In re. Clarke (Penn. Sup. Ct., 1930), 152 Atlantic Reporter (St. Paul, 1886--), 92.
378. Peterson v. State (Tex. Civ. App., 1905), 89 SW 81.
379. Federal Stat., vol. 6 (2nd edition), p. 952.

County Finance

Sources of Revenue. While counties in Texas derive revenue from fees, fines, penalties, and forfeitures collected within the counties, as well as from donations and state subventions,[380] by far the greater portion of their revenue is derived from taxation, and more especially from property taxes. The burden of this article, therefore, insofar as it relates to county revenue, will be the county taxing power as it is exercised under the constitution and laws of the state.

Counties have no inherent power to tax. Neither is the power derived from express constitutional grant; it is purely statutory.[381] But since the taxing power is one of the sovereign powers of the state, the delegation of it to counties by the legislature has been regulated by a number of constitutional provisions relating specifically to counties. And, of course, the taxing power of counties is impliedly limited by numerous restrictions which the constitution has placed upon the legislature in its exercise of the power to provide for the imposition and collection of taxes generally, as well as by those relating to the public credit and to other matters connected with the fiscal affairs of the government.

Under the constitution, laws providing for the levy and collection of taxes,[382] laws regulating the affairs of counties and other municipal subdivisions, laws regulating the management of public schools, the building or repairing of schoolhouses, and the raising of money for such purposes, laws exempting property from taxation, and laws extending the time for the assessment or collection of taxes, or otherwise relieving any assessor or collector of taxes from the performance of his official duties, or his securities from liability, must all be general laws; the enactment of special or local laws upon these subjects is interdicted by the constitution.[383] Local laws for the maintenance of the public roads and highways, however, are permitted.[384]

Other provisions of the constitution are designed to guarantee: 1) uniformity and equality in taxation;[385] 2) adherence to the rule of taxing

380. One state subvention that distinguishes Texas counties from those of other states with respect to their revenue is worthy of mention. Beginning with grants made by the Congress of the Republic (1839, Gammel, Laws, II, 134-136), the counties from time to time have been the beneficiaries of large grants of land from the public domain for educational purposes. Because of the unique terms upon which Texas was admitted to the Union, the state government was able to continue the policy of the Republic in the matter of grants to counties from the public domain. The several state constitutions and statutes enacted in pursuance thereof have provided for such bounties.

381. Tom Green County v. Moody (1926), 116 Tex. 229; 289 SW 381. State v. Galveston, Harrisburg & San Antonio Railway Co. (1906), 100 Tex. 153; 97 SW 71.

382. Const., 1876, Art. VIII, sec.3.

383. Ibid., Art. III, sec. 56.

384. Ibid., Art. VIII, sec. 9.

385. Ibid., secs. 1, 2.

property in proportion to its value,[386] and to the rule of assessing property for ad valorem taxes at no greater value than its fair cash market value;[387] 3) the exemption of persons engaged in mechanical and agricultural pursuits from occupation taxes;[388] 4) the exemption, except in counties receiving remission of state taxes, of $3,000 of the taxable value of residence homesteads from all taxes for state purposes;[389] 5) the exemption of farm products in the hands of the producer, and family supplies for home and farm use, unless made taxable by legislative act passed by a two-thirds vote of the legislature;[390] 6) the exemption of $250 worth of household and kitchen furniture to each family in the state;[391] 7) the retention by the state of its power to tax corporations and corporate property, unencumbered by any act of the legislature surrendering or suspending the power, or by any contract or grant to which the state may be a party;[392] 8) the right of cities and incorporated towns to exact payment from railroad companies whose lines lie within the limits of such municipalities of their share of municipal taxation;[393] 9) the protection of the treasury against the withdrawal of money except in pursuance of specific appropriations made by law, and against appropriations made to carry on the government for a longer term than two years;[394] 10) the protection of special funds of the treasury against loans or diversions thereof, even though they may be made under the authority of the legislature;[395] 11) the right of the state and counties to assess railroad companies, their roadbeds and fixtures, in counties in which such property may be situate, and the due apportionment by the comptroller of taxes paid by each railroad company upon its rolling stock, which may be assessed and paid in the county where the principal office of the company is situate, among the several counties through which the railroad may run, in proportion to the distance it may run through such counties, respectively;[396] 12) maintenance of the state tax on property, exclusive of the tax necessary to pay the public debt and that provided for the benefit of public free schools, at a rate not to exceed 35 cents on the $100 valuation; 13) maintenance of county, city, or town taxes, on the $100 valuation, at a rate not to exceed 25 cents for city or county purposes, at 15 cents for roads and bridges, at 15 cents for the pay of jurors, and at 25 cents, in any one year, for the payment of debts incurred prior to September 25, 1883, and for the erection of public buildings, streets, sewers, water works, and other permanent improvements; 14) the maintenance of the tax for such additional upkeep of the public roads as may be voted by a majority of the qualified taxpaying voters of a county, at an election held for the purpose, when such election may be authorized by the legislature, at a rate not to exceed 15 cents on the $100 valuation of the property subject to taxation in the county;[397] 15) the maintenance of any occupation tax levied by counties, cities, or towns, for any one year, upon a profession or business, at a rate not to exceed one half of the tax levied by the state for the same period upon the same profession or business;[398] 16) the exercise by the

386. Const., 1876, Art. VIII, sec. 1.
387. Ibid., sec. 20.
388. Ibid., sec. 1.
389. Ibid., sec. 1a.
390. Ibid., sec. 19.
391. Ibid., sec. 1.
392. Ibid., sec. 4.
393. Ibid., sec. 5.
394. Ibid., sec. 6.
395. Ibid., sec. 7.
396. Ibid., sec. 8.
397. Ibid., sec. 9.
398. Ibid., sec. 1.

legislature of its power to release persons or property in any county, city, or town from the payment of taxes levied for state or county purposes only "in case of great public calamity in any such county, city or town," and then only upon a vote of two-thirds of each house of the law-making body;[399] 17) the right of taxpayers to have their property assessed and their taxes payable in the county where the property is situate, except in the case of taxes paid by non-residents at the office of the comptroller of public accounts when the same is authorized by act passed by a two-thirds vote of the legislature; 18) the right of the state and the several counties to assess property, though the same may not have been rendered by the owner;[400] 19) the right of the state to assess property in unorganized counties, as well as lands lying in territory not laid off into counties;[401] 20) the right of the state and its subdivisions to a lien upon landed property for annual assessments against it, and their right, subject to regulatory legislation, to seize and sell both real and personal property for the payment of delinquent taxes and penalties;[402] 21) the enactment of laws by the legislature for the speedy sale in each year, without the necessity of suit, of a sufficient portion of all lands and other property for the payment of taxes due thereon; 22) the vesting of title in the purchaser at such sales, subject to impeachment for actual fraud only; and 23) the right of taxpayers whose property has been sold for taxes to redeem it within two years upon specified terms.[403]

By still other provisions of the constitution, the legislature is expressly authorized to provide by law the means and methods of ascertaining the value of property for the purposes of taxation; to impose poll taxes, and to tax incomes, except the incomes of municipal corporations;[404] to provide by law for the exemption from taxation of: 1) public property used for public purposes; 2) actual places of religious worship; 3) such parts, not to exceed one acre, of the homes of ministers of churches and religious societies as yield no revenue, and as may be necessary for residence purposes; 4) burial places not held for private profit; 5) all buildings owned by persons and associations for school purposes and used by them exclusively for such purposes, together with necessary school furniture; 6) the property of associations promoting the religious, educational, and physical welfare of boys, girls, young men and women, whether operating under state or national organization; 7) the endowment funds of such institutions of religion and learning, and of institutions of public charity, not used with a view to profit, and when the same are invested in bonds or mortgages, lands or other property bought in by such institutions under foreclosure sale made to satisfy or protect such bonds or mortgages, subject, however, to the provision that the exemptions of such endowment funds shall continue only for two years from the time of such foreclosure sale;[405] and to provide by law for equalizing the valuation of all property subject to or rendered for taxation, and for the classification of all lands with reference

399. Const., 1876, Art. VIII, sec. 10.
400. Ibid., sec. 11.
401. Ibid., sec. 12.
402. Ibid., sec. 15.
403. Ibid., sec. 13. See Texas Juris., footnote 457.
404. Const., 1876, Art. VIII, sec. 1.
405. Ibid., sec. 2.

to their value in the several counties. In the equalization of property valuations, the constitution provides that the commissioners court of each county is to constitute a board of equalization.[406]

The specification by the constitution of the objects and subjects of taxation is not exclusive, but with respect to authorized exemptions the contrary rule obtains, for it is expressly provided by one section of the taxation article that the specification of the objects and subjects of taxation does not deprive the legislature of the power to require other objects and subjects to be taxed in such manner as may be consistent with constitutional principles of taxation,[407] whereas another section provides that the enumeration by the constitution of the kinds and classes of property to be exempted precludes the legislative body from passing laws exempting other kinds and classes of property.[408]

In obedience to the mandates of the constitution and with due observance of its limiting provisions, the legislature has established an elaborate system for the assessment and collection of taxes of the several kinds and for the several purposes of government. The governor, the state comptroller, and the state treasurer are constituted a board to fix the rate of all ad valorem taxes to be levied and collected each year for state and free school purposes, except those upon certain intangible assets.[409] Intricate methods and procedures in accordance with which the rate of the ad valorem taxes is to be ascertained and fixed by the board are provided for by statute.[410] Calculations made by the board in accordance with these methods and procedures are based upon information contained in a statement furnished annually to the state comptroller by the tax assessor-collectors of the several counties, upon forms furnished by the comptroller. The statement, made up from the inventories and assessments of the assessor-collectors, shows as nearly as it can be ascertained the total amount of property in each county subject to taxation.[411] When fixed by the board, the rate is certified by the comptroller to the tax assessor-collector of each county, who thereupon makes his calculations of taxes due on all taxable property within the county for state and public free school purposes at the certified rate; the results of his calculations are entered upon the tax rolls. The tax rate as fixed by the board is also published for 30 days in a newspaper in each county.[412]

In the case of certain taxpayers, statutes authorize the assessment and collection of an ad valorem tax on assets other than those represented by mere physical properties; their intangible assets, as well as their physical properties, are subject to tax. Taxpayers subject to the tax

406. Const., 1876, Art. VIII, sec. 18.
407. Ibid., sec. 17.
408. Ibid., sec. 2.
409. 1907, 30th Legis., 464; RCS, 1925, Art. 7041.
410. 1907, 30th Legis., 464; RCS, 1925, Art. 7043, as amended 1929, 41st Legis., 3rd C.S., 527; 1931, 42nd Legis., 2nd C.S., 53; 1939, 46th Legis., S.B. No. 118.
411. 1909, 31st Legis., 1st C.S., 371; RCS, 1925, Art. 7042.
412. 1907, 30th Legis., 1st C.S., 464; RCS, 1925, Art. 7044.

upon intangible assets are incorporated railroad companies, ferry companies, bridge companies, turnpike or toll companies, oil pipe line companies, and common carrier pipe line companies, and every other individual, company, corporation, or association doing a business in the state of same character as that conducted by any of such companies. Incorporated companies organized under the laws of other states, territories, or countries, as well as domestic corporations, if their business is done wholly or partly within the state, and if they are of the class specified by the statute, are subject to the tax.[413]

For the administration of the intangible tax laws, the legislature has established a state tax board, composed of the state comptroller, the secretary of state, and the attorney general.[414] The board is empowered to determine, fix, and declare the true value of intangible assets subject to taxation.[415]

Because of the great difficulties involved in the ascertainment of the values of intangible assets, the board is given broad inquisitional powers. Taxpayers who are subject to the intangible taxation laws are required to file annually with the board certain financial statements and reports listing their assets and liabilities in this and other states upon which the board may base its deliberations looking to the valuation of such assets.[416] The board may subpoena taxpayers and other witnesses to be interrogated, may require taxpayers to produce their books of account and other records to be examined, and may conduct such other hearings as may be necessary for the establishment of facts essential in determining the true value of intangible assets.[417]

While an elaborate formula for the calculation and ascertainment of the values to be placed upon intangible assets is provided by statute, the board is given wide discretion in its use; it is not to be used in cases in which the evidence and information adduced before the board makes its use, in the opinion of the board, improper or unjust. If the board should deem the statutory formula not calculated to produce "just and lawful results," it is given power to make use of methods and procedures of its own invention.[418]

When the total sum of the values of taxable intangible assets in the state has been determined, the board is directed by the statute to apportion such sum to the counties entitled to share in the tax. Each county in which

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413. RCS, 1925, Art. 7105, as amended 1933, 43rd Legis., 409. See Lively v. MK&T R. Co. (1909), 102 Tex. 545, upholding the constitutionality of the statutes imposing an ad valorem tax upon intangibles; the philosophical justification for the levy lies in the fact that the businesses of the taxpayers subject to the tax have a value apart from and transcending the aggregate worth of the physical units of their businesses located in the several counties.
414. RCS, 1925, Art. 7098.
415. Ibid., Art. 7111.
416. Ibid., Arts. 7106-7108.
417. Ibid., Arts. 7101-7104.
418. Ibid., Art. 7111.

a taxpayer liable for the tax does business shares in the tax "in proportion to the amount of business does in and the receipts derived from" each such taxpayer in the county, except that in the case of a railroad company, the apportionment is "in proportion to the line or lines" of the company in the county.[419]

Statutes providing for the levy and collection of state occupation taxes either fix the amount of the tax or the rates of taxation. In the case of many businesses, professions, and occupations designated by statutes, the tax is fixed and specified at a definite amount named in the statute and is more or less arbitrary with but little regard for the form of taxation,[420] whereas in the case of other businesses, the tax is determined by taking a certain percentage of gross receipts, or, as in the case of producers of oil or minerals, by taking a certain percentage of total production.[421]

A taxpayer liable both for occupation taxes that are measured by gross receipts or gross production and for taxes upon intangible assets may become exempt from the payment of such occupation taxes; a taxpayer who pays his intangible tax in full within the year for which it is assessed and before it becomes delinquent is entitled to such exemption for the same year.[422]

With certain exceptions based upon interstate comity, an inheritance tax is imposed upon all property within the jurisdiction of the state, acquired by will, or under the laws of descent and distribution, or by "deed, grant, sale or gift made or intended to take effect in possession or enjoyment after the death of the grantor or donor."[423]

The statutes divide inheritance taxes into several classes in accordance with which the extent of allowable exemptions as well as rates of taxation are in general determined. The relationship of the person acquiring the property to the decedent or donor, the degree of consanguinity marking the relationship, and the use to be made of the property, are among the criteria of classification selected by the statutes. Within each classification, an exemption of a designated amount is made, and upon sums in excess of the amount exempted the tax is determined by a scale of rates graduated in accordance with fixed units of value into which the whole value of the property involved is divided; the rate of the tax increases with every unit of the base.[424]

Executors, administrators, and trustees are required to file in the probate court various reports and inventories, copies of which are lodged with the state comptroller.[425] The judge of the county court having jurisdiction of the estate and two competent disinterested persons appointed by him and approved by the comptroller are constituted a board to appraise and fix the value of the property subject to inheritance tax, but by agreement of interested parties the county judge and comptroller are authorized to

419. RCS, 1925, Art. 7111.
420. Ibid., Art. 7047, par. 1-45.
421. Ibid., Arts. 7058-7083.
422. Ibid., Art. 7116.
423. Ibid., Art. 7117.
424. Ibid., Arts. 7118-7122.
425. Ibid., Arts. 7126, 7127.

make the appraisal. Upon the filing of the report of the appraisers, the county judge calculates and determines the tax due.[426]

A state poll tax of $1.50 is levied annually against every person resident within the state between the ages of 21 and 60 years, except Indians, insane, deaf, dumb, or blind persons, persons who have lost one hand or one foot, and persons who are permanently disabled.[427]

Statutes provide for a state franchise tax against domestic corporations and foreign corporations authorized to do business within the state; the tax is imposed upon corporate excess only, as determined by statutory methods that take into consideration the outstanding capital stock, the surplus and undivided profits, as well as certain other assets of the corporations subject to the tax.[428]

The commissioners court is the body empowered by law to make the levy and fix the rates of county taxes. Its powers as the rate-fixing body in the county are controlled only by constitutional and statutory provisions that set the maximum rates of the taxes it is authorized to levy.[429] Levies must be made by the formal action of the court in regular session at which all memebers of the court are present.[430] Rates must be fixed by the formal action of the court at a regular or special session at which all members are present.[431]

It has already been noted that the maximum rate of county occupation taxes is fixed by the constitution at one-half the rate of the state occupation tax; a statute repeats the constitutional provision;[432] and another statute fixes the rate for the county poll tax at 25 cents.[433]

In Texas there is no requirement of law, such as controls in some states, that the several departments of the county government file with the body authorized to levy taxes, as a condition precedent to the levy, certified budgets or estimates of the amounts and rates of taxes required.[434]

The statutes provide that "all property, real, personal or mixed," except such as is expressly exempted by law, shall be subject to tax, and require that it be rendered and listed according to law.[435] Statutes relating to particular kinds of property to be rendered and listed are for the most part interpretative of the general statutory definition of the term "taxable property."[436] Statutes relating to exemptions, in general, repeat constitutional provisions relating to the same subject and are largely definitive of those provisions.[437]

426. RCS, 1925, Arts. 7130, 7131.
427. Ibid., Art. 7046.
428. Ibid., Arts. 7084-7097.
429. Ibid., Arts. 2352, 7048.
430. Ibid., Arts. 2354, 7048.
431. Ibid., Art. 7045.
432. Ibid., Art. 7048.
433. Ibid., Art. 7046.
434. See discussion of budgets furnished by county auditor, p. 82.
435. RCS, 1925, Art. 7145.
436. Ibid., Arts. 7146-7149.
437. Ibid., Arts. 7150a-7150c.

A few of the procedural steps required under statutes establishing the system for the assessment and collection of taxes are now to be mentioned; only the principal steps are to be referred to.

All taxable real and personal property must be listed for taxation between January 1 and April 30 of each year.[438] The assessor is required to use the forms and abide the instructions prescribed by the state comptroller for listing property for taxes.[439] The form used for listing taxable property is known as the "inventory of property." Owners of taxable property are charged with the duty of rendering their property for assessment.[440] Each owner is required to make oath to the completeness and accuracy of his rendition.[441] The assessor must make effort to obtain inventories from all owners of taxable property,[442] but when the owner is unknown, the property is listed on the tax rolls under a column heading which reads: "unknown owner." Assessors are aided in listing the value of real property by the use of "assessor's abstracts" compiled from information furnished by the general land office.[443]

As has already been noted, the constitution empowers the commissioners court to act as a board for the equalization of property valuations.[444] On or before the first Monday in June, the assessor submits all inventories of property to the commissioners court sitting in its capacity as a board of equalization.[445] On or before August 1 the board is required to review the lists and inventories and hear all protests by persons who consider themselves aggrieved by incorrect or improper assessments. As soon as the board has approved the lists, the assessor prepares the tax rolls in triplicate. The original roll he retains in his capacity as collector, the second copy he transmits to the comptroller, and the third he files in the county clerk's office for the inspection of the public.[446] Before distribution, these rolls must be certified by the board of equalization.[447]

It is provided by statute that when the tax collector has "received the assessment rolls or books of the county, he shall receipt to the commissioners court for the same; and said rolls or books shall be full and sufficient authority for said collector to receive and collect the taxes therein levied."[448]

The collection of taxes begins annually on the first day of October, or as soon thereafter as the "proper assessment rolls, books or data upon which to proceed with the business" have been received.[449] All taxes are payable before the last day of December of the assessment year.[450]

438. RCS, 1925, Art. 7151.
439. Ibid., Art. 7210.
440. Ibid., Art. 7189.
441. Ibid., Art. 7184.
442. Ibid., Art. 7189.
443. Ibid., Arts. 7194-7198.
444. Const., 1876, Art. VIII, sec. 18.
445. RCS, 1925, Art. 7218.
446. Ibid., Art. 7219.
447. Ibid., Art. 7222.
448. Ibid., Art. 7253.
449. Ibid., Art. 7255.
450. Ibid., Art. 7256.

The tax collector is authorized to receive "all taxes assessed upon the tax list in his county, whether assessed for the State or county, school, poor house or other purposes; ... and place the same when collected to the proper fund, and pay the same over to the proper authorities."[451]

The whole amount of the taxes assessed to each owner is payable as soon after the first day of October as the collector is ready to receive payments, but statutes provide that one-half may be paid on or before November 30 of the year for which they are assessed and the remainder on or before June 30 of the year following.[452] Upon payment of the taxes, the collector or deputy issues the owner a receipt. Receipts are prepared in triplicate; the original is given the owner of the property, the duplicate is filed for record with the county clerk, and the triplicate is retained by the collector.[453]

Taxes are considered delinquent if unpaid by June 30 of the year following the year for which they are assessed. When taxes become delinquent the tax collector is required to notify the taxpayer of his delinquency. Delinquent tax notices are prepared in quadruplicate; the original is forwarded to the delinquent taxpayer, a copy to the state comptroller, a copy to the county or district attorney, and a copy is retained by the collector.[454]

As soon as possible after July 1 of each year the collector is required to "make up a list of the lands and lots and/or property on which any taxes for such preceding year are delinquent, charging against the same all unpaid taxes assessed against the owner thereof on the rolls for said year." The list is prepared in triplicate and forwarded to the commissioners court for approval. One copy is then filed with the county clerk or auditor; one copy is retained by the tax collector, and one copy is forwarded to the state comptroller.[455]

Provision is made for the seizure and summary sale by the collector of so much of the personal property of a delinquent taxpayer as may be necessary to pay his taxes,[456] but in the case of lands there is as yet no statute providing for summary sales; lands may be sold only under the decree of a court of competent jurisdiction in a suit instituted for the foreclosure of the tax lien and prosecuted in accordance with statutory proceedings provided for the purpose.[457]

The lien of the state and county for taxes upon real estate that have become delinquent is subject to foreclosure, and it becomes the duty of the county attorney, or of the district attorney in a county having no county

451. RCS, 1925, Art. 7254.
452. Ibid., Art. 7336-7336f.
453. Ibid., Art. 7257-7259.
454. Ibid., Art. 7324
455. Ibid., Art. 7336.
456. Ibid., Art. 7266.
457. Ibid., Art. 7328a. See 40 Texas Jurisprudence (San Francisco, 1929--), cited hereafter as Texas Juris., p. 217, par. 151, footnote 11, for comment upon failure of legislature to provide for summary sales of lands in pursuance of amendment to Constitution, Art. VIII, sec. 13, adopted Nov. 8, 1932; and see footnote 403.

attorney, to file suit in the district court of the county where the land is situate, that being the court of competent jurisdiction in such cases. The giving of the delinquent tax notice, already referred to, is a condition precedent to the filing of the suit. The procedure, the rules governing the joinder of parties, as well as those governing defenses, are all provided for by the statutes. Sales under the foreclosure decree are made as in the case of other foreclosures.[458]

A statute enacted to put into effect a constitutional mandate sets forth the terms upon which the owner of real estate sold for the payment of taxes, or his heirs, assigns, or legal representatives, may redeem the land. Any such person may redeem at any time within two years from the filing of the purchaser's deed for record by paying the "amount of money paid for the land, including one Dollar ($1.00) tax deed recording fee and all taxes, penalties, interest and costs thereafter paid thereon," plus a percentage of "the aggregate total"; if the land is redeemed within the first year the added percentage of "the aggregate total" is 10 percent, but if redeemed within the second year it is 20 percent. Subject to the right of redemption vested in the class of persons already mentioned, any person having an equity of redemption may redeem upon the terms set forth by the statute. The right of redemption applies to sales for county or municipal taxes, as well as to those for state taxes.[459]

The amount of the tax upon intangible assets apportioned each county is certified by the state intangible tax board to the tax assessor-collector of the county, who enters the same upon the tax rolls against the taxpayer liable for its payment. The proration of the tax between the state and the county is then made, and the collection of the assessment proceeds in the same manner as is employed in the case of other ad valorem taxes.[460]

Occupation taxes due the county are collected without assessment;[461] those based upon gross receipts or gross production, however, are paid to the state treasurer.[462] State franchise taxes are paid to the secretary of state.[463] Upon the appraisal of property subject to inheritance tax and upon the filing of a report by the appraisers, the county judge calculates and determines the tax due. When calculations of the county judge of inheritance taxes due have been approved by the state comptroller, the county judge certifies the amount of the tax to the assessor-collector, whose duty it is to make collection of it.[464]

Statutes require the county tax collector to make weekly payments to the state treasurer and the county treasurer upon account of taxes collected by him. The payments must be made on Monday of each week; 90 percent of the taxes collected for the state, during the week preceding the Monday on which the payment is made and 90 percent of the taxes collected for the county during the same period must be paid to the state treasurer and to the county treasurer, respectively.[465] Deductions are made for certain commissions and

458. RCS, 1925, Arts. 7326-7342.
459. Ibid., Art. 7283
460. Ibid., Art. 7113.
461. Ibid., Art. 1615.
462. Ibid., Arts. 7058-7083.
463. Ibid., Art. 7084.
464. Ibid., Arts. 7130, 7131.
465. Ibid., Art. 7249a.

other charges allowed by law. Provision is likewise made by statute for the final disposition of balances remaining in the hands of the collector and for final settlement of his accounts with the state comptroller.[466]

Administration. A comprehensive treatment of the subject embraced within this topical heading would of necessity involve a review of all the corporate affairs of the county, and many of its purely governmental activities. Only a few of the laws and principles governing the chief agencies through which the financial affairs of the county are managed are, therefore, now to be mentioned.

The members of the commissioners court in managing and directing the financial affairs of the county are held to a strict accountability for the trust imposed in them. They are bound to a large extent by those equitable principles that are applied to the conduct of trustees in general; for illustration, they may not purchase land at sale made under a judgment recovered by the county and acquire title as against the county,[467] and they may not compound or release indebtedness due the county,[468] or acquire an interest in any contract made on its behalf.[469]

The commissioners court, not the county treasurer, is the custodian of the county's funds.[470] It is, however, the duty of the treasurer to receive all money belonging to the county, and pay and apply it under orders of the commissioners court.[471] He may receive deposits only upon the authority of a warrant issued by the county clerk in triplicate. Warrants thus issued are known as "deposit warrants," and not only authorize the treasurer to receive the deposit, but also state the purpose for which the money is deposited and the fund to which it is to be credited. The treasurer signs all copies. He retains the original warrant, returns the duplicate to the county clerk, and delivers the triplicate to the depositor. The auditor or the county clerk in a county having no auditor, enters upon his books a charge of the deposit against the treasurer and credits the depositor.[472]

It has already been noted that the constitution prescribes the maximum rates of taxes to be collected for general county purposes, for roads and bridges, for the pay of jurors, and for permanent improvements. While the primary and immediate object of these constitutional provisions is to limit the amount of taxes that may be raised for the designated purposes, the provisions serve an additional and equally important purpose; they effectively inhibit excessive expenditures for the uses designated by the constitution. It is for this reason that funds raised by taxation for general county purposes, for roads and bridges, for the pay of jurors, and for permanent improvements are regarded as constitutional funds, and for this reason too that the commissioners court may not transfer money from one of the funds so estab-

466. RCS, 1925, Art. 7260.
467. Felts v. Bell County (1910), 103 Tex. 616; 132 SW 123.
468. Const., 1876, Art. III, sec. 55. Tarrant County v. Butler (1904, Tex. Civ. App.), 80 SW 656.
469. RCS, 1925, Art. 2364.
470. Hurley v. Buchanan (Tex. Civ. App., 1921), 233 SW 590.
471. RCS, 1925, Art. 1709.
472. Ibid., Art. 1657.

lished to another, or expend for one purpose money thus appropriated to a different purpose.[473]

But in addition to the constitutional funds, there are statutory funds. A statute classifies funds received by the county treasurer as follows: 1) "All jury fees, all money received from the sale of estrays, and all occupation taxes." 2) "All money received under any of the provisions of the road and bridge law, including the penalties recovered from railroads for failing to repair crossings, and all fines and forfeitures." 3) "All money received, not otherwise appropriated herein or by the Commissioners Court."[474] Funds belonging to the first class must not be diverted from that class, unless there is an excess of such funds, but with this exception the commissioners court is empowered by statute to set up such other classes of funds as it may deem proper, and may by an order to that effect transfer money in one fund to another.[475] It is to be noted, however, that the transfer must be made before money standing to the credit of one fund is applied to the payment of claims which have become fixed as a charge against another.[476]

Contracts binding the county, as a rule, must be authorized by the formal resolution of the commissioners court spread upon the minutes of the court.[477] Other county officers are without authority to bind the county in contract, and in the absence of ratification by the commissioners court their contracts are void; no relation of principal and agent between the county and its officers, except in the case of the commissioners acting as a court, arises by virtue of their office.[478]

Proposed contracts for record books, legal blanks, and stationery,[479] as well as those for "supplies of every kind, road and bridge material, or any other material" for the use of the county, or any of its officers, departments, or institutions[480] must be submitted to competitive bid. Contracts for the construction of public buildings or for the prosecution and completion of public works of all kinds requiring or authorizing an expenditure in excess of $2,000, except when they are to be made under the exigent circumstances of public calamity, may be made only after the proposals for such contracts have been submitted to competitive bid.[481]

Contracts taking the nature and form of bonds obligating the county may be made only by authority of statutes that observe constitutional limitations upon the power of a county to lend its credit.[482] Statutes authorizing the

473. Carroll v. Williams (1918), 109 Tex. 155; 202 SW 504.
474. RCS, 1925, Art. 1628.
475. Ibid., Arts. 1629, 1630.
476. Stringer v. Franklin County (1909, Tex. Civ. App.), 123 SW 1168.
477. Fayette County v. Krause (1903, Tex. Civ. App.), 73 SW 51.
478. Germo Mfg. Co. v. Coleman County (Tex. Civ. App., 1916), 184 SW 1063. No attempt is here made to discuss the subject of contracts that derive their force as binding obligations by application of the principles of estoppel.
479. RCS, 1925, Art. 2358.
480. Ibid., Art. 1659.
481. Ibid., Art. 2368a.
482. Ball, Hutchings & Co. v. Presidio County (1895), 88 Tex. 60.

issuance of bonds for various purposes, and providing for the manner of their issuance, their registration and sale have been enacted.[483] It is to be noted that the requirement that the proposition for the issuance of bonds by a county must in all cases be submitted to the qualified voters who are property taxpayers of the county appears in the very first article of the title of the revised statutes relating to county bond issues, and is the one that stands forth as the capital provision of the whole body of the law upon the subject.

While the commissioners court has no authority to issue negotiable securities to evidence county indebtedness, it does for certain purposes have authority to issue non-negotiable interest-bearing county warrants. The power arises by implication from the express powers given the court to make contracts creating debts against the county.[484] The power of the commissioners court to issue such warrants is not dependent upon the approval of the voters.[485]

The commissioners court is burdened with the duty of approving all claims against the county.[486] No claim against a county may be sued upon unless it has first been presented to the court for allowance and then only upon its refusal to have the claim audited and approved for payment.[487] In a county having an auditor, all claims, bills, and accounts must be filed in time to allow him to examine and approve them before the meeting of the commissioners court, and must be approved by him as a condition precedent to the exercise of jurisdiction over them by the court.[488] Claims when filed must be registered by the county treasurer in the treasurer's claim register in the order of presentation; claims presented simultaneously must be registered in accordance with priorities in dates. Claims may not be paid until thus registered and moreover must be paid in the order of the registration.[489] Claims of the county as thus registered are of three classes: 1) "All jury scrip and scrip issued for feeding jurors," 2) "All scrip issued under the provisions of the road law or for work done on roads and bridges," and 3) "All the general indebtedness of the county, including feeding and guarding prisoners, and paupers' claims."[490] As to each claim, the claim register must show the class to which the claim belongs, the name of the payee, the amount and date of the claim, the date of registration, the claim registration number, the name of the officer, department, or other authority by which the claim was issued, and the service performed giving rise to the claim, or any other consideration supporting it.[491]

A statute makes the following provision: "The county treasurer shall not pay any money out of the county treasury except in pursuance of a certificate or warrant from some officer authorized by law to issue the same;

483. RCS, 1925, Title 22, chs. 1-9, Arts. 701-842f; RCS, 1925, Art. 2368a.
484. Lasater v. Lopez (1919), 110 Tex. 179; 217 SW 373.
485. Commissioners Court, Floyd County v. Nichols (Tex. Civ. App., 1911), 142 SW 37.
486. RCS, 1925, Art. 2351.
487. Ibid., Art. 1573.
488. Ibid., Art. 1660. Anderson v. Ashe (1906), 99 Tex. 447; 90 SW 872.
489. RCS, 1925, Art. 1625.
490. Ibid., Art. 1626.
491. Ibid., Art. 1627.

and, if such treasurer shall have any doubt of the legality or propriety of any order, decree, certificate or warrant presented to him for payment, he shall not pay the same, but shall make report thereof to the commissioners court for their consideration and direction."[492]

An elaborate accounting and auditing system for counties is provided for by statutes. The finance ledger of the county, kept by the county auditor,[493] or by the county clerk in a county having no auditor, must, according to the statutes, contain "a full and orderly statement of the condition of the county finances." The ledger is kept under the supervision of the commissioners court, and contains, among others, accounts "with each officer of the county, district or State, who may be authorized or required by law to receive or collect all money or other property for the use of, or belonging to the county." The finance ledger, whether it be kept by the auditor or the county clerk, is at all times subject to the inspection of the public.[494] Other statutes provide for numerous accounts to be kept, and for numerous statements, reports, and exhibits to be made by the various county officers.[495]

In like manner provision is made for frequent examinations and audits of accounts.[496] The county auditor is given "general oversight of all the books and records of all the officers of the county, district or State, who may be authorized or required by law to receive or collect any money, funds, fees or other property for the use of, or belonging to, the county." He is required to "see to the strict enforcement of the law governing county finances."[497] He is given "continual access" to all the records of officers.[498] He must examine all reports to the commissioners court of collections made,[499] and must make count of the cash in the hands of the county treasurer and keep account of moneys in county depositories.[500] He must himself keep numerous records besides the finance ledger, including a register of warrants issued against the county treasurer and accounts with each appropriation in the county budget.[501] He must make quarterly and annual reports to the commissioners court, showing in detail the condition of the account of each office, the amounts of county indebtednesses, amounts of receipts and disbursements, and other matters reflecting the condition of county finances.[502] Each year he must submit to the commissioners court an estimate of all county revenues and expenditures, together with a budget of all appropriations to be set aside for various expenses of the several departments and institutions of the county.[503] Forms used in the county accounting and auditing system are prescribed by the state comptroller.[504]

But, the commissioners court has ample authority to provide for the audit of accounts without having to depend upon the services of a regularly appointed auditor. Statues give the court the power to audit and allow claims.

492. RCS, 1925, Art. 1713.
493. Ibid., Art. 1663.
494. Ibid., Art. 1607.
495. Ibid., Arts. 1608, 1609, 1617-1624, 1631-1634.
496. Ibid., Arts. 1637, 1638.
497. Ibid., Art. 1651.
498. Ibid., Art. 1653.
499. Ibid., Art. 1654.
500. Ibid., Art. 1655.
501. Ibid., Arts. 1662, 1666.
502. Ibid., Art. 1665.
503. Ibid., Art. 1666.
504. Ibid., Art. 1656c, secs. 1, 2.

employ public accountants with power to audit "all or any part of the books, records, or accounts" of the county, of districts, or of county institutions, and to make audit of "all matters relating to or affecting the fiscal affairs of the county."[505]

Records System

The primary concern here is with the system and methods of record-keeping as they are found in actual practice in the counties, and more particularly in the county of Guadalupe. Since, however, the system is of legislative institution and not a product of common right, a treatment of the subject necessarily involves some discussion of the law of records and recording. The discussion will be confined to a general and incidental consideration of some of those laws that furnish the necessity and occasion for records, and at the same time define their nature, purpose, and legal effect.

Except with respect to the registration laws, already comprehensively discussed,[506] there has never been an attempt in any of the revisals or codifications of Texas statutes to collect in one unital group any portion of the laws requiring or authorizing records. One must look to the statute relating to the particular subject matter to which the record itself relates to discover the origin and occasion for a given record as found in a county public office. Any then, in many cases, no express provision requiring or authorizing the record will be found; the record will be one made altogether in the performance of an implied requirement or the exercise of an implied authorization.[507]

The complexities of county governmental organization are such that the records of counties are hardly susceptible of classification in accordance with any single criterion; no attempt is here made therefore, to set up exact and exclusive classifications.

Elections produce records to be mentioned first in the order of logical discussion if not in the rank of general importance. They usually begin with the first election for the organization of the county, and include elections for the selection of national, state, county, district, and precinct officers, those for the establishment of towns and villages and school districts, and those upon issues involving various measures and policies, and more especially those of local concern.[508] In connection with election records, it is

505. RCS, 1925, Arts. 2351, 1641.
506. See pp. 31-37.
507. For illustration, statutes authorize county school superintendents to transfer pupils between school districts (1915, 29th Legis., 287; 1935, 44th Legis., 488), and although there is no express statutory requirement that a record of transfers be kept, superintendents as a rule have apparently construed the laws as requiring a record by implication (see entry no. 399-ix).
508. See entry nos. 59-74.

appropriate to mention another group of county political records: those made by county officers in qualifying for office, namely, the records of official bonds and oaths.[509]

Under what may be called the corporate records of the county,[510] come that immense body of books and documents in which are recorded the memorials of acts done by the officers and agents of the county in the management and conduct of its business activities, and more especially of its fiscal affairs. While the greater portion of these records originate in the commissioners court, all county officers and agents participate to some extent in their creation; this is especially true in the case of the county treasurer and of the county auditor.

Records of this class touch upon every subject of county management in all its complexities. Briefly, they include, first, the record of the proceedings of the commissioners court and of the acts of other county officers had and done in all matters arising from the contractual relations of the county. Formalities incident to the letting of contracts, including those involved in requirements for the letting of contracts upon competitive bid, and acts done by county officials in compelling and supervising the performance of contracts must be recorded. Acts done in connection with the acquisition, maintenance, management, and disposal of the buildings and other properties and equipment of the county and of its institutions are likewise recorded. Records are made of all matters done in connection with the improvement of streams, with irrigation and drainage projects, with the construction of roads, bridges, and highways, with the maintenance and operation of the public school system, with public lands, with the management of county hospitals, with the care of the poor, with convict farms, and formerly with the hiring of county convicts,[511] with the compensation of county officers, agents, and employees, and with supplies, equipment, and services other than personal used by the county. Budgets and the proceedings incident to their adoption require the making of records. Books of account must be kept and detailed financial reports made and filed by all county officers, and provision must be made for the examination and auditing of the same. The presentation, allowance, auditing, classification, and payment of claims must be reflected in records. The collection, receipt, classification, investment, and disbursement of county funds require the keeping of innumerable books of account and documents. Records required in connection with bond issues demand the use of many volumes and documents.

Records made in the exercise of the county's taxing power are, for the most part, the creation of the commissioners court and the tax assessor-collector, and are the memorials of official acts and proceedings done and had as incidents to the levy, assessment, collection, and disbursement of taxes,

509. See entry nos. 162-170.

510. See entry nos. 1-58, 386-410.

511. The system of leasing county convicts, permitted under statutes (1866, Gammel, Laws, V, 1037, 1038; 1876, ibid., VIII, 1064-1066; 1887, ibid., IX, 809; and see entry nos. 78, 79) was abolished Sept. 1, 1925, by repeal (RCS, 1925, historical note, p. 184).

beginning with the levy of taxes by the commissioners court and ending with their final collection and disbursement.[512]

The records of the trial courts are second to none in volume, and none are freer from chronological lapses. In the courts of record,[513] they consist of the official entries of the acts and proceedings of the court entered in its record books, and papers filed in its archives. The purpose of such records is to furnish accurate memorials of all matters presented to and acted upon by the court, so that all interested persons may at all times ascertain the exact statutes thereof. Such records are the legal evidence of the matters to which they relate and import absolute verity; acts and proceedings not entered of record are, as a general rule, extra-judicial and void.[514]

Clerks of the district[515] and county courts[516] are required by statute to enter all judgments of their courts under the direction of the judges, to record all acts and proceedings of the courts, and to keep a record of executions issued. Compliance with these laws produces the minute books of the court. It not being required that the record of the court's proceedings be recorded in a single book or in a single uniform series of books, various books are kept in which proceedings relating to particular matters are properly entered. Each of these books is, within the meaning of the laws, a minute book, and the entries therein are minutes.[517] In these books are recorded not only the proceedings in litigated cases, but also other acts of the court done in pursuance of its powers to regulate its own proceedings, to make certain appointments, and generally to expedite its business.[518] While the provision of the statutes requiring the judge of the court to read and sign the minutes at the close of each term of the court is directory only, and while his failure to sign the minutes will not therefore invalidate proceedings, judgments, or other acts of the court,[519] unsigned minutes are rarely found. The record of executions issued is made by statute an exception to the rule that the proceedings and acts of the court be entered in the minutes and signed by the judge; the execution record is kept in docket form.[520] It is, nevertheless, of equal dignity with, and is received in evidence with like force and effect as the minute books of the court.[521]

Fee books are also of statutory origin.[522] The account of the fees of officers and witnesses earned in civil cases, and of those in misdemeanor cases

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512. See entry nos. 27, 28, 195-197, 346-385.
513. 11 Texas Juris., p. 703, par. 3.
514. 15 Corpus Juris, p. 971, par. 382, and cases there cited.
515. RCS, 1925, Art. 1899.
516. Ibid., Art. 1943.
517. See Whitaker v. Dillard (1891), 81 Tex. 359, 16 SW 1084, and Headlee v. Fryer (Tex. Civ. App., 1919), 208 SW 213, holding single book or series not necessary in keeping minutes. See also 15 Corpus Juris, p. 971, par. 382
518. See entry no. 215.
519. Lillard v. State (Tex. Crim. App., 1899), 53 SW 125.
520. RCS, 1925, Art. 3831.
521. Schleicher v. Markward (1884), 61 Tex. 99. W.T. Carter & Bro. v. Bendy (Tex. Civ. App., (1923), 251 SW 265. Noblett v. Olive (Tex. Civ. App.,1926), 259 SW 305.
522. RCS, 1925, Art. 3907.

that are payable by the county, may be, and invariably are, kept in docket form.[523] But since fees of officers and witnesses in felony cases are payable by the state, they are required by statute to be recorded in the minutes of the court.[524]

The clerk's file docket[525] and the jury docket,[526] like the execution docket, are of statutory origin, but other dockets of the district and county courts are prescribed, as to their contents and as to the duties of the clerk in keeping them, by rules of the supreme court.[527]

Case papers in the trial courts, consisting for the most part of pleadings, are made a part of the court records by filing only.[528] They remain on file and are themselves the record of their contents. This is not generally true of commissioners court papers because as a rule such papers are required to be entered in the minutes of the court.[529] And to a limited extent only is it true of probate case papers.[530]

Courts of the justices of the peace, not being courts of record,[531] keep no minutes such as are kept by the district and county courts, but they are required to keep civil,[532] criminal, and examining trial dockets.[533] Civil cases, as a rule, are upon oral pleadings,[534] but in all such cases the pleadings may be, and in some cases must be,[535] in writing. Consequently, the civil as well as criminal case papers constitute no small part of the records of these courts.[536]

Records of the sheriff and the district and county attorneys, as officers of the courts, are seldom found without breaks in chronological sequence, and in most counties they are extant from comparatively recent dates only. This is probably explained by the fact that most of their acts are usually recorded in one form or another in the permanent records of the courts.

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523. See entry nos. 246, 248, 254, 302-305.
524. CCP, 1925, Arts. 1020, 1021, 1034, 1036.
525. RCS, 1925, Art. 1973.
526. Ibid., Art. 2128.
527. The first published rules for district courts, adopted by the supreme court at its Jan. term 1840, provided for the trial docket and required the clerk to make a copy of it for the use of the bar. James Webb and Thomas H. Duval (comp.), Reports of Cases Argued and Decided by the Supreme Court (Galveston, 1858), vol. 1, p. 849. The trial docket in later rules is called the court docket. Rules of Apr. 1847, ibid., p. 853, and subsequent rules.
528. Holman v. Chevailliers, Administrator (1877), 14 Tex. 337.
529. See entry nos. 40, 41.
530. RCS, 1925, Art. 3301.
531. Ex parte Quong Lee (1895), 31 SW 391.
532. RCS, 1925, Art. 2382.
533. CCP, 1925, Art. 879.
534. RCS, 1925, Art. 2388.
535. Ibid., Art. 2389.
536. See entry nos. 313, 316, 318.

In the sheriff's office the records most frequently found are dockets, fee books, process and investigation records, and copies of receipts for fines and costs.[537]

In the office of the district and county attorneys, are also dockets and fee books, with copies of case papers, opinions, correspondence, and investigation records.[538]

Perhaps in no other state have the people been so directly interested in the subject of public lands as in Texas, and certainly in no other state have the counties had the same interest in the public domain. Records of the county courts acting as land boards for the issuance of certain land certificates under early laws,[539] records incident to the grants of public lands by the state to counties for educational purposes under acts as early as that of the third Congress of the Republic,[540] books containing the records of purchases, classifications, and appraisals of public lands,[541] all form an important body of records. But, nowhere among county records is the part played by the public domain in the economic life of the state reflected as it is in the records of the county surveyor. Maps, plats, and field notes made in connection with the location of land certificates, those made in the selection of county school lands, and others made under the direction of the state land office are important records in the deraignment of titles to lands and interesting material in the study of the agricultural and industrial development of the state. Other records in the surveyor's office are essential in the location of privately owned lands and in the establishment of boundary lines.[542]

In Texas counties, the deed record has always been used as the general record book for the recordation not only of deeds and other instruments affecting the title to lands, but of nearly all instruments filed for record under the registration laws, and in the early history of recording it was the only book used for such recordings. At the time of the adoption of the registration laws in Texas, similar laws long in force in the older states of the United States, had been construed and applied in decisions rendered by the courts of the sister states. By these decisions, the provision of those statutes which, like the Texas statute, gives to the deposit of an instrument for record the full effect of actual recording, had been so construed that certain other provisions requiring the keeping of separate books for the recording of specified instruments were held to be directory and not mandatory provisions.[543] No doubt, these decisions were as familiar to the bench and bar of Texas in the days of the Republic and the early days of statehood as the laws themselves, and it is fair to assume that the county clerks of those days had been advised of them. It was inevitable that in time the point should be presented to the Texas courts for decision, and just as inevitable, that those courts should abide the decisions of the

537. See entry nos. 329-344.
538. See entry nos. 327, 328.
539. See entry no. 4.
540. 1839, Gammel, Laws, II, 134.
541. See entry nos. 90, 91, 93.
542. See entry nos. 411, 412.
543. 53 Corpus Juris, p. 615, par. 23; p. 613, par. 14. Ruggles v. Williams (1858), I (Head), Tennessee Supreme Court Reports (Nashville, 1860), 141.

courts of sister states. In 1890, the Texas supreme court construed the provision of the Texas statute requiring the keeping of separate volumes for the recording of mortgages, deeds of trust, and other instruments intended to create voluntary liens, to be directory only.[544] The court, in effect, said that to construe the provision in any other way would be to render meaningless the provision of the statute giving to the deposit of an instrument for record the full effect of recording. The decision, therefore, gave judicial approval to the practice of using one book as a general record book for many sorts of instruments, begun by county recorders long before the date of the decision.

As in the case of other Texas counties, by far the greater majority of instruments deposited for record under the registration laws in Guadalupe County are found recorded in the "Deed Record."[545] This record dates back to August 1, 1846, the approximate date of the organization of the county, and continues in an unbroken chain of recordings to date. But, since Guadalupe County was carved out of Gonzales and Bexar Counties, it is sometimes necessary for a complete deraignment of title to refer to the records of one or the other of the parent counties. These records, in so far as Gonzales County is concerned, have been made available in the office of the county clerk in the "Gonzales Manuscripts."[546] The "Original Record," one of the volumes transcribed into the "Manuscripts" was the book in which were recorded instruments filed for record during the period February 4, 1838-1868, under registration laws in force during that time, and relating to lands in that portion of Guadalupe County formerly within the boundaries of the county of Gonzales. Another record which forms an interesting and necessary record in the deraignment of titles to real property is the "Town Book of Seguin."[547]

It must be remembered that in the early days of the Republic and of statehood, county clerks were usually furnished with a single book in which they were expected to record all instruments deposited with them under registration and other recording laws. Only the records of the courts were originally kept in separate volumes. In time, either under mandatory provisions of statutes, or because the increasing volume of records in a rapidly growing state, made it necessary for the convenience of the public, county recorders added separate volumes or series of volumes, each devoted to the recording of some particular kind or class of instrument. For example, abstracts of judgments since 1879 [548] are invariably recorded in a separate volume or series of volumes because the purpose in recording the abstracts is not only to give constructive notice of their contents but also to create a lien in the first instance against the judgment debtor's lands. Under the provisions of the 1879 law the judgment does not operate as a lien until the abstract is actually recorded and indexed.[549] In the case of an abstract of judgment, then, the provision of the registration statutes giving to the deposit of the instrument the full effect of recording is not applicable, and

544. Kennard v. Mabry (1890), 78 Tex. 151; 14 SW 272.
545. See entry no. 85.
546. See entry no. 89.
547. See entry no. 1-a, Appendix.
548. See entry no. 104.
549. RCS, 1925, Arts. 5447, 5448.

in consequence, the requirement that separate volumes for that kind of instrument be kept in mandatory.[550]

On the other hand, it may be said that the separate volumes for the records of trust deeds, maintained since October 3, 1860,[551] being kept under a directory provision of the statute, are required and maintained largely as a convenient and efficient public service. The same is true of a number of other records kept in separate volumes.[552] The chattel mortgage register, maintained separately since March 16, 1879, is in separate volumes for reasons already indicated.[553]

In this connection, it is to be noted that while a statute providing for a record book to be kept sometimes also designates the name or title by which the book is to be known,[554] there is no statute expressly requiring the labeling of books. It is not difficult to understand, then, that a book label is not always an indication of what one may expect to find recorded within. Books printed and labeled for use in the recording of a particular record are frequently used for an entirely different one without change of label. For illustration, in Guadalupe County, the clerk's register of paid county warrants for 1929-1931, is found in a book labeled "Chattel Mortgage Register."[555] Unused pages of a book, labeled by one title and partly filled with recordings of instruments properly coming under that title, are often used for wholly unrelated recordings. For example, the district clerk's file docket entries for 1870-1879 are found upon pages of a book labeled "Record of Charters and Irrigation."[556] In order that these hidden records might be properly inventoried and thereby made accessible, a page-by-page examination of records, in some instances, has been made. In the case of the deed record, use was made of the "Kind and Date of Instrument" column of the indexes to deeds,[557] and to some extent, a page-by-page examination was made.

Other instruments filed or recorded in county offices that, like those filed for record under the registration laws, emanate from the general public, or from some class or section thereof, are those filed or recorded pursuant to statutes enacted in furtherance of those general public policies that look to the health, safety, and to the economic and social welfare of the state. Among this class of records, to mention a few only, are marriage records,[558] health certificates required upon application for marriage license,[559] birth records,[560] death records,[561] licenses authorizing the carrying on of certain businesses, professions, or occupations, and designed to prevent their being conducted in a manner injurious to the public, and

550. City National Bank v. Craig (Tex. Civ. App., 1921), 233 SW 631.
551. See entry no. 96.
552. See, for example, entry nos. 126, 149.
553. See entry nos. 98, 100, 101, 102.
554. See, for example, RCS, 1925, Art. 2329.
555. See entry no. 36.
556. See entry no. 94.
557. See entry nos. 87, 88.
558. See entry nos. 129-137.
559. See entry no. 135.
560. See entry nos. 138-140, 323, 326.
561. See entry nos. 138, 141, 142, 324, 326.

related records in the form of registers and reports, and, in some instances, bonds required of persons obtaining such licenses;[562] soldiers' and sailors' discharge records[563] and reports of animals killed by railroads.[564]

Since one of the objects in making records is to preserve and perpetuate written instruments as evidence, the record must be made in such durable form and manner as to make it permanent. It may be made with pen and ink, typewriter, or in print. It is proper for the recording officer either to transcribe the instrument, or to have copies of instruments to be presented for record printed in advance in his record book and fill in the blank portions afterwards when the instrument is actually presented for record.[565]

As a general rule in Texas, loose, lead pencil memoranda found upon public records will not be regarded as part of the record; they are not entitled to the same respect or consideration, or to the same degree of verity as evidence, as when regularly entered in ink. But, this rule is not strictly enforced against pencil memoranda on early records of the public officers of the Republic.[566]

In general, the methods and practices in recording employed in Guadalupe County are in close compliance with registration and recording laws. They include the practice of copying instruments where it is required by law; the filing of original papers where, under applicable laws, originals remain on file as the records of their contents; the entry of memorials of official proceedings and transactions in minute books; the entry of memorials in abstract form, usually in books ruled off in columns with printed column heads; and the entry of memorials on printed forms made up in advance of the presentation of instruments for record, so that the record is completed by the act of the officer in filling in blank spaces in the form and attaching thereto his certificate of recordation.

Generally, in Guadalupe County, all entries in volumes were wholly handwritten in ink, or handwritten on printed forms, until 1904, when, with the introduction of loose-leaf books, typewritten entries appeared in the volumes of commissioners court minutes.[567] The following year the use of loose-leaf volumes and typewritten entries was adopted for the deed record.[568] Since 1911 the minutes of the district court are typed in loose-leaf volumes.[569] Loose-leaf volumes are in common use in all cases where

562. See entry nos. 143-146, 151-155, 259-261.
563. See entry no. 156.
564. See entry no. 114.
565. 53 Corpus Juris, p. 612, par. 11 and cases there cited. See also entry 218.
566. See Franklin v. Tiernan (1884), 62 Tex. 92, holding pencil memoranda made upon records of the Treasury Department of the Republic in 1837 to be admissable in evidence.
567. See entry no. 1.
568. See entry no. 85.
569. See entry no. 215.

their use is best adapted to serve the purposes of recording.

The quality of ink and paper used in the making of Guadalupe County records has been uniformly good; no illegible records have been encountered. As to bindings and coverings on volumes, quality has apparently varied in accordance with the offerings of various printers and binders who from time to time have furnished the county with these supplies.

In Guadalupe County, indexes to volumes of recorded instruments are sometimes kept in separate volumes, and sometimes on pages of the same volume or volumes in which the instruments indexed are themselves recorded, the pages so used being devoted exclusively to the purpose. Indexing generally follows the alphabetical-chronological system. Under this system, the number of pages of the index that may be needed for a given letter of the alphabet are marked, either upon the top margins of the pages, or by thumb tabs, by that letter. These subdivisions are themselves, of course, arranged in alphabetical order throughout the index. On a page of the subdivison marked by a given letter is entered the surname of each party to the recorded instrument, beginning with that letter, followed by his given name or initials. Set opposite the name of the party thus entered are the names of other parties to the instrument, if any, together with a reference to the volume, and the pages thereof, where the instrument indexed is found recorded, and sometimes with a notation of the kind of instrument indexed and the date when it was filed. The entries thus made within these alphabetical subdivisions are chronological in the order of recording.[570]

Similar indexes, adapted to fit the mode of the recording, are used for dockets and court minutes where, for the most part, litigated cases are the subjects of recording.

The use of the alphabetical-chronological system of indexing where it is applied to the recordings of such instruments as deeds or mortgages, or to the records of cases in the trial courts, in which more than one party is involved, results in the creation of direct and cross, or reverse indexes. For illustration, indexes to district court minutes[571] are direct by the surname of the plaintiff and reverse by the surname of the defendant, and those to the deed record[572] are direct by the surname of the grantor and reverse by the surname of the grantee.

In the absence of statute, the right to inspect public records is governed by common law. Under the applicable rule of common law a person to be entitled to inspect public records as a matter of right has to have some interest with which the record is connected, but by pro-

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570. This type of indexing is referred to in the entries by the statement "Indexed alph. by first letter of surname, chron. thereunder." See, for example, entry no. 106.

571. See entry no. 216.

572. See entry nos. 87, 88.

vision of Texas statute, the common law rule has been abrogated with respect to the records of the county clerk. This statute gives to all citizens absolute right at all reasonable times to inspect the clerk's books and papers. But, even under the common law, the interest upon which the right of a person to inspect records generally is predicated need not be a private interest; it exists where the person seeking inspection may, by reason of his relation to the common interest, act as the representative of a common or public right.[573]

Statutes designed to protect public records from abuse as well as from malicious destruction or alteration have been enacted; offenses involving such acts are of the grade of felony and are punishable by heavy fine or imprisonment in the penitentiary.[574]

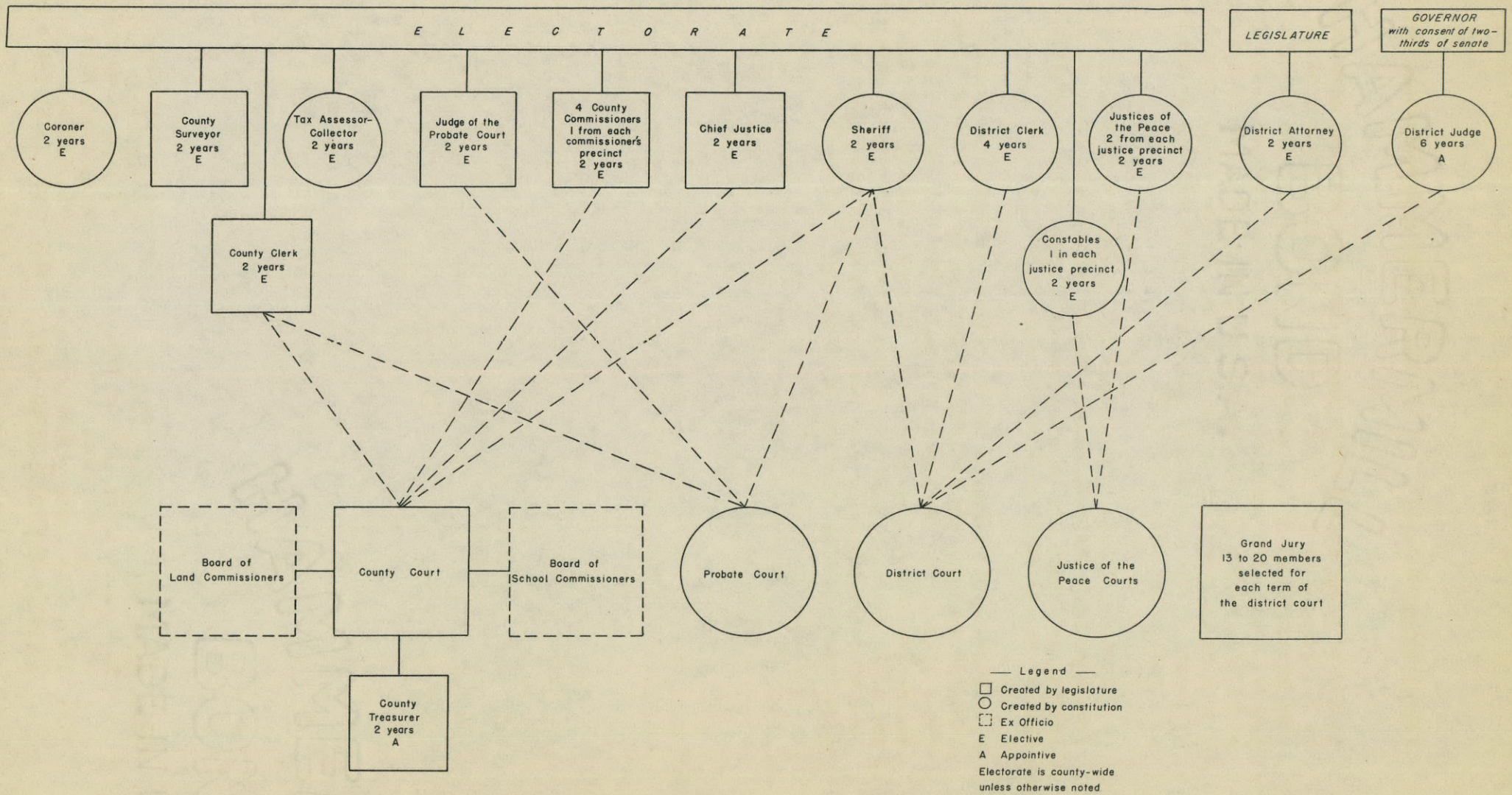
Chronological lapses in the records of Guadalupe County are perhaps fewer in instance and less in extent than in the records of the average Texas county. No records have been destroyed by catastrophes of fire or flood, and none are on loan to the library of The University of Texas, or to the state library, under statutes authorizing county commissioners to lend to these libraries such archives of their respective counties as may have become chiefly valuable as historical records.[575]

573. Palacious v. Corbett (Tex. Civ. App., 1915), 172 SW 777. RCS, 1925, Art. 1945.

574. 1899, 26th Legis., 301; Vernon's Annotated Penal Code of the State of Texas, Revision of 1925 (Kansas City, Mo., 1926--) Art. 1002, cited hereafter as PC, 1925.

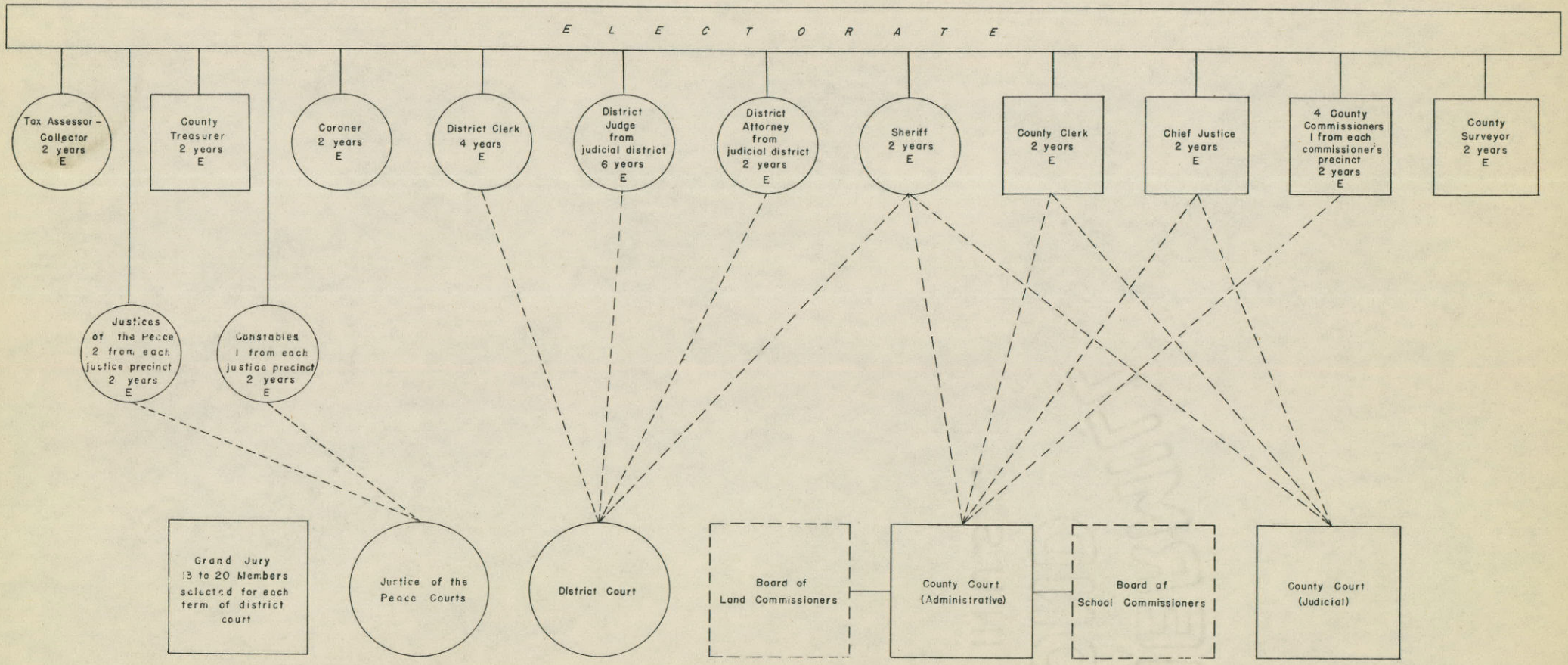
575. RCS, 1925, Arts. 260, 5439.

GUADALUPE COUNTY GOVERNMENT
1846



GUADALUPE COUNTY GOVERNMENT

1850



Legend

□ -- Created by Legislature

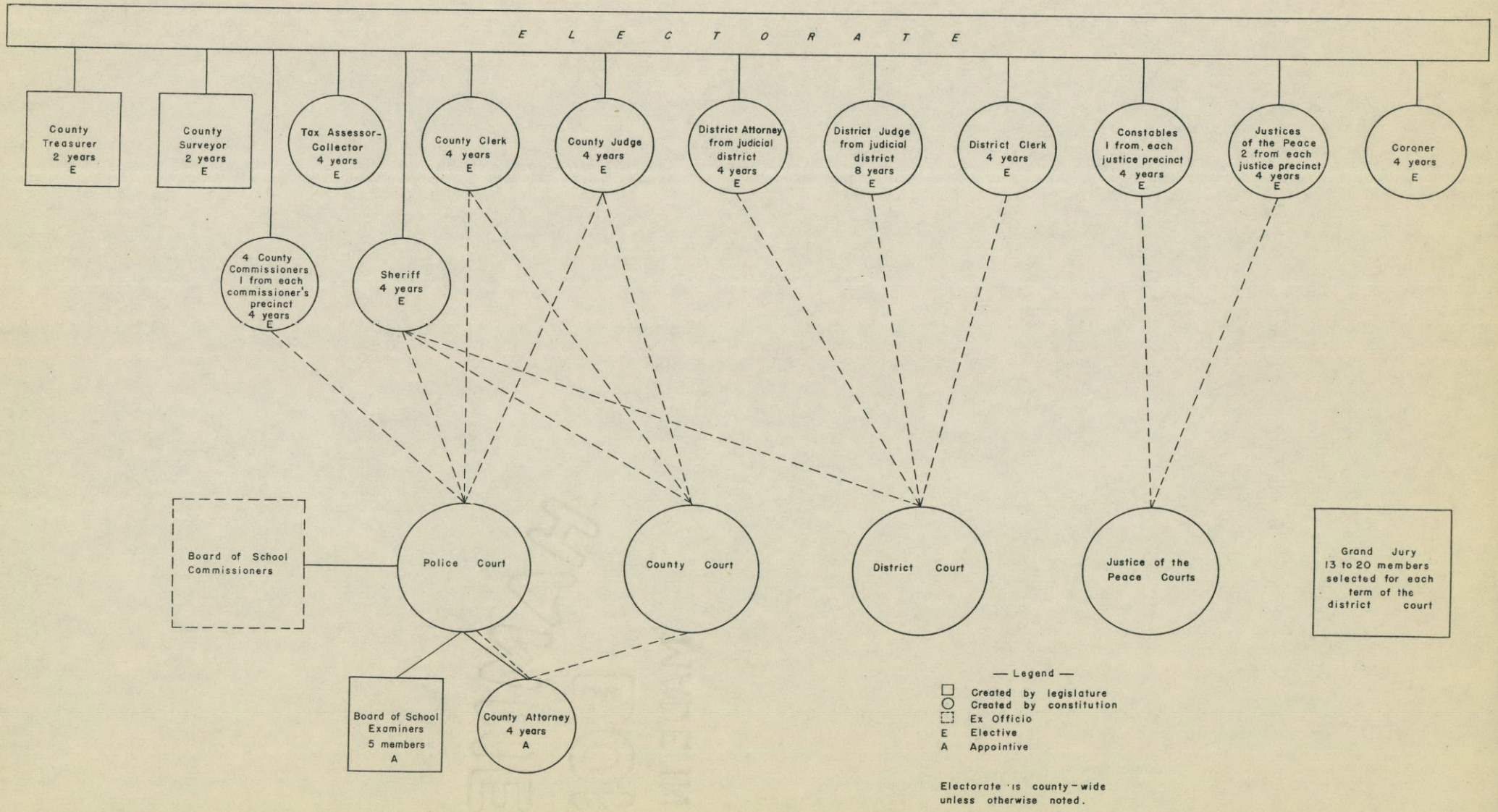
○ -- Created by Constitution

E -- Elective

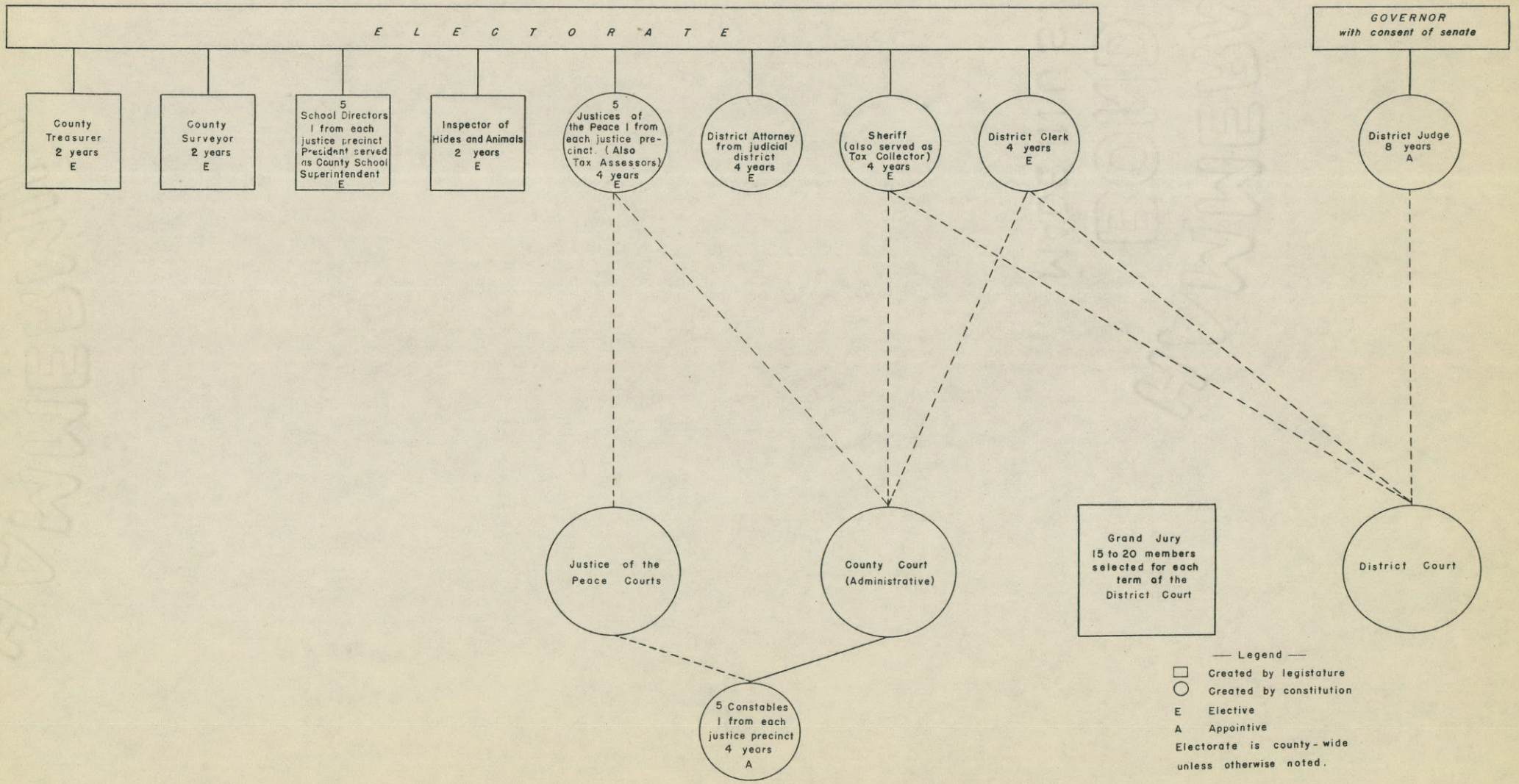
⬚ -- Ex Officio

Electorate is county-wide unless otherwise noted.

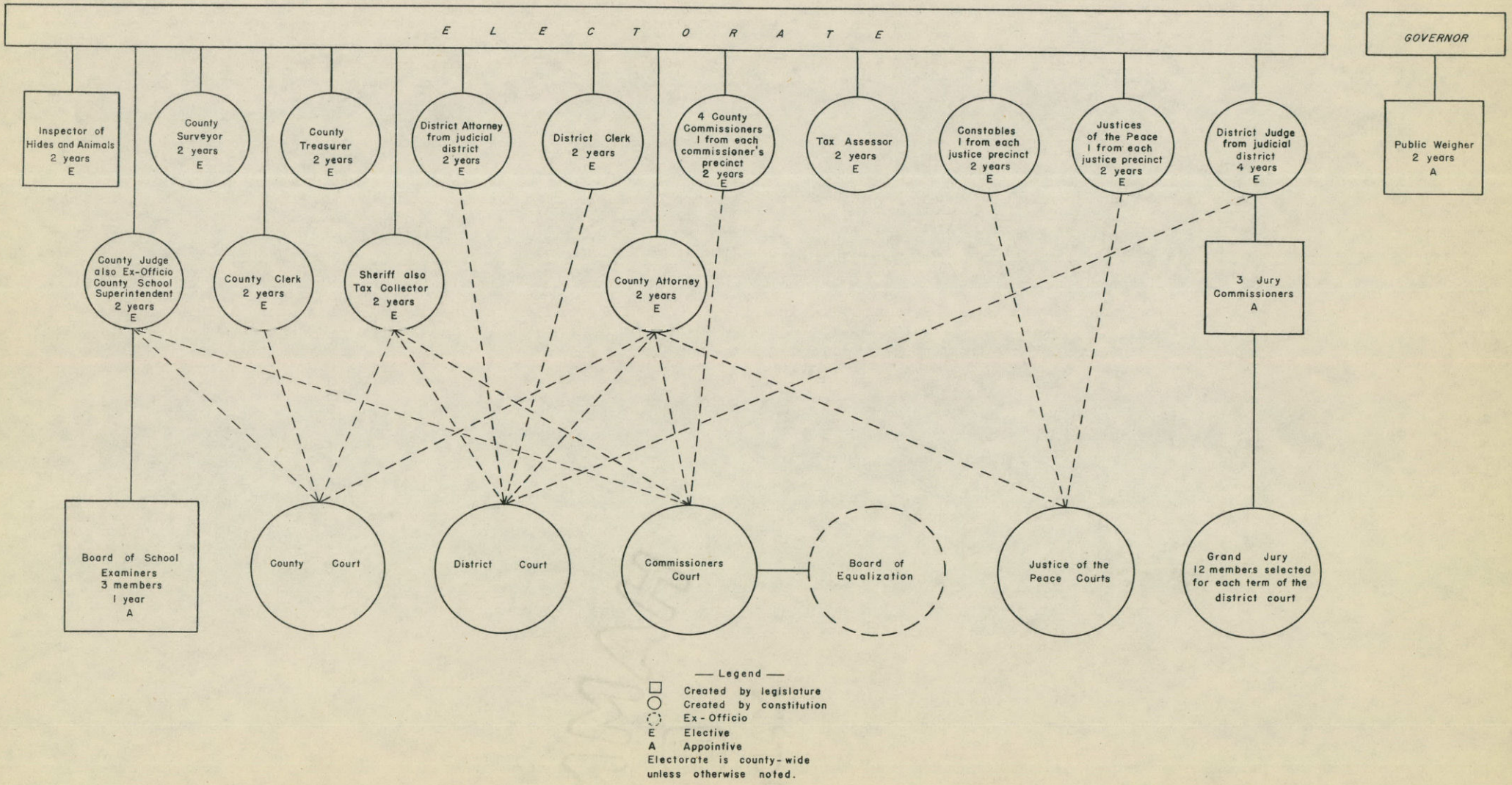
GUADALUPE COUNTY GOVERNMENT
1866



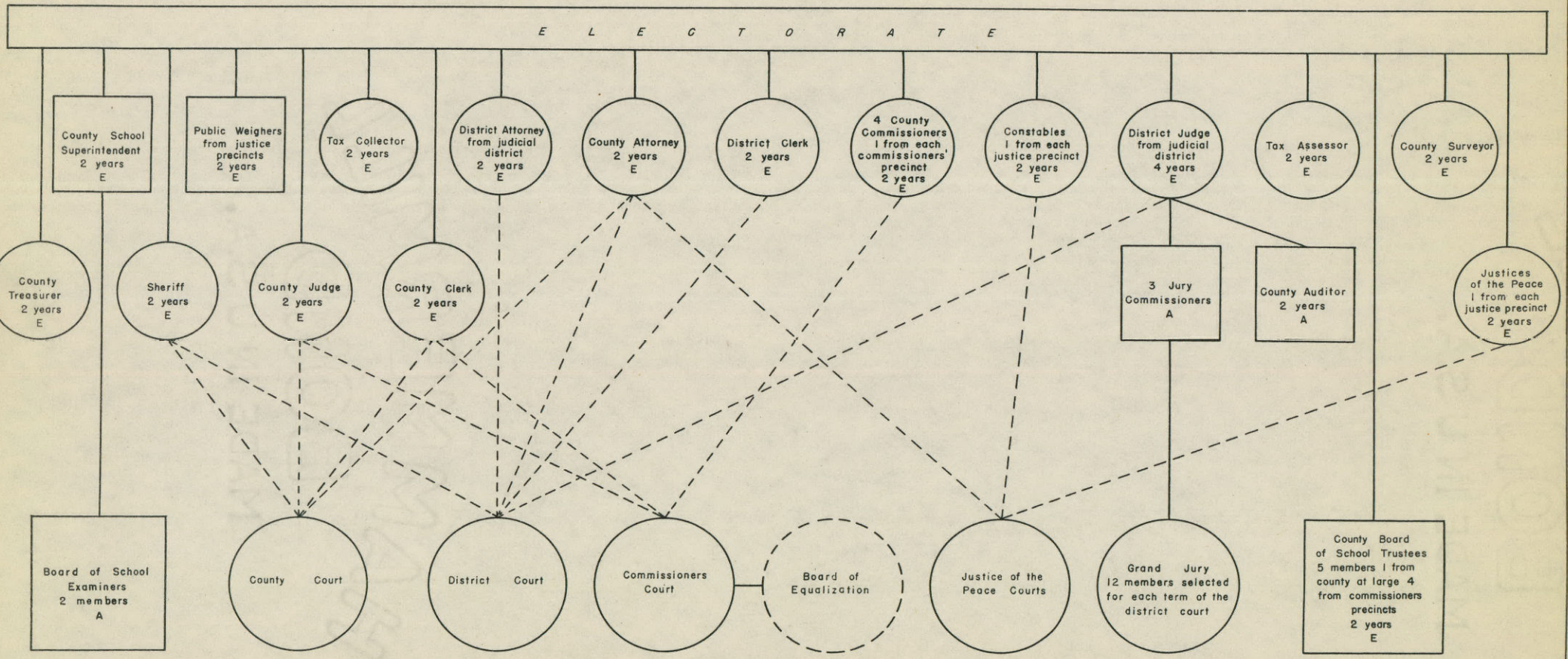
GUADALUPE COUNTY GOVERNMENT
1873



GUADALUPE COUNTY GOVERNMENT
1876



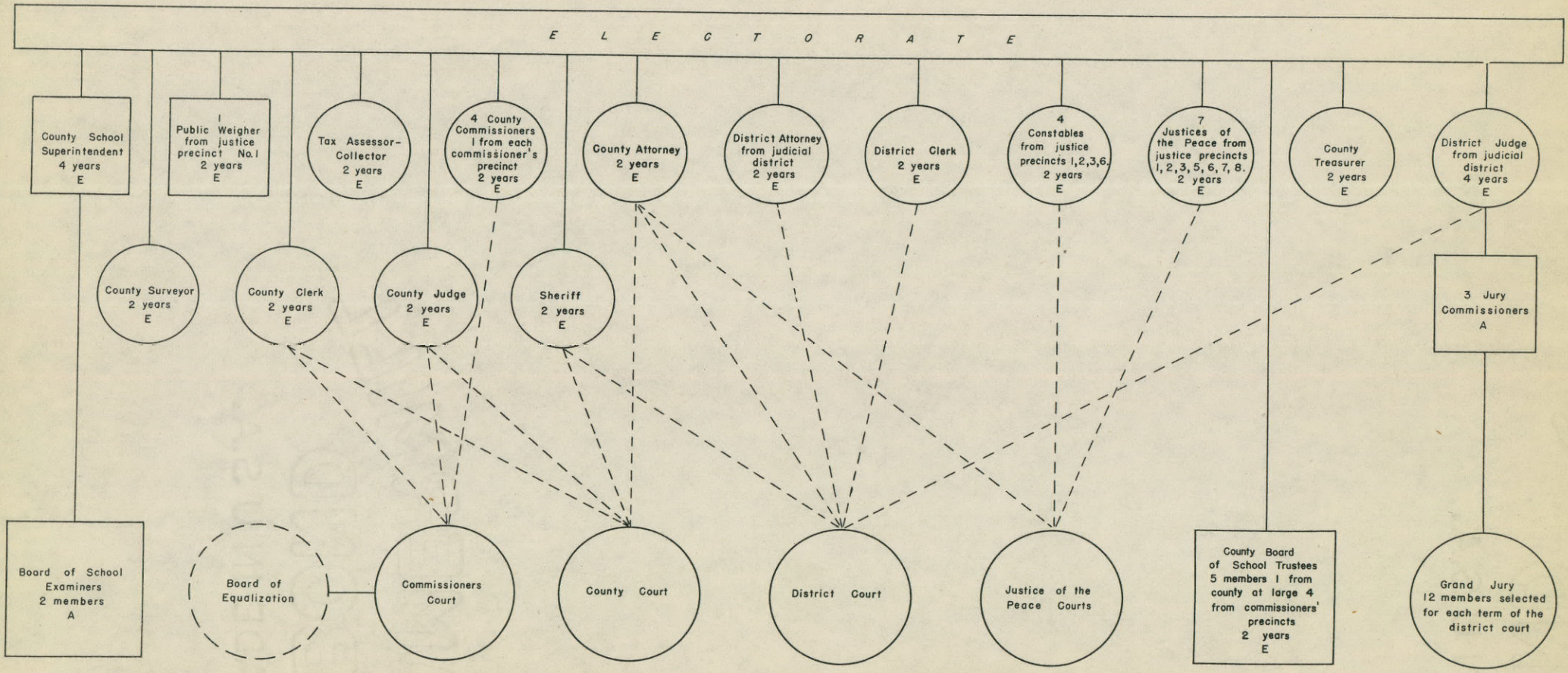
GUADALUPE COUNTY GOVERNMENT
1925



— Legend —

□ Created by legislature
○ Created by constitution
◌ Ex-Officio
E Elective
A Appointive
Electorate is county-wide unless otherwise noted.

GUADALUPE COUNTY GOVERNMENT
1939



— Legend —

□ Created by legislature
○ Created by constitution
◌ Ex-Officio
E Elective
A Appointive
Electorate is county-wide unless otherwise noted.

(First entry, p. 122)

3. HOUSING, CARE, AND ACCESSIBILITY OF RECORDS

Guadalupe County has had three courthouses. The first, completed in 1848, was a frame building 24 by 16 feet; the second, completed in 1858, was a concrete structure 50 by 30 feet (see p. 7). The present courthouse, occupied since 1936 (see p. 11), is a three-story, steel and limestone edifice, 121 feet long and 73 feet wide, standing in the center of the public square of the city of Seguin. This example of modern architecture is easily the most imposing building in the county seat. It is completely fireproof, metal construction extending to stairways, doors, window casings, and window frames. Ventilation is good, and excellent lighting facilities are provided for all offices by electric drop lights with reflectors. All ceilings are 10 feet 7 inches high, except those of the basement vaults, which are 7. Walls and ceilings are plastered, and flooring is of composition tile.

The courthouse faces north, but may be entered from each of the four sides. All four entrances lead to the ground floor, which is a half-basement, and is designated "basement" throughout this inventory, and to the first floor. Inside stairways are located at the east and west ends of the building.

Commissioners Court. The commissioners courtroom, located on the south side of the first floor, is 17 feet 4 inches by 15½ feet, and may be entered from the main corridor. Adjoining it on the west is the office of the county judge, a room 17 feet 4 inches by 9 feet. The judge's desk accommodates his records.

County Clerk. The county clerk's department consists of two offices and a large records vault in the northeast corner of the first floor, and a vault in the basement. The reception office is a room 28 feet 8 inches by 17½ feet, and the private office is 11 feet 9 inches by 10 feet 4 inches. The first floor vault, entered from the public office, is 34 feet 4 inches by 15 feet. It is furnished with approximately 1,100 linear feet of steel roller shelving on the east, south, and west walls, and under 3 long counter shelves in the center of the room. Bound volumes occupy all but about 15 linear feet of the available shelf space. For papers and documents, there are 4 sections of wall file cases, containing 352 file boxes, each 11 by 5 by 14 inches. One section is on the east wall, to the left of the entrance, one on the west wall, and two adjoining sections are on the north wall. Thirty of the file boxes are empty, and in a number of those containing papers there is ample room for additional material. There is no crowding of records. Orderly arrangement makes all volumes and file boxes readily accessible. Excellent facilities for consulting the records are provided by the three long counter shelves. For the retired records in his custody, the county clerk has a vault in the south side of the basement. This vault is L-shaped; the long leg is 18 feet long and the short leg is 12; each is 8 feet wide. The vault is equipped with 125 linear feet of steel shelving, and 150 steel file boxes, each 11 by 5 by 14 inches. Present space for records is being used to the fullest extent. Additional shelving, for which there is adequate space, is recommended.

District Court. The district courtroom occupies the center of the top floor of the courthouse; it is 61½ feet by 44 feet 10 inches. All records and papers of the court are kept by the district clerk. The clerk has an office 20 by 7½ feet in the northeast corner of the top floor. Current records are in an adjoining vault, which is 22½ by 8½ feet. Seventy-two linear feet of steel shelving along the south and west walls house 43 linear feet of bound volumes; and 66 metal file boxes, each 11 by 5 by 14 inches, hold unbound material. There is sufficient room for expansion without additional shelving. A table is available for public use. The district clerk also has a basement vault, which adjoins, and is identical in size and shape with that of the county clerk. In addition to the district clerk's records stored in his vault, there are 247 volumes, 19 boxes, and 12 bundles of retired records from other departments. This vault contains 130 linear feet of steel shelving, 121 metal file boxes, each 11 by 5 by 14 inches, and 9 pasteboard boxes, each approximately 15 by 15 by 24 inches. A table and five chairs may be used by the public. There are approximately 300 linear feet of volumes stored in this vault, many of them stacked on file boxes; and the papers have been crowded into boxes, without regard for subject matter or chronological sequence. It is recommended that the present amount of shelving and number of file boxes be doubled and that the papers be sorted as to subject matter, arranged, and filed chronologically in boxes labeled to indicate contents.

County Court. The county court meets in the county courtroom, 29½ by 28 feet, in the southeast corner of the first floor of the courthouse. Records and papers of the court are in the custody of the county clerk.

Justice of the Peace. The justice of the peace of precinct 1 has an office and a courtroom in the southwest corner of the basement. His office, 18½ feet by 9 feet 9 inches, is entered through an anteroom 10 feet 9 inches by 9 feet 9 inches. The courtroom is 30 by 19 feet. In the office there are 21 linear feet of steel shelving on the west wall, holding 18 linear feet of bound volumes, and 24 steel file boxes, each 11 by 5 by 14 inches. Both shelving and file boxes provide ample room for expansion of records.

County Attorney. The county attorney's office is on the north side of the first floor, and is 15 feet by 14 feet 4 inches in size. A steel safe, 24 by 24 by 28 inches, on the west wall holds the few records of this official, and will care for future expansion. Four chairs are available to persons who wish to consult the records.

Sheriff. The sheriff has a two-room suite in the northwest corner of the first floor, consisting of an anteroom 28 feet 8 inches by 10 feet, and a private office 16½ feet by 12 feet 8 inches. Records are kept on roller shelves beneath a steel counter, 6 by 2½ by 3½ feet, in the anteroom. The counter shelves now contain seven feet of bound volumes but will accommodate eight. The counter, a steel table, and six chairs provide excellent facilities for use of the records.

Constable. The constable of precinct 1 has no office assigned to him in the courthouse. The only record book of this officer found is in the sheriff's office.

Tax Assessor-Collector. The assessor-collector's department consists of a large office and an adjoining vault, occupying the southwest corner of the first floor. The office is 29½ by 28 feet. Forty feet of steel shelving house 35 feet of bound volumes, and there are 8 metal file drawers, each 12 by 14 by 24 inches, for papers. There is sufficient space for proper housing of future records. A steel counter, 22 feet long, 30 inches wide, and 32 inches high, 3 desks, and 4 chairs provide work space for consultation of the records. The vault, opening off the office on the east, is 17 feet 4 inches by 15½ feet. On the north, east, and west walls are 114 linear feet of steel shelving, housing 80 feet of bound volumes and affording ample room for expansion. Also, there are 12 steel file drawers, each 5 by 18 by 30 inches, a cardboard box, 15 by 15 by 24 inches, and a steel safe, 34 by 34 by 60 inches. The records are not crowded, and there is sufficient room for expansion. One steel table and two chairs are available to persons working with the records.

County Treasurer. The county treasurer occupies an office 17 feet 4 inches by 9 feet, on the south side of the first floor. Current records are housed there in a steel cabinet, 12 by 14 by 23 inches, four drawers along the south wall, and a file box, 9 by 9 by 12 inches, on top of the cabinet. There is ample housing space for present and future records. A steel table and four chairs may be used by the public.

County Auditor. A room 15 by 10½ feet in the center of the north side of the first floor was used by the county auditor until the office was abolished in 1937. This office is now vacant, the county clerk having taken over the records of the auditor.

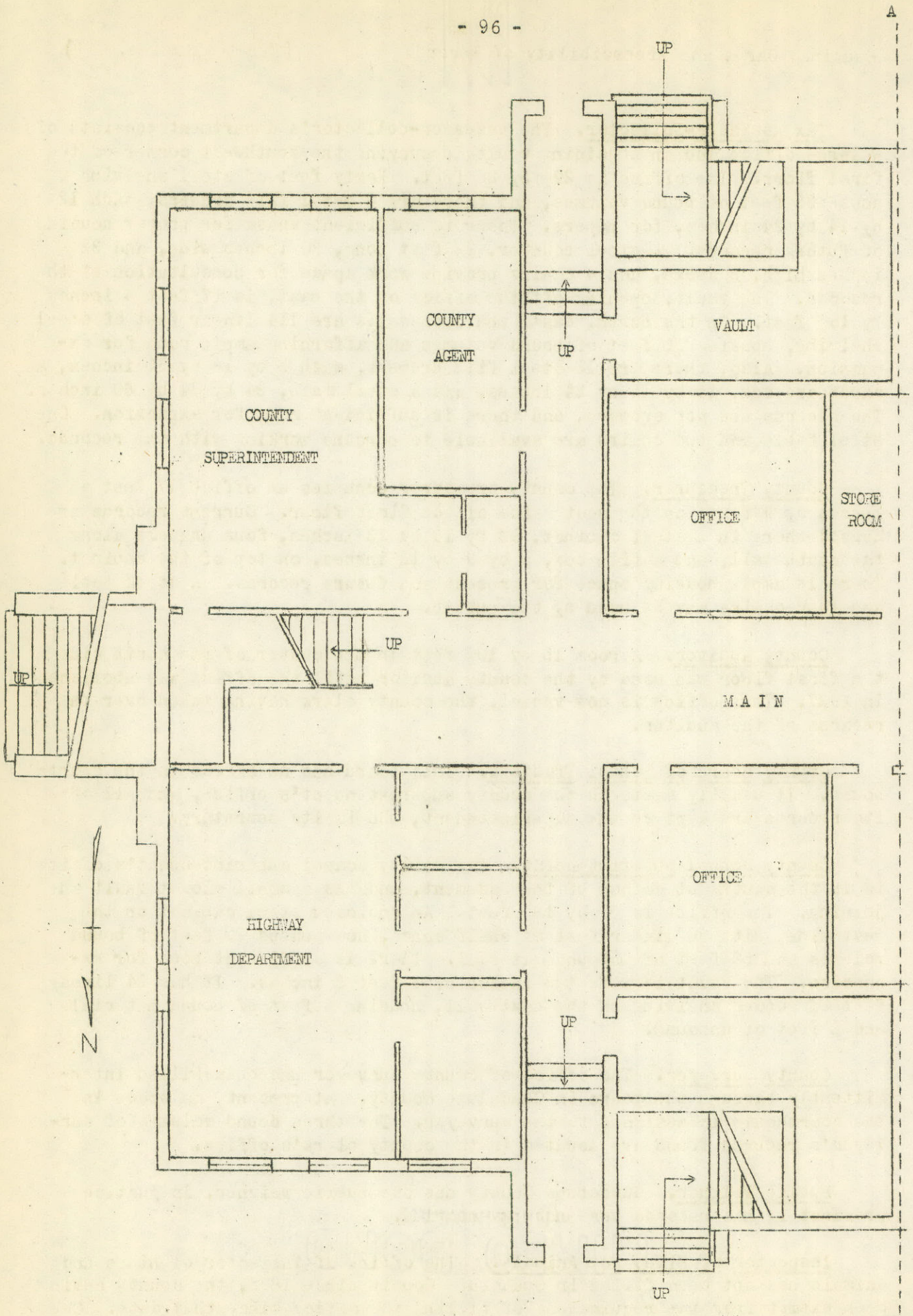
County Board of School Trustees. This board has no office in the courthouse. It usually meets in the county superintendent's office, and all of its records are kept by the superintendent, who is its secretary.

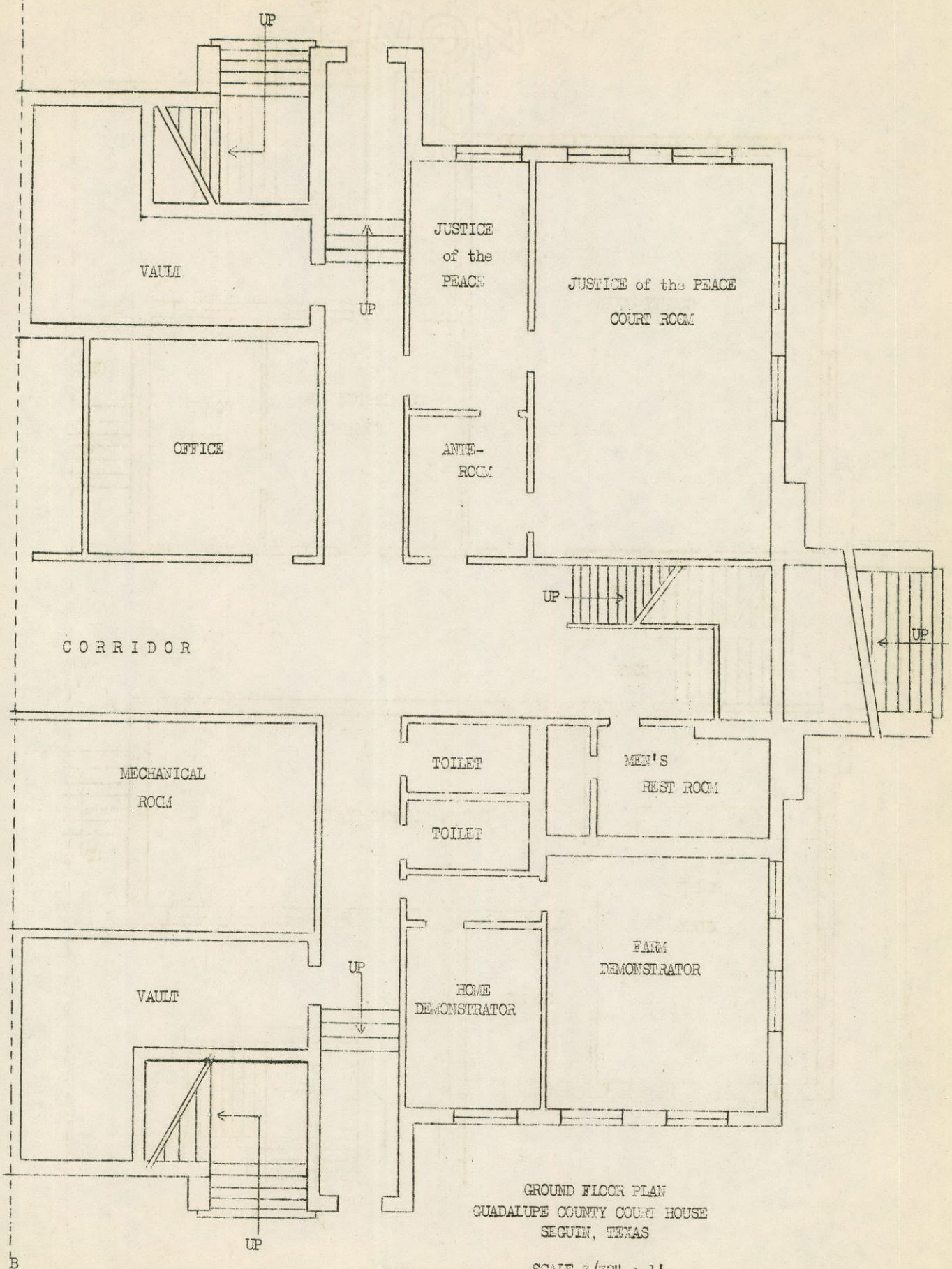
County School Superintendent. The county school superintendent's office is in the southeast corner of the basement, and has a small closet vault adjoining. The office is 30 by 16½ feet. An enclosed steel cabinet on the west side, with 90 linear feet of shelf space, now houses 20 feet of bound volumes and 50 feet of unbound material. There is sufficient room for expansion. The vault is 8 feet 3 inches by 4 feet 3 inches. It has 24 linear feet of wooden shelving on the east wall, housing 6 feet of bound material and 2 feet of unbound.

County Surveyor. The office of county surveyor has been filled intermittently through the years in Guadalupe County. At present, no space in the courthouse is assigned to the surveyor. The three bound volumes of surveyor's records found are located in the county clerk's office.

Public Weigher. Guadalupe County has one public weigher, in justice precinct 1; his records were not inventoried.

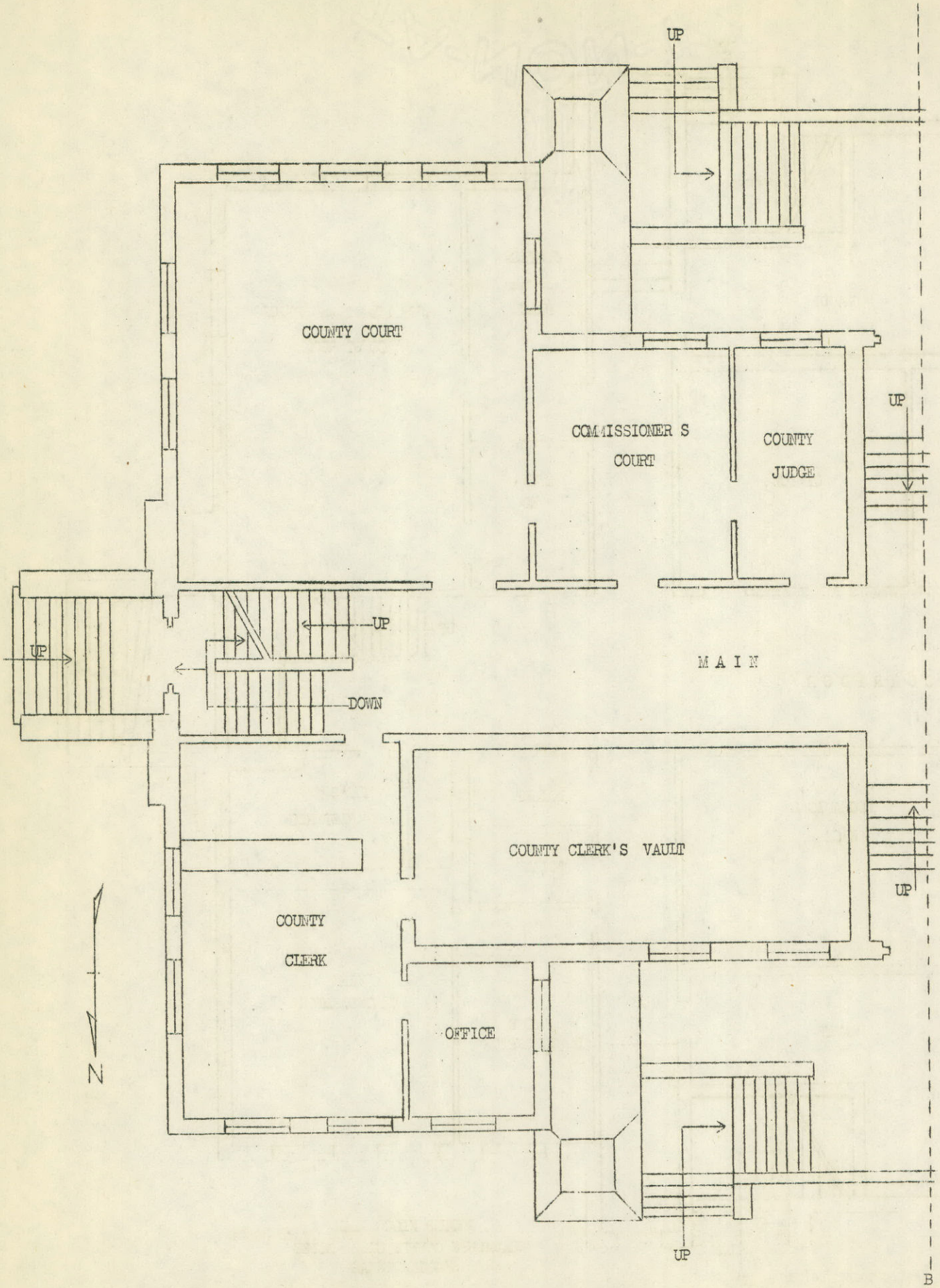
Inspector of Hides and Animals. The office of inspector of hides and animals has not been filled in Guadalupe County since 1895, the county having been exempt from the requirement of filling the office since that date. One record kept by the inspector is located in the county clerk's basement vault.

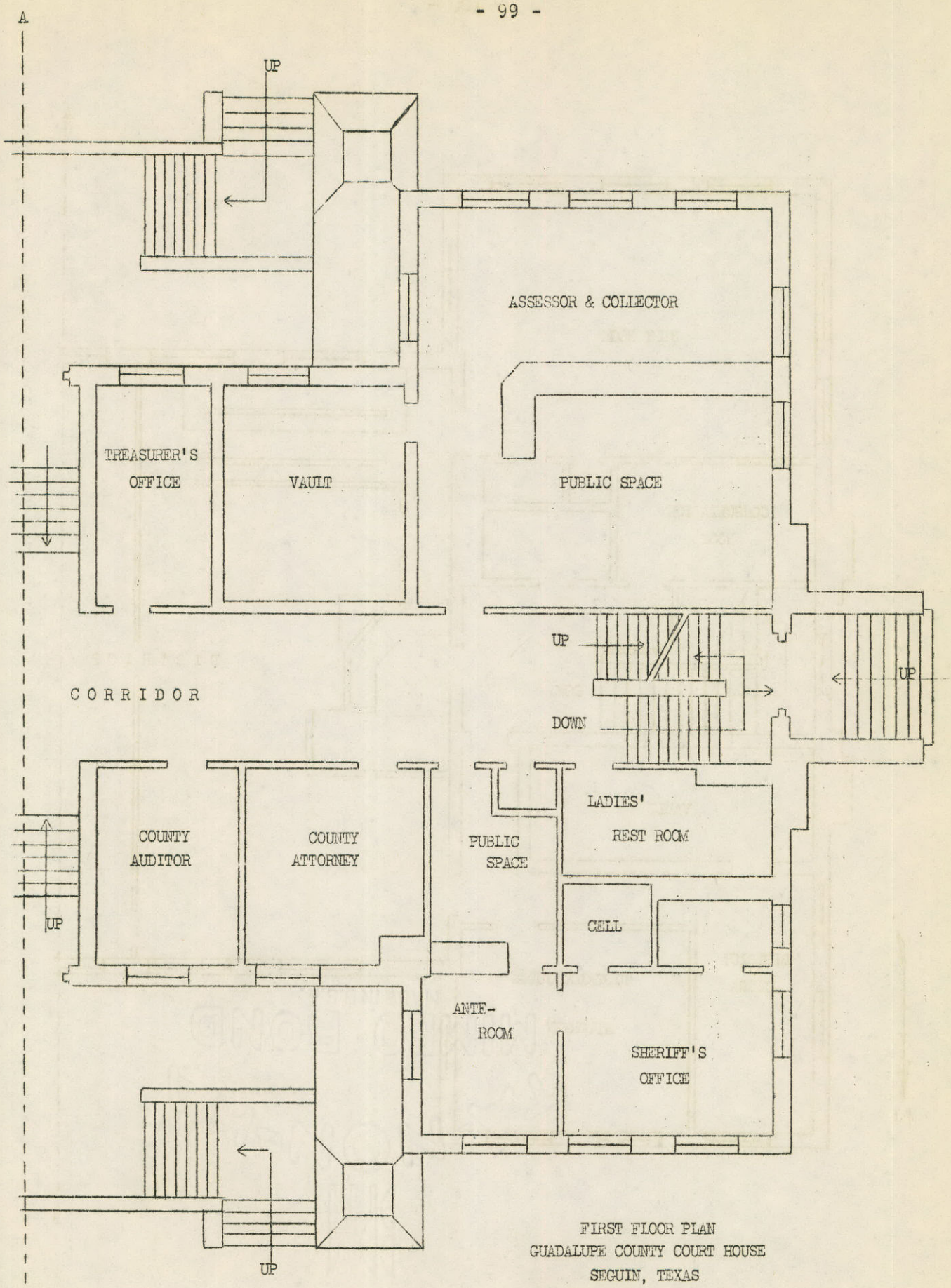

A
UP
COUNTY
AGENT
VAULT
UP
COUNTY
SUPERINTENDENT
OFFICE
STORE
ROOM
UP
UP
M A I N
OFFICE
HIGHWAY
DEPARTMENT
N
UP
UP
B



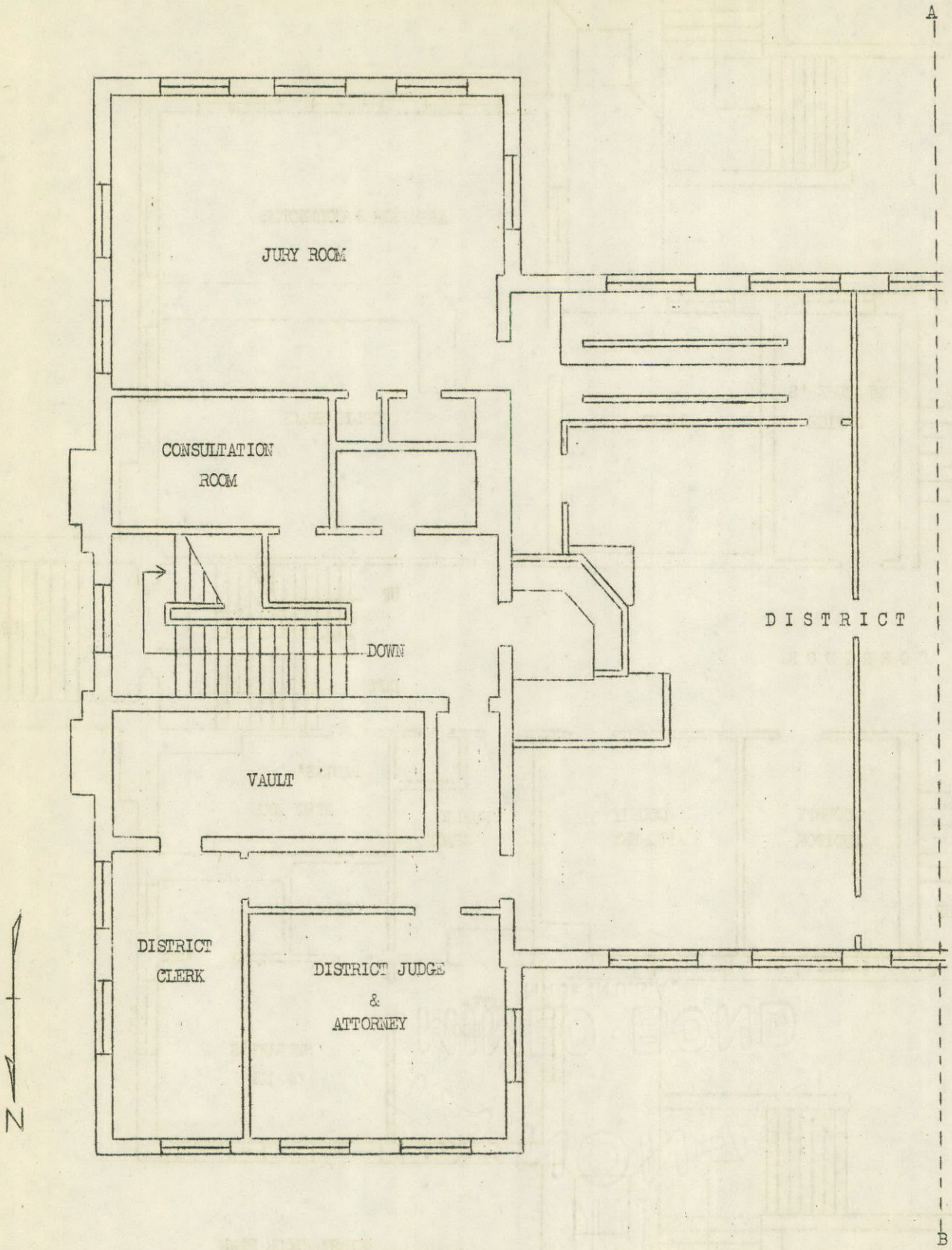
GROUND FLOOR PLAN
GUADALUPE COUNTY COURT HOUSE
SEGUIN, TEXAS

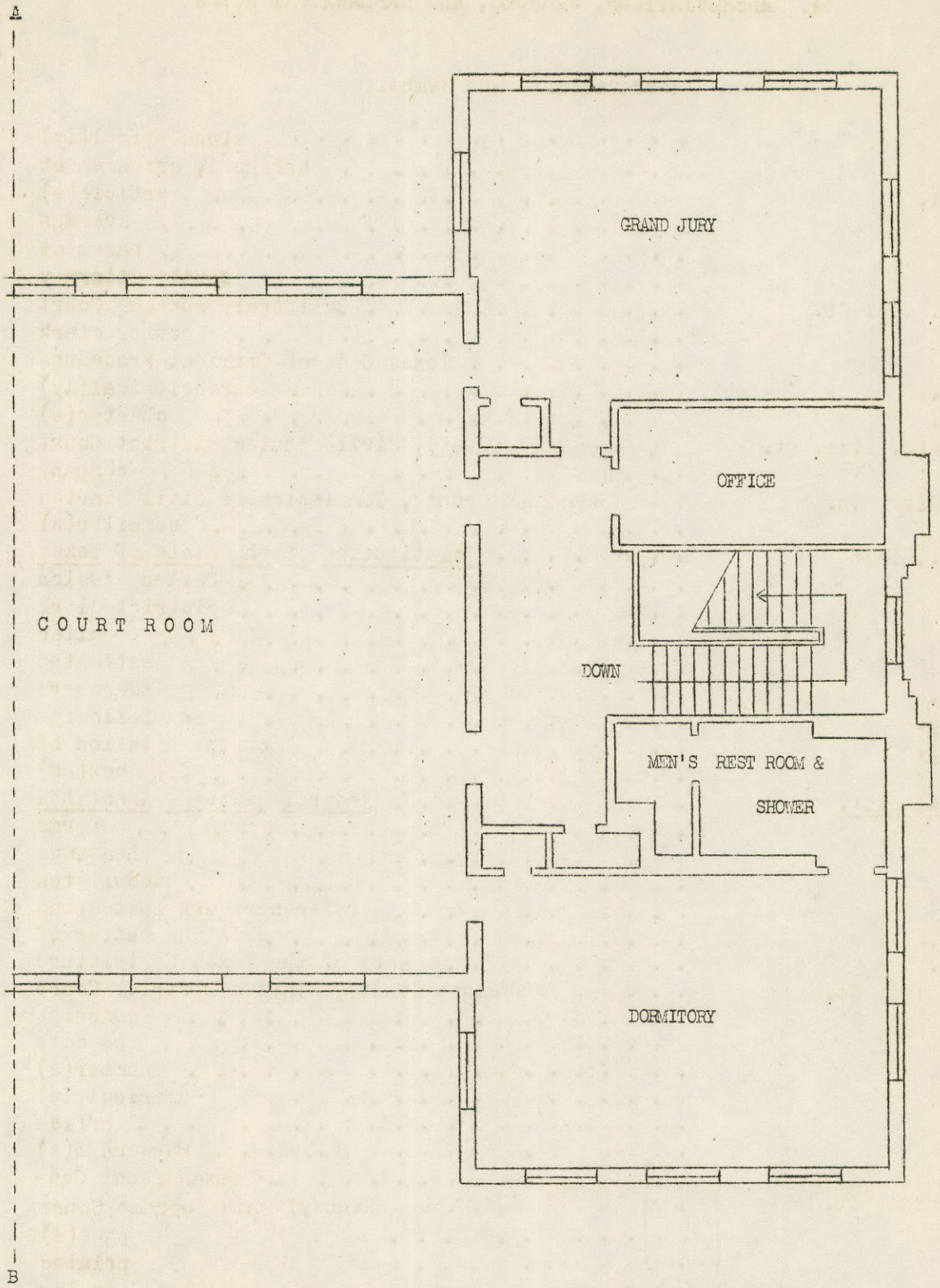
SCALE 3/32" : 1'


UP
COUNTY COURT
COMMISSIONER S
COURT
COUNTY
JUDGE
UP
UP
UP
DOWN
MAIN
COUNTY CLERK'S VAULT
UP
COUNTY
CLERK
OFFICE
N
UP
B



FIRST FLOOR PLAN
GUADALUPE COUNTY COURT HOUSE
SEGUIN, TEXAS
SCALE 3/32" : 1'


A
JURY ROOM
CONSULTATION ROOM
DOWN
VAULT
DISTRICT
DISTRICT CLERK
DISTRICT JUDGE & ATTORNEY
N
B



SECOND FLOOR PLAN
GUADALUPE COUNTY COURT HOUSE
SEGUIN, TEXAS
SCALE 3/32" : 1'

(First entry, p. 122)

4. ABBREVIATIONS, SYMBOLS, AND EXPLANATORY NOTES

Abbreviations and Symbols

alph.	alphabetical(ly)
arr.	arranged, arrangement
Art(s).	article(s)
aver.	average
bsmt.	basement
C.A.	county attorney
Calif. Sup. Ct.	California Supreme Court
C.C.	county clerk
CCP	Texas Code of Criminal Procedure
chron.	chronological(ly)
ch(s).	chapter(s)
Civ. Min. Dist. Ct.	Guadalupe County, Civil Minutes District Court
Co.	company
Com. Civ. Min.	Guadalupe County, Commissioners Civil Minutes
comp.	compiler(s)
Const., 1876	Constitution of the State of Texas
C.S.	Called Session
D.C.	district clerk
ed.	editor
est.	estimated
et al.	and others
et seq.	and following
ex rel.	on the relation of
f.b.	file box(es)
Federal Stat.	Federal Statutes Annotated
fms.	forms
hds.	headings
hdw.	handwritten
ibid.	reference work last cited
in re.	in the matter of
Legis.	Acts of the Texas Legislature
Min. Dist. Ct.	Guadalupe County, Minutes District Court
ms.	manuscript
n.d.	no date
no(s).	number(s)
numer.	numerical(ly)
off.	office
par.	paragraph(s)
PC	Texas Penal Code
Penn. Sup. Ct.	Pennsylvania Supreme Court
p(p).	page(s)
pr.	printed
RCL	Ruling Case Law
RCS	Texas Revised Civil Statutes
S.B.	Texas Senate Bill
sec(s).	section(s)
Shff.	sheriff

S.S.	county school superintendent
SW	Southwestern Reporter
T.A.C.	tax assessor-collector
Tex.	Texas Reports
Tex. Civ. App.	Texas Court of Civil Appeals
Tex. Comm. App.	Commission of Appeals of the State of Texas
Tex. Crim. App.	Texas Court of Criminal Appeals
Tex. Ct. App.	Texas Court of Appeals
Tex. Ct. of App.	Texas Court of Appeals
Texas Juris.	Texas Jurisprudence
Tr.	county treasurer
v.	versus
va.	vault
vol(s).	volume(s)
WPA	Work Projects Administration
x	by
--	placed after date means from that year on
'	feet
"	inch(es)

Explanatory Notes

In the inventory proper, each record series is described in a separate entry. Records are shown under the office or agency of origin or final destination and are grouped by subject matter; entries are numbered consecutively throughout the inventory in one series (1-413).

Entries are of two kinds: the master entry, describing the record indicated by the title, and the artificial entry, designed to give prominence to records which cannot be located in the county by title, being included with other recordings.

Entry titles shown in all capital letters are those appearing on volumes or file boxes, or, if enclosed in parentheses, the titles assigned to containers not titled. Parenthetical titles added to actual titles, and shown with initial capitals only, have been supplied to clarify titles or to correct misnomers. The current or most recent title is shown as the title of the entry, with inclusive dates of the series; earlier variations of title are shown, with limiting dates.

First and last dates covered by a particular record are shown in the title-line of the entry. Continuous records are shown by a hyphen between the beginning and closing dates, as 1846-95, or by two dashes after a date, indicating the record is current, as 1915--; lapses in the record are indicated by a comma between the inclusive dates, as 1901-6, 1912-14.

Numbers or letters in parentheses after the number of volumes or file boxes indicate labeling.

The title-line cross-reference is used to complete a series kept separately for a period of years, or to trace location of an artificial entry, and is complemented by a body-of-entry reference.

To correlate closely related records, such as original reports, shown under the office of destination, and copies of the reports, shown under office of origin, the third-paragraph cross-reference is used. The third-paragraph cross-reference is also used, in some instances, to show prior and subsequent records, where the purpose of the records is apparently the same, but the form is different.

"See also" cross-references placed after subject headings refer to records classified under a different grouping within the same office or under another office, but dealing with the same subject matter.

If no statement is made concerning the condition of records, it is assumed that they are in good condition.

Volume, file box, and map dimensions are given in inches. Dimensions for volumes are given in the sequence of height, width, thickness; dimensions for file boxes, in the sequence of height, width, depth.

Records, unless otherwise indicated, are in the county courthouse.

See pages 83-92 for a discussion of the records system of Guadalupe County.

(First entry, p. 122)

I. COMMISSIONERS COURT

When the first Congress of the Republic of Texas created various county governmental agencies, the duty of administering county business was divided between two bodies, a board of roads and revenues[1] and a county court.[2] A single body, the county court, composed of a chief justice and four county commissioners, was created in 1845 to assume these duties.[3]

The following year Texas was annexed to the Union. The county court, with the chief justice and four commissioners, continued to function as the county administrative body.[4] The county court of Guadalupe County was organized, and its first meeting held on August 7, 1846. Present were three commissioners, one of whom was chosen to preside.[5] The full court met first at the opening of the next regular term on October 24.[6]

The Constitution of 1866 changed the name of the body to police court. As before, it was composed of four commissioners and a presiding officer, now called county judge instead of chief justice.[7] The first session of the police court in Guadalupe County was held on January 7, 1867, with two commissioners and the county judge, who still signed the minutes as chief justice.[8]

The court created by the Constitution of 1869 to handle county business was again called county court. Its members were the five justices of the peace of the county or any three of them. The justice of the peace residing at the county seat was the presiding officer.[9] The five justices of the peace in Guadalupe County sat as a county court for the first time on July 4, 1870.[10]

In 1876 the present state constitution created a commissioners court, composed of a county judge and four county commissioners, which is still functioning.[11] In Guadalupe County, the commissioners court met for the first time on the day that the new constitution became effective, April 18, 1876.[12]

The presiding officer of the administrative agency for the county has been elective since 1846, but has had different titles from time to time. When the office was created in 1846, the title was chief justice;[13] in 1866, judge of the county court;[14] in 1870, presiding justice;[15] since 1876, county judge.[16]

1. 1836, Gammel, Laws, I, 1205.
2. 1836, ibid., 1207.
3. 1845, ibid., II, 1156.
4. 1846, ibid., 1641.
5. Com. Civ. Min., A, 1.
6. Ibid., 3.
7. 1866, Gammel, Laws, V, 868.
8. Com. Civ. Min., B, 148.
9. 1869, Gammel, Laws, VII, 414.
10. Com. Civ. Min., B, 251.
11. Const., 1876, Art. V, sec. 18.
12. Com. Civ. Min., B, 491.
13. 1846, Gammel, Laws, II, 1639.
14. 1866, ibid., V, 868.
15. 1870, ibid., VI, 282.
16. Const., 1876, Art. V, sec. 15.

(First entry, p. 122)

The presiding officer of the administrative body was subject to that provision in the Constitution of 1845 which required all civil officers of the state to take a prescribed oath before holding office and to be citizens of the county if seeking a county office.[17] Prior to 1876 there were no specific qualifications required of the officer, but the present constitution requires that he be well informed in the law.[18]

The chief justice was elected for a term of two years;[19] the judge of the county court, for four years.[20] Justices of the peace were elected for four years,[21] and the county judge under the present constitution is elected for two years.[22]

The chief justice received one dollar and fifty cents for each day's attendance in the county court.[23] The county judge was allowed an annual salary not to exceed $250, to be fixed by the police court.[24] The presiding justice of the county court was allowed four dollars per day for sitting with the county court.[25] For attending the commissioners court, the county judge at first was allowed three dollars per day,[26] and later, such salary as the commissioners court might allow him by order.[27]

The chief justice was removable upon conviction for neglect of duty or for a felony.[28] The county judge could be removed for neglect of duty, incompetency, or malfeasance.[29] The district judge might remove a justice of the peace who had been guilty of neglect of duty or misconduct in office.[30] The county judge is now removable by the district judge for incompetency, official misconduct, habitual drunkenness, or other causes defined by law.[31]

Four county commissioners were elected from the county and sat with the chief justice as a county court.[32] The county commissioners have continued to be elective officers since 1846. In 1869, when the justices of the peace in the county met and performed the functions formerly exercised by county commissioners, they were also elective.[33] The present constitution provides for four county commissioners, each elected from the precinct of his residence, to meet with the county judge as a commissioners court.[34]

The only qualification required for a county commissioner was that not more than one commissioner could be elected from each precinct, unless there were fewer than four precincts in the county.[35] In 1923 each

17. 1845, Gammel, Laws, II, 1291.
18. Const., 1876, Art. V, sec. 15.
19. 1846, Gammel, Laws, II, 1639.
20. 1866, ibid., V, 868.
21. 1870, ibid., VI, 282.
22. Const., 1876, Art. V, sec. 15.
23. 1848, Gammel, Laws, III, 118.
24. 1866, ibid., V, 961.
25. 1870, ibid., VI, 284.
26. 1876, ibid., VIII, 889.
27. 1921, 37th Legis., 176.
28. 1846, Gammel, Laws, II, 1641.
29. 1866, ibid., V, 868.
30. 1869, ibid., VI, 380.
31. Const., 1876, Art. V, sec. 24.
32. 1846, Gammel, Laws, II, 1641.
33. 1869, ibid., VII, 414.
34. Const., 1876, Art. V, sec. 18.
35. 1846, Gammel, Laws, II, 1641.

commissioner was required to post a $5,000 bond and take a prescribed oath before entering on his duties of office.[36]

County commissioners served for two years at first,[37] but in 1866 their term was lengthened to four years.[38] When the office of county commissioner was created again under the present constitution, the term of office was set at two years.[39]

Each county commissioner received one dollar and fifty cents per day for his services during the regular term of the county court.[40] Under the Constitution of 1866, there was no mention of the pay county commissioners were to receive for attending the police court, but in 1870 each justice of the peace received four dollars for every day he attended the regular session of the county court.[41] County commissioners were paid three dollars per day from 1876 [42] until 1925, at which time, by act of the legislature, they were allotted salaries based upon the assessed valuation of the county. This law provides that in counties having an assessed valuation of not less than $13,000,000 nor more than $20,000,000 the county commissioners shall receive an annual salary of $1,800.[43] Guadalupe County falls in this bracket.

County commissioners since 1876 have been removable from office by the district judge for incompetency, official misconduct, habitual drunkenness, or other causes defined by law, upon the cause therefor being set forth in writing and the finding of the truth by a jury.[44]

The clerk of the administrative body of the county from 1836 to 1869 was the county clerk.[45] Under the Constitution of 1869 the office of county clerk was omitted, and the district clerk was ex-officio clerk of the county court.[46] In 1876 the county clerk was made clerk of the commissioners court.[47] He attends all sessions of the commissioners court, records all orders and proceedings, preserves and keeps all books, papers, records, and effects belonging thereto, and issues all notices, writs, and processes necessary for the proper execution of the powers and duties of the court.[48] He issues deposit warrants for all deposits to be made with the treasurer, one copy of which is returned, signed by the treasurer, to the clerk.[49]

The powers and duties of the administrative agency for the county are many and varied. The county court created in 1846 considered and settled all of the county's financial affairs and examined the county treasurer's

36. 1923, 38th Legis., 14.
37. 1846, Gammel, Laws, II, 1640.
38. 1866, ibid., V, 868.
39. Const., 1876, Art. V, sec. 18.
40. 1848, Gammel, Laws, III, 118.
41. 1870, ibid., VI, 284.
42. 1876, ibid., VIII, 889.
43. 1925, 39th Legis., 240.
44. Const., 1876, Art. V, sec. 24.
45. 1836, Gammel, Laws, I, 1206. 1846, ibid., II, 1640; 1866, ibid., V, 1148.
46. 1870, ibid., VI, 240.
47. Const., 1876, Art. V, sec. 20.
48. 1876, Gammel, Laws, VIII, 888.
49. 1905, 29th Legis., 383.

accounts at least once a year.[50] The county court of Guadalupe County examined and approved the county treasurer's accounts for the first time on October 12, 1846.[51] Since 1846 the administrative body has continued to have control of all financial transactions in which the county has an interest. At present the commissioners court allows and settles all of the county's accounts, examines and adjusts the county treasurer's accounts, makes up quarterly statements of receipts, expenditures and debts, and prepares an annual statement for publication.[52] The court publishes an itemized quarterly statement of debits and credits and receipts and disbursements of each county fund[53] and is authorized to issue bonds to compromise, compound, refund, settle, or fund any existing indebtedness.[54]

The commissioners court regulates and restricts sinking fund bond issues[55] and issues building and bridge bonds.[56] It may not, however, issue bonds for any cause whatever without previous consent of the voters of the county.[57] It invests the permanent school fund in bonds.[58] The court holds elections to decide on bond issues for improvements and maintenance of public roads.[59] It may invest the sinking fund in certain securities[60] and designate a county depository.[61] Any sum of money not exceeding $1,000 per year may be appropriated by the court for furthering farm demonstration work.[62] Poor farms are erected and maintained by the court through bond issue.[63] The court, in conjunction with the Agricultural and Mechanical College of Texas, may conduct cooperative demonstration work in agriculture and home economics, expending such sums as are necessary to carry on the work effectively.[64]

The establishment and maintenance of county roads and bridges has always been a principal concern of the county administrative body. The county court had control of roads, ferries, and bridges. It established ferries and rates of tolls; licensed ferrymen; laid out, established, changed, and discontinued public highways and roads; built bridges; appointed overseers; and apportioned hands to work roads, highways, and bridges.[65] At a meeting held August 24, 1846, the county court of Guadalupe County appointed commissioners to review and blaze a road, appointed a road overseer, and set toll rates for a ferry.[66] The county court divided the county into road precincts and appointed an overseer for each precinct.[67] In Guadalupe County the county court, at a meeting on February 20, 1849, appointed a road overseer for each new precinct.[68] Under the Constitution of 1869, the county court constituted a board of road supervisors, and each member served as the road supervisor of his own

50. 1846, Gammel, Laws, II, 1643.
51. Com. Civ. Min., A, 4.
52. 1876, Gammel, Laws, VIII, 888
53. 1891, ibid., X, 93.
54. Ibid., 172.
55. 1893, ibid., 514.
56. Ibid., 543.
57. 1899, 26th Legis., 102.
58. Ibid., 144.
59. 1903, 28th Legis., 1st C. S., 9.
60. 1905, 29th Legis., 25.
61. Ibid., 392.
62. 1911, 32nd Legis., 105.
63. Ibid., 204.
64. 1927, 40th Legis., 9.
65. 1846, Gammel, Laws, II, 1642.
66. Com. Civ. Min., A, 2.
67. 1848, Gammel, Laws, III, 98.
68. Com. Civ. Min., A, 44.

precinct.[69] The commissioners court has exercised general control and supervision over roads, highways, ferries, and bridges since the present constitution became effective.[70]

The commissioners court classifies all roads in the county as first, second, or third class on the basis of their importance; preference of road work is determined by classification.[71] Five disinterested freeholders may petition the court to have a new road opened or protest against the operation of a road; whereupon, the court appoints a jury of view to visit the road and to report its findings to the court.[72] The court has the power to lay out only such roads as shorten existing routes.[73] The county surveyor meets with the jury of view, and each commissioner is road supervisor of his own precinct.[74] The court has control of streets and alleys in all cities and unincorporated towns which do not have a de facto municipal government, and maintains them under regulations for working public roads.[75] It contracts for the construction of drainage ditches along roadsides, upon the petition of the property owners to be benefited.[76]

Supervision of public education in the county did not become one of the county court's functions until 1854, but the county court of Guadalupe County appointed the chief justice and two county commissioners to serve as a board of school commissioners at a meeting on August 20, 1850.[77] The county court was designated a board of school commissioners to divide the county into convenient school districts, number them, and superintend public school matters by the school law of 1854.[78] The court apportioned general school funds among indigent children of the county.[79]

After the Constitution of 1866 became effective, the police court acted as a board of school examiners to issue teachers' certificates and exercise general supervision of county schools.[80] The county court sat as an ex-officio board of school directors to administer county school affairs.[81] When the present state constitution became effective, the county judge appointed a board of school examiners.[82] The court could order election of a county school superintendent at its own discretion.[83] It could also abolish the office of county school superintendent, in which case the county judge assumed the place.[84] Control of all county school finances and county school elections in the districts was given the commissioners court.[85] The legislature established a county board of

69. 1873, Gammel, Laws, VII, 522.
70. 1876, ibid., VIII, 887.
71. Ibid., 898.
72. Ibid., 899.
73. 1884, ibid., IX, 551.
74. Ibid., 553.
75. 1885, ibid., 645.
76. 1895, ibid., X, 881.
77. Com. Civ. Min., A, 69.
78. 1854, Gammel, Laws, III, 1461.
79. 1856, ibid., IV, 528.
80. 1866, ibid., V, 1088.
81. 1870, ibid., VI, 288.
82. 1876, ibid., VIII, 1040.
83. 1887, ibid., IX, 924.
84. 1889, ibid., 1086.
85. 1893, ibid., X, 612.

school trustees in 1911 and gave it all of the powers and duties in regard to school matters that had formerly been exercised by the commissioners court.[86]

The regulation of elections is another function that the administrative body of the county has performed since 1846. An act of that year required the court to divide the county into convenient precincts for the election of justices of the peace and constables, establish places for holding elections in precincts, appoint election judges, order elections, issue election notices, and try contested elections.[87] The right to try contested elections was transferred to the district court by an act of 1850;[88] the other election duties have remained unaltered. On October 12, 1846, the commissioners court of Guadalupe County ordered that the county compose one election precinct, to be styled precinct No. 1. One election judge was appointed to preside over all elections to be held during the year.[89] No alterations were made in the administrative agency's control over elections subsequent to 1846. The commissioners court under the present constitution divides the county into not more than eight nor fewer than four justice precincts and establishes the time and place for election of justices of peace and constables.[90] The court may order local option elections on the sale of alcoholic beverages, if petitioned to do so by fifty qualified voters in the county,[91] and may call elections to determine the adoption of a county stock law to allow owners of fenced property to impound stray livestock.[92] From time to time, the legislature has given the commissioners court authority to call election on the following matters: levying road and bridge taxes;[93] removal of the county seat;[94] extermination of prairie dogs;[95] organization of irrigation districts;[96] and establishment of farmers' county libraries.[97]

The power to levy county taxes has always belonged to the administrative body of the county. The county court created in 1846 levied and collected taxes for county purposes on all property, money at interest, incomes, trades, and occupations.[98] A county tax amounting to fifty percent of the state tax for 1846 was levied by the county court of Guadalupe County on August 24, 1846.[99]

During the Civil War, the commissioners court was empowered to levy and collect special war taxes. It levied and collected a tax for support of soldiers' families in 1862, 1863, and 1864.[100] The citizens of Guadalupe County petitioned the county court to levy a fifteen percent war tax to raise money for the support of soldiers' families, and at a called meeting on March 15, 1862, the court levied the tax.[101]

86. 1911, 32nd Legis., 35.
87. 1846, Gammel, Laws, II, 1642.
88. 1850, ibid., III, 600.
89. Com. Civ. Min., A, 4.
90. 1876, Gammel, Laws, VIII, 887.
91. Ibid., 862.
92. Ibid., 986.
93. 1891, ibid., X, 53.
94. 1903, 28th Legis., 118.
95. 1905, 29th Legis., 70.
96. Ibid., 235.
97. 1913, 33rd Legis., 250.
98. 1846, Gammel, Laws, II, 1642, 1643.
99. Com. Civ. Min., A, 2.
100. 1862, Gammel, Laws, V, 467; 1863, ibid., 617; 1864, ibid., 816.
101. Com. Civ. Min., B, 1.

In 1876 the commissioners court was authorized to levy a maximum county tax, on each one hundred dollars' valuation, of fifteen cents for roads and bridges, twenty-five cents for general purposes; twenty-five cents for erection of public buildings, streets, sewers, waterworks, and other permanent improvements; and, if the voters approved and the legislature authorized it, an additional ad valorem tax of fifteen cents for maintenance of public roads.[102] In 1893 the court was authorized for that one year to levy a tax of not more than eight cents on one hundred dollars' valuation for the purchase of lands for the use of the state insane asylums.[103] The court could levy a tax on liquor dealers amounting to not more than one half of the state tax.[104] In 1895 the court was directed to file suits for delinquent county taxes unpaid since 1885.[105] The court is now permitted to levy an extra tax of five cents on one hundred dollars' valuation for buying and maintaining county parks, only after an affirmative vote by two-thirds of the property tax paying residents.[106]

The erection and maintenance of county public buildings has been another duty that the administrative agency of the county has performed since the creation of the county court in 1846. The county court erected and kept in repair the courthouse, jail, and all other necessary county buildings.[107] At its meeting on October 12, 1846, the county court of Guadalupe County appointed two persons to contract for the building of a courthouse.[108] The present state constitution provides that the commissioners court maintain the county buildings by a tax levy,[109] and it may rent or otherwise provide rooms at the county seat, in which the county court may hold its sessions.[110]

The county court was given the power to make and enforce public health rules in 1856, when it was also allowed to declare quarantines and establish quarantine regulations.[111] The county court appointed three practicing physicians to serve as a board of medical examiners, whose duty it was to examine persons desiring to practice medicine in the county and to issue them certificates to practice medicine.[112] The commissioners court appointed a board of health composed of three persons for each unincorporated town or village in the county.[113] The county physician presented his claims against the county for services rendered and was paid by the commissioners court.[114] Since 1918 the court has provided places for the detention of persons suffering from venereal diseases,[115] and since 1927 has employed one or more nurses to assist in the promotion of public health, as well as to visit and inspect the public school pupils. The nurses' salaries are paid with money appropriated from the general fund.[116]

102. Const., 1876, Art. VIII, sec. 9.
103. 1893, Gammel, Laws, X, 496.
104. Ibid., 627.
105. 1895, ibid., 781.
106. 1915, 34th Legis., 102.
107. 1846, Gammel, Laws, II, 1642.
108. Com. Civ. Min., A, 5.
109. Const., 1876, Art. VIII, sec. 9.
110. 1876, Gammel, Laws, VIII, 1047.
111. 1856, ibid., IV, 204.
112. 1873, ibid., VII, 526.
113. 1889, ibid., IX, 1167.
114. 1891, ibid., X, 192.
115. 1918, 35th Legis., 4th C.S., 182.
116. 1927, 40th Legis., 243.

(First entry, p. 122) Commissioners Court

The county administrative body has been an agency for public relief since 1846. The county court provided for the support of indigent persons resident in the county and for the burial of paupers.[117] During the Civil War, the county court had charge of rendering relief to the destitute families of soldiers. Three tax levies were made to provide for them.[118] The court was directed to procure cloth and thread from the penitentiary for the families of soldiers.[119] The county court of Guadalupe County met and voted to contract with the state penitentiary for cloth and thread to be distributed to soldiers' families in the county, at a meeting on December 11, 1864.[120] It also arranged to obtain a shipment of cotton cards to be distributed over the county.[121]

Since the present constitution became effective in 1876, the commissioners court has been directed to provide for the support of paupers, indigent sick, and such indigent idiots and lunatics as are not eligible for admittance into asylums, and for the burial of paupers.[122] The court is empowered to hear and reject or approve Confederate pension applications.[123] It provides a monthly allowance to any indigent mother with dependent children under sixteen years of age in the county.[124] The court may furnish seed to farmers unable to buy their own, and feed for the workstock of such farmers.[125]

The administrative body of the county has been required to see that a record of all its proceedings be kept. The county court kept a suitable book for the recording of its proceedings.[126] The commissioners court must have suitable records of its proceedings kept, and must provide funds for necessary supplies.[127] Besides keeping its own records, the court has general supervision of all county records. It may require the county clerk to transcribe defaced or worn records.[128] The court may purchase from persons owning them any existing land abstracts from a record book that has been burned, lost, or destroyed.[129] It may contract with the county clerk for the translation into English of any Spanish document or record relating to title of land.[130]

Many miscellaneous matters have been made a part of the county administrative body's business from time to time. The chief justice, county commissioners, and clerk of the county court were authorized to administer oaths of office.[131] The court appointed patrols and exercised general jurisdiction over police matters, issued processes necessary to discharge trusts reposed in them, had authority as land commissioners, and had the power to punish contempt of court.[132]

117. 1846, Gammel, Laws, II, 1642.
118. 1862, ibid., V, 467; 1863, ibid., 617; 1864, ibid., 816.
119. 1864, ibid., V, 816.
120. Com. Civ. Min., B, 66.
121. Ibid., 30.
122. 1876, Gammel, Laws, VIII, 888.
123. 1899, 26th Legis., 183.
124. 1917, 35th Legis., 313.
125. 1918, ibid., 4th C. S., 4.
126. 1846, Gammel, Laws, II, 1643.
127. 1876, ibid., VIII, 889.
128. Ibid., 920
129. Ibid., 970
130. 1893, ibid., X, 598.
131. 1864, ibid., II, 1641.
132. Ibid., 1642, 1643.

It was a duty of the county court to revise the jury list for the district court at least once a year.[133] The county court was authorized to hear declarations of intention to become citizens as well as to grant papers of citizenship to persons fulfilling requirements for the same.[134] The county court in Guadalupe County for the first time heard and had recorded an alien's declaration of intention to become a citizen at a meeting on November 20, 1849.[135] The county court considered and approved or rejected applications for retail liquor licenses and passed on bonds of liquor dealers.[136] In 1856 the first license to retail liquor in Guadalupe County was granted.[137] The court was allowed to determine and declare the distilling of spirits to be prejudicial to the public subsistence for the duration of the Civil War.[138]

The police court appointed a county attorney to represent the state and county in the county courts, and to attend all meetings of the police court.[139] The first county attorney in Guadalupe County was appointed on January 8, 1867, by the police court.[140] In 1866 the police court was allowed to hire out county convicts, with the convicts' consent, or to work them on public works under such rules as might be prescribed by the police court.[141] The police court of Guadalupe County ordered that county convicts might be hired out to private persons or used as laborers on public roads, at its meeting on January 8, 1867.[142]

The court appointed a temporary registrar of qualified voters in case of a vacancy in the district clerk's office,[143] and revised and examined the rolls of registered voters.[144] Full control of the business affairs of unincorporated towns located in the county was given to the commissioners court.[145] The court paid scalp bounties for the destruction of predatory wild animals, the state and county each supplying half the funds.[146] The farmers' county public libraries were placed in the care of the commissioners court.[147] During the World War, the court was authorized to organize and regulate home guards composed of citizens of the county, and maintained them by an appropriation of county funds.[148]

133. Gammel, Laws, II, 1476.
134. Federal Stat., vol. 5, p. 201.
135. Com. Civ. Min., A, 54.
136. 1856, Gammel, Laws, IV, 528.
137. Com. Civ. Min., A, 240.
138. 1863, Gammel, Laws, V, 702.
139. 1866, ibid., 969.
140. Com. Civ. Min., B, 155.
141. 1866, Gammel, Laws, V, 1037.
142. Com. Civ. Min., B, 153.
143. 1873, Gammel Laws, VII, 506.
144. Ibid., 508.
145. 1891, ibid., X, 97.
146. Ibid., 162.
147. 1913, 33rd Legis., 250.
148. 1917, 35th Legis., 3rd C.S., 79.

There follows a detailed list of legal records requirements of the county clerk as clerk of the commissioners court, grouped by subject and arranged chronologically thereunder by the date the law was approved.

General Proceedings

Record of All Proceedings of the Court (Minutes), Gammel, Laws, II, 1643, 1644, May 13, 1846.

Finances

Ledgers

Jury Fund Transfers, Gammel, Laws, V, 367, Apr. 4, 1861. (To be recorded in minutes)
Finance Ledger, RCS, 1879, Art. 934, Sept. 1, 1879.

Index to Finance Ledger, RCS, 1879, Art. 935, Sept. 1, 1879.
Registered Indebtedness of County, RCS, 1879, Art. 971, Sept. 1, 1879. (To be recorded in finance ledger)
Estray Account, RCS, 1879, Arts. 958, 959, Sept. 1, 1879. (To be recorded in finance ledger)
Occupation Tax Account, RCS, 1879, Art. 948, Sept. 1, 1879. (To be recorded in finance ledger)
Account with County Clerk, RCS, 1879, Arts. 935, 951, 979, Sept. 1, 1879. (To be recorded in finance ledger)
Account with District Clerk, RCS, 1879, Arts. 935, 951, 979, Sept. 1, 1879. (To be recorded in finance ledger)
Account with District Attorney, RCS, 1879, Arts. 935, 954, 979, Sept. 1, 1879. (To be recorded in finance ledger)
Account with County Attorney, RCS, 1879, Arts. 935, 955, 979, Sept. 1, 1879. (To be recorded in finance ledger)
Account with Sheriff, RCS, 1879, Art. 949, Sept. 1, 1879. (To be recorded in finance ledger)
Account with justice of the Peace, RCS, 1879, Art. 953, Sept. 1, 1879. (To be recorded in finance ledger)
Account with Tax Collector, RCS, 1879, Art. 937, Sept. 1, 1879. (To be recorded in finance ledger)
Account with County Treasurer, RCS, 1879, Art. 960, Sept. 1, 1879. (To be recorded in finance ledger)

Reports

Treasurer's Report, Gammel, Laws, II, 1645, May 13, 1846. (To be filed)
Report of Keeper of County Workhouse, Gammel, Laws, III, 904, Jan. 8, 1852. (To be filed)
Tax Collector's Quarterly Report of Collection and Disposition of County Taxes, Gammel, Laws, VIII, 1097, Aug. 21, 1876. (To be filed)
Tax Collector's Quarterly Report of Occupation Taxes Collected, Gammel, Laws, VIII, 1100, Aug. 21, 1876. (To be filed)
Tax Collector's Monthly Report of Liquor Occupation Taxes Collected, Gammel, Laws, VIII, 1373, Apr. 3, 1879. (To be filed)

County Judge's Fee Account of Criminal Cases Heard, "Code of Criminal Procedure, Revision of 1879," Art. 1076, in Revised Statutes of Texas (Galveston, 1879), cited hereafter as CCP, 1879. July 9, 1879. (To be filed)

Sheriff's Cost Account of Prisoners, CCP, 1879, Art. 1072, July 24, 1879. (To be filed)

Justice's of Peace Report of Fines Imposed, Judgments Rendered, and Jury Fees Collected, RCS, 1879, Art. 951, Sept. 1, 1879. (To be filed)

District Clerk's Report of Fines Imposed, Judgments Rendered, and Jury Fees Collected, RCS, 1879, Art. 951, Sept. 1, 1879. (To be filed)

County Clerk's Report of Fines Imposed, Judgments Rendered, and Jury Fees Collected, RCS, 1879, Art. 951, Sept. 1, 1879. (To be filed)

Order Approving Treasurer's Report, RCS, 1879, Art. 977, Sept. 1, 1879. (To be recorded in minutes)

Sheriff's Annual Report, Common Usage, 1889. (To be filed)

Tax Collector's Monthly Report, Gammel, Laws, X, 521, May 1, 1893. (To be filed)

Order Approving Tax Collector's Quarterly Report of Tax Collection and Disposition, Gammel, Laws, X, 522, May 1, 1893. (To be recorded in minutes)

County Clerk's Quarterly Tabular Statement of Balance of Each Account in Finance Ledger, Gammel, Laws, X, 590, May 11, 1893. (To be filed)

Constable's Monthly Report, Common Usage, 1913. (To be filed)

County Judge's Monthly Report, Common Usage, 1913. (To be filed)

Sheriff's Monthly Report, Common Usage, 1913. (To be filed)

Sheriff's Quarterly Report, Common Usage, 1917. (To be filed)

County Attorney's Annual Report, Common Usage, 1918. (To be filed)

District Attorney's Annual Report, Common Usage, 1918. (To be filed)

County Health Officer's Annual Report, Common Usage, 1926. (To be filed)

County Judge's Annual Report, Common Usage, 1926. (To be filed)

Constable's Annual Report, Common Usage, 1929. (To be filed)

Claims

Minutes of Accounts Allowed, Gammel, Laws, I, 1212, Dec. 20, 1836.

Order Requiring Claimants to Register Claims against County, Gammel, Laws, VIII, 191, May 1, 1874. (To be recorded in minutes)

Approved Claims against County, Gammel, Laws, VIII, 193, May 1, 1874. (To be recorded in minutes)

Affidavit to Scalp Bounty Claim, Gammel, Laws, X, 162, Apr. 11, 1891. (To be filed)

Statement of Scalp Bounties Paid, Gammel, Laws, X, 162, Apr. 11, 1891. (To be recorded in minutes)

Depositories

Bid to Act as Depository of County Funds, 29th Legis., 392, May 1, 1905. (To be filed)

Bid to Act as Depository of County Funds, 29th Legis., 392, May 1, 1905. (To be recorded in minutes)

Order Designating County Depository, 29th Legis., 393, May 1, 1905. (To be recorded in minutes)

Depository Sureties' Financial Statement, 41st Legis., 34, Feb. 9, 1929. (To be filed)

Bid to Act as Depository of Trust Funds, 41st Legis., 4th C.S., 22, Feb. 17, 1930. (To be recorded in minutes)
Order Designating Depository of Trust Funds, 41st Legis., 4th C.S., 23, Feb. 17, 1930. (To be recorded in minutes)

Bonds

Order Authorizing Issuance of Disaster Bonds, 27th Legis., 18, Sept. 6, 1901. (To be recorded in minutes).
Order Declaring Result of Bond Election for Reclamation of Land, 38th Legis., 266, Mar. 24, 1923. (To be recorded in minutes)
Order Directing Issuance of Land Reclamation Bonds, 38th Legis., 266, Mar. 24, 1923. (To be recorded in minutes)
Petition for Bond Election on Public Improvements, 42nd Legis., 272, May 21, 1931. (To be filed)
Petition for Refunding Bond Election, 42nd Legis., 275, May 21, 1931. (To be filed)

Payment of Officials

Fee Officer's Office Expense Account, 33rd Legis., 248, Apr. 3, 1913. (To be filed)
Statements of Fees by Officers Authorized to Collect, 41st Legis., 4th C.S., 35, Feb. 18, 1930. (To be filed)
Order Allowing Constable's Fee in Misdemeanor Cases Arising out of His Precinct, 43rd Legis., 2nd C.S., 30, Feb. 28, 1934. (To be recorded in minutes)
Order Fixing Salaries of County Commissioners, 44th Legis., 1038, May 31, 1935. (To be recorded in minutes)
Order Determining Method of Payment of County Officials, 44th Legis., 2nd C.S., 1763, Nov. 15, 1935. (To be recorded in minutes)
Order Determining Method of Payment of Precinct Officials, 44th Legis., 2nd C.S., 1763, Nov. 15, 1935. (To be recorded in minutes)

Roads

Toll Bridge Tolls, Gammel, Laws, I, 1222, Dec. 20, 1836. (Usually recorded in minutes)
Toll Bridge Licenses, Gammel, Laws, I, 1223, Dec. 20, 1836. (Usually recorded in minutes)
Toll Bridge Bonds, Gammel, Laws, I, 1223, Dec. 20, 1836. (Usually filed)
Toll Bridge Bonds, Gammel, Laws, I, 1223, Dec. 20, 1836. (Usually recorded in minutes)
Order Fixing Rates of Ferriage, Gammel, Laws, I, 1220, Dec. 20, 1836. (Usually recorded in minutes)
Ferry Licenses, Gammel, Laws, I, 1220, Dec. 20, 1836. (Usually recorded in minutes)
Ferry Bonds, Gammel, Laws, I, 1220, Dec. 20, 1836. (Usually filed)
Order Laying Off Public Roads into Precincts, Gammel, Laws, I, 1218, Dec. 20, 1836. (Usually recorded in minutes)
Appointment of Road Overseers and Designation of Hands Liable to Road Work, Gammel, Laws, I, 1218, Dec. 20, 1836. (Usually recorded in minutes)

Appointment of Jury of View, Gammel, Laws, II, 567, Jan. 19, 1841. (Usually recorded in minutes)
Report of Jury of View, Gammel, Laws, II, 567, Jan. 19, 1841. (To be filed)
Petitions for New Roads and to Discontinue Roads, Gammel, Laws, IV, 1006, Feb. 8, 1858. (To be filed)
List of Defaulting Road Workers, Gammel, Laws, IV, 1009, Feb. 8, 1858. (To be filed)
Report of Road Overseer, Gammel, Laws, VIII, 904, July 29, 1876. (To be filed)
Report of Jury of View, Gammel, Laws, IX, 553, Feb. 5, 1884. (To be recorded in minutes)
Field Notes of Road Survey, Gammel, Laws, IX, 553, Feb. 5, 1884. (To be recorded in minutes)
Order for Road Tax Election, 33rd Legis., 31, Mar. 12, 1913. (To be recorded in minutes)
Map of County Roads, 35th Legis., 419, Apr. 4, 1917. (To be filed)
Order Permitting Retirement of Road District Bonds, 35th Legis., 465, Apr. 5, 1917. (To be recorded in minutes)
Results of Election to Cancel Unsold County Road Bonds, 36th Legis., 2nd C.S., 95, July 25, 1919. (To be recorded in minutes)
Bids for Highway Improvement, 39th Legis., 458, Apr. 2, 1925. (To be filed)
Petition for Road Bond Election, 39th Legis., 1st C.S., 24, Oct. 18, 1926. (To be filed)
Order for Road Bond Election on Petition, 39th Legis., 1st C.S., 25, Oct. 18, 1926. (To be recorded in minutes)
Order Establishing Road District and Defining Boundaries, 39th Legis., 1st C.S., 24, Oct. 18, 1926. (To be recorded in minutes)
Petition for Election to Create Road District from Several Counties, 40th Legis., 1st C.S., 219, June 10, 1927. (To be filed)
Order for Election to Create Road District from Several Counties, 40th Legis., 1st C. S., 220, June 10, 1927. (To be recorded in minutes)
Order Creating Road District from Several Counties, 40th Legis., 1st C.S., 220, June 10, 1927. (To be recorded in minutes)
Register of Bonds Issued for Road District Created from Several Counties, 40th Legis., 1st C.S., 223, June 10, 1927.
Order Allowing Road Machinery To Be Diverted for Soil Conservation, 42nd Legis., 81, Apr. 16, 1931. (To be recorded in minutes)
Comptroller's Cancelation of Highway Bonds Issued by County, Assumed and Paid by State, 42nd Legis., 3rd C.S., 25, Sept. 17, 1932. (To be recorded in minutes)
Quarterly Report of Standing Committee on Road and Bridge Affairs, 43rd Legis., 18, Feb. 20, 1933. (To be filed)
Order Authorizing Expenditure of 2nd Class Road and Bridge Fund, 43rd Legis., 26, Feb. 20, 1933. (To be recorded in minutes)
Road Contracts, 43rd Legis., 29, Feb. 20, 1933. (To be recorded in minutes)
Order for Election for County Road Bonds at Court's Initiative, 43rd Legis., 27, Feb. 20, 1933. (To be recorded in minutes)
Survey of Roads to Be Improved, 43rd Legis., 24, Feb. 20, 1933. (To be filed)

Order for Bond Election to Finance Permanent Road and Bridge Construction, 43rd Legis., 813, June 12, 1933. (To be recorded in minutes)
Result of Election to Re-purchase Road Bonds with Unexpended Money from Said Issue, 43rd Legis., 1st C.S., 290, Oct. 28, 1933. (To be recorded in minutes)
Order for Employment of Road Workers, 44th Legis., 43, Feb. 17, 1935. (To be recorded in minutes)

Schools

Designation of School Districts, Gammel, Laws, III, 1461, Jan. 31, 1854. (Usually recorded in minutes)
Order for Election of School District Trustees, Gammel, Laws, III, 1462, Jan. 31, 1854. (Usually recorded in minutes)
Returns on Election for School District Trustees, Gammel, Laws, III, 1461, Jan. 31, 1854. (To be filed)
Tax Assessor-Collector's List of Free White Scholastics, Gammel, Laws, III, 1461, Jan. 31, 1854. (To be filed)
School District Trustees' List of School Patrons Unable to Pay Their Share of Teachers' Salary Apportionment, Gammel, Laws, III, 1463, Jan. 31, 1854. (To be filed)
Auctioneer's Report of Public School Land Sold, Gammel, Laws, V, 993, Nov. 1, 1866. (To be recorded in minutes)
List of Indigent White Scholastics, Gammel, Laws, V, 1114, Nov. 12, 1866. (To be filed)
List of Teachers' Audited Claims, Gammel, Laws, VIII, 925, Aug. 7, 1876. (To be filed)
Results of Election to Incorporate Towns and Villages for Free School Purposes Only, Gammel, Laws, IX, 206, Apr. 6, 1881. (To be recorded in minutes)
Order for Election to Create Office of County School Superintendent, Gammel, Laws, IX, 924, Apr. 2, 1887. (To be recorded in minutes)
Treasurer's Report of Receipts and Disbursements of School Funds, Gammel, Laws, X, 618, May 20, 1893. (To be filed)
Special Election on School Tax, 31st Legis., 18, Feb. 18, 1909. (To be recorded in minutes)
School Superintendent's Certificate for Bond Issue, Common Usage, 1913. (To be filed)
Petition for Election to Abolish Independent School District, 40th Legis., 445, Mar. 14, 1927. (To be filed)
Results of Election to Abolish Independent School District, 40th Legis., 445, Mar. 14, 1927. (To be recorded in minutes)
Order Abolishing Independent School District, 40th Legis., 445, Mar. 14, 1927. (To be recorded in minutes)
Petition for Election to Incorporate Common School District, 40th Legis., 353, Mar. 30, 1927. (To be filed)
Order for Election to Incorporate Common School District, 40th Legis., 353, Mar. 30, 1927. (To be recorded in minutes)
Result of Election to Incorporate Common School District, 40th Legis., 354, Mar. 30, 1927. (To be recorded in minutes)
Order Incorporating Common School District, 40th Legis., 354, Mar. 30, 1927. (To be recorded in minutes)

Trustees' Certificate of Refusal of School District to Vote Refunding Bonds, 41st Legis., 292, Mar. 2, 1929. (To be filed)
Results of Election to Revoke Unsold Common School District Bonds, 43rd Legis., 230, May 1, 1933. (To be recorded in minutes)

Elections

Designation of Election Precincts, Gammel, Laws, I, 1348, Oct. 26, 1837. (Usually recorded in minutes)
Appointment of Presiding Officers of Elections, Gammel, Laws, I, 1349, Oct. 26, 1837. (Usually recorded in minutes)
Record of Election Returns, Gammel, Laws, I, 1349, Oct. 26, 1837.
Petition for Election to Remove County Seat, Gammel, Laws, I, 1474, May 9, 1838. (Usually filed)
Order for Election to Remove County Seat, Gammel, Laws, I, 1474, May 9, 1838. (Usually recorded in minutes)
Returns on Election to Remove County Seat, Gammel, Laws, I, 1474, May 9, 1838. (To be recorded)
Notice of Election Contest, Gammel, Laws, II, 1521, May 11, 1846. (To be filed)
Election Returns, Gammel, Laws, IV, 122, Mar. 16, 1848. (To be filed)
Protests against Results of Election to Remove County Seat, Gammel, Laws, VIII, 461, Mar. 13, 1875. (To be filed)
Petition for Local Option Election on Sale of Intoxicating Liquors, Gammel, Laws, VIII, 862, June 24, 1876. (To be filed)
Order Declaring Results of Local Option Election on Sale of Intoxicating Liquors, Gammel, Laws, VIII, 863, June 24, 1876. (To be recorded)
Election Board's Report of Expenses, Gammel, Laws, X, 381, Apr. 12, 1892. (To be filed)
Certificate of Publication of Notices Declaring Results of Local Option Election on Sale of Intoxicating Liquors, Gammel, Laws, X, 479, Mar. 29, 1893. (To be recorded in minutes)
Distribution of official Ballots and Supplies, 29th Legis., 530, May 15, 1905. (To be recorded in minutes)
Expense Account of Candidate for County Nomination, 29th Legis., 1st C.S., 541, May 15, 1905. (To be filed)
Expense Account of Manager of Candidate for County Nomination, 29th Legis., 1st C.S., 540, May 15, 1905. (To be filed)
Report of Election Fraud, 32nd Legis., 145, June 12, 1911. (To be filed)
Petition for Election to Abolish Pool Halls, 33rd Legis., 137, Mar. 31, 1913. (To be filed)
Order Declaring Results of Election to Abolish Pool Halls, 33rd Legis., 138, Mar. 31, 1913. (To be recorded in minutes)
Order Prohibiting Pool Halls, 33rd Legis., 138, Mar. 31, 1913. (To be recorded in minutes)
Petition for Election for Tick Eradication, 35th Legis., 111, Mar. 6, 1917. (To be filed)
Certificate of Results of Election for Tick Eradication, 35th Legis., 111, Mar. 6, 1917. (To be filed)
Returns of Election for Tick Eradication, 35th Legis., 111, Mar. 6, 1917. (To be recorded in minutes)
Petition for Election to Adopt Hog Law, 36th Legis., 149, Mar. 20, 1919. (To be filed)

Certificate of Publication of Results of Local Option Election on Sale of 3.2 Beer, 43rd Legis., 302, May 11, 1933. (To be recorded in minutes)

Taxation

Photographic Map of County, Gammel, Laws, VII, 582, May 31, 1873. (To be filed)
Field Notes of Lands Not on Photographic Map of County, Gammel, Laws, VII, 582, May 31, 1873. (To be recorded)
Tax Collector's Report of Delinquent Tax Sale, Gammel, Laws, VIII, 1099, Aug. 21, 1876. (To be recorded in minutes)
Tax Collector's Report of Land Sold to State for Taxes, Gammel, Laws, VIII, 1099, Aug. 21, 1876. (To be recorded in minutes)
Order Stating Amount of Uncollectible Taxes, RCS, 1879, Art. 940, Sept. 1, 1879. (To be recorded in minutes)
Invoice of Comptroller's Occupation Tax Receipts, Gammel, Laws, IX, 1057, Apr. 6, 1889. (To be filed)
Tax Collector's Annual Statement of Poll Tax Receipts Issued, 29th Legis., 1st C.S., 528, May 15, 1905. (To be filed)
Order Canceling Subdivisions, 36th Legis., 160, Mar. 20, 1919. (To be recorded in minutes)

County Land and Buildings

Appointment of Commissioner to Sell County Real Estate, Gammel, Laws, II, 1628, May 11, 1846. (To be recorded in minutes)
Surveyor's Report of County Boundaries, Gammel, Laws, II, 1538, May 12, 1846. (To be recorded)
Surveyor's Map of County, Gammel, Laws, III, 154, Mar. 20, 1848. (To be filed)
Surveyor's Field Notes and Map of County Boundary Lines in Dispute, Gammel, Laws, VIII, 1438, Apr. 22, 1879. (To be recorded)
Order Retaining or Abandoning County Park, 44th Legis., 376, May 3, 1935. (To be recorded in minutes)
Landowner's Petition for County Soil Conservation Work, 44th Legis., 506, May 11, 1935. (To be filed)
Soil Conservation Contract, 44th Legis., 506, May 11, 1935. (To be filed)
Soil Conservation Contract, 44th Legis., 506, May 11, 1935. (To be recorded)

Cities and Towns

Application for Election to Incorporate Town, Gammel, Laws, IV, 941, Jan. 27, 1858. (To be filed)
Incorporation of Town, Gammel, Laws, IV, 941, Jan. 27, 1858. (To be recorded in minutes)
Petition for Election to Abolish Corporate Existence of Town, Gammel, Laws, X, 896, Apr. 27, 1895. (To be filed)
Abolishment of Incorporation of Town, Gammel, Laws, X, 896, Apr. 27, 1895. (To be recorded in minutes)

Drainage

Petition for Drainage Ditch, Gammel, Laws, X, 881, Apr. 23, 1895. (To be filed)
Order Appointing Jury of View for Drainage Ditch, Gammel, Laws, X, 881, Apr. 23, 1895. (Usually recorded in minutes)
Report of Jury of View on Drainage Ditch, Gammel, Laws, X, 882, Apr. 23, 1895. (To be filed)
Order Establishing Drainage Ditch, Gammel, Laws, X, 883, Apr. 23, 1895. (To be recorded in minutes)
Drainage Protests and Claims for Damages, Gammel, Laws, X, 883, Apr. 23, 1895. (To be filed)
Order Requiring Railroads to Improve Drainage Facilities, 43rd Legis., 25, Feb. 20, 1933. (To be recorded in minutes)

Pensions

Pauper's Record, Common Usage, 1846.
Petition for Pension by Veteran of Mexican War of 1846, Common Usage, 1886. (To be filed)
Approval of Application for Confederate Pension, 26th Legis., 182, May 12, 1899. (Usually recorded in minutes)
Order Granting Widowed Mother's Petition for Pension, 35th Legis., 313, Mar. 29, 1917. (To be recorded in minutes)

Miscellaneous

Appointment of Temporary County Clerk, Gammel, Laws, III, 117, Mar. 6, 1848. (To be recorded in minutes)
Quarantine Regulations, Gammel, Laws, IV, 204, Jan. 24, 1856. (Usually recorded in minutes)
Liquor Dealer's Application for License, Gammel, Laws, IV, 247, Feb. 2, 1856. (To be filed)
Railroad Condemnation Report, Gammel, Laws, IV, 1423, Feb. 8, 1860. (To be filed)
Butcher's Report of Animals Slaughtered, 30th Legis., 239, Apr. 18, 1907. (To be filed)
Contract for Office Supplies, 30th Legis., 252, Apr. 18, 1907. (To be recorded in minutes)
Bond of Bidder for Office Supplies Contract, 30th Legis., 253, Apr. 18, 1907. (To be filed)
Bids for Office Supplies Contract, 30th Legis., 253, Apr. 18, 1907. (To be recorded in minutes)
Complaint of State Board of Health against County Health Officer, 31st Legis., 348, Apr. 21, 1909. (To be filed)
Application for Free Seed and Stock Feed, 35th Legis., 4th C.S., 6, Mar. 11, 1918. (To be filed)
Contract for Free Seed and Stock Feed, 35th Legis., 4th C.S., 6, Mar. 11, 1918. (To be filed)
Petition by Oil and Gas Lease Owner for Right of Ingress and Egress through Another's Property, 36th Legis., 2nd C.S., 55, July 23, 1919. (To be filed)

Annual Report of Sales by Livestock Commission Merchant, 37th Legis., 177, Sept. 1, 1921. (To be filed)
Appraisers' Report of Infected Animals, 39th Legis., 313, Mar. 28, 1925. (To be filed)
Order Requesting Commissioner of Agriculture to Establish Eradication Zone, 40th Legis., 100, Feb. 24, 1927. (To be recorded in minutes)
Order Authorizing Appointment of Deputies, 41st Legis., 1st C.S., 226, May 13, 1929. (To be recorded in minutes)
Renewal of Contract for Free Seed and Stock Feed, 42nd Legis., 21, Mar. 11, 1931. (To be filed)
Monthly Speedometer Readings of County Cars, 44th Legis., 2nd C.S., 1769, Nov. 15, 1935. (To be recorded)
District Attorney's Application for Use of County Automobile, 44th Legis., 2nd C. S., 1781, Nov. 15, 1935. (To be filed)
Sheriff's Application for Use of County Automobile, 44th Legis., 2nd C.S., 1780, Nov. 15, 1935. (To be filed)
County Officer's Requisition for Supplies and Expenses, 44th Legis., 2nd C.S., 1768, Nov. 15, 1935. (To be filed)
Sheriff's Application for Criminal Identification Equipment, 44th Legis., 2nd C.S., 1768, Nov. 15, 1935. (To be filed)
Livestock Auction Commission Merchant's Quarterly Report of Livestock Sold, 45th Legis., 389, Apr. 23, 1937. (To be filed)

General Proceedings

1. COMMISSIONERS CIVIL MINUTES, Aug. 7, 1846--. 8 vols. (A, B, A, C-G). Title varies: Commissioners Court Minute, Aug. 7, 1846-Feb. 20, 1862, 1 vol. (A); County Court Minutes, Mar. 15, 1862-Oct. 13, 1876, 1 vol. (B); Minutes Commissioners Court, Nov. 13, 1876-Feb. 14, 1910, 3 vols. (A, C, D).

Clerk's record of proceedings of the county administrative body in regular and special meetings, showing date, place, and kind of meeting, names of members present, subject of business transacted, names of interested parties, copies of orders issued, signatures of members and presiding officer, and clerk's attest. Also contains: (Minutes of County Board of Land Commissioners), Oct. 12, 1846-Jan. 30, 1856, entry 4; Road Minutes Commissioners Court, Aug. 24, 1846-1876, 1907--, entry 40; Record Road Overseers Commissions, 1846-1908, entry 55; Record of Election Precincts, Oct. 12, 1846-Aug. 13, 1903, Aug. 13, 1928--, entry 59; Record of Election Judges, Oct. 12, 1846-1903, entry 61. Arr. chron. by court term, by order of hearing thereunder. 1846-Feb. 20, 1862 no index to business other than road (for separate index to road business, see entry 42); Mar. 15, 1862-Oct. 13, 1876, indexed alph. by first letter of surname of person concerned, chron. by date of hearing thereunder, except road business (for separate index to road matters, see entry 42); Nov. 13, 1876-Feb. 14, 1910 no index; Apr. 25, 1910-July 8, 1922 indexed alph. by first letter of surname of official concerned or by subject of business, chron. by date of hearing thereunder; Dec. 13, 1920-May 3, 1928 separate index, see entry 2; June 1928-- no index. 1846-Nov. 25, 1904 hdw.; Dec. 5, 1904-- typed. Aver. 600 pp. 18 x 16 x 3. C.C. off.

For clerk's rough minutes, 1899-1927, see entry 3; for minutes of the court sitting as a board of equalization, 1908--, see entry 384.

2. INDEX TO COMMISSIONERS COURT MINUTES, Dec. 13, 1920-May 3, 1928. 1 vol. (2). Discontinued.

Index by name of principal party and by subject of business to volume E from page 542 and to volume F through page 213, of Commissioners Civil Minutes, entry 1, showing name of party, subject of business, date of hearing, action of court, and reference to book and page, with printed key at top of each page giving subject reference page numbers. Arr. alph. by first letter of surname or subject, chron. by date of hearing thereunder. Hdw. under pr. hds. 500 (55 used) pp. 18 x 12 x 2. C.C. off.

3. RECORD (Rough Minutes of Commissioners Court), Feb. 13, 1899-July 11, 1927. 6 vols. Title varies: Ledger, Nov. 14, 1902-July 10, 1910, 2 vols. No title: Mar. 7-Sept. 30, 1902, Dec. 8, 1913-Sept. 2, 1916, 2 vols. Discontinued.

County clerk's notes on proceedings of commissioners court, prepared in session, and later recorded in full in Commissioners Civil Minutes, entry 1. Arr. chron. by court term. No index. Hdw. Aver. 300 pp. 14 x 8 x 1. C.C. bsmt. va.

4. (MINUTES OF COUNTY BOARD OF LAND COMMISSIONERS), Oct. 12, 1846-Jan. 30, 1856. In Commissioners Civil Minutes, vol. A (Oct. 12, 1846, p. 4; Oct. 29, 1846, p. 5; Apr. 12, 1847, pp. 8, 9; July 12, 1847, pp. 11-13; July 13, 1847, p. 15; Oct. 11, 1847, pp. 17-19; Jan. 10, 1848, p. 22; Apr. 10, 1848, p. 28; July 10, 1848, p. 29; Sept. 5, 1848, p. 36; Feb. 19, 1849, p. 42; Feb. 18, 1850, p. 57; Nov. 9, 1850, p. 76; Aug. 26, 1851, p. 92; Feb. 16, 1852, p. 102; May 17, 1852, p. 106; Nov. 15, 1852, p. 120; Feb. 24, 1853, p. 126; Nov. 21, 1853, p. 146; Dec. 6, 1853, p. 151; Aug. 28, 1854-Jan. 30, 1856, pp. 1-13 in back of book), entry 1. Discontinued; jurisdiction removed Feb. 1856.

Clerk's record of action taken by the chief justice and county commissioners in granting unconditional headright certificates. Record for 1846-1853 is included with other business of each court term, and shows name of applicant, number and class of certificate, and number of acres (320, 640, or 1280) granted; record for 1854-1856 is separate minutes of the "Board of Land Commissioners of Guadalupe County Composed of the Chief Justice and County Commissioners under the law approved 4 February 1854," showing date and place of meeting, names of members present, name of applicant, number and class of certificate, number of acres (640) granted, recorded copy of applicant's oath to being a bona fide holder and owner of a claim to an unconditional certificate, as shown in his conditional certificate issued by the board of land commissioners of another county, to fact that claim has not been alienated or transferred and that unconditional certificate has not been issued on the claim, also, if original claimant were dead, recorded copies of affidavits by two other persons to claimant's residence in Republic of Texas at time of death, signatures of chief justice and commissioners, and clerk's attest.

5. DOCKET COMMISSIONERS COURT, May term 1872-Mar. term 1874, Aug. term 1877-Aug. term 1897. 2 vols. Title varies: County Court Docket, 1872-74, 1 vol. Discontinued.

Clerk's register of petitions, claims, accounts, and reports presented to commissioners court for approval, showing court term, kind of business, by

whom presented, action taken, and date of order. Also contains: Commissioners Court Road Docket, entry 43. 1872-74, 1877-Jan. term 1885 arr. chron. by court term; Feb. term 1885-1897 arr. numer. by file no. No index. 1872-74 hdw.; 1877-97 hdw. under pr. hds. First vol., 75 pp. 6 x 5 x 1; second vol., 315 pp. 8 x 11 x 2. C.C. bsmt. va.

6. COMMISSIONERS COURT PAPERS PENDING, 1862, 1871-83, 1887-1928, 1932, 1934, 1935, 1937. 2,600 papers in 9 f.b. (1-9). Title varies: "Road Cases Disposed of 1879-183," 1862, 1871-83, 1 f.b. (1); "Old Commissioners Court Papers," 1876, 1883, 1891, 1892, 1894-98, 1913, 1 f.b. (2); "Road Cases 1894 & 1895 Pending," 1877, 1892-99, 1 f.b. (3); "Road Cases, 1890-1893 Disposed of," 1879, 1887-94, 1898-1904, 1906-16, 1 f.b. (4); "Road Papers, 1899, 1900, 1901, 1902, 1903 & 1904," 1880, 1896-1905, 1 f.b. (5); "Election, School Papers," 1895, 1899-1904, 1906-18, 1924, 1928, 1934, 1 f.b. (6); "Road Papers 1906 to 1917," 1900-1902, 1904-19, 1921-24, 1932, 1 f.b. (7); "Election Papers," 1917-24, 1935, 1 f.b. (8). Miscellaneous papers, principally concerning action of the commissioners court, including: (County Clerk's Quarterly Reports), 1876, 1897, entry 15; (District Clerk's Quarterly Reports), 1876, 1896, 1897, 1927, entry 17; (County Judge's Quarterly Reports), 1876, 1896, 1897, entry 19; (County Attorney's Quarterly Reports), 1896, 1897, entry 20; (Justices' of Peace Quarterly Reports), 1876, 1896, 1897, 1899, entry 22; (Constables' Quarterly Reports), 1889, 1896, 1897, entry 23; (Sheriff's Quarterly Reports), 1896, 1897, entry 25; (Tax Collector's Quarterly Reports), 1897, entry 27; (Statement of Occupation Taxes), 1921, entry 28; Annual Statement of School Funds, 1922, entry 29; Paid Bills, 1891, 1901, 1903, 1913, 1937, entry 31; (Road Petitions), 1862, 1873-83, 1887-93, 1895-1925, 1927, 1928, entry 44; (Road Protests), 1871-83, 1889, 1890, 1892-95, 1897-1901, 1903, 1904, 1908, 1914, 1917, entry 45; (Road Orders), 1862, 1874, 1877-83, 1888-97, 1900, 1901, 1903, 1904, 1906-16, 1918-21, entry 46; (Reports of Juries of View), 1874, 1877, 1878, 1880-83, 1887, 1889-97, 1899-1904, 1906-10, 1912-14, 1916, 1917, 1920, 1921, 1923), entry 47; (Road Field Notes and Plats), 1878, 1880-82, 1893, 1894, 1897, 1900, 1902, 1911-15, 1921, entry 48; (Road Notices to Landowners), 1874, 1876, 1877, 1889-91, 1893, 1894, 1898, 1902-4, 1909, 1914, 1916, 1923, entry 49; (Road Agreements and Contracts), 1878, 1883, 1889, 1892, 1894, 1901, 1906, 1914, 1921, entry 50; (Road Claims), 1890, 1893, 1894, 1896, 1899-1901, 1910, 1912, 1914, 1919, 1921, entry 51; (Road Bids), 1891, 1896, entry 52; (Road Supervisors' Reports), 1896, entry 53; (Road Overseers' Reports), 1878, 1879, entry 56; (School Petitions), 1896, 1898, 1907, 1908, 1912-14, 1918, 1920, 1921, 1925, 1926, entry 57; (School District Field Notes and Plats), 1916-18, entry 58; (Petitions for Election Precincts), 1879, 1919, entry 60; Commissions of Election Judges, 1908, 1910-15, 1917-19, entry 62; (Petitions for Election Supplies), 1879, 1894, 1908, 1926, entry 63; (Petitions for Elections), 1877, 1883, 1894-96, 1900-1902, 1904, 1907-22, 1924, entry 66; (Election Orders), 1883, 1897, 1904, 1909, 1911-14, 1916-24, 1934, entry 67; (Election Notices), 1902, 1904, 1906, 1910-18, 1920-24, 1928, 1930, entry 68; (Election Returns), 1901-3, 1906-10, 1912-20, entry 69; (Certificates of Election), 1927, entry 73; Statement of Candidates Campaign Expenses, 1908, entry 74; (Butchers' Reports of Animals Slaughtered), 1880, 1881, 1896-1901, 1919, entry 75; (Petitions for Appointment of County Officials and Deputies), 1879, 1893, 1896, 1897,

1918-25, 1928, entry 76; (Resignations of County Officials and Deputies), 1889, 1896, 1897, 1919, 1920, 1923, 1924, entry 77; (Deeds), 1879, 1892, 1899, entry 82; T & N O R.R. Co. Report of Animal Killed, 1923, 1928, entry 114; (Occupation Tax Receipts), Jan. 1897-Feb. 1898, 1921, entry 128; (County Officials' Bonds and Oaths), 1896, 1903, 1909, 1916, 1917, entry 163; (Deputations), 1919-25, entry 167; Notary Bonds, 1897, entry 169. No consistent arrangement; within a few boxes, papers are filed more or less chron. by years, and papers relating to the same matter are sometimes together. No index. Hdw. and typed. 11 x 5 x 14. C.C. bsmt. va.

Finances

(See also entries 41, 44, 45, 50, 52, 57, 66, 67, 74, 78-80, 115, 116, 157-160, 173-175, 179, 183, 195, 197, 206, 219, 228-243, 245, 247, 249-251, 253-255, 258, 263, 268, 272, 274, 282, 284, 293, 302-304, 306, 308, 310-312, 314, 317, 319, 321, 328, 330, 336, 339, 341, 342, 345-347, 355-360, 362-365, 368, 369, 374, 377, 384-386, 390, 391, 393-395, 399-401, 403)

Ledgers

7. FINANCE LEDGER, 1879-1929. 9 vols. (1-9).
County Clerk's debit and credit accounts of county funds, subdivided as follows:

i. Tax Collector, Sept. 10, 1879-Apr. 14, 1892, vol. 1, pp. 1-19; Aug. 1, 1893-Dec. 1901, vol. 2, pp. 1-9; Oct. 1, 1901-Sept. 25, 1905, vol. 3; 1906-7, vol. 4, pp. 6-8; 1908-9, vol. 5, pp. 1-10; 1910-11, vol. 6, pp. 1-7; Aug. 12, 1912-Dec. 12, 1918, vol. 7; Oct. 1919-Apr. 17, 1920, vol. 8; Aug. 30, 1926-Apr. 21, 1927, vol. 9.

Debit side shows date of entry, from whom received, from what source, and amount; credit side shows date of payment, name of payee, and amount paid.

ii. State Occupation, May 1, 1901-May 1, 1906, vol. 3; May 18, 1908-May 5, 1910, vol. 5, pp. 41-50; Dec. 6, 1910-Apr. 1912, vol. 6, pp. 9-20; Aug. 29, 1912-Apr. 1, 1919, vol. 7; Apr. 1, 1919-June 23, 1920, vol. 8.

Shows same information as subdivision i.

iii. County Occupation, July 2, 1908-Apr. 1, 1910, vol. 5, pp. 51-70; May 1910-Apr. 1912, vol. 6, pp. 21-47; May 1912-Apr. 11, 1919, vol. 7; Aug. 1, 1919-Nov. 20, 1920, vol. 8.

Shows same information as subdivision i.

iv. State and County Occupation, May 1, 1893-May 1, 1901, vol. 1, pp. 51-62; May 10, 1906-Apr. 1908, vol. 4, pp. 26-44.

Shows same information as subdivision i.

v. County Clerk, Feb. 1901-Feb. 1906, vol. 3; June 12, 1906-Feb. 1908, vol. 4, pp. 161-167; May 10, 1908-Feb. 1910, vol. 5, pp. 87-111; Apr. 28, 1910-Dec. 30, 1911, vol. 6, pp. 110-175; Apr. 1, 1912-Apr. 16, 1919, vol. 7; Jan. 1-July 1, 1926, vol. 8.

Shows same information as subdivision i.

vi. District Clerk, Feb. 1901-Feb. 1906, vol. 3; May 1906-Nov. 1908, vol. 4, pp. 185-188; Nov. 1909, vol. 5, pp. 112-136; May 1911-Feb. 9, 1912, vol. 6, pp. 116-120; Apr. 15, 1912-Apr. 14, 1919, vol. 7; June 9, 1919, vol. 8; Oct. 14, 1925-June 8, 1926, vol. 9.

Shows same information as subdivision i.

vii. County Judge, Feb. 13, 1894-May 1, 1910, vol. 1, pp. 127-132; Feb. 1901-Feb. 1906, vol. 3; May 1906-Feb. 1908, vol. 4, pp. 146-149; May 1908-Nov. 1909, vol. 5, pp. 79-86; Feb. 14, 1910-Dec. 7, 1911, vol. 6, pp. 106-109; Feb. 14, 1912-Apr. 17, 1919, vol. 7; June 12, 1919-Nov. 13, 1920, vol. 8.

Shows same information as subdivision i.

viii. County Attorney, Sept. 1893-Feb. 21, 1895, vol. 2, p. 133; Aug. 1907, vol. 4, pp. 206, 207; Feb. 1909-Feb. 1910, vol. 5, pp. 137-144; Feb. 16, 1910-June 28, 1911, vol. 6, pp. 121-123; Jan. 1916, vol. 7.

Shows same information as subdivision i.

ix. Sheriff, Sept. 18-Nov. 1, 1879, vol. 1, pp. 66-75; Jan. 6, 1894-Nov. 16, 1900, vol. 2, p. 88; Feb.-May 1909, vol. 5, pp. 11-16; May-Nov. 1911, vol. 6, pp. 49-53; May 12, 1913-Apr. 1919, vol. 7; June 10-July 1, 1919, vol. 8; Jan. 1-July 6, 1926, vol. 9.

Shows same information as subdivision i.

x. Justice of Peace, Mar. 24, 1893-Feb. 16, 1900, vol. 2, pp. 107-118; Feb. 1901-Aug. 1905, vol. 3; June 12, 1906-Feb. 1908, vol. 4, pp. 86-131; May 1908-Feb. 1909, vol. 5, pp. 17-40; Apr. 7, 1910-Jan. 6, 1912, vol. 6, pp. 55-99; Mar. 9, 1912-Apr. 10, 1919, vol. 7; May 10, 1919-Apr. 26, 1920, vol. 8.

Shows same information as subdivision i.

xi. Constable, Nov. 12, 1895-Nov. 17, 1899, vol. 2, pp. 119-126; May 1909-Feb. 1910, vol. 5, pp. 71-78; Aug.-Nov. 1911, vol. 6, pp. 101-105; Feb. 11, 1912-Oct. 9, 1915, vol. 7.

Shows same information as subdivision i.

xii. Treasurer, Oct. 13, 1879-Jan. 10, 1880, vol. 1, pp. 152-211; Feb. 1, 1893-Jan. 2, 1894, vol. 2, pp. 167-201; May 14, 1901-Nov. 20, 1905, vol. 3; June 12, 1906-Feb. 1908, vol. 4, pp. 218-486; Feb. 10, 1908-Feb. 10, 1910, vol. 5, pp. 145-244; Feb. 14, 1910-Feb. 1912, vol. 6, pp. 125-173; Feb. 13, 1912-June 9, 1919, vol. 7; July 1919-Sept. 1925, vol. 8; Oct. 1, 1925-Oct. 1, 1929, vol. 9.

Treasurer's monthly statements, showing, on debit side, total monthly receipts; on credit side, total monthly disbursements, itemized by amount of warrants issued, treasurer's commission, and balance on hand; also treasurer's open debit and credit accounts of each fund (jury, road and bridge, courthouse, jail, general, miscellaneous, etc.) showing same information as subdivision i.

xiii. Estray, Sept. 1, 1879-Feb. 19, 1881, vol. 1, pp. 112-151; May 26, 1896-Jan. 30, 1897, vol. 2, p. 151.

Shows date of application, name of taker-up, description of estray (marks and brands, kind).

Each vol. subdivided by marginal tabs; debits and credits entered chron. under each subdivision. No index. Hdw. under pr. hds. Aver. 400 pp. 20 x 12 x 3. D.C. bsmt. va.

For debit and credit accounts, kept by funds, 1932--, see entry 8.

8. DETAIL LEDGER, Jan. 1, 1932--. 4 vols. No title: Jan. 1, 1936-June 29, 1937, 1 vol.

Debit and credit accounts, kept by auditor until office was abolished in 1937, subsequently by county clerk, of county finances in the various county funds including: jury, general, general road and bridge, oil, state

highway, county special highway, general interest and sinking, refunding, courthouse and jail. Debit side shows date of entry, from whom received, from what source, amount received, and debit balance; credit side shows date of payment, to whom paid, warrant number, amount and purpose of disbursement, and credit balance. Arr. chron. by date of debit or credit entry within each fund. No index. Hdw. under pr. hds. 600 pp. 16 x 18 x 3. 2 vols., 1932-June 29, 1937, C.C. bsmt. va.; 2 vols., July 1, 1937--; C.C. off.

For debit and credit accounts with officers and funds, 1879-1929, see entry 7.

Reports and Audits (See also entries 5, 41-iii, 47, 53, 123-125, 161, 176, 215, 290, 373, 379-381, 409, 410)

9. OFFICIALS REPORTS, 1887-97, 1899-1905, 1914-19, 1921-25. 3,000 reports in 4 f.b. Title varies: Old Official Reports, 1887-97, 1 f.b.; Quarterly Reports, 1899-1905, 1 f.b.

Miscellaneous reports, principally officials' financial reports to commissioners court, including: (County Clerk's Quarterly Reports), 1887-97, 1899-1905, 1915, 1916, 1921-23, entry 15; (County Clerk's Annual Report of Expenses), 1915, 1916, 1921-23, entry 16; (District Clerk's Quarterly Reports), 1887-97, 1899-1905, 1914-16, 1921-25, entry 17; (County Judge's Monthly Reports), 1915, 1916, entry 18; (County Judge's Quarterly Reports), 1887-97, 1899-1905, entry 19; (County Attorney's Quarterly Reports), 1887-97, 1899-1905, entry 20; (Justices' of Peace Monthly Reports), 1915, 1916, 1924, 1925, entry 21; (Justices' of Peace Quarterly Reports), 1887-97, 1899-1905, entry 22; (Constables' Quarterly Reports), 1887-97, 1899-1905, entry 23; (Sheriff's Monthly Reports), 1924, 1925, entry 24; (Sheriff's Quarterly Reports), 1887-97, 1899-1905, entry 25; (Tax Collector's Quarterly Reports), 1887-97, 1899-1905, entry 27; Annual Statement of School Funds, 1917-19, entry 29; (Road Supervisors' Reports), 1921-25, entry 53; (Butchers' Reports of Animals Slaughtered), 1887-97, 1899-1905, entry 75. No arr. No index. Hdw. on pr. fms. 11 x 5 x 14. 2 f.b., 1887-97, 1899-1905, C.C. bsmt. va.; 2 f.b., 1914-19, 1921-25, C.C. off.

10. ANNUAL REPORT OF COUNTY OFFICIALS, Dec. 31, 1933--. 2 vols.

Annual audits of county officials' accounts, made by county auditor until office was abolished in 1937, subsequently by county clerk, showing amounts of receipts and disbursements of each official, date and source of receipt, date and purpose of disbursement, and year date of audit. Arr. chron. No index. Hdw. and typed on pr. fms. Aver. 250 pp. 10 x 14 x 1½. C.C. off.

11. REPORT ON EXAMINATION OF RECORDS, Jan. 1, 1933-June 30, 1938. 4 vols.

Record of condition of county funds found by four special audits of the financial records of the various county officials and departments, made by special auditors hired by the commissioners court; the first covers the period Jan. 1, 1933-Dec. 31, 1936; second, Jan. 1-Dec. 31, 1937; third, Jan. 1-Mar. 31, 1938; fourth, Jan. 1-June 30, 1938. Shows revenue receipts and sources, purpose and disposition of receipts, fiscal assets, public liabilities, disbursements and sources diverted, and debit and credit balances. 1933-36, 1 vol., arr. in office and department subdivisions;

1937-38, 3 vols., arr. alph. by topic headings and exhibit letters. No index. Typed. Aver. 70 pp. 10 x 14 x ½. C.C. off.

12. AUDITOR'S MONTHLY REPORT, Oct. 30, 1925--. 3 vols.
Original monthly reports of disbursement of county funds, made by county auditor until office was abolished in 1937, subsequently by county clerk, showing number and amount of warrant, purpose of expenditure, and monthly balances on hand to credit of each fund. Arr. chron. No index. Hdw. on pr. fms. Aver. 200 pp. 18 x 14 x 1. 1 vol., 1925-Dec. 31, 1932, D.C. bsmt. va.; 2 vols., Jan. 14, 1933--, C.C. off.

13. (COUNTY CLERK'S ANNUAL EXHIBIT OF COUNTY FINANCES), 1900, 1921-27. In Miscellaneous Instruments, entry 171.
Copies of clerk's annual reports of aggregate amounts received by and disbursed from the several county funds, and on indebtedness of the county at the end of the year of report, showing name of fund, balance on hand from last report, amounts received, disbursed or transferred from or to new fund, amounts of debit and credit balances; report of county indebtedness, showing class or kind of debt (jail bonds, bridge bonds, debt on county poor farm), amount of each class of debt and total amount of indebtedness filing date, and signature of county clerk.
For commissioners' exhibits, 1899, 1925, 1930, see entry 14; for treasurer's monthly reports, 1923-24, 1934--. See entry 387.

14. (COUNTY COMMISSIONER'S ANNUAL REPORT), 1899, 1925, 1930. In Miscellaneous Instruments, entry 171.
Copies of annual financial reports made by commissioners court, signed by county judge and commissioners, showing same information as entry 13.
For county clerk's exhibits, 1900, 1921-27, see entry 13; for treasurer's monthly reports, 1923-24, 1934--. See entry 387.

15. (COUNTY CLERK'S QUARTERLY REPORTS), 1876, 1887-1905, 1915, 1916, 1921-23, 1925. 1876, 1897 in Commissioners Court Papers Pending (1876 in f.b. 2; 1897 in f.b. 3), entry 6; 1887-97, 1899-1905, 1915, 1916, 1921-23, in Officials Reports, entry 9; 1897-1900, 1925 in Miscellaneous Instruments, entry 171.
Original quarterly reports made by county clerk to commissioners court, of money received from fines imposed, judgments rendered, and jury fees collected in county court, showing date of report, case number, name of payer, amount of fine, judgment, or jury fee, date of collection, and signature of county clerk.

16. (COUNTY CLERK'S ANNUAL REPORT OF EXPENSES), 1915, 1916, 1921-23. In Officials Reports, entry 9.
Original annual reports made by county clerk to commissioners court, of his office operation expenses, showing date of report, amounts paid for bond premiums, postage, post office box rent, and clerical salaries, and signature of county clerk.
For county clerk's duplicate copies of monthly reports of office expenses, Jan.-Oct. 1931, see entry 161.

17. (DISTRICT CLERK'S QUARTERLY REPORTS), 1876, 1887-97, 1899-1905, 1914-16, 1921-25, 1927. 1876, 1896, 1897, 1927 in Commissioners Court Papers Pending (1876, 1896 in f.b. 2; 1897 in f.b. 3; 1927 in f.b. 9), entry 6; 1887-97, 1899-1905, 1914-16, 1921-25 in Officials Reports, entry 9; 1897, 1900, 1925 also in Miscellaneous Instruments, entry 171.

Original quarterly reports made by district clerk to commissioners court, of fees received from civil and criminal trials, naturalization proceedings, acknowledgments, and miscellaneous recordings, showing ending date of quarter for which report is made, total amount received from each source, total amount received during quarter, and signature of district clerk.

18. (COUNTY JUDGE'S MONTHLY REPORTS), 1915, 1916. In Officials Reports, entry 9.

Original monthly reports made by county judge to commissioners court, of money received from fines imposed, judgments rendered, and jury fees collected, showing date of report, number and style of case, amount paid, date of collection, monthly total, and signature of county judge.

For quarterly reports, 1876, 1887-97, 1899-1905, see entry 19.

19. (COUNTY JUDGE'S QUARTERLY REPORTS), 1876, 1887-97, 1899-1905. 1876, 1896, 1897, in Commissioners Court Papers Pending (1876, 1896 in f.b. 2; 1897 in f.b. 3), entry 6; 1887-97, 1899-1905 in Officials Reports, entry 9; 1900 also in Miscellaneous Instruments, entry 171.

Original quarterly reports made by county judge to commissioners court, of money received from fines imposed, judgments rendered, and jury fees collected, showing date of report, number and style of case, amount paid, date of collection, total collection for quarter, and signature of county judge.

For monthly reports, 1915, 1916, see entry 18.

20. (COUNTY ATTORNEY'S QUARTERLY REPORTS), 1887-97, 1899-1905. 1887-97, 1899-1905 in Officials Reports, entry 9; 1896, 1897 also in Commissioners Court Papers Pending (1896 in f.b. 2; 1897 in f.b. 3), entry 6.

Original quarterly reports made by county attorney to commissioners court, of fees earned in justice and county courts, showing date of report, number and style of case, amount collected, amount deposited in county treasury, total collections and deposits for quarter, and signature of county attorney.

21. (JUSTICES' OF PEACE MONTHLY REPORTS), 1915, 1916, 1924, 1925. In Officials Reports, entry 9.

Original monthly reports made by justices of peace to commissioners court, of money received from fines imposed, judgments rendered, and jury fees collected, showing date of report, case number, name of payer, amount of payment, date of collection, total monthly collection, and signature of justice.

For quarterly reports, 1876, 1887-97, 1899-1905, see entry 22.

22. (JUSTICES' OF PEACE QUARTERLY REPORTS), 1876, 1887-97, 1899-1905. 1876, 1896, 1897, 1899 in Commissioners Court Papers Pending (1876, 1896, 1897 in f.b. 2; 1897, 1899 in f.b. 3), entry 6; 1887-97, 1899-1905 in Officials Reports, entry 9; 1897, 1899, 1900 also in Miscellaneous Instruments, entry 171.

Original quarterly reports made by justices of peace to commissioners court of money received from fines imposed, judgments rendered, and jury fees

collected, showing date of report, case number, name of payer, amount of payment, date of collection, total collections for quarter, and signature of justice.

For monthly reports, 1915, 1916, 1924, 1925, see entry 21.

23. (CONSTABLES' QUARTERLY REPORTS), 1887-97, 1899-1905. 1887-97, 1899-1905 in Officials Reports, entry 9; 1889, 1896, 1897 also in Commissioners Court Papers Pending (1889 in f.b. 4; 1896, 1897 in f.b. 2), entry 6.

Original quarterly reports made by constable to commissioners court, of money received for serving writs for criminal trials held in justice courts, showing date of report, number and style of case, name and number of court, kind of writ, date executed, amount collected, recapitulation of total amount due constable and county, and signature of constable.

24. (SHERIFF'S MONTHLY REPORTS), 1924, 1925. In Officials Reports, entry 9.

Original monthly reports made by sheriff to commissioners court, of fees received for serving processes in county court, showing date of report, number and style of case, amount of fee, date of collection, total amount collected, and signature of sheriff.

For quarterly reports, 1887-97, 1899-1905, see entry 25; for annual report, 1924, see entry 26.

25. (SHERIFF'S QUARTERLY REPORTS), 1887-97, 1899-1905. 1887-97, 1899-1905 in Officials Reports, entry 9; 1896, 1897 also in Commissioners Court Papers Pending (1896 in f.b. 1; 1897 in f.b. 3), entry 6.

Original quarterly reports made by sheriff to commissioners court, of fees received for serving processes in county court, showing date of report, number and style of case, amount of fee, date of collection, total amount collected, and signature of sheriff.

For monthly reports, 1924, 1925, see entry 24; for annual report, 1924, see entry 26.

26. (SHERIFF'S ANNUAL REPORT), 1924. In Miscellaneous Instruments, entry 171.

Original annual recapitulation made by sheriff to commissioners court, of fees received for serving processes in county court, showing date of report, amounts collected for each month, total yearly collection, and signature of sheriff.

For monthly reports, see entry 24; for quarterly, see entry 25.

27. (TAX COLLECTOR'S QUARTERLY REPORTS), 1887-97, 1899-1905, 1923-25, 1927. 1887-97, 1899-1905 in Officials Reports, entry 9; 1897 also in Commissioners Court Papers Pending (f.b. 3), entry 6; 1923-25, 1927 in Miscellaneous Instruments, entry 171.

Original quarterly reports made by tax collector to commissioners court, of tax collections, showing date of report, quarterly totals of state and county taxes collected, grand totals of collections for the quarter, and signature of tax collector.

28. (STATEMENT OF OCCUPATION TAXES), 1899, 1915, 1917, 1921, 1922. 1899, 1915, 1917, 1922 in Miscellaneous Instruments, entry 171; 1921 in Commissioners Court Papers Pending (f.b. 9), entry 6.
Original itemized statements made by state comptroller to county clerk, charging him with funds due state from sale of occupation tax licenses, showing inclusive serial numbers, total number, and total value of blank licenses issued to county, inclusive serial numbers and value of licenses issued as reported by clerk as credit against account, balance due state, and signature of comptroller.

29. ANNUAL STATEMENT OF SCHOOL FUNDS, Aug. 31, 1922--. 17 reports in 1 f.b. 1917-19 in Officials Reports, entry 9; 1922 also in Commissioners Court Papers Pending (f.b. 9), entry 6.
Copies of annual reports made by official county depository to state superintendent of public instruction, of receipts and disbursements of school funds, and of condition of the permanent school fund, rendered on Aug. 31, at close of each school year, showing amounts and sources of receipts, and amounts and purposes of disbursements, under the following funds: distribution of county available fund to each independent and to the rural school districts; county administration ; state and county available fund, account in detail for each district; local maintenance fund for each district; equalization fund (rural aid) for each district; sinking fund, account in detail for each district; building fund, account in detail for each district; philanthropic fund; cash item permanent fund, account in detail; statement of county permanent fund; county board transportation, equalization fund (rural aid), account in detail; signatures of depository official and county superintendent. Arr. chron. by year date of report. No index. Hdw. on pr. fms. 11 x 5 x 14. C.C. off.

Claims (See also entries 5, 43, 46, 51, 389)

30. MINUTES OF ACCOUNTS ALLOWED, Aug. term 1881-Feb. 11, 1915, July 1, 1920-Dec. 24, 1932, Dec. 11, 1936--. 9 vols. (1 unmarked, 1, 2, 2-4, 1 unmarked, 6, 1 unmarked). Title varies: Claim Register Commissioners Court, 1881-Feb. term 1891, 1 vol.; Transfer Minutes of Accounts Allowed, July 1, 1920-Dec. 10, 1929, 1 vol. No title: Dec. 11, 1936--, 1 vol.
Clerk's record of claims presented to commissioners court for payment, showing number of claim, name of claimant, service or commodity furnished, amount of claim, date claim acted on by court, whether allowed or rejected, amount allowed, fund charged, number of warrant, and remarks. 1881-Dec. 15, 1913, 5 vols. (1 unmarked, 1,2,2,3), arr. chron. by court term, numer. by claim no. thereunder; Mar. 29, 1913-1915, 1920-32, 1936--, 4 vols. (4, 1 unmarked, 6, 1 unmarked), arr. alph. by first letter of surname of claimant, numer. by claim no. thereunder. No index. Hdw. under pr. hds. Aver. 300 pp. 16 x 12 x 2. 5 vols., 1881-Dec. 15, 1913, C.C. bsmt. va.; 1 vol., Mar. 29, 1913-1915, D.C. bsmt. va.; 3 vols., 1920-32, 1936--, C.C. off.
For originals and copies of paid claims: 1891, 1901, 1903, 1913, 1937, see entry 6; 1909, 1915-25, 1933-35, 1937--, see entry 31; for treasurer's claim register, 1879-1903, see entry 389.

31. PAID BILLS, Feb.-Nov. 1909, Jan. 1915-Dec. 1925, 1933-35, June 1937--. Est. 24,000 papers in 29 f.b. Title varies: Accounts, 1909, 1 f.b.; Bills Allowed, 1915-25, 16 f.b. No title: 1933-35, 4 f.b. 1891, 1901, 1903, 1913, 1937 in Commissioners Court Papers Pending (1891 in f.b. 4; 1901, 1903 in f.b. 5; 1901 also in f.b. 6; 1913, 1937 in f.b. 9), entry 6.

Originals and copies of itemized statements, accompanied by invoices and correspondence, presented to commissioners court by firms and individuals claiming payment for materials, supplies, labor and other services, and ordered paid by the court, showing date and number of claim, name of claimant, items and amount claimed for each, total amount claimed, date obligation incurred, date claim presented, date allowed by court, and number of warrant issued in payment. 1909, 1915-25, 1933-35, 21 f.b., arr. alph. by first letter of surname of claimant, chron. thereunder; 1937--, 8 f.b., arr. numer. by warrant no. No index. Hdw., typed, hdw. on pr. fms., typed on pr. fms. 17 f.b. 1909, 1915-25, C.C. bsmt. va.; 4 f.b., 1933-35, D.C. bsmt. va.; 8 f.b., 1937--, C.C. off.

For record of claims presented to and acted on by commissioners court, 1881-1915, 1920-32, 1936--, see entry 30; for treasurer's claim register, 1879-1903, see entry 389.

32. REPORT OF CLAIMS COLLECTED, Feb. 7, 1934--. 200 receipts in 1 bundle.

Duplicates of treasurer's receipts issued to county judge for payment of claims due the county, collected from the sale of county property, from rentals on county equipment and real estate, from oil royalties, from road work and terracing done by county for private individuals, and from fines, showing number, date, and amount of receipt, name of payer, source of revenue, and signature of treasurer. Arr. numer. by claim no. No index. Hdw. on pr. fms. 4 x 10 x 2. C.J. off., desk drawer.

33. PAUPER LEDGER, Feb. 7, 1872-Dec. 3, 1883, Feb. term 1889-Mar. 1894, Sept. 27, 1913--. 4 vols. Title varies: Pauper Book, Feb. 7, 1872-Dec. 3, 1883, Feb. term 1889-Mar. 1894, 2 vols.

Clerk's account of monthly payments for support of paupers. Record for 1872-1883, 1889-1894 shows name of payee, month and year, amount paid, notations as to increase or reduction of allowance and of pauper's being dropped because of death, drunkenness, or other reasons; record for 1913-- shows name of pauper and his trustee, amount per month and date allowed, number of warrant and date issued, period covered by payment, and remarks. Arr. chron. by date of payment. 1872-83, 1889-94 no index; 1913-- indexed alph. by first letter of surname of pauper, chron. by date entered on roll thereunder. Hdw. 2 vols., 1872-83, 1889-94, 150 pp. 12 x 8 x 1; 2 vols., 1913--, 450 pp. 18 x 12 x 2. 1 vol., 1872-83, D.C. bsmt. va.; 1 vol., 1889-94, C.C. bsmt. va.; 2 vols., 1913--, C.C. off.

34. MINUTES OF SCALP BOUNTY, Sept. 26, 1912-Mar. 11, 1914. 1 vol. (1).

Clerk's record of claims paid on order of the commissioners court for scalps of predatory wild animals, showing date and to whom paid, date and place of kill, number and kind of animals, amount paid, and warrant number. Arr. chron. by date of payment. Indexed alph. by first letter of surname of payee, chron. by date of payment thereunder. Hdw. under pr. hds. 324 pp. 16 x 10 x 2. C.C. off.

35. STATEMENT BOOK, SCALP BOUNTY, Sept. 17, 1912-Mar. 6, 1916. 1 vol. Copies of statements of bounties paid by commissioners court, presented to state for payment, showing name of court, county, period covered by statement, to whom paid, date paid, separate columns for different kinds of animals and amount paid for each (lobo wolves at $5, grey or timber wolves at $5, Mexican lions at $5, tigers at $5, leopards at $5, coyote wolves at $1, wild cats at $1), total amount paid to each claimant, totals for each kind of animal, attest of county clerk, signatures of county judge and commissioners; printed note at bottom of page that clerk is not authorized to issue warrants for bounties until this statement has been signed by court. Arr. chron. by date of statement. Indexed alph. by first letter of surname of payee, chron. by date of payment thereunder. Hdw. under pr. hds. 200 pp. 16 x 10 x 2. C.C. bsmt. va.

Warrants and Receipts (See also entries 5, 7-xii, 12, 30-34, 46, 126-128, 143, 176, 196, 246, 248, 252, 297, 305, 307, 309, 329, 331, 332, 334, 335, 337, 338, 340, 361, 366, 367, 370, 376, 382, 383, 388, 392, 396, 399-viii, 402)

36. CHATTEL MORTGAGE REGISTER (Warrant Register), Mar. 1, 1929-Dec. 7, 1931. 1 vol. (37).
Clerk's register of paid county warrants, showing name of fund from which paid, date of payment, name of payee, purpose of payment, and number and amount of warrant. Arr. under fund subdivisions, chron. by date of payment thereunder. No index. Typed. 1,200 pp. 12 x 18 x 4. D.C. bsmt. va.
For canceled warrants, 1923--, see entry 38; for stubs of warrants, 1931--, see entry 37.

37. (Warrant Stubs), Nov. 7, 1931--. 32 vols.
Stubs of warrants issued by clerk against the various county funds, showing warrant number, amount of warrant, service or article for which payment is made, date of court term allowing claim, and signature of payee. Arr. numer. by warrant no. No index. Hdw. on pr. fms. Aver. 300 pp. 14 x 10 x 1. 28 vols., Nov. 7, 1931-Dec. 31, 1937, C.C. bsmt. va.; 4 vols., Jan. 1, 1938--, C.C. off.
For canceled warrants, 1923--, see entry 38; for warrant register, 1929-31, see entry 36.

38. CANCELED WARRANTS, 1923--. Est. 20,000 warrants in 46 f.b.
Original canceled warrants issued by county clerk against county funds, showing date, number, amount, and purpose of payment, and name of payee. Arr. numer. by warrant no. No index. Hdw. on pr. fms. 11 x 5 x 14. 24 f.b., 1923-32, D.C. bsmt. va.; 14 f.b., 1933-36, C.C. bsmt. va.; 8 f.b., 1937--, C.C. off.
For warrant register, 1929-31, see entry 36; for stubs of warrants, 1931--, see entry 37.

39. (TREASURER'S RECEIPTS), 1931-32. 500 receipts in 1 envelope.
Original receipts issued by treasurer to county clerk for money paid into county treasury, showing receipt number and date, name of payer, amount, source, and county fund credited. No arr. No index. Hdw. on pr. fms. 8 x 5 x $\frac{1}{4}$. C.C. bsmt. va.

Roads
(See also entries 2-xii, 8, 32, 84, 256, 380, 389, 393)

40. ROAD MINUTES COMMISSIONERS COURT, Nov. 14, 1876-Aug. 3, 1907. 2 vols. (1 unmarked, C). Title varies: Road Minutes, Nov. 14, 1876-Nov. 12, 1886, 1 vol. Aug. 24, 1846-1876, 1907-- in Commissioners Civil Minutes, entry 1.

Clerk's record of action taken by the commissioners court on road business, including appointments of juries of view, approval of reports of juries of view, orders establishing new roads, changing class of roads, changing routes of roads, orders for road surveys, petitions for new roads, and agreements on road matters; also recorded copies of deeds to road rights-of-way and of reports of road surveys. Shows term of court, date action taken, subject considered, names of interested parties, description of road, signatures of commissioners and presiding officer, and clerk's attest. Arr. chron. by court term. 1876-86, 1 vol., indexed alph. by name of road, chron. by date of action thereunder; 1879-1907, 1 vol. (C), partially indexed by name of road and also complete separate index, see entry 42. Hdw. Aver. 550 pp. 18 x 12 x 3. C.C. off.

For supplementary record of petitions for roads, orders for juries to view roads, and reports of juries of view, 1908-18, see entry 41; for original road petitions, 1862, 1873-83, 1887-93, 1895-1925, 1927, 1928, see entry 44; for original appointments of juries of view and orders establishing and changing roads, 1862, 1874, 1877-83, 1888-98, 1900-1904, 1906-16, 1918-21, 1924, see entry 46; for original road agreements and contracts, 1878, 1883, 1889, 1892, 1894, 1896, 1901, 1914, 1921, 1923, 1924, 1928, 1929, see entry 50; for original right-of-way deeds, 1931-32, see entry 84.

41. ROAD MINUTES, May 12, 1908-Feb. 23, 1918. 1 vol. Discontinued.

Clerk's record of action taken by the commissioners court on the following road matters:

i. Petitions for Roads, May 12, 1908-Feb. 23, 1918, pp. 81-109. Shows term of court, date of action on petition, number of freeholders petitioning, class of road asked for, width and description of proposed road, precinct number, date of petition, length of road, names of petitioners with precinct of residence, date petition filed and date recorded, court order on petition, and signature of presiding officer.

ii. Orders for Juries to View Roads, Aug. 13, 1908-July 1916, pp. 241-257. Shows term of court, date of action, name of principal petitioner, description of road, names of freeholders appointed as jury, orders to lay out roads and assess damages, and signature of presiding officer.

iii. Reports of Juries of View, Oct. 31, 1908-Nov. 25, 1914, pp. 402-425. Shows term of court report heard, name of principal petitioner for road, term jury appointed, date road reviewed, surveyed, and laid out, class of road recommended, description of road, amount of damages assessed, date report submitted, and names of jurors.

Arr. chron. by court term within each subdivision. Partially indexed, alph. by name of road, chron. thereunder. Hdw. and typed on pr. fms. 630 pp. 18 x 12 x 3. C.C. off.

For complete road minutes: 1846-76, 1907--, see entry 1; 1876-1907, see entry 40; for original road petitions, 1862, 1873-83, 1887-93, 1895-1925,

1927, 1928, see entry 44; for original appointments of juries of view, 1862, 1874, 1877-83, 1888-98, 1900-1904, 1906-16, 1918-21, 1924, see entry 46; for original reports of juries of view, 1846, 1874, 1877, 1878, 1880-83, 1887, 1889-97, 1899-1904, 1906-10, 1912-14, 1916, 1917, 1920, 1921, 1923, see entry 47.

42. GENERAL INDEX TO ROAD MINUTES, Aug. 24, 1846-fall term 1876, Feb. term 1879-Apr. 3, 1907. 1 vol. (1). Discontinued.

Index by name of road, to road business recorded 1846-1876 in volumes A and B of Commissioners Civil Minutes, entry 1, and Feb. term 1879-Apr. 3, 1907 in volume C of Road Minutes Commissioners Court, entry 40; one page for each road. Shows name of road, boundaries, brief abstract of order, and reference to book and page. Arr. alph. by first letter of name of road, chron. by date of action thereunder. Alph. list of roads in front of book gives page number of index for each road. Hdw. under pr. hds. 450 (100 used) pp. 18 x 12 x 2½. C.C. off.

43. COMMISSIONERS COURT ROAD DOCKET, Sept. 7, 1897-Aug. term 1908. 1 vol. (2). Discontinued. 1872-74, 1877-Aug. term 1897 in Docket Commissioners Court, entry 5.

Clerk's register of road matters set for hearing by commissioners court, showing docket number, subject of petition or claim, names of parties, and action of the court. Arr. numer. by docket no. No index. Hdw. under pr. hds. 320 (112 used) pp. 16 x 11 x 2. C.C. off.

44. (ROAD PETITIONS), 1862, 1873-83, 1887-93, 1895-1925, 1927, 1928. In Commissioners Court Papers Pending (1862, 1873-83 in f.b. 1; 1877, 1892-97 in f.b. 3; 1879, 1887-93, 1904, 1908, 1911, 1914 in f.b. 4; 1892, 1895, 1896 in f.b. 2; 1896-1905 in f.b. 5; 1906, 1906, 1909-17, 1921-23 in f.b. 7; 1916 also in f.b. 6; 1917 also in f.b. 8; 1917-25, 1927, 1928 in f.b. 9), entry 6; 1898, 1899, 1927 also in Miscellaneous Instruments, entry 171.

Original petitions relative to road matters presented to commissioners court by freeholders, asking for new roads, change of roads, change of class of roads, continuance or discontinuance of roads, repairs (to roads, culverts, ditches, cattle gaps), widening roads; for new bridges, extensions, repair; for appointments of juries of view; for elections on road bond issues and road tax levies; a few for establishment of ferries and appointment of ferrymen. Shows address to commissioners court, subject and date of petition, signatures of petitioners, and filing date.

For minutes of road petitions heard: 1846-76, 1907--, see entry 1; 1876-1907, see entry 40; 1908-18, see entry 41-i.

45. (ROAD PROTESTS), 1871-83, 1889, 1890, 1892-95, 1897-1901, 1903, 1904, 1908, 1914, 1917. In Commissioners Court Papers Pending (1871-83 in f.b. 1; 1889, 1890, 1892 in f.b. 4; 1893-95, 1897 in f.b. 3; 1895 also in f.b. 2; 1898-1901, 1903, 1904 in f.b. 5; 1908, 1914 in f.b. 7; 1917 in f.b. 9), entry 6.

Original protests presented to commissioners court by citizens, against proposed construction of new county roads, proposed routes to be traversed by new roads, changes in routes of roads or contemplated repairs to be made to existing roads or bridges, and road tax levies, showing name of county, road precinct number, address to court, date and subject of protest, signatures of petitioners, and filing date.

46. (ROAD ORDERS), 1862, 1874, 1877-83, 1888-98, 1900-1904, 1906-16, 1918-21, 1924. 1862, 1874, 1877-83, 1888-97, 1900, 1901, 1903, 1904, 1906-16, 1918-21 in Commissioners Court Papers Pending (1862, 1874, 1877-83 in f.b. 1; 1888-94, 1900, 1901, 1904, 1906-12, 1914, 1916 in f.b. 4; 1893-95, 1897 in f.b. 3; 1896, 1897 in f.b. 2; 1901, 1903 in f.b. 5; 1906, 1908, 1912-15, 1918, 1919 in f.b. 7; 1920, 1921 in f.b. 9), entry 6; 1897, 1898, 1902, 1924 in Miscellaneous Papers, entry 171.

Original commissioners court orders relative to building and maintaining public roads, authorizing establishment, change, repair, continuance and discontinuance of roads, construction of bridges and ditches, issuance of warrants for road work; appointing and directing juries to view roads and assess damages; appointing road engineers; allowing claims for road work and materials; awarding contracts for road work. Shows subject and date of order, names of interested parties, signatures of commissioners and county judge, and filing date.

47. (REPORTS OF JURIES OF VIEW), 1846, 1874, 1877, 1878, 1880-83, 1887, 1889-97, 1899-1904, 1906-10, 1912-14, 1916, 1917, 1920, 1921, 1923. 1846, 1920, 1921 in Miscellaneous Instruments, entry 171; 1874, 1877, 1878, 1880-83, 1887, 1889-97, 1899-1904, 1906-10, 1912-14, 1916, 1917, 1920, 1921, 1923 in Commissioners Court Papers Pending (1874, 1877, 1878, 1880-83 in f.b. 1; 1877, 1893-95, 1897 in f.b. 3; 1887, 1889-94, 1902-4, 1906-10, 1912-14, 1916 in f.b. 4; 1894, 1896 in f.b. 2; 1899-1904 in f.b. 5; 1908 1909, 1912, 1923 in f.b. 7; 1917, 1920, 1921 in f.b. 9), entry 6.

Original reports to commissioners court made by freeholders appointed as jurors to view roads and assess damages, showing name or number of road, class and location of road, kind of repairs or description of proposed road, amount of damages assessed and name of property owner, date of report, signatures of jurors, and filing date.

For copies of reports, 1908-14, see entry 41-iii; for approval of reports: 1846-76, 1907--, see entry 1; 1876-1907, see entry 40.

48. (ROAD FIELD NOTES AND PLATS), 1878, 1880-82, 1893, 1894, 1897, 1900, 1902, 1911-15, 1921. In Commissioners Court Papers Pending (1878, 1880-82 in f.b. 1; 1893 in f.b. 4; 1894, 1897 in f.b. 3; 1897, 1900, 1902 in f.b. 5; 1911-15, 1921 in f.b. 7; 1921 also in f.b. 9), entry 6.

Field notes and plats of roads laid out on order of the commissioners court, showing route and terminals of road, name of road, number of road precinct, markers, name of surveyor, and filing date.

49. (ROAD NOTICES TO LANDOWNERS), 1874, 1876, 1877, 1889-91, 1893, 1894, 1898, 1900, 1902-4, 1909, 1914, 1916, 1923. 1874, 1876, 1877, 1889-91, 1893, 1894, 1898, 1902-4, 1909, 1914, 1916, 1923 in Commissioners Court Papers Pending (1874, 1876, 1877 in f.b. 1; 1889-91, 1893 in f.b. 4; 1894 in f.b. 3; 1898, 1902-4 in f.b. 5; 1909, 1914, 1916, 1923 in f.b. 7), entry 6; 1900 in Miscellaneous Instruments, entry 171.

Copies of notices issued by commissioners court and served on persons owning land adjoining, or to be traversed by construction of roads or drainage ditches, showing date of notice, name of county, name of landowner, proposed

route to be followed or nature of repairs, names of persons appointed as jurors of view, date and place when jury of view will examine property, signature of county clerk; sheriff's return showing time and manner of serving notice.

50. (ROAD AGREEMENTS AND CONTRACTS), 1878, 1883, 1889, 1892, 1894, 1896, 1901, 1914, 1921, 1923, 1924, 1928, 1929. 1878, 1883, 1889, 1892, 1894, 1901, 1906, 1914, 1921 in Commissioners Court Papers Pending (1878, 1883 in f.b. 1; 1889, 1892 in f.b. 4; 1894, 1896 in f.b. 2; 1901 in f.b. 5; 1914, 1921 in f.b. 7), entry 6; 1923, 1924, 1928, 1929 in Miscellaneous Instruments, entry 171.

Original agreements and contracts between commissioners court and individuals and railroad companies relative to county roads, including agreements to establish roads and ferries, to purchase land for rights-of-way, to assess damages, to grant rights-of-way, and to move fences, showing names of contracting parties, date and terms of agreement, description of road affected, signatures of both parties, and filing date.

51. (ROAD CLAIMS), 1890, 1893, 1894, 1896, 1899-1901, 1910, 1912, 1914, 1919, 1921. In Commissioners Court Papers Pending (1890 in f.b. 4; 1893, 1894, 1896 in f.b. 2; 1899-1901 in f.b. 5; 1910, 1912, 1914 in f.b. 7; 1919, 1921 in f.b. 6), entry 6.

Original claims presented by landowners to commissioners court for damages to property caused by construction of roads or drainage ditches, showing date of claim, name of claimant, nature of damages, amount claimed, and signature of claimant.

52. (ROAD BIDS), 1891, 1896, 1913. 1891, 1896 in Commissioners Court Papers Pending (1891 in f.b. 2; 1896 in f.b. 4), entry 6; 1913 in Miscellaneous Instruments, entry 171.

Original bids presented to commissioners court by contractors and supply companies for building, grading, and repairing roads and bridges, and for supplying road materials and machinery, showing name of bidder, kind, date, and amount of bid, and filing date.

53. (ROAD SUPERVISORS' REPORTS), 1896, 1898, 1900, 1921-25. 1896 in Commissioners Court Papers Pending (f.b. 2), entry 6; 1898, 1900 in Miscellaneous Instruments, entry 171; 1921-25 in Officials Reports, entry 9.

Original monthly reports to commissioners court by road supervisors, on condition of roads, bridges, and culverts in their road precincts, showing same information as copies of commissioners' reports, see entry 54; and in addition, amount of money received, disbursed, and on hand for each precinct.

54. MINUTES COMMISSIONERS REPORTS, Apr. 13, 1914-Apr. 13, 1916. 1 vol. (1). Discontinued.

Recorded copies of monthly reports to commissioners court, made by county commissioners, on the condition of roads, bridges, and culverts in their precincts, showing date and place of report, term of court submitted, number of mileposts and finger boards torn down or defaced during month, precinct number, name of road overseers who have been neglectful of their

duties with their precinct numbers and the names of the roads on which they are working, general statement on condition of roads, bridges, and culverts, recommendations for repairs and improvements, name and title of commissioner, date report sworn to, and certificate of recordation showing filing date, recording date, and signature of county clerk. Arr. numer. by precinct no., chron. by month date of report thereunder. Indexed alph. by name of commissioner, chron. by date of report thereunder. Hdw. on pr. fms. 300 pp. 16 x 11 x 2. C.C. off.

55. RECORD ROAD OVERSEERS COMMISSIONS, Feb. term 1908. 1 vol. (1). Discontinued. 1846-1908 in Commissioners Civil Minutes, entry 1.

Clerk's record of road overseers appointed by commissioners court, showing term of court, name of overseer, date of expiration, name and number of road precinct, description of boundaries of precinct, and road hands designated. Arr. numer. by road precinct no. No index. Pp. 1-24 hdw. on pr. fms.; pp. 25-45 typed on pr. fms. 424 (45 used) pp. 18 x 12 x 3. C.C. off.

56. (ROAD OVERSEERS' REPORTS), 1878-80. 1878, 1879 in Commissioners Court Papers Pending (f.b. 1), entry 6; 1880 in Miscellaneous Instruments, entry 171.

Original reports made by road overseers to commissioners court on amount of work done on roads, showing date of report, names of roads worked on and nature of construction or repairs, names of persons assigned to road duty within road precincts, and signature of overseer.

Schools

(See also entries 29, 91, 124, 256, 357, 395-397, 399-410, 412)

57. (SCHOOL PETITIONS), 1896, 1898, 1899, 1907, 1908, 1912-14, 1918, 1920, 1921, 1925, 1926. 1896, 1898, 1907, 1908, 1912-14, 1918, 1920, 1921, 1925, 1926 in Commissioners Court Papers Pending (1896, 1898 in f.b. 2; 1907 in f.b. 4; 1908 in f.b. 7; 1912-14 in f.b. 6; 1918, 1920, 1921, 1925, 1926 in f.b. 9), entry 6; 1898, 1899 in Miscellaneous Instruments, entry 171.

Original petitions for establishment of school districts, for sale of school property, for surveys of school districts, to change boundary lines of school districts, for school bond elections. Show address to court, subject of petition, name and number of district affected, date petition drawn, signatures of petitioners, and filing date.

58. (SCHOOL DISTRICT FIELD NOTES AND PLATS), 1916-18. In Commissioners Court Papers Pending (1916, 1917 in f.b. 6; 1917, 1918 in f.b. 8), entry 6.

Field notes and plats of common and independent school districts, showing name, number, and boundaries of district, name of surveyor, and filing date.

For record of field notes of common school districts, 1912-22, see entry 398; for map of common and independent districts, see entry 350.

Elections
(See also entries 370, 371, 373)

59. RECORD OF ELECTION PRECINCTS, Aug. 13, 1903-Aug. 22, 1922. 1 vol. (1). Oct. 12, 1846-Aug. 13, 1903, Aug. 13, 1928-- in Commissioners Civil Minutes, entry 1. No record missing; no changes in precincts, 1923-27.
Clerk's record of proceedings of commissioners court in defining and designating election precincts, showing place of meeting, term of court, names and official titles of members present, date of action, number and name of precinct, metes and bounds of precinct, and building where elections are to be held in precinct. Arr. chron. by court term, numer. by precinct no. thereunder. Indexed alph. by first letter of name of precinct, chron. by date of establishment thereunder. 1903-4 hdw. on pr. fms.; 1905-22 typed on pr. fms. 456 (118 used) pp. 18 x 12 x 3. C.C. off.

60. (PETITIONS FOR ELECTION PRECINCTS), 1879, 1919. In Commissioners Court Papers Pending (1879 in f.b. 1; 1919 in f.b 9), entry 6.
Original petitions to commissioners court for establishment of new election precincts, showing subject of petition, signatures of petitioners, and filing date.

61. RECORD OF ELECTION JUDGES, Feb. 8, 1904--. 1 vol. (1). Oct. 12, 1846-1903 in Commissioners Civil Minutes, entry 1.
Clerk's record of proceedings of commissioners court in appointing judges to preside over elections held in each voting precinct of the county, showing court term, place of meeting, names and official titles of members present, date of action, name of appointee, tenure of office, and name and number of precinct. Arr. chron. by court term, numer. by precinct no. thereunder. Indexed alph. by first letter of surname of appointee, chron. by date of appointment thereunder, showing precinct for which appointed. Hdw. on pr. fms. 225 pp. 16 x 11 x 3. C.C. off.

62. COMMISSIONS OF ELECTION JUDGES, July 19, 1931--. 500 commissions in 1 f.b. 1908, 1910-15, 1917-19 in Commissioners Court Papers Pending (1908, 1910-15 in f.b. 6; 1917-19 in f.b. 8), entry 6.
Copies of commissions issued to election judges by commissioners court, showing election precinct, places in which elections are to be held in the precinct, term of court, names of presiding judge and election judges, precinct number, term of office, description of election precinct, name of designated community, clerk's attest, and sheriff's return showing date of service. Arr. chron. by date issued. No index. Typed on pr. fms. 11 x 5 x 14. C.C. off.

63. (PETITIONS FOR ELECTION SUPPLIES), 1879, 1894, 1908, 1926. In Commissioners Court Papers Pending (1879 in f.b. 1; 1894 in f.b. 3 and 4; 1908 in f.b. 6; 1926 in f.b. 9), entry 6.
Original petitions to commissioners court by election judges, for ballot boxes, booths, and guard rails to be used in elections, showing address to court, name and number of election precinct, place of holding election, kind of election, supplies needed, signature of election judge, and filing date.

64. RECORD OFFICIAL BALLOTS, Nov. 8, 1904. 1 vol. Discontinued. Clerk's record of ballots delivered to election judges for the general election held Nov. 8, 1904, in each of the 33 voting precincts of the county, showing name of presiding judge, precinct number, total number of ballots delivered to judge, and classification of ballots returned (number mutilated or defaced, not given to voters, given to voters and returned unused, defectively printed, and voted). Arr. numer. by precinct no. No index. Hdw. on pr. fms. 450 (30 used) pp. 15 x 10 x 2. C.C. bsmt. va.

65. ALPHABETICAL LIST POLL TAX PAYERS, 1933-38. 72 lists. Lists of certified voters, delivered to election precinct judges by the county clerk and returned to him after the election, showing precinct number, poll tax receipt number, name of voter and address, occupation, race, age, citizenship, and length of residence in county and state. Arr. numer. by precinct no.; each list alph. by name of voter. No index. Typed on pr. fms. 10 x 17 x 2. 1933-36, C.C. bsmt. va.; 1937-38, C.C. off.

For assessor-collector's lists of qualified voters, 1934-37, see entry 372; for register of voters under Reconstruction, 1867-73, see entry 262.

66. (PETITIONS FOR ELECTIONS), 1877, 1883, 1894-96, 1898-1902, 1904, 1907-22, 1924. 1877, 1883, 1894-96, 1900-1902, 1904, 1907-22, 1924 in Commissioners Court Papers Pending (1877, 1883 in f.b. 1; 1877, 1896 in f.b. 2; 1894 in f.b. 3; 1895, 1900-1902, 1904, 1907-17 in f.b. 6; 1900, 1902, 1904 also in f.b. 7; 1917-22, 1924 in f.b. 8; 1919, 1920 in f.b. 9), entry 6; 1898, 1899 in Miscellaneous Instruments, entry 171.

Original petitions to commissioners court by voters, asking for special elections to determine stock law, local option, prohibition of pool halls, bond issues, and tax levies, showing address to court, subject of petition, signatures of petitioners, and filing date.

67. (ELECTION ORDERS), 1883, 1897, 1904, 1909, 1911-14, 1916-24, 1934. In Commissioners Court Papers Pending (1883 in f.b. 1; 1897 in f.b. 2; 1904, 1909, 1911-14, 1916-18, 1924, 1934 in f.b. 6; 1911, 1917-24 in f.b. 8; 1924 also in f.b. 9), entry 6.

Commissioners' orders for elections on special issues, including adoption of stock law, prohibition of pool halls, tax levies, and bond issues, showing date and subject of order, date set for election, signatures of commissioners and presiding officer, and filing date.

68. (ELECTION NOTICES), 1902, 1904, 1906, 1910-18, 1920-24, 1928, 1930, 1933. 1902, 1904, 1906, 1910-18, 1920-24, 1928, 1930 in Commissioners Court Papers Pending (1902, 1904, 1906, 1910-17, 1924, 1928 in f.b. 6; 1916 also in f.b. 7; 1917, 1918, 1920-24, 1930 in f.b. 8), entry 6; 1933 in Miscellaneous Instruments, entry 171.

Copies of election notices posted by sheriff on order of commissioners court, showing date and place of election, kind of election, number of election precinct, purpose of election, and signature of county judge; sheriff's return certifying that he has posted notice; usually accompanied by printed notice published in newspaper and publisher's affidavit to publication.

69. (ELECTION RETURNS), 1901-3, 1906-10, 1912-21, 1924, 1926, 1930, 1932-34. 1901-3, 1906-10, 1912-21 in Commissioners Court Papers Pending (1901-3, 1906-10, 1912-17 in f.b. 6; 1917-19, 1921 in f.b. 8; 1920 in f.b. 9), entry 6; 1924, 1926, 1930, 1932-34, in Miscellaneous Instruments, entry 171.
Returns of general and special elections, submitted to commissioners court by election judges, showing precinct number, number of votes cast for each candidate or issue, and name of candidate or issue receiving majority; sometimes accompanied by poll and tally lists.

70. (SPECIAL ELECTION RETURNS), 1936. 36 envelopes.
Returns of special election held March 28, 1936, for one state senator for district 19, submitted by election judges to commissioners court, showing number of votes cast for each candidate by precincts, and name of candidate receiving majority vote. One envelope for each precinct; no arr. of envelopes in file box. No index. Hdw. on pr. fms. 12 x 10 x $\frac{1}{4}$. C.C. bsmt. va.

71. RECORD OF ELECTION RETURNS, Nov. 2, 1880--. 4 vols. (1, 1 unmarked, 2,3).
Official tabulation of results of general and special elections, made by commissioners court, showing name and number of election precinct, date and kind of election, name of candidate or statement of special issue, number of votes cast in each precinct for each official or issue, total number of votes cast, and name of candidate or issue receiving majority vote. Arr. chron. by date of election, by title of office in order of rank, or special issue thereunder. No index. 1880-91 hdw., 1892-- hdw. under pr. hds. 200 pp. 14 x 12 x 1. 1 vol. (1), Nov. 2, 1880-Sept. 11, 1891, C.C. bsmt. va.; 3 vols. (1 unmarked, 2,3), Nov. 8, 1892--, C.C. off.

72. GENERAL ELECTION RETURNS, Nov. 15, 1924, Nov. 13, 1926, Aug. 23, 1937. 35 papers in 1 f.b.
Duplicates of general election returns made by county judge to secretary of state, showing date of election, total number of votes polled, titles of offices, candidates for each, and total number of votes received by each candidate, and signature of county judge. Arr. chron. by date of election. No index. Hdw. on pr. fms. 11 x 5 x 14. C.C. off.

73. (CERTIFICATES OF ELECTION), 1912, 1925-28, 1932. 1912, 1925, 1926, 1928, 1932 in Miscellaneous Instruments, entry 171. 1927 in Commissioners Court Papers Pending (f.b. 9), entry 6.
Copies of official proclamations by county judge to elected county officials, authorizing them to assume official duties until such time as their commissions issue, showing state and county, date of election, name of official, total number of votes received by candidate, title of office, date and place of certification, and signature of county judge.

74. STATEMENT OF CANDIDATES CAMPAIGN EXPENSES, Nov. 1936--. 72 papers in 2 bundles. 1908 in Commissioners Court Papers Pending (f.b. 6), entry 6; 1924, 1926, 1928, 1930, 1932, in Miscellaneous Instruments, entry 171.
Original statements of campaign expenses, made by county and precinct candidates to county judge, showing amounts spent for refreshments, meals,

traveling, and other expenses, amounts received by candidate from contributions, and signature of candidate. No arr. No index. Hdw. and typed. 4 x 10 x 2. C.J. off., desk drawer.

Miscellaneous

75. (BUTCHERS' REPORTS OF ANIMALS SLAUGHTERED), 1880, 1881, 1887-1905, 1908, 1919. 1880, 1881, 1896-1901, 1919 in Commissioners Court Papers Pending (1880, 1881 in f.b. 1; 1896, 1898 in f.b. 2; 1897-99 in f.b. 3; 1919 in f.b. 9), entry 6; 1887-97, 1899-1905 in Officials Reports, entry 9; 1898-1901, 1908 in Miscellaneous Instruments, entry 171.

Original reports to commissioners court by butchers, of animals slaughtered, showing number and kind of animals slaughtered, marks and brands, from whom and date purchased, date of report, signature of butcher, and filing date; sometimes accompanied by copies of bills of sale to the animals.

For register of butchers, 1907-29, see entry 144; for recorded copies of bills of sale, see entries 85-viii, 172.

76. (PETITIONS FOR APPOINTMENT OF COUNTY OFFICIALS AND DEPUTIES), 1879, 1893, 1896, 1897, 1918-25, 1928, 1929. 1879, 1893, 1896, 1897, 1918-25, 1928 in Commissioners Court Papers Pending (1879 in f.b. 1; 1893 in f.b. 4; 1896 in f.b. 2; 1897 in f.b. 3; 1918-25, 1928 in f.b. 9; 1921 in f.b. 5), entry 6; 1929 in Miscellaneous Instruments, entry 171.

Petitions to commissioners court by persons wishing appointment as constable, traffic officer, motor cop, public weigher, health officer, cattle inspector; by officials wishing appointment of deputies to assist them; a few by voters for appointment of constables and justices in their precincts. Shows address to court, subject of petition, signature of petitioner, and filing date.

77. (RESIGNATIONS OF COUNTY OFFICIALS AND DEPUTIES), 1889, 1896, 1897, 1919, 1920, 1923, 1924. In Commissioners Court Papers Pending (1889 in f.b. 4; 1897 in f.b. 2 and 3; 1919, 1920, 1923, 1924 in f.b. 9), entry 6.

Officials' and deputies' resignations, showing address to commissioners court, name and title of official, reason for resignation, date he wishes resignation to become effective, signature of official or deputy, and filing date.

78. CONVICT BOND RECORD, Dec. 1, 1889-July 18, 1930. 4 vols. (1-4). Title varies: Record of Convict Labor, Dec. 1, 1889-Dec. 24, 1897, Oct. 28, 1911, 1 vol. (1). Discontinued; law allowing convict hire repealed.

Clerk's record of proceedings of the commissioners court in the employment at manual labor and the hiring of county convicts convicted of misdemeanors and committed to jail in default of the payment of fines and costs, upon public works in the county, and to an individual, firm, or corporation, with provisions for credits; includes record

of bonds given by individuals, firms, or corporations entering into contracts with the county for the hire of convicts. Shows case number, name and description of convict, by what court convicted, amount of fine and costs, names of witnesses, total amount claimed by county, date and amount of bond, name of employer, names of bondsmen, amount due county per month, date and amount of payment, amount paid treasurer, and date scrip issued and to what official. Arr. chron. by date of employer's bond. 1889-Nov. 11, 1904, Oct. 28, 1911, 2 vols. (1,2) no index; Nov. 11, 1904-July 18, 1930, 2 vols. (3,4) indexed alph. by first letter of surname of convict, chron. thereunder. Hdw. on pr. fms. 1 vol. (1), Dec. 1, 1889-Dec. 24, 1897, Oct. 28, 1911, D.C. bsmt. va.; 2 vols. (2,3), Feb. 1, 1898-Sept. 12, 1909, C.C. bsmt. va.; 1 vol. (4), Sept. 12, 1909-July 18, 1930, C.C. off.

For original bonds executed by employers of convicts, 1888-1930, see entry 79.

79. COUNTY CONVICT BOND, Apr. 12, 1888-Mar. 15, 1930. 200 bonds in 1 f.b.

Original bonds executed in favor of the county judge by persons hiring county convict labor through the commissioners court, showing place of execution, names of principal and sureties on bond, name of county judge, amount of bond, name of convict, amount of weekly or monthly payment, date of execution, signatures of principal and sureties and county judge, and filing date. No arr. No index. Hdw. and typed on pr. fms. 11 x 5 x 14. C.C. bsmt. va.

For record of bonds executed by employers of convicts, 1889-1930, see entry 78.

(Next entry, 80, p. 159)

II. COUNTY CLERK AS RECORDER

The first law creating the office of clerk of the county court was passed by the Congress of the Republic of Texas in the latter part of 1836.[1] The Constitution of 1869 abolished the office and transferred the duties to the clerk of the district court in each county.[2] In 1876 the office was again created, with a provision allowing it to be combined with the office of district clerk in any county having less than 8,000 population,[3] but this combination was not made in Guadalupe County.

Throughout the history of the office, the clerk of the county court has been an elective official.[4] Vacancies were filled, under the Republic, by a clerk pro-tem appointed by the chief justice.[5] A later law provided for the filling of vacancies by appointment of the county court if the unexpired term were less than one year, otherwise by a called election.[6] Now vacancies are filled by appointment of the commissioners court.[7]

The term of office of the clerk of the county court was set at four years under the Republic.[8] When Texas became a state, the clerk's term was set at two years[9] and remained two years until 1866, when it was again set at four years.[10] The Constitution of 1876 changed it back to two years.[11]

While there have never been any detailed qualifications prescribed for the office of county clerk, there have always been requirements of residence and of bond. Under the Republic the clerk had to be a citizen;[12] since then the requirements of state and county residence have been added.[13] The law creating the office of the clerk of the county court provided for a $5,000 bond payable to the President of the Republic and his successors in office,[14] and the constitution required an oath of all civil officers.[15] When Texas became a state, the bond was set at a minimum of $2,000, was made payable to the governor, and had to be endorsed with the oath of office.[16] With the re-creation of the office under the present constitution, a $10,000 maximum was placed on the amount of the bond.[17]

From the first creation of the office, the clerk was compensated by fees of office allowed by law.[18] The maximum amount of fees that could

1. 1836, Gammel, Laws, I, 1210.
2. 1869, ibid., VII, 412; 1870, ibid., VI, 222.
3. Const., 1876, Art. V, sec. 20.
4. 1836, Gammel, Laws, I, 1210; 1846, ibid., II, 1640; 1866, ibid., V, 869; Const., 1876, Art. V, sec. 20.
5. 1836, Gammel, Laws, I, 1210.
6. 1846, ibid., II, 1640.
7. Const., 1876, Art. V, sec. 20.
8. 1836, Gammel, Laws, I, 1210.
9. 1846, ibid., II, 1640.
10. 1866, ibid., V, 869.
11. Const., 1876, Art. V, sec. 20.
12. 1836, Gammel, Laws, I, 1077.
13. 1845, ibid., II, 1293; 1861, ibid., V, 19, 875; 1869, ibid., VII, 422; Const., 1876, Art. XVI, sec. 14.
14. 1836, Gammel, Laws, I, 1075.
15. Ibid., 1210.
16. 1846, ibid., II, 1640.
17. 1876, ibid., VIII, 846.
18. 1836, ibid., I, 1045, 1210-1216; 1866, ibid., V, 869; Const., 1876, Art. V, sec. 20.

be retained was set at $2,000 [19] and was later amended to $2,250. [20] At the present time the clerk of Guadalupe County is paid on a salary basis, the amount being determined annually by the commissioners court.[21]

Under the Republic the clerk could be removed from office for neglect of duty or misconduct in office on indictment by a grand jury and conviction by a petit jury,[22] or under the constitutional provision authorizing the removal of all civil officers by impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.[23] Removal by judicial proceedings in the district court was provided when Texas became a state.[24] By a law of 1869 the clerk could be removed from office by the governor upon a two-thirds vote of the legislature requesting his removal.[25] The present constitution provides for the removal of the clerk by the district judge, upon a trial by jury, for incompetence, official misconduct, habitual drunkenness, or other causes defined by law.[26]

Public records maintained by the county clerk as recorder may be grouped under seven general classifications: real and personal property records; vital statistics; business and professional records; military service records; records of fees and expenses for administration of his office; official oaths, bonds, and deputations; and various miscellaneous records not falling logically under any of the above heads.

It is the duty of the county clerk to register documents dealing with real and personal property, such as conveyances, leases, maps and plats, mortgages, judgments and liens, records dealing with livestock and poultry, and certain tax records. The first law naming the clerk of the county court the recorder of his county gave him the duty of recording all deeds, conveyances, mortgages, and other liens, and all other instruments of writing required by law to be recorded upon presentation.[27] A law of January 1839 gave the county clerk permission to record certified copies of land records when the originals were in public archives elsewhere,[28] and in the same year he was required to record all public school land surveys made in his county.[29] A traveling board of land commissioners was created in January 1840 to detect fraudulent land certificates and to issue valid certificates, and the county clerks were instructed to serve as clerks of this board while it was at work in their respective counties.[30] A state law required the county clerk to record all deeds of trust, bonds, covenants, mortgages, defeasances, and other instruments of writing concerning any lands and tenements, and to index and keep a file register of all land records.[31] At the turn of the century the commissioner of the general land

19. 1897, Gammel, Laws, X, 1449, 1483.
20. 1913, 33rd Legis., 247; Com. Civ. Min., G, 1-13.
21. 1933, 44th Legis., 2nd C.S., 1762, 1769.
22. 1836, Gammel, Laws, I, 1210.
23. Ibid., 1077.
24. 1846, ibid., II, 1641.
25. 1869, ibid., VII, 426.
26. Const., 1876, Art. V, sec. 24.
27. 1836, Gammel, Laws, I, 1215.
28. 1839, ibid., II, 52.
29. Ibid., 135.
30. 1840, ibid., 313-316.
31. 1846, ibid., 1542, 1545, 1546.

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office was required to prepare and transmit to each county clerk a list, of all school lands remaining unsold in the county, with its classification and valuation. The clerk was authorized to receive and file applications, with oaths and obligations, of any prospective purchaser; he entered the information on his record of unsold school lands, and received the first payment for such lands.[32] A later law required him to keep this record of unsold school lands up to date as changes were sent to him by the commissioner of the general land office.[33]

Since 1846 the clerk has recorded all judgments and abstracts of judgments presented for recordation.[34] As early as 1839 he recorded construction contracts between the persons for whom the buildings were to be constructed and the master builders and mechanics.[35]

The first estray law made it the duty of the clerk to keep a record of estrays taken up, together with their appraised value and bonds made to cover possible damage or loss. From this record he made and posted lists of estrays, and in it he recorded the final disposition of them.[36] In 1846 the state required the clerk to record any instrument of writing concerning any goods and chattels or movable property of any description.[37] All marks and brands used by livestock owners, who desired to register the same, were recorded in a book kept for that purpose.[38]

Under the Republic the clerk compiled and posted a list of taxpayers and gave a duplicate to the sheriff. In newly organized counties he obtained a list of taxpayers and delinquent taxpayers from the clerk of the county or counties from which the new county was taken.[39] In 1876 a state law required the county clerk to file a list of all real estate sold for taxes.[40] In the same year a law was passed requiring him to file copies of the tax collector's quarterly reports, to certify to their correctness, and to file copies of the collector's delinquent tax reports.[41] Later he was authorized to record tax receipts in a special book.[42] Since 1931 he has been required to compile and forward to the state auditor a tax report covering all units of local government within the county, giving current tax collections, delinquent taxes, sinking funds on hand, and total indebtedness.[43]

Vital statistics records are under the jurisdiction of the county clerk. The first law regulating marriages made it the clerk's duty to issue the marriage license, pass on the eligibility of the parties, and record the return of the license certifying that the marriage had been solemnized in accordance with law.[44] He was later required to record all marriage contracts and to index them.[45] The first registration of births by a county

32. 1901, 27th Legis., 292-297.
33. 1905, 29th Legis., 159-167.
34. 1846, Gammel, Laws, II, 1543.
35. 1839, ibid., 67.
36. 1836, ibid., I, 1272.
37. 1846, ibid., II, 1542.
38. 1848, ibid., III, 156.
39. 1838, ibid., I, 1513, 1514.
40. 1876, ibid., VIII, 1049.
41. Ibid., 1096.
42. 1915, 34th Legis., 137.
43. 1931, 42nd Legis., 500.
44. 1837, Gammel, Laws, I, 1294.
45. 1846, ibid., II, 1542-1547.

official was performed during the Reconstruction period by the clerk of the district court as recorder,[46] but this provision was not included in the statutory revision of 1879 and was therefore repealed. The vital statistics law of 1903 made the county clerk the local registrar for births and deaths for all areas of the county outside the limits of incorporated cities.[47] In 1927 the vital statistics law was thoroughly amended and the county clerk was relieved of all duties thereunder.[48] An amendment of two years later, however, required the local registrars to deposit copies of all birth and death certificates with the county clerk for filing and indexing.[49]

The county clerk was given the duty of issuing business licenses required by law and of collecting the governmental duties incident thereto.[50] After Texas became a state he was authorized to record all powers of attorney and index these records and the contract records.[51] Additional duties imposed on the clerk by the passage of acts regulating businesses include: issuing public warehousemen's[52] and cotton ginners'[53] certificates and receiving their bonds; reporting to the commissioner of agriculture the name and address of, and the number of bales of cotton ginned by each ginner;[54] issuing licenses to dealers of non-intoxicating malt liquors and to solicitors of intoxicating liquors in local option district where sales were prohibited;[55] recording the bonds and registering the names of attorneys of all loan brokers doing business in the county;[56] and filing certified copies of the constitution and bylaws of any farmers' cooperative society incorporated in the county.[57] As the licensing of various professions was provided for by law, the clerk was given the duty of registering the licenses issued in his county.[58]

Following the World War the clerk was required to keep a record of the discharges of citizens of his county from the army and navy.[59]

In addition to the foregoing duties the county clerk is required to file and record official bonds and to index them;[60] to issue hunting licenses, keeping the stubs for record;[61] and to act as custodian of the records of the surveyor's office when that office is vacant.[62]

46. 1873, Gammel, Laws VII, 515.
47. 1903, 28th Legis., 220.
48. 1927, 40th Legis., 1st C.S., 116.
49. 1929, 41st Legis., 1st C.S., 8.
50. 1837, Gammel, Laws, I, 1294; 1839, ibid., II, 189-196; 1840, ibid., 273.
51. 1846, ibid., II, 1542-1547.
52. 1901, 27th Legis., 251.
53. 1907, 30th Legis., 313.
54. Ibid.
55. 1909, 31st Legis., 51-55.
56. 1915, 34th Legis., 48-50.
57. 1917, 35th Legis., 432-435.
58. Dentists, 1889, Gammel, Laws, IX, 1119; embalmers, 1903, 28th Legis., 125; optometrists, 1921, 37th Legis., 1st C.S., 162; nurses, 1923, 38th Legis., 416.
59. 1919, 36th Legis., 154.
60. 1846, Gammel, Laws, II, 1542-1547.
61. 1909, 31st Legis., 456.
62. 1866, Gammel, Laws, V, 949.

(Next entry, 80, p. 159) County Clerk as Recorder

Since 1836 the clerk's office expenses have been paid by the county.[63] Since 1846 the clerk has been allowed to appoint deputies as clerical assistants.[64]

Records of the clerk as recorder are open to public inspection at all reasonable times, and copies may be made.[65] The clerk is authorized to give attested copies of papers recorded in his office.[66]

There follows a list of records required of the county clerk as recorder, grouped by subject and arranged chronologically thereunder by the date the law was approved.

Real and Personal Property

File Registers

Register of Instruments Filed for Record, Gammel, Laws, II, 1545, May 12, 1846.

Conveyances, Leases, Plats

Deed Record, Gammel, Laws, I, 1215, Dec. 20, 1836.
Married Woman's Contract Reserving Property, Gammel, Laws, II, 179, Jan. 20, 1840. (To be recorded)
Writ of Partition of Land, Gammel, Laws, II, 329, Feb. 5, 1840. (To be recorded)
Bills of Sale, Gammel, Laws, II, 328, Feb. 5, 1840. (To be recorded)
Index to Bills of Sale, Gammel, Laws, II, 1546, May 12, 1846.
Index to Deed Record, Gammel, Laws, II, 1546, May 12, 1846.
Bonds Relating to Title to Land, Gammel, Laws, II, 1542, May 12, 1846. (To be recorded)
Tax Assessor-Collector's Deed to Property Sold for Taxes, Gammel, Laws, II, 1659, May 13, 1846. (To be recorded)
Town Book of Seguin (declared book of record by special law for Guadalupe County), Gammel, Laws, III, 968, Feb. 11, 1852.
Certificate Specifying Lines and Grades of Projected Railroad, Gammel, Laws, III, 1344, Feb. 7, 1853. (To be filed)
Map and Profile of Railroad Right-of-way, Gammel, Laws, III, 1344, Feb. 7, 1853. (To be filed)
Incorporation of Town, Gammel, Laws, IV, 941, Jan. 27, 1858. (To be recorded in deed record)
Cemetery Plat and Survey, Gammel, Laws, VII, 82, Dec. 2, 1871. (To be recorded)
Designation of Center of County, Gammel, Laws, VIII, 1385, July 23, 1876. (To be recorded in deed record)
Abstracts of Lost Land Records, Gammel, Laws, VIII, 970, Aug. 12, 1876. (To be recorded)

63. 1836, Gammel, Laws, I, 1208-1216.
64. 1846, ibid., II, 1641.
65. 1905, 29th Legis., 114, 115.
66. 1846, Gammel, Laws, II, 1542.

Commissioners Court's Reports of Public Lands Enclosed for Private Pasturage, Gammel, Laws, 1401, Apr. 17, 1879. (To be recorded)
Designation of Homestead, RCS, 1879, Arts. 2345, 2354, Sept. 1, 1879. (To be recorded in deed record)
Record of Land Commissioner's Valuation of Public Lands Offered for Sale, Gammel, Laws, IX, 882, Apr. 1, 1887.
Leases of Public Lands, Gammel, Laws, IX, 886, Apr. 1, 1887. (To be filed)
Owner's Notice of Posting Land, Gammel, Laws, X, 518, May 1, 1893. (To be filed)
Field Notes of Boundaries of Incorporated Town, Gammel, Laws, X, 606, May 8, 1893. (To be recorded in deed record)
Land Commissioner's Notice of Sale of Public Land, 29th Legis., 159, Apr. 15, 1905. (To be recorded in record of valuation of public land)
Land Commissioner's Certificate of Occupancy of Public Land, 30th Legis., 1st C.S., 496, May 16, 1907. (To be recorded)
Permit from State Board of Water Engineers for Appropriation of Water, 33rd Legis., 367, Apr. 9, 1913. (To be recorded)
Order by State Board of Water Engineers Revoking Water Permit, 33rd Legis., Apr. 9, 1913. (To be recorded)
Application to Prospect for Oil and Gas on Public Land, 33rd Legis., 410, Apr. 9, 1913. (To be recorded)
Application to Prospect for Coal and Lignite on Public Land, 33rd Legis., 410, Apr. 9, 1913. (To be recorded)
Transfer of Interest in Permit to Contract for Oil and Gas, 33rd Legis., 412, Apr. 9, 1913. (To be recorded)
Copy of Notice of Location of Minerals, except Oil, Gas, Coal, and Lignite on Public Land, 33rd Legis., 415, Apr. 9, 1913. (To be filed)
Affidavit to Required Work on Mineral Claim on Public Land, 33rd Legis., 416, Apr. 9, 1913. (To be filed)
Copy of Order Canceling Subdivision, 36th Legis., 160, Mar. 20, 1919. (To be recorded in deed record)
Relinquishment of Oil and Gas Lease on Public Land to the State, 36th Legis., 2nd C.S., 54, July 23, 1919. (To be recorded)
Transfer of Oil and Gas Lease on Public Land, 36th Legis., 2nd C.S., 54, July 23, 1919. (To be recorded)
Record of Alien-owned Land, 37th Legis., 263, Apr. 1, 1921.
Land Commissioner's List of Public Land Forfeitures, 39th Legis., 1st C.S., 44, Oct. 27, 1926. (To be filed)
Plat of Subdivision, 40th Legis., 343, Mar. 14, 1927. (To be recorded)
Instrument Vacating Plat of Subdivision, 40th Legis., 344, Mar. 14, 1927. (To be recorded)
Affidavit of Subdivider that Subdivision is not within 5 Miles of Incorporated Town, 40th Legis., 344, Mar. 14, 1927. (To be filed)
Incorporation of Common School District, 40th Legis., 354, Mar. 30, 1927. (To be recorded in deed record)
Certificate of Dedication of Cemetery Property, 43rd Legis., 2nd C.S., 151, Mar. 15, 1934. (To be filed)
Declaration of Intention to Use Property for Cemetery Purposes, 43rd Legis., 2nd C.S., 151, Mar. 15, 1934. (To be recorded)
Plat of Crematory and Columbarium, 43rd Legis., 2nd C.S., 151, Mar. 15, 1934. (To be filed)

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Mortgages

Mortgage Record, Gammel, Laws, I, 1215, Dec. 20, 1836.
Chattel Mortgage Record, Gammel, Laws, II, 1542, May 12, 1846.
Index to Chattel Mortgage Record, Gammel, Laws, II, 1546, May 12, 1846.
Deeds of Trust, Gammel, Laws, II, 1542, May 12, 1846. (To be recorded)
Index to Mortgage Record, Gammel, Laws, II, 1546, May 12, 1846.
Chattel Mortgages, Gammel, Laws, VIII, 1434, Apr. 22, 1879. (To be filed)
Chattel Mortgage Register, Gammel, Laws, VIII, 1434, Apr. 22, 1879.
Index to Chattel Mortgage Register, Gammel, Laws, VIII, 1434, Apr.22,1879.
Affidavit of Unpaid Debt on Chattel Mortgage, 30th Legis., 273, Apr. 18, 1907. (To be filed)
Chattel Mortgage Record on Realty, 35th Legis., 362, Mar. 30, 1917.
Agreement Extending Deed of Trust or Mortgage, 42nd Legis., 231, May 18, 1931. (To be filed)
Agreement Extending Deed of Trust or Mortgage, 42nd Legis., 231, May 18, 1931. (To be recorded)

Judgments and Liens

Builder's and Mechanic's Contracts, Gammel, Laws, II, 67, Jan. 23, 1839. (To be recorded)
Judgments and Abstracts of Judgment, Gammel, Laws, II, 1543, May 12, 1846. (To be recorded)
Index to Judgments, Gammel, Laws, II, 1546, May 12, 1846.
Judgments, Gammel, Laws, IV, 1479, Feb. 14, 1860. (To be filed)
Preservation of Lien, Gammel, Laws, IV, 1481, Feb. 14, 1860. (To be recorded)
Landlord's Lien, Gammel, Laws, V, 982, Oct. 27, 1866. (To be recorded)
Index to Laborer's Contract Record, Gammel, Laws, V, 995, Nov. 1, 1866.
Boardinghouse Keeper's Lien, Gammel, Laws, VIII, 202, May 2, 1874. (To be recorded)
Livery Stable Owner's Lien, Gammel, Laws, VIII, 202, May 2, 1874. (To be recorded)
Mechanic's and Builder's Contracts, Gammel, Laws, VIII, 927, Aug. 7, 1876. (To be filed)
Railroad Laborer's Lien, Gammel, Laws, VIII, 1308, Feb. 18, 1879. (To be recorded)
Rental Lien, Gammel, Laws, VIII, 1428, Apr. 22, 1879. (To be recorded)
Mechanic's and Materialman's Accounts, Gammel, Laws, IX, 684, Mar. 28, 1885. (To be filed)
Mechanic's and Materialman's Accounts, Gammel, Laws, IX, 684, Mar. 28, 1885. (To be recorded)
Livestock Progeny Lien Record, Gammel, Laws, IX, 1143, Apr. 3, 1889.
Mechanic's, Contractor's, and Materialman's Relinquishment of Lien, Gammel, Laws, IX, 1142, Apr. 5, 1889. (To be recorded)
Irrigation Lien on Crops, Gammel, Laws, X, 477, Mar. 29, 1893. (To be recorded)
Pasturage Lien, Gammel, Laws, X, 826, Apr. 29, 1895. (To be recorded)
Warehouseman's Lien, 27th Legis., 253, Apr. 15, 1901. (To be recorded)
Lis Pendens Record, 29th Legis., 316, Apr. 15, 1905.
Judgment of Heirship, 30th Legis., 232, Apr. 17, 1907. (To be filed)
Judgment of Heirship, 30th Legis., 232, Apr. 17, 1907. (To be recorded) in deed record)

Homestead Liens, 35th Legis., 383, Mar. 21, 1917. (To be recorded)
Record of Statement to Fix Rental Lien, 36th Legis., 170, Mar. 24, 1919.
Index to Rental Lien Record, 36th Legis., 170, Mar. 24, 1919.
Federal Tax Liens, 38th Legis., 18, Jan. 30, 1923. (To be filed)
Federal Tax Lien Record, 38th Legis., 18, Jan. 30, 1923.
Index to Federal Liens, 38th Legis., 18, Jan. 30, 1923.
Certificate of Release of Federal Tax Lien, 38th Legis., 18, Jan. 30, 1923. (To be filed)
Certificate of Release of Federal Tax Lien, 38th Legis., 18, Jan. 30, 1923. (To be recorded)
Lis Pendens Notice, 40th Legis., 83, Feb. 24, 1927. (To be filed)
Laborer's and Materialman's Claims against Contractor, Public Works, 40th Legis., 1st C. S., 114, June 7, 1927. (To be filed)
Officer's Statement to Fix Lien on Livestock Dipped, 41st Legis., 1st C.S., 142, May 22, 1929. (To be filed)
Agreement Extending Vendor's Lien, 42nd Legis., 231, May 18, 1931. (To be recorded)
Agreement Extending Vendor's Lien, 42nd Legis., 231, May 18, 1931. (To be filed)
Hospital Lien Docket, 43rd Legis., 183, Apr. 19, 1933.
Hospital's Notice of Lien Claim, 43rd Legis., 183, Apr. 19, 1933. (To be filed)
Hospital's Notice of Lien Claim, 43rd Legis., 183, Apr. 19, 1933. (To be recorded)
Certificate of Release of Hospital Lien, 43rd Legis., 184, Apr. 19, 1933. (To be filed and noted on hospital lien docket)
Certificate of Transfer of County or State Tax Lien, 43rd Legis., 1st C.S., 272, Oct. 26, 1933. (To be filed)
Certificate of Transfer of County or State Tax Lien, 43rd Legis., 1st C.S., 272, Oct. 26, 1933. (To be reccrded in deed record)

Livestock

Estray Record, Gammel, Laws, I, 1274, Dec. 22, 1836.
Certificate of Ownership of Estray, Gammel, Laws, I, 1274, Dec. 22, 1836. (To be filed)
Affidavit of Taker-up of Estray, Gammel, Laws, I, 1274, Dec. 22, 1836. (To be recorded in estray record)
Bond of Taker-up of Estray, Gammel, Laws, I, 1272, Dec. 22, 1836. (To be recorded in estray record)
Certificate of Appraisement of Estray, Gammel, Laws, I, 1272, Dec. 22, 1836. (To be recorded in estray record)
Affidavit of Taker-up to Death or Escape of Estray, Gammel, Laws, I, 1272, Dec. 22, 1836. (To be recorded in estray record)
Record of Marks and Brands, Gammel, Laws, III, 156, Mar. 20, 1848.
Taker-up's Report of Sale of Estray, Gammel, Laws, III, 568, Feb. 8, 1850. (To be filed)
List of Cattle Shipped or Slaughtered, Gammel, Laws, III, 809, Sept. 5, 1850. (To be recorded)
List of Persons Using County Brand, Gammel, Laws, V, 480, Jan. 11, 1862. (To be recorded)
Bill of Sale to Cattle Slaughtered by Butchers, Gammel, Laws, V, 598, Mar. 4, 1863. (To be filed)

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Bill of Sale to Cattle Slaughtered by Butchers, Gammel, Laws, V, 598, Mar. 4, 1863. (To be recorded)

Record of Bill of Sale of Animals to be Driven to Out-county Markets, Gammel, Laws, V, 1141, Nov. 13, 1866.

Inspector's of Hides and Animals Record of Animals Shipped or Slaughtered, Gammel, Laws, VI, 1015, May 22, 1871.

Certified Copy of Inspector's of Hides and Animals Register of Animals and Hides Inspected, Gammel, Laws, VI, 1016, May 22, 1871. (To be filed)

List of Recorded Marks and Brands with Names of Persons Authorized to Drive or Handle Animals so Marked, Gammel, Laws, VI, 1018, May 22, 1871. (To be filed)

Revised Record of Marks and Brands, Gammel, Laws, VIII, 41, Mar. 23, 1874.

Index to Revised Record of Marks and Brands, Gammel, Laws, VIII, 41, Mar. 23, 1874.

Record of Estrayed Animals Carrying County Brand, Gammel, Laws, IX, 384, Apr. 11, 1883.

Assessment of Fees and Damages Due Taker-up of Estrays, Gammel, Laws, X, 814, Apr. 20, 1895. (To be filed)

Section Foreman's Report of Animals Killed or Found Dead on Railroad Right-of-way, 34th Legis., 126, Mar. 22, 1915. (To be filed)

Livestock Quarantine Notice, 35th Legis., 115, Mar. 6, 1917. (To be filed)

Taxes

Tax Assessment Rolls, Resident, Gammel, Laws, I, 1512, May 24, 1838. (To be filed)

Tax Assessment Rolls, Non-resident, Gammel, Laws, I, 1514, May 24, 1838. (To be filed)

List of Insolvent Taxpayers, Gammel, Laws, I, 1514, May 24, 1838. (To be filed)

Occupation Tax License Receipts, Gammel, Laws, II, 196, Jan. 16, 1840. (To be filed)

Register of Occupation Tax Licenses, Gammel, Laws, II, 196, Jan. 16, 1840.

List of Delinquent Taxpayers, Gammel, Laws, II, 1661, May 13, 1846. (To be filed)

Inventory of Property, Gammel, Laws, III, 651, Feb. 11, 1850. (To be filed)

Rendition of Railroad and Telegraph Property, Gammel, Laws, VII, 583, May 31, 1873. (To be filed)

List of Lands and Town Lots Sold for Taxes, Gammel, Laws, VIII, 1094, Aug. 19, 1876. (To be filed)

Tax Rolls of Unrendered Land, Gammel, Laws, VIII, 1050, Aug. 19, 1876. (To be filed)

Tax Collector's Receipt Stubs, Gammel, Laws, VIII, 1097, Aug. 21, 1876. (To be filed)

Tax Receipts, Gammel, Laws, VIII, 1097, Aug. 21, 1876. (To be recorded)

Approved List of Taxable Property, Gammel, Laws, VIII, 1106, Aug. 21, 1876. (To be filed)

Report of County Occupation Tax Licenses, RCS, 1879, Art. 946, Sept. 1, 1879. (To be filed)

Tax Collector's Receipt for Tax Rolls, RCS, 1879, Art. 938, Sept. 1, 1879. (To be filed)

List of Delinquent Taxpayers, Gammel, Laws, X, 781, Apr. 13, 1895. (To be recorded)

Poll Tax and Exemption Receipt Book, 28th Legis., 136, Apr. 1, 1903.
Tax Receipt Record, 34th Legis., 137, Mar. 22, 1915.
Tax Collector's Annual Statement of Poll Taxes and Exemptions Issued, 36th Legis., 4th C.S., 15, Oct. 2, 1920. (To be filed)
Delinquent Tax Supplement, 38th Legis., 2nd C.S., 33, May 26, 1923. (To be filed)
List of Property on Which Taxes Are Unpaid, 38th Legis., 2nd C.S., 39, May 26, 1923. (To be filed)
Tax Collector's Report of Delinquent Tax Collections, 38th Legis., 3rd C.S., 188, June 23, 1923. (To be filed)
Notice of Assessments for City Street Improvements, 41st Legis., 5th C.S., 147, Mar. 15, 1930. (To be filed)
Notice of Assessments for City Street Improvements, 41st Legis., 5th C.S., 147, Mar. 15, 1930. (To be recorded in mortgage or deed of trust record)
Tax Collector's Annual List of Lands and Lots Delinquent, 42nd Legis., 198, May 13, 1931. (To be filed)
Reports of Taxes and Indebtedness by Tax Levying and Bond Issuing Units in County, 42nd Legis., 501, July 4, 1931. (To be filed)

Vital Statistics

Marriages

Record of Marriage Licenses Issued, Gammel, Laws, I, 1294, June 5, 1837.
Record of Marriage Licenses Returned by Persons Performing Rites, Gammel, Laws, I, 1294, June 5, 1837.
Marriage Contract Record, Gammel, Laws, II, 1542, May 12, 1846.
Index to Marriage Contracts, Gammel, Laws, II, 1546, May 12, 1846.
Marriage License Stubs, Common Usage, 1922.
Affidavit of Age by Non-contracting Party for Marriage Certificate, 41st Legis., 260, Feb. 23, 1929. (To be filed)
Doctor's Certificate for Marriage License, 41st Legis., 260, Feb. 23, 1929. (To be filed)
Record of Notice of Intention to Marry, 41st Legis., 260, Feb. 23, 1929.

Births and Deaths

Birth Register, Gammel, Laws, VII, 515, May 3, 1873.
Index to Birth Register, Gammel, Laws, VII, 516, May 3, 1873.
Register of Deaths, 28th Legis., 220, Apr. 1, 1903.
Birth Certificates, 41st Legis., 1st C.S., 8, May 20, 1929. (To be filed)
Death Certificates, 41st Legis., 1st C.S., 8, May 20, 1929. (To be filed)
Military Service Record of Deceased, 41st Legis., 1st C.S., 8, May 20, 1929. (To be entered on death certificate)
Index to Birth and Death Certificates, 41st Legis., 1st C.S., 8, May 20, 1929.

Business and Professional Records

Power of Attorney, Gammel, Laws, II, 1542, May 12, 1846. (To be recorded)
Index to Powers of Attorney, Gammel, Laws, II, 1546, May 12, 1846.
Limited Partnership Certificates, Gammel, Laws, II, 1587, May 12, 1846. (To be filed)

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Limited Partnership Certificates, Gammel, Laws, II, 1587, May 12, 1846. (To be recorded)

Partner's Affidavit of Continuance of Partnership, Gammel, Laws, II, 1588, May 12, 1846. (To be filed)

Partner's Affidavit of Continuance of Partnership, Gammel, Laws, II, 1588, May 12, 1846. (To be recorded)

Partner's Affidavit of Sums Contributed to Limited Partnership, Gammel, Laws, II, 1587, May 12, 1846. (To be filed)

Printer's Affidavit of Publication of Terms of Limited Partnership, Gammel, Laws, II, 1588, May 12, 1846. (To be filed)

Pawnbroker's Notice of Sale, Gammel, Laws, VIII, 155, Apr. 28, 1874. (To be filed)

Pawnbroker's Bond, Gammel, Laws, VIII, 155, Apr. 28, 1874. (To be filed)

Articles of Incorporation of Railway, Gammel, Laws, VIII, 978, Aug. 15, 1876. (To be filed)

Articles of Incorporation of Railway, Gammel, Laws, VIII, 978, Aug. 15, 1876. (To be recorded)

Bylaws of Railway Corporation, Gammel, Laws, VIII, 980, Aug. 15, 1876. (To be recorded)

Bond of Assignee of Insolvent Debtor, Gammel, Laws, VIII, 1358, Mar. 24, 1879. (To be filed)

Assignee's Final Report, Gammel, Laws, VIII, 1360, Mar. 24, 1879. (To be filed)

Assignee's Final Report, Gammel, Laws, VIII, 1360, Mar. 24, 1879. (To be recorded)

Insolvent Debtor's Assignment of Property for Benefit of Creditors, Gammel, Laws, VIII, 1357, Mar. 24, 1879. (To be recorded)

Insolvent Debtor's Inventory of Property, Gammel, Laws, VIII, 1357, Mar. 24, 1879. (To be recorded)

Log Brand Record, Gammel, Laws, VIII, 1381, Apr. 7, 1879.

Record of Reports of Timber Cut, Gammel, Laws, VIII, 1381, Apr. 7, 1879.

Index to Record of Reports of Timber Cut, Gammel, Laws, VIII, 1381, Apr. 7, 1879.

Report of Pawnbroker's Sale, RCS, 1879, Art. 3503, Sept. 1, 1879. (To be filed)

County or District Attorney's Affidavit that Liquor Dealer's Bond is Exhausted, Gammel, Laws, IX, 205, Apr. 4, 1881. (To be filed)

Dentist's License, Gammel, Laws, IX, 1119, Mar. 27, 1889. (To be recorded)

Trade Mark Register, Gammel, Laws, X, 555, Apr. 26, 1893.

Liquor Dealer's Bond, Gammel, Laws, X, 610, May 6, 1893. (To be filed)

Record of Liquor Dealer's Bond, Gammel, Laws, X, 610, May 6, 1893.

Application for Warehouseman's Certificate, 27th Legis., 251, Apr. 15, 1901. (To be filed)

Warehouseman's Bond, 27th Legis., 251, Apr. 15, 1901. (To be filed)

Embalmer's License, 28th Legis., 125, Mar. 31, 1903. (To be recorded)

Oath of Inability to Procure Insurance Through Texas Agents, 28th Legis., 232, Apr. 1, 1903. (To be filed)

Articles of Agreement of Banks, 29th Legis., 1st C.S., 492, May 26, 1905. (To be filed)

Bank Director's Objections to Declaring Dividends, 29th Legis., 1st C.S., 511, May 26, 1905. (To be filed)

Certified Copies of Articles of Association of Banks, 29th Legis., 1st C.S., 490, May 26, 1905. (To be filed)

Statement of Proceedings to Increase Capital Stock of Banks, 29th Legis., 1st C.S., 509, May 26, 1905. (To be filed)
Commission Merchant's Bond, 30th Legis., 61, Mar. 23, 1907. (To be filed)
Commission Merchant's Bond, 30th Legis., 61, Mar. 23, 1907. (To be recorded)
Registration of Butchers, 30th Legis., 240, Apr. 18, 1907.
Ginner's Affidavit that He Will Report Ginnings to Commissioner of Agriculture, 30th Legis., 313, Apr. 23, 1907. (To be filed)
Ginner's Bond, Common Usage, 1907. (To be filed)
Application by Dealer for Non-intoxicating Malt License, 31st Legis., 52, Feb. 24, 1909. (To be filed)
Appointment of Special Agent to Liquidate Insolvent State Bank, 31st Legis., 2nd C.S., 409, May 12, 1909. (To be filed)
Bank Board of Director's Resolution Establishing Savings Department, 31st Legis., 2nd C.S., 413, May 12, 1909. (To be recorded)
Inventory of Assets of Insolvent State Bank, 31st Legis., 2nd C.S., 410, May 12, 1909. (To be filed)
List of Claims against Insolvent State Bank, 31st Legis., 2nd C.S., 410, May 12, 1909. (To be filed)
Certified Copy of Articles of Association of Building and Loan Association, 33rd Legis., 1st C.S., 72, Aug. 21, 1913. (To be filed)
Industrial Workmen's Compensation Record, 33rd Legis., 436, Sept. 1, 1913.
Loan Broker's Bond, 34th Legis., 48, Mar. 1, 1915. (To be filed)
Loan Broker's Bond, 34th Legis., 48, Mar. 1, 1915. (To be recorded)
Charter of Farmers' Cooperative Society, 35th Legis., 433, Apr. 4, 1917. (To be filed)
Chauffeur's License, 35th Legis., 482, Apr. 7, 1917. (To be recorded)
Licensed Land Surveyor's Bond and Oath, 36th Legis., 2nd C.S., 175, July 28, 1919. (To be recorded)
Bond of Livestock Commission Merchant, 37th Legis., 177, Mar. 11, 1921. (To be filed)
Annual Statement of Livestock Commission Merchant, 37th Legis., 177, Mar. 11, 1921. (To be filed with his bond)
Annual Statement of Livestock Commission Merchant, 37th Legis., 177, Mar. 11, 1921. (To be recorded with his bond)
Dairymen's Trade Marks, 37th Legis., 161, Mar. 12, 1921. (To be filed)
Record of Dairymen's Trade Marks, 37th Legis., 162, Mar. 12, 1921.
Assignment of Dairymen's Trade Marks, 37th Legis., 162, Mar. 12, 1921. (To be filed)
Record of Assignment of Dairymen's Trade Marks, 37th Legis., 162, Mar. 12, 1921.
Assumed Name Certificates, 37th Legis., 142, Mar. 12, 1921. (To be filed)
Optometry Register, 37th Legis., 1st C.S., 162, Aug. 27, 1921.
Declaration of Intention to Continue the Practice of Optometry, 37th Legis., 1st C.S., 162, Aug. 27, 1921. (To be recorded)
Register of Nurses' Certificates, 38th Legis., 416, Apr. 3, 1923.
Banks Annual Statement, 38th Legis., 423, Apr. 3, 1923. (To be filed)
Banking Commissioner's Certificate of Facts of Insolvent State Bank, 40th Legis., 295, Mar. 29, 1927. (To be filed)
Record of Banking Commissioner's Certificate of Facts of Insolvent State Bank, 40th Legis., 295, Mar. 29, 1927.
Affidavit of Loan Broker, 40th Legis., 1st C.S., 30, June 6, 1927. (To be filed)

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Contractor's or Owner's Bond to Secure Lien, 41st Legis., 452, Mar. 18, 1929. (To be filed)
Contractor's or Owner's Bond to Secure Lien, 41st Legis., 452, Mar. 18, 1929. (To be recorded in mechanic's lien record)
Emigrant Laborer's Waiver of Return Transportation, 41st Legis., 2nd C.S., 205, July 22, 1929. (To be filed)
Bond of Livestock Auction Commission Merchant, 45th Legis., 387, Apr. 23, 1937. (To be filed)

Military Service

Record of Soldiers' and Sailors' Discharges, 36th Legis., 154, Mar. 20, 1919.
Spanish-American War Veterans' Record, Common Usage, 1927.

Official Bonds and Oaths, and Deputations

Bonds and Oaths

Constable's Bond and Oath, Gammel, Laws, I, 1245, Dec. 20, 1836. (To be filed)
Constable's Bond and Oath, Gammel, Laws, I, 1245, Dec. 20, 1836. (To be recorded)
Coroner's Bond and Oath, Gammel, Laws, I, 1243, Dec. 20, 1836. (To be filed)
Coroner's Bond and Oath, Gammel, Laws, I, 1243, Dec. 20, 1836. (To be recorded)
County Clerk's Bond, Gammel, Laws, I, 1210, Dec. 20, 1836. (To be recorded)
District Clerk's Bond, Gammel, Laws, I, 1262, Dec. 22, 1836. (To be recorded)
Sheriff's Bond and Oath, Gammel, Laws, I, 1240, Dec. 20, 1836. (To be recorded)
Sheriff's Bond as Official Collector of Taxes, Gammel, Laws, I, 1246, Dec. 20, 1836. (To be recorded)
Tax Assessor's Bond and Oath, Gammel, Laws, I, 1319, June 12, 1837. To be recorded)
County Surveyor's Bond, Gammel, Laws, I, 1406, Dec. 14, 1837. (To be recorded)
Bond and Oath of Deputy Surveyor, Gammel, Laws, I, 1406, Dec. 14, 1837. (To be recorded)
Justice's of Peace Bond, Gammel, Laws, II, 1605, May 11, 1846. (To be filed)
District Surveyor's Bond, Gammel, Laws, II, 1541, May 12, 1846. (To be recorded)
Official Bond Record, Gammel, Laws, II, 1542, May 12, 1846.
Index to Official Bond Record, Gammel, Laws, II, 1546, May 12, 1846.
Sheriff's Bond and Oath, Gammel, Laws, II, 1572, May 12, 1846. (To be filed)
Notary Public's Bond, Gammel, Laws, II, 1647, May 13, 1846. (To be filed)
Notary Public's Bond, Gammel, Laws, II, 1647, May 13, 1846. (To be recorded)
Treasurer's Bond and Oath, Gammel, Laws, II, 1645, May 13, 1846. (To be filed)
Tax Assessor-Collector's Bond and Oath, Gammel, Laws, II, 1654, May 13, 1846. (To be recorded)

 Next entry, 80, p. 159)

Oath of Chief Justice, Gammel, Laws, III, 116, Mar. 16, 1848. (To be filed)
Oath of Chief Justice, Gammel, Laws, III, 116, Mar. 16, 1848. (To be recorded)
Oath of County Commissioner, Gammel, Laws, III, 116, Mar. 16, 1848. (To be filed)
Oath of County Commissioner, Gammel, Laws, III, 116, Mar. 16, 1848. (To be recorded)
Justice's of Peace Bond and Oath, Gammel, Laws, III, 163, Mar. 20, 1848. (To be recorded)
Treasurer's School Fund Bond, Gammel, Laws, III, 1464, Jan. 31, 1854. (To be recorded)
County Attorney's Bond, Gammel, Laws, V, 969, Oct. 25, 1866. (To be recorded)
Bond and Oath of Justice of Peace as Tax Assessor, Gammel, Laws, VI, 378, Aug. 15, 1870. (To be recorded)
Bond and Oath of Sheriff as Tax Collector, Gammel, Laws, VI, 399, Aug. 15, 1870. (To be recorded)
Bond and Oath of Inspector of Hides and Animals, Gammel, Laws, VI, 1014, May 22, 1871. (To be filed)
Bond and Oath of Inspector of Hides and Animals, Gammel, Laws, VI, 1014, May 22, 1871. (To be recorded)
Bond and Oath of Deputy Inspector of Hides and Animals, Gammel, Laws, VI, 1015, May 22, 1871. (To be filed)
Bond and Oath of Deputy Inspector of Hides and Animals, Gammel, Laws, VI, 1015, May 22, 1871. (To be recorded)
Oath of Jury of View, Gammel, Laws, VIII, 900, July 29, 1876. (To be filed)
Tax Collector's Bond and Oath, Gammel, Laws, VIII, 1095, Aug. 21, 1876. (To be recorded)
County Judge's Bond and Oath, Gammel, Laws, IX, 356, Apr. 9, 1883. (To be recorded)
Public Weigher's Bond and Oath, Gammel, Laws, IX, 390, Apr. 12, 1883. (To be recorded)
Bond and Oath of County Judge as School Superintendent, Gammel, Laws, X, 622, May 20, 1893. (To be filed)
County Depository Bond, 29th Legis., 393, May 1, 1905. (To be filed)
Oath of Office of County School Trustee, 32nd Legis., 35, Mar. 6, 1911. (To be filed)
Oath of Probation Officer, 33rd Legis., 218, Apr. 2, 1913. (To be filed)
Contractor's Bond, Public Works, 33rd Legis., 185, Apr. 2, 1913. (To be filed)
County Librarian's Oath and Bond, 35th Legis., 100, Mar. 5, 1917. (To be filed)
Oath of County Traffic Officer, 36th Legis., 228, June 17, 1919. (To be filed)
Bond and Oath of County Judge, 38th Legis., 14, Jan. 30, 1923. (To be filed)
Oath of Juvenile Officer, 40th Legis., 336, Mar. 7, 1927. (To be filed)
County Depository Bond, 40th Legis., 198, Mar. 25, 1927. (To be recorded in deed of trust record)
Release of County Depository Bond, 40th Legis., 198, Mar. 25, 1927. (To be recorded in deed of trust record)

(Next entry, 80, p. 159)

Bond of Depository of Trust Funds, 41st Legis., 4th C.S., 22, Feb. 17, 1930. (To be filed)
Designation by Depository of Trust Funds of Firm to Act in County Seat, 41st Legis., 4th C.S., Feb. 17, 1930. (To be filed)
County Depository's Assignment of Securities to County Judge in Lieu of Bond, 43rd Legis., 42, Mar. 8, 1933. (To be recorded)
Assistant Treasurer's Bond and Oath, 44th Legis., 2nd C.S., 1776, Feb. 12, 1936. (To be filed)

Deputations

Appointment of Deputy Sheriff, Gammel, Laws, I, 1241, Dec. 20, 1836. (To be filed)
Appointment of Deputy District Clerk, Gammel, Laws, II, 1511, May 11, 1846. (To be filed)
Appointment of Deputy District Clerk, Gammel, Laws, II, 1511, May 11, 1846. (To be recorded)
Appointment and Oath of Deputy Sheriff, Gammel, Laws, II, 1573, May 12, 1846. (To be recorded)
Appointment and Oath of Deputy County Clerk, Gammel, Laws, II, 1641, May 13, 1846. (To be recorded)
Appointment of Deputy Tax Assessor-Collector, Gammel, Laws, III, 902, Jan. 6, 1852. (To be filed)
Notaries' Qualifications, Gammel, Laws, V, 602, Mar. 5, 1863. (To be filed)
List of Notaries Public Appointed by Governor, Gammel, Laws, IX, 188, Apr. 1, 1881. (To be filed)
Appointment and Oath of Assistant County Attorney, Gammel, Laws, X, 93, Apr. 13, 1891. (To be filed)
Appointment and Oath of Assistant County Attorney, Gammel, Laws, X, 93, Apr. 13, 1891. (To be recorded)
Appointment of Special Judge of Probate, Gammel, Laws, X, 506, Apr. 26, 1893.
Appointment of Probation Officer, 33rd Legis., 217, June 28, 1913. (To be filed)
Appointment of Campaign Manager, 36th Legis., Mar. 20, 1919. (To be filed)
Appointment of Juvenile Officer, 40th Legis., 336, Mar. 7, 1927. (To be filed)

Miscellaneous

Certificate of Appointment of Denominational Board of Trustees, Gammel, Laws, II, 1100, Jan. 30, 1845.
Certificate of Election of School Community Board of Trustees for Building Schoolhouse, Gammel, Laws, II, 1100, Jan. 30, 1845.
Tax Assessor's Census Returns of 1847, Gammel, Laws, II, 1368, Apr. 11, 1846. (To be filed)
Assessor's Abstracts of School Census, Gammel, Laws, VIII, 1038, Aug. 19, 1876. (To be filed)
Record of Assessor's Abstracts of School Census, Gammel, Laws, VIII, 1038, Aug. 19, 1876.
Justice's of Peace Monthly Report of Jury Service, Gammel, Laws, IX, 124, Mar. 15, 1881. (To be filed)

County Judge's Abstract of District Trustees' Census of Scholastics, Gammel, Laws, IX, 657, Mar. 24, 1885. (To be filed)
Consolidated School Census Roll, White Scholastics, 29th Legis., 286, Apr. 15, 1905. (To be filed)
Consolidated School Census Roll, Colored Scholastics, 29th Legis., 286, Apr. 15, 1905. (To be filed)
Record of Hunting Licenses Issued, 31st Legis., 456, May 24, 1909.
Hunting License Stubs, 31st Legis., 456, May 24, 1909. (To be filed)
Record of School Districts, 34th Legis., 71, Mar. 5, 1915.
Officer's Report of Seized Liquor, 38th Legis., 236, Mar. 23, 1923. (To be filed)

Real and Personal Property

(See also entries 4, 51, 120-127, 173, 174, 177, 181-183, 195-197, 219-222, 223-iii, 248, 255, 256, 258, 263, 264, 268, 269, 272, 282, 301, 306, 330, 346, 347, 355-368, 373, 384, 385, 411, 412)

File Registers

80. TRANSFER OF INSTRUMENTS FILED FOR RECORD, Oct. 1, 1846-Oct. 27, 1883, Dec. 26, 1887-Dec. 28, 1897, Dec. 27, 1902--. 15 vols. (1 unmarked, C, A, 2 unmarked, 2-4, 2-4, 2-4, 5). Title varies: Register of Instruments Filed for Record, Oct. 1, 1846-Oct. 27, 1883, Dec. 26, 1887-Dec. 28, 1897, Dec. 27, 1902-Feb. 5, 1917, 8 vols. (1 unmarked, C, A, 2 unmarked, 2-4).
Clerk's record of receipt, recording, and disposition of various instruments affecting real property (principally deeds, deeds of trust, mortgages, releases of deeds of trust and mortgages, oil and gas leases, contracts and agreements, mechanics' liens, and court orders affecting land) filed for record. Shows date and hour of filing, file number (1931-- only), title and date of instrument, names of grantor and grantee, name of person filing instrument, name of person to whom instrument delivered after being recorded (1917-- only), amount of recording fees and date of payment (1887-97, 1902-- only). 1846-69, 1936-- arr. in separate grantor and grantee subdivisions, alph. by first letter of surname thereunder, chron. by filing date thereunder; 1870-83 arr. chron. by filing date; 1887-97, 1902-17 arr. alph. by first letter of surname of grantor, chron. by filing date thereunder; 1917-36, 3 vols. (2-4) for grantor entries, 3 vols. (2-4) for grantee entries, each arr. alph. by first letter of surname, chron. by filing date thereunder. No index. 1846-69, 1887-97, 1902-- hdw. under pr. hds.; 1870-83 hdw. Aver. 500 pp. 16 x 10 x 2. 5 vols., 1846-69, 1887-97, 1908-17, D.C. bsmt. va.; 3 vols., 1870-83, 1902-8, C.C. bsmt. va.; 7 vols., 1917--, C.C. off.

81. FILE BOOK, Aug. 24, 1853-Aug. 11, 1870. 1 vol. (B). Discontinued.
Clerk's reference book to real property conveyed or encumbered by instruments filed for record, showing names of grantor and grantee, title of instrument, brief identifying description of real property by number of acres, location, and name of tract, and date and hour of filing. Arr. chron. by filing date. Indexed alph. by first letters of surnames of grantor and grantee, chron. by filing date thereunder. Hdw. 400 pp. 18 x 12 x 2. C.C. bsmt. va.

Conveyances

82. (DEEDS), 1843, 1846-54, 1865, 1868, 1873-75, 1879, 1881, 1882, 1886-88, 1890, 1892, 1897, 1899, 1905, 1907, 1909, 1911-14, 1916, 1917, 1924, 1925, 1935. 1843, 1846-54, 1865, 1868, 1873-75, 1879, 1881, 1882, 1886-88, 1890, 1892, 1897, 1899, 1905, 1907, 1909, 1911-14, 1916, 1917, 1924, 1925, 1935 in Miscellaneous Instruments, entry 171; 1879, 1892, 1899 also in Commissioners Court Papers Pending (1879, 1892 in f.b. 5; 1892 also in f.b. 2), entry 6.

Original deeds filed for recording by owners and not called for.

For recorded copies of deeds, 1846--, see entry 85-i, ii, iii, iv, v.

83. DEEDS OF ASSIGNMENT, Feb. 7, 1882-Feb. 21, 1895. 45 papers in 1 f.b.

Original papers relative to assignments voluntarily made for the benefit of creditors, including deeds conveying property to assignees; reports of assignees, showing itemized lists of amounts received from sales; inventories, showing itemized lists of goods and property owned, value of each item, and total value. No arr. No index. Hdw. 11 x 5 x 14. C.C. bsmt. va.

For recorded copies of deeds of assignment, see entry 85-i.

84. COUNTY DEEDS FOR RIGHT OF WAY, Mar. 5, 1931-Feb. 2, 1932. 150 deeds in 1 f.b.

Original deeds conveying land to county for roads, showing date and place of execution, name of grantor, Guadalupe County as grantee, amount of consideration, description of land, signature of grantor, filing date, recording date, and signature of county clerk. No arr. No index. Typed on pr. fms. 11 x 5 x 14. C.C. bsmt. va.

For recorded copies of right-of-way deeds, see entry 40.

85. DEED RECORD, Aug. 1, 1846--. 196 vols. (A-Z, 1-163, 166, 167, 174, 175, 179-181). Vol. A has no outside title; inside title: County Record. Vols. 164, 165, 168-173, 176-178, 182 of the Deed Record series are used exclusively for recording oil and gas leases, see entry 92.

Recorded copies of deeds, conveyances, and other muniments of title affecting title to real and personal property, and of miscellaneous instruments for which no separate recording volumes are kept. Included are the following types of instruments:

i. Copies of deeds, including gift deeds, deeds of bargain and sale, and deeds of assignment for benefit of creditors, showing date and place of execution, names of grantor and grantee, consideration, terms of contractual obligation, description of property with field notes and plat, signature of grantor, certificate of acknowledgment, and certificate of recordation showing filing date, recording date, and signature of county clerk.

ii. Copies of sheriff's deeds, reciting sale at public auction, under execution to satisfy judgments, name of court in which judgment rendered, date of seizure or levy, date and place of sale, amount of highest bid, and name of purchaser, and showing date and place of execution, name of sheriff as grantor, name of grantee, description of land, signature

of grantor, certificate of acknowledgment, and certificate of recordation showing filing date, recording date, and signature of county clerk.

iii. Copies of sheriff's deeds to land, reciting sale at public auction for non-payment of taxes, amount of taxes due, name of highest bidder, and amount of costs of tax suit, and showing date and place of execution, name of sheriff as grantor, name of grantee, description of land, signature of grantor, certificate of acknowledgment, and certificate of recordation showing filing date, recording date, and signature of county clerk.

iv. Copies of administrators' deeds to land conveyed under orders of sale or writs of partition in probate courts, reciting date and nature of order, and showing date and place of execution, name of administrator as grantor, name of grantee, consideration, description of land, signature of grantor, certificate of acknowledgment, and certificate of recordation showing filing date, recording date, and signature of county clerk; usually accompanied by copy of order of authorization and plat of the land.

v. Quit claim deeds relinquishing claim to land, showing date and place of execution, names of grantor and grantee, consideration, statement of release, description of land, signature of grantor, certificate of acknowledgment, and certificate of recordation showing filing date, recording date, and signature of county clerk.

vi. Copies of bonds for title and executory contracts for sale of land, showing date and place of execution, names of contracting parties, amount of bond, terms and conditions, description of land, total amount of consideration and terms of payment, agreement to convey title, signature of seller, certificate of acknowledgment, and certificate of recordation showing filing date, recording date, and signature of county clerk.

vii. Copies of judgments rendered by various district courts, affecting title to land in the county, showing name of court and county in which judgment rendered, names of plaintiff and defendant, case number, name of party in whose favor judgment rendered, description of property, date judgment rendered, district clerk's certificate authenticating copy with reference to book and page of district court minutes, and certificate of recordation showing filing date, recording date, and signature of county clerk.

viii. Copies of bills of sale to personal property, showing date and place of execution, names of vendor and purchaser, description of property, amount of consideration, signature of vendor, certificate of acknowledgment, and certificate of recordation showing filing date, recording date, and signature of county clerk.

ix. Copies of conditional sales contracts of personalty, reserving lien for purchase money, as security for promissory notes (1846-79; since 1879, these agreements made in form of chattel mortgages, see entries 97, 98, 100-102), showing date and place of execution, names of vendor and purchaser, description of property, terms of contract, signature of lienor, certificate of acknowledgment, and certificate of recordation showing filing date, recording date, and signature of county clerk.

x. Schedules of separate property of married women, showing date and place of execution, description and value of properties, signature of owner certificate of acknowledgment, and certificate of recordation showing filing date, recording date, and signature of county clerk.

xi. Copies of powers of attorney, showing date and place of execution, names of principal and agent, general and special powers granted, signature of principal, certificate of acknowledgment, and certificate of recordation showing filing date, recording date, and signature of county clerk.

xii. Copies of releases by heirs who have become of age, acknowledging final distribution of estate and releasing guardian from further liability, showing names of guardian and heir, location and description of property, signature of heir, certificate of acknowledgment, and certificate of recordation showing filing date, recording date, and signature of county clerk.

xiii. Copies of assignments of right and interest in patents issued U. S. Patent Office, showing names and addresses of assignor and assignee, date letters patent issued, amount of consideration, signature of assignor, certificate of acknowledgment, and certificate of recordation showing filing date, recording date, and signature of county clerk.

xiv. Copies of adoption acknowledgments (to 1931), made by natural parents, consenting to the adoption and releasing custody of child, and by adopting parents, declaring the adoption of the child as legal heir, showing date and place of execution, name of affiant, name of child, signature of affiant, certificate of acknowledgment, and certificate of recordation showing filing date, recording date, and signature of county clerk. Also contains: Deed Record (Oil and Gas Leases), 1920-35, entry 92; Deed of Trust Record, 1846-59, entry 96; Official Bond Record, 1846, entry 166; in vols. A, E, F, (Deputation Record), 1846, Oct. 23, 1854-Jan. 12, 1856, entry 168; Notary Bond Record, 1846, entry 170. Arr. chron. by recording date. Aug. 1-Nov. 3, 1846 no index; Nov. 3, 1846--, separate indexes, see entries 87, 88. 1846-Aug. 4, 1905 hdw.; Aug. 4, 1905-- typed. Vols. A-I, K-M, P, Aug. 1, 1846-Apr. 25, 1866, July 21, 1868-Apr. 16, 1875, Jan. 26, 1878-Aug. 14, 1879, are in poor condition, and have been transcribed, see entry 86. Aver. 640 pp. 18 x 14 x 3. C.C. off.

For transcripts of recorded deeds to land in Guadalupe County, originally recorded in Gonzales County, see entry 89; for recorded copies of right-of-way deeds, see entry 40; for original right-of-way deeds, see entry 84; for original deeds, see entry 82; for original deeds of assignment, see entry 83. For recorded copies of two bills of sale, see entry 172; for original bills of sale to animals slaughtered, see entry 75.

86. DEED RECORD (Transcripts), Aug. 1, 1846-Apr. 25, 1866, July 21, 1868-Apr. 16, 1875, Jan. 26, 1878-Aug. 14, 1879. 15 vols. (A, A-F, F-I, K-M, P).

Transcripts of volumes A-I (two each of volumes A and F), K-M, and P of Deed Record, entry 85, showing same information as original volumes, and in addition, the two volumes A also contain, on pages 1-68 and 105-175, respectively: (Transcript of Town Book of Seguin), May 21, 1863, Dec. 12, 1911, entry 1-a (see p.). Arr. chron. by recording date. For indexes, see entries 87, 88. Typed. Aver. 640 pp. 18 x 14 x 3. C.C. off.

87. INDEX TO DEEDS DIRECT, Aug. 1, 1846--. 11 vols. (1 & 2, 3-12). Title varies: General Index to Deeds, Aug. 1, 1846-Nov. 23, 1910, 3 vols. (1 & 2, 3, 4).

Index by name of grantor to all volumes except volume A, Aug. 1-Nov. 3, 1846, of Deed Record, entry 85; to Deed Record (Transcripts), entry 86; to Gonzales Manuscripts, entry 89; to Deed Record (Oil and Gas Leases), entry 92; to Deed of Trust Record, entry 96. Shows names of grantor and grantee, kind and date of instrument, filing date, brief description of property, and reference to book and page. Arr. alph. by first letter of surname, chron. by

filing date thereunder. 1846-Nov. 23, 1910 typed under pr. hds.; Nov. 24, 1910-- hdw. under pr. hds. Aver. 600 pp. 18 x 12 x 3. C.C. off.

For index to same records, by name of grantee, see entry 88.

88. INDEX TO DEEDS REVERSE, Aug. 1, 1846--. 11 vols. (1 & 2, 3-12). Title varies: General Index to Deeds, Aug. 1, 1846-Nov. 23, 1910, 3 vols. (1 & 2, 3, 4).

Index by name of grantee to Deed Record, entry 85; Deed Record (Transcripts), entry 86; Gonzales Manuscripts, entry 89; Deed Record (Oil and Gas Leases), entry 92; Deed of Trust Record, entry 96. Shows names of grantee and grantor, kind and date of instrument, filing date, brief description of property, and reference to book and page. Arr. alph. by first letter of surname, chron. thereunder. 1846-Nov. 23, 1910 typed under pr. hds.; Nov. 24, 1910-- hdw. under pr. hds. Aver. 600 pp. 18 x 12 x 3. C.C. off.

For index to same records, by name of grantor, see entry 87.

89. GONZALES MANUSCRIPTS, Nov. 13, 1879. 1 vol.

Transcripts of "all Deeds, Mortgages, Conveyances, and Muniments of title of lands situated in that Portion of Guadalupe County which has heretofore been cut off from Gonzales County as the same appears of record in the offices of the County and District Clerks of Gonzales County," transcribed from original instruments on file in, and the following record books of Gonzales County: "Probate Minutes," "Probate Record," "Journal of the District Court," " Final Record District Court," "Minutes of the District Court," and "Original Record Book." On left-hand margins, opposite each instrument, are names of grantor and grantee, name of estate, or case number, and volume, page, and title of record, or title of original instrument from which transcribed. Original recording and filing dates cover the period from Feb. 4, 1838-1868. Certified as "true and correct transcript" by C.S. Arbuckle, county clerk, Guadalupe County, and E.F. Batte and P.S. Sowell, special deputies, on Nov. 13, 1879. No consistent arr.; loosely chron. by date of original filing or recording in Gonzales County. Indexed alph. by first letters of surnames of grantor and grantee, estate, or parties to suits; also separate index, see entries 87, 88. Hdw. 640 (538 used) pp. 18 x 10 x 2. C.C. off.

90. ABSTRACT OF APPLICATIONS FOR LEASE OR PURCHASE OF STATE LANDS, Jan. 23, 1884-Nov. 5, 1886, Mar. 22, May 4, 1920. 1 vol. (1).

Clerk's record of applications (1884-1886) made to general land office for purchase of public lands in Guadalupe County, showing place and date of application, name of applicant, number of acres, section and block numbers, name of original grantee, certificate number, amount bid per acre, filing date of bid, value of improvements, and kind of application. Also contains on p. 2: (Petroleum and Gas Prospect Applications), Mar. 22, May 4, 1920, entry 93. Arr. chron. by date of application. Indexed alph. by first letter of surname of applicant, chron. thereunder. Hdw. 67 (2 used) double pp. 18 x 10 x 1. C.C. bsmt. va.

91. RECORD OF PURCHASES, May 11, 1901-July 16, 1904. 1 vol. (1).

Clerk's record of applications to general land office for purchase of public free school and asylum lands, under provision of "an act approved April 19, 1901," under the following subdivisions:

i. Purchase Actual Settler, May 11, 1901-July 16, 1904, pp. 1-14. Applications to purchase land for homesteads, showing place and date of execution, section and certificate numbers, name of original grantee, number of acres, price per acre, and classification of land, oath of applicant that land is desired for a home and for purpose of settling thereon, signatures of applicant and county clerk, applicant's sworn obligation to pay to the state specified amounts of principal and interest and to comply with statutory acts relating to sale.

ii. Purchase Additional Lands, May 11, 1901, p. 2. One application made by bona fide settler on public lands, for purchase of additional acreage, showing same information as subdivision i.

Arr. chron. by date of application under each sub-division. Each subdivision indexed alph. by first letter of surname of applicant, chron. thereunder. Hdw. on pr. fms. 200 (15 used), numbered in 2 series) pp. 16 x 12 x 1. C.C. bsmt. va.

Leases

92. DEED RECORD (Oil and Gas Leases), Jan. 1, 1936--. 12 vols. (164, 165, 168-173, 176-178, 182). 1920-35 in Deed Record, entry 85.

Recorded copies of oil and gas leases on privately owned property, showing date and place of execution, names of lessor and lessee, description of property leased, terms of consideration, length of lease, signature of lessor, certificate of acknowledgment, and certificate of recordation, showing filing date, recording date, and signature of county clerk or deputy. Arr. chron. by recording date. For index, see entries, 87, 88. Typed. Aver. 640 pp. 18 x 14 x 3. C.C. off.

93. (PETROLEUM AND GAS PROSPECT APPLICATIONS), Mar. 22, May 4, 1920, May 8, 1922-Nov. 6, 1931. Mar. 22, May 4, 1920 in Abstract of Applications for Lease or Purchase of State Lands, p. 2, entry 90; May 8, 1922-Dec. 1, 1923 in Dairy Names and Trade Marks, pp. 1-13, entry 148; Jan. 18, 1924-Sept. 3, 1931 in Applications Surveyors Records, entry 412; July 29, 1929-Nov. 6, 1931 in Surveyor's Record of Field Notes, entry 411.

Recorded copies of applications to prospect for and develop petroleum and natural gas on public lands, "under sec. 3-4 of chapters 43 and 83 of an act approved Mar. 16, 1917," made to county surveyor and forwarded to county clerk for recording, showing date application made, address of applicant, statement of citizenship of applicant and purpose of application, detailed description of lands, signature of applicant, and certificate of recordation showing filing date, recording date, and signature of county clerk.

94. RECORD OF CHARTERS AND IRRIGATION, fall term 1870-Nov. 1879, Nov. 14, 1895-Feb. 3, 1915. 1 vol.

Recorded copies, on pages 221-242, Nov. 14, 1895-Feb. 3, 1915, of affidavits to applications made to state board of water engineers for permits to operate power or pumping plants on public streams, or to construct dams, lakes, reservoirs, or canals for manufacture of power or for irrigation, showing place and date of application, name of applicant, description of land to be irrigated, location, and description, and sketch of power plant, dam, lake, reservoir, or canal, amount of water required and for what purpose, signature

of applicant as affiant, certificate of acknowledgment, and certificate of recordation showing filing date, recording date, and signature of county clerk. Also contains, on pp. 1-216: Clerk's File Docket, fall term 1870-Nov. term 1879, entry 192. 1870-79, docket entries, arr. chron. by filing date; 1895-1915, applications, arr. chron. by recording date. No index. 1870-79 hdw. docket entries; 1895-1915 typed and hdw. applications with blue print and hand drawn sketches of power or pumping plants, dams, lakes, reservoirs, or canals. 500 (238 used) pp. 18 x 12 x 3. C.C. off.

Maps (See also entries 348-351, 353, 354)

95. MAP RECORD, Feb. 23, 1923--. 1 vol. (1).
Copies of ownership maps of subdivisions and additions to towns, and of townsites, oil leases, and farm tracts in the county, showing name of town, subdivision, or tract, boundaries and divisions, and scale; accompanied by engineer's or surveyor's certificate to survey, orders of commissioners court authorizing recordation, and certificate of recordation showing filing date, recording date, and signature of county clerk. Arr. chron. by recording date. No index. Maps and plats pen sketched and blue printed; certificates and orders typed. Scales vary. 162 pp. 24 x 18 x 1½. C.C. off.
Ownership maps also recorded in Deed Record, entry 85.

Mortgages

96. DEED OF TRUST RECORD, Oct. 3, 1860--. 38 vols. (A-Z, 1-12).
1846-59 in Deed Record, entry 85.
Recorded copies of mortgages and deeds of trust establishing liens on real property, and of releases of these encumbrances. Copies of mortgages show date and place of execution, names of mortgagor and mortgagee, description of property involved, amount and terms of contract, signature of mortgagor, certificate of acknowledgment, and certificate of recordation showing filing date, recording date, and signature of county clerk or deputy. Copies of deeds of trust show same information as mortgages on real property, and in addition, agreement that third party, named trustee, may after advertising, sell the land encumbered to the highest bidder, and apply proceeds to liquidation of lien. Copies of releases show names of mortgagor and mortgagee, date release executed, description of property released with reference to book and page where mortgage or deed of trust is recorded, signature of mortgagee or trustee as releasing agent, certificate of acknowledgment, and certificate of recordation showing filing date, recording date, and signature of county clerk or deputy. Arr. chron. by recording date. For index, see entries 87, 88. 1860-1905 hdw.; 1905-- typed. Aver. 640 pp. 18 x 11 x 2½. C.C. off.
For transcripts of mortgages on land cut off from Gonzales County, see entry 89.

97. CHATTEL MORTGAGES (and Releases), Jan. 5, 1920-Dec. 15, 1930, Jan. 1, 1934--. 69 f.b. 1912-19, 1921-24, 1926, 1929, 1933 in Miscellaneous Instruments, entry 171.
Original mortgages on personal property, showing mortgage number, names of mortgagor and mortgagee, date of instrument, amount secured, date due, description of property, signature of mortgagor, certificate of acknowledgment, date and hour of filing, recording date, and signature of county

clerk. Releases of encumbrances, filed with the mortgages which have been satisfied, show release number, mortgage number, names of mortgagor and mortgagee, description of property, date of release, signature of mortgagee, filing date, recording date, and signature of county clerk or deputy. 1920-30 arr. alph. by first letter of surname of mortgagee, chron. by filing date thereunder; 1934--, arr. numer. by mortgage no. and chron. by filing date. No index. Typed on pr. fms. 11 x 5 x 14. 36 f.b., Jan. 5, 1920-Dec. 15, 1930, C.C. bsmt. va.; 33 f.b., Jan. 1, 1934--, C.C. off.

For recorded copies of conditional sales contracts on personalty, 1846-79, see entry 85-ix. For chattel mortgage registers: 1879-1930, see entry 98; 1931--, by name of mortgagor, see entry 100, by name of mortgagee, see entry 101. For register of chattel mortgages on machinery on realty, 1879-1916, see entry 98; 1917--, see entry 102.

98. CHATTEL MORTGAGE REGISTER, May 16, 1879-Dec. 30, 1930. 40 vols. (1 unmarked, 2-8, 1 unmarked, 10, II, 12-19, 19, 21-40). Title varies: Record of Chattel Mortgages, May 16, 1879-May 18, 1887, 2 vols. (1 unmarked, 2). No title: Jan. 1, 1918-Dec. 29, 1919, 2 vols. (28, 29).

Register of chattel mortgages filed for record and thereby constituting liens, showing mortgage number, date and hour of reception, names of mortgagor and mortgagee, date of instrument, amount secured, when due, description of property, and date of release. Also contains: Chattel Mortgage Record of Machinery on Realty, 1879-1916, entry 102. 1879-Mar. 26, 1891 arr. chron. by filing date and numer. by mortgage no.; Apr. 17, 1891-May 19, 1898 arr. alph. by first letter of surname of mortgagor, chron. by filing date and numer. by mortgage no. thereunder; Jan. 3-May 18, 1899, arr. chron. by filing date and numer. by mortgage no.; Dec. 1, 1899-Dec. 30, 1930 arr. alph. by first letter of surname of mortgagor, chron. by filing date thereunder. 1879-May 18, 1887, separate index, see entry 99; May 9, 1887-May 19, 1898, no index; Jan. 3-May 18, 1899 indexed alph. by first letters of surnames of mortgagors and mortgagees, chron. thereunder; Dec. 1, 1899-1930 no index. 1879-1917 hdw. on pr. fms.; 1917-30 typed on pr. fms. Aver. 700 pp. 18 x 12 x 4. 34 vols., 1879-1924, C.C. bsmt. va.; 6 vols., 1925-30, C.C. off.

For recorded copies of conditional sales contracts on personalty, 1846-79, see entry 85-ix. For chattel mortgage register, 1931--, by name of mortgagor, see entry 100, by name of mortgagee, see entry 101. For register of chattel mortgages on machinery on realty, 1879-1916, see entry 98; 1917--, see entry 102. For original chattel mortgages, 1912-19, 1921-24, 1926, 1929, 1933, see entry 171; 1920-30, 1934--, see entry 97.

99. INDEX CHATTEL MORTGAGE RECORD, May 16, 1879-May 18, 1887. 2 vols. (1 unmarked, 2).

Index by names of mortgagor and mortgagee to two volumes (1 unmarked, 2) of Chattel Mortgage Register, entry 98; each entry shows name of opposite party, mortgage number, filing date, and reference to book and page. Arr. in separate mortgagor and mortgagee subdivisions, alph. by first letter of surname thereunder, chron. by filing date thereunder. Hdw. Aver. 150 pp. 18 x 11 x ½. C.C. bsmt. va.

100. INDEX AND REGISTER TO CHATTEL MORTGAGES-MORTGAGORS, Jan. 1, 1931--. 2 vols. (A to K, L to Z).
Register, by name of mortgagor, of chattel mortgages filed for record and thereby constituting liens, showing mortgage number, date and hour of filing, date of instrument, names of mortgagor and mortgagee, date due, amount of lien, description of property, and date of release. Arr. alph. by first letter of surname of mortgagor, chron. by date and hour of filing thereunder. Key at top of each page shows pages on which alph. subdivisions appear. Hdw. under pr. hds. Aver. 500 pp. 18 x 12 x 3. C.C. off.

For recorded copies of conditional sales contracts on personalty, 1846-79, see entry 85-ix; for chattel mortgage registers: 1879-1930, see entry 98; 1931--, by name of mortgagee, see entry 101. For register of chattel mortgages on machinery on realty: 1879-1916, see entry 98; 1917--, see entry 102. For original chattel mortgages: 1912-19, 1921-24, 1926, 1929, 1933, see entry 171; 1920-30, 1934--, see entry 97.

101. INDEX AND REGISTER TO CHATTEL MORTGAGES-MORTGAGEES, Jan. 1, 1931--. 2 vols. (A to Z, A to Z).
Register, by name of mortgagee, of chattel mortgages filed for record and thereby constituting liens, showing same information as entry 100. Arr. alph. by first letter of surname of mortgagee, chron. by date and hour of filing thereunder. Key at top of each page shows pages on which alph. subdivisions appear. Hdw. under pr. hdw. Aver. 500 pp. 18 x 12 x 3. C.C. off.

For recorded copies of conditional sales contracts of personalty, 1846-79, see entry 85-ix. For chattel mortgage registers: 1879-1930, see entry 98; 1931--, by name of mortgagor, see entry 100. For register of chattel mortgages on machinery on realty: 1879-1916, see entry 98; 1917--, see entry 102. For original chattel mortgages, 1912-19, 1921-24, 1926, 1929, 1933, see entry 171; 1920-30, 1934--, see entry 97.

102. CHATTEL MORTGAGE RECORD OF MACHINERY ON REALTY, Aug. 25, 1917--. 1 vol. (1). 1879-1916 in Chattel Mortgage Register, entry 98.
Register of mortgages filed to establish superior liens against machinery located on, or susceptible to being attached to real estate, showing mortgage number, date and hour of reception, names of mortgagor and mortgagee, date of mortgage, amount secured, date due, description of machinery, and brief description of real estate to which machinery become attached. Arr. chron. by date of reception. Indexed alph. by first letters of surnames of mortgagor and mortgagee, in separate subdivisions, chron. thereunder. Hdw. on pr. fms. 82 (14 used) pp. 18 x 12 x 1. C.C. off.

Judgments and Liens

103. LIS PENDENS NOTICE AND ABSTRACT OF JUDGMENT, 1930--. 150 instruments in 1 f.b. 1922, 1924, 1928-30 in Miscellaneous Instruments, entry 171.
Original notices filed by plaintiffs in suits involving title to real estate, to prevent transfer of title pending settlement of suit, showing number and style of case, names of court and county where suit is pending, description of real estate involved, signature of attorney for plaintiff, and county clerk's certificate of date filed for record, date recorded, and book and page number where recorded in Lis Pendens Record, entry 105; also

original abstracts of judgments pertaining to lis pendens notices, showing state and county, names of plaintiff and defendant, name of court and term, date and amount of judgment, amount of costs, rate of interest and total amount due, certificate of clerk of court certifying that abstract is true and correct, and book and page number of minutes of court where originally recorded, county clerk's certificate to date filed, and to date recorded and indexed by names of plaintiff and defendant in Abstract of Judgment Record, see entry 104, and signature of county clerk. Arr. chron. by filing date. No index. Hdw. and typed on pr. fms. 11 x 5 x 14. C.C. off.

For recorded copies of lis pendens notices, 1905--, see entry 105; for recorded copies of abstracts of judgment, 1879--, see entry 104.

104. ABSTRACTS OF JUDGMENT RECORD, Sept. 17, 1879--. 4 vols. (A-D). Title varies: Judgment Record, Sept. 17, 1879-Mar. 10, 1903, 1 vol. (A); Judgm'nt Record, Nov. 23, 1904-May 29, 1925, 1 vol. (B); Abstracts of Judgments, May 29, 1919--, 1 vol. (C).
Recorded copies of abstracts of judgments rendered by various courts of the county and other counties, filed for record by owners, showing name of court and county, term of court, case number, names of plaintiff and defendant, date and amount of judgment, amount of court costs, rate of interest, occasional notations of amounts of payments credited and balances due, certificate by clerk of court issuing judgment, and certificate of recordation showing filing date, recording date, and signature of county clerk. Arr. chron. by recording date. 1879-1903, 1 vol. (A), indexed alph. by first letter of surname of plaintiff, chron. by recording date thereunder; 1904--, 3 vols. (B-D), indexed alph. by first letters of surnames of plaintiff and defendant, in separate subdivisions, chron. by recording date thereunder. 1879-1903, 1 vol. (A), hdw. under pr. hds.; 1904-25, 1 vol. (B), hdw. on pr. fms. and typed copies pasted in; 1919--, 1 vol. (C), typed; 1925--, 1 vol. (D), typed on pr. fms. Aver. 250 pp. 16 x 12 x 2. C.C. off.

For original abstracts of judgment, 1922, 1924, 1928-30, see entry 171; 1930--, see entry 103.

105. LIS PENDENS RECORD, Sept. 4, 1905--. 2 vols. (1, 2).
Recorded copies of lis pendens notices, showing same information as original notices, entry 103. Arr. chron. by recording date. Indexed alph. by first letters of surnames of plaintiff and defendant, in separate subdivisions, chron. by recording date thereunder. 1905-23 hdw. on pr. fms.; 1924-- typed on pr. fms. Vol. 1, 376 (56 used) pp.; vol. 2, 250 (146 used) pp.; 18 x 12 x 2. C.C. off.

For original lis pendens notices, 1922, 1924, 1928-30, see entry 171; 1930--, see entry 103.

106. RECORD OF LIENS OWING BY TENANT TO OWNER, Nov. 10, 1926--. 1 vol. Last entry, July 31, 1933.
Recorded copies of statements of rent due on property occupied by tenants, made by landlords to establish a claim or lien against tenants' fixtures or chattels in the building, showing name of owner, name and address of tenant, description and location of land and premises, amount of rent and date due, date rental contract was entered, certificate of acknowledgment, and certificate of recordation showing filing date, recording date, and

signature of county clerk. Arr. chron. by filing date. Indexed alph. by first letter of surname of landlord, chron. thereunder. Typed. 272 pp. 14 x 9 x 1. C.C. bsmt. va.

107. RECORD OF ATTACHMENT LIENS, Aug. 17, 1895--. 1 vol. (1).
Clerk's record of attachment liens against real and personal property filed for record, showing names of plaintiff and defendant, number of case, from what court writ of attachment issued, amount of debt, and date filed; also recorded copies of the writs of attachment, showing probable value of property to be held unless replevied, names of plaintiff and defendant, date of court term, and name of court wherein future action will be held, signature of issuing clerk or justice, sheriff's return showing date of levy, description of property levied upon, and signature of sheriff, and certificate of recordation showing filing date, recording date, and signature of county clerk. Arr. chron. by filing date. Indexed alph. by first letters of surnames of plaintiff and defendant, in separate subdivisions, chron. thereunder. Hdw. and typed. 240 pp. 12 x 16 x 2. C.C. off.

108. FEDERAL LIEN RECORD, Apr. 16, 1923--. 1 vol. (1).
Recorded copies of notices filed by the Collector of Internal Revenue for unpaid taxes due Federal Government, showing name and address of taxpayer, business address, nature of taxes due, amounts collected, date of payment, and certificate of recordation showing filing date, recording date, and signature of county clerk; also, on lower part of page, copy of certificate of discharge, showing certificate and internal revenue district numbers, date of certificate, certification by collector that tax considerations assessed against payer have been paid in full and that the lien has been discharged, and certificate of recordation showing filing date, recording date, and signature of county clerk. Arr. chron. by filing date. No index. Hdw. on pr. fms. 281 pp. 16 x 11 x 1½. C.C. off.

109. MECHANICS LIEN RECORD, Mar. 6, 1886--. 3 vols. (1-3). Title varies: Record of Mechanics Liens, Mar. 6, 1886-Mar. 17, 1911, 1 vol. (1).
Recorded copies of liens drawn in favor of artisans, contractors, materialmen, and laborers against real estate to insure payment for labor performed or material used in construction of or repairs to buildings, showing names of lienor and lienee, instrument number, kind of instrument, terms and conditions of contract, amount of lien, date of instrument, signature of lienor, filing date, recording date, and signature of county clerk. Arr. chron. by recording date. 1886-1911, 1 vol. (1), indexed alph. by first letters of surnames of lienor and lienee, in separate subdivisions, chron. thereunder; 1911--, 2 vols. (2,3), no index. 1886-1907 hdw.; 1907-- typed. 400 pp. 18 x 12 x 2. C.C. off.

Livestock and Poultry (See also entries 75, 144, 413)

110. MARK AND BRAND RECORD, Aug. 5, 1846-Nov. 18, 1876. 2 vols. (A, B).
Register of marks and brands placed on livestock, showing registration number, name and address of owner, facsimiles of mark and brand, locations on animal, date registered by owner, date of transfer of ownership, and, if transferred, name of person to whom transferred. Volume A contains

original registrations, Aug. 5, 1846-Nov. 13, 1868; volume B contains complete re-recordings from volume A, and original registrations, Nov. 15, 1868-Nov. 18, 1876. Vol. B also contains, on pp. 1-6: Transfer Civil Docket (Disposed), Feb., April, June, and Aug. terms, 1867, entry 280. 1846-76, marks and brands, arr. chron. by registration date; 1867, docket entries, arr. chron. by filing date. 1846-68, vol. A, no index; 1846-76, vol. B, marks and brands indexed alph. by first letter of surname of owner, chron. thereunder; no index to docket entries. Hdw. under pr. hds. Aver. 240 pp. 16 x 10 x 2. C.C. off.

This record is obsolete; for current record of letter brands, 1876--, see entry 111, of device and numeral brands, 1876--, see entry 112.

111. MARK AND BRAND RECORD (letter Brands), Nov. 18, 1876--. 1 vol. Register of marks and brands placed on livestock branded with a brand beginning with a letter of the alphabet, being a re-recording of letter brands originally registered Aug. 5, 1846-Nov. 18, 1876, in Mark and Brand Record, entry 110, and original registrations of letter brands since Nov. 18, 1876. Shows registration number, diagram indicating place of mark, facsimile of brand, place of brand, name and address of owner, registration date, date of transfer, to whom sold, and remarks. Arr. alph. by brand letter, chron. by original registration date thereunder. Indexed alph. by first letter of surname of owner, chron. thereunder. Hdw. under pr. hds. 250 pp. 18 x 11 x 3. C.C. off.

For obsolete record of all marks and brands, 1846-76, see entry 110; for current record of device and numeral brands, 1876--, see entry 112.

112. DEVICE BRAND RECORD, Nov. 18, 1876--. 1 vol.
Register of marks and brands placed on livestock branded with a brand beginning with a device or a numeral, being a re-recording of device and numeral brands originally registered Aug. 5, 1846-Nov. 18, 1876, in Mark and Brand Record, entry 110, and original registrations of device and numeral brands since Nov. 18, 1876. Shows registration number, facsimile of brand, diagram indicating place of mark, name of owner, residence of owner, day, month, and year registered, place of brand, and remarks. Also contains: (Poultry Marks), Dec. 4, 1922--, entry 113. Arr. numer. by registration no. and chron. by registration date. Indexed alph. by first letter of surname of owner, chron. thereunder, giving registration no. of brand. Hdw. under pr. hds. 250 pp. 18 x 11 x 3. C.C. off.

For obsolete record of all marks and brands, 1846-76, see entry 110; for current record of letter brands, 1876--, see entry 111.

113. (POULTRY MARKS), Dec. 4, 1922--. In Device Brand Record, entry 112.
Register of marks used by poultry owners for identification of turkeys and chickens, showing registration number, facsimile of mark, name and address of owner, location of marking on fowl, and registration date.

114. T & N O R.R. CO. REPORT OF ANIMAL KILLED, June 12, 1915-Nov.25, 1935, Dec. 21, 1937-Oct. 21, 1938. 150 reports in 2 f.b.
Title varies: Section Foreman's Reports, June 12, 1915-Nov.25, 1935, 1 f.b. 1923, 1928 in Commissioners Court Papers Pending (F.B. 9), entry 6.
Copies of reports made by railroad section foremen to county clerk, of animals killed or found dead on railroad rights-of-way, showing name of railroad, date found, kind of animal, marks, brand, color, and apparent age, signature of foreman, section number, and filing date. Arr. chron. by filing date. No index. Hdw. on pr. fms. 11 x 5 x 14. 1 f.b., June 12, 1915-Nov. 25, 1935, C.C. bsmt. va.; 1 f.b., Dec. 21, 1937-Oct. 31, 1938, C.C. off.

115. ESTRAY NOTICES, Feb. 5, 1875-Mar. 6, 1933. 350 papers in 2 f.b.
Original papers relative to stray animals taken up and reported as estrays, including affidavits by takers-up, showing description of stock, date of affidavit, name of owner (if known), signature of affiant, certificate of acknowledgment, and filing date; affidavits to appraised value of stock, showing date of affidavit, name of appraiser, appraised value, signature of appraiser, certificate of acknowledgment, and filing date; bonds made by takers-up to guarantee compliance with requirements of estray law, showing date and place of execution, names of principal and sureties, amount of bond, conditions of obligation, signatures of principal and sureties, certificate of acknowledgment, and filing date. No arr. No index. Hdw. and hdw. on pr. fms. 11 x 5 x 14. C.C. bsmt. va.
For recorded copies of estray papers, 1858-1915, see entry 116; for estray accounts, 1879-81, 1896-97, see entry 7-xiii.

116. ESTRAY RECORD, 1858-1915. 3 vols. (A, B, 1 unmarked).
Recorded copies of affidavits made by takers-up, affidavits by appraisers, and bonds made by takers-up, showing same information as original papers, see entry 115, and in addition, certificate of recordation showing filing date, recording date, and signature of county clerk. Arr. chron. by recording date. 1858-75, 1 vol. (A), separate index, see entry 117; 1875-1915, 2 vols. (B, 1 unmarked), indexed alph. by first letter of surname of taker-up, chron. by recording date thereunder. 1858-75 hdw.; 1875-1915 hdw. on pr. fms. Aver. 300 pp. 15 x 10 x 2. 2 vols. (A, B), 1858-84, C.C. bsmt. va.; 1 vol. (unmarked), 1884-1915, C.C. off.
For original estray papers, 1875-1933, see entry 115; for estray accounts, 1879-81, 1896-97, see entry 7-xiii.

117. INDEX TO ESTRAY BOOK, 1858-75. 1 vol. (A).
Index by name of taker-up to volume A of Estray Record, entry 116, showing reference to book and page. Arr. alph. by first letter of surname, chron. by recording date thereunder. Hdw. 35 pp. 10 x 16 x $\frac{1}{4}$. C.C. bsmt. va.

Automobiles (See also entries 374, 376-382)

118. AUTOMOBILE REGISTER, no dates. 1 vol. (A). Discontinued.
Register of automobile owners, showing name and address of owner, make of car, and registration number. Arr. alph. by first letter of surname of

owner, numer. by registration number thereunder. No index. Hdw. 200 pp. 16 x 10 x 1. C.C. bsmt. va.

Entries in this book re-recorded, with dates and license numbers added, in Automobile Register, entry 119.

119. AUTOMOBILE REGISTER, Apr. 12, 1913-June 26, 1917. 1 vol. (A). Discontinued.

Register of automobile owners, showing license number, registration number, name and address of owner, make of automobile, and registration date. Arr. alph. by first letter of surname of owner, numer. by registration number thereunder. Key on page 1 shows registration number and name of owner. Typed under pr. hds. 400 pp. 16 x 12 x 2. C.C. bsmt. va.

For tax assessor-collector's register, 1924-29, see entry 375.

Taxes

(See also entries 7-i, 27, 85-iii, 108, 183, 195-197, 221, 222, 248, 256, 346-357, 364, 366-368, 370-372, 374, 376-385)

120. TAX ROLL, 1937, 1938. 2 vols.

Copies, deposited with clerk, of two annual tax rolls, showing same information as original rolls, see entry 359. One vol. for each year, each arr. alph. by first letter of surname of taxpayer. No index. Typed on pr. fms. 200 pp. 24 x 18 x 2. C.C. off.

For collector's original assessment rolls, 1890--, see entry 359; for assessor's duplicates, 1884--, see entry 358.

121. DELINQUENT TAX RECORD, 1895-1915. 1 vol. (1).

Clerk's record of all lands, lots, or parts of lots returned delinquent or reported sold to the state since Jan. 1, 1885, showing year returned delinquent or reported sold, name of owner, abstract number, name of original grantee, certificate number, name of patentee, quantity (1 league or 1 labor), class of certificate, date and number of patent, survey number, number of acres assessed, number of acres sold or delinquent; name of city or town, lot, outlot, or block number, addition or division; amounts of state ad valorem, school, and poll taxes, and total state tax; amounts of county ad valorem, school, and poll taxes, and total county tax; grand total; name of person to whom sold; name of redeemer and date and number of redemption certificate. Arr. chron. by date returned delinquent or reported sold. No index. Hdw. under pr. hds. 300 (250 used) pp. 18 x 24 x 2. C.C. off.

For clerk's record of land and lots returned delinquent or reported sold to state since 1919, see entry 122. For tax assessor-collector's record of lands and lots delinquent or sold, 1885, 1915--, see entry 362.

122. DELINQUENT TAX RECORD, June 2, 1921, Sept. 12, 1933, Sept. 29, 1936, Jan. 11, 1939 (compilation dates). 4 vols. Current vol. has no title.

Clerk's record of all lands, lots, or parts of lots returned delinquent or sold to state since 1919, compiled from tax collector's annual reports. If taxes remain delinquent, the property is listed on each successive list; when back taxes are paid or property is redeemed, the property is dropped from the next list. Shows year for which delinquent, name of owner, name of original grantee, number of acres; lot, block, outlot, or division number;

amounts of state ad valorem and poll taxes; amounts of county road, ad valorem, and school taxes; total tax; date redemption certificate issued by tax collector, collector's receipt number, and state comptroller's receipt number. One vol. for each compilation, arr. alph. by first letter of surname of property owner. No index. Typed under pr. hds. 218 pp. 18 x 24 x 1. C.C. off.

For clerk's record of land and lots returned delinquent or reported sold to state since 1885, see entry 121. For tax assessor-collector's record of lands and lots delinquent or sold, 1885, 1915--, see entry 362.

123. MONTHLY REPORT TAXES COLLECTED, Jan. 15, 1936--. 30 reports in 1 bundle.

Clerk's copies of tax assessor-collector's monthly reports to state comptroller, showing same information as assessor-collector's copies, 1918--, see entry 373. Arr. chron. No index. Hdw. and typed on pr. fms. 14 x 18 x 1½. C.C. off.

124. (ANNUAL STATEMENTS OF TAXES COLLECTED), Aug. 31, 1934--. 100 papers in 2 bundles.

Summarized statements of tax collections and amounts of delinquent taxes for county, cities, and common and independent school districts, showing amounts collected or delinquent, amounts set aside for sinking and maintenance funds, and amount of interest earned by school funds in depositories. Arr. chron. No index. Hdw. and typed on pr. fms. 8½ x 14 x 2. C.C. off.

125. (COPIES OF TAX COLLECTOR'S ANNUAL REPORTS TO STATE COMPTROLLER), 1930-38. 3 vols.

Clerk's copies of annual accounts presented by the tax assessor-collector to the state comptroller, each signed by tax collector, certified by county judge and commissioners, and attested by county clerk. Included are the following standard report forms:

i. List of Lands and Lots Delinquent on June 30 (Form 18), 1933-38.

Shows name of county, year of report, year for which delinquent, name of assessor-collector; year, page, and line of tax roll; name of owner, abstract or lot number; certificate, tract, or block number; survey, division, or outlot; original grantee or city or town; subdivision or addition to city or town; number of acres reported sold or delinquent, amounts of state ad valorem and poll taxes; amounts of county ad valorem, special, poll, and school taxes; total taxes; date of redemption, and redemption receipt and certificate numbers.

ii. List of Delinquent or Insolvent Taxpayers Who Own No Property or Who Have Moved Out of County and No Property Can Be Found (Form 16), 1930-34, 1936.

Shows year, page, and line of tax roll, name of taxpayer, amounts of state ad valorem and poll taxes, amounts of county ad valorem, special, poll, and school taxes, and total taxes.

iii. Errors in Assessments (Form 17), 1931-34.

Shows year, page, and line of tax roll; name of owner; abstract or lot number; certificate, tract, or block number; survey, division, or outlot; original grantee or city or town; subdivision or addition to city or town; number of acres assessed in error; value of property; amounts of state ad valorem and poll taxes; amounts of county ad valorem, poll, and school taxes; character of error (over or under age for poll tax, wrong assessment, or wrong district).

iv. Collector's Supplemental Tax Roll (Form F), 1931-34, 1936-37.
Shows year, page, and line; name of owner; abstract or lot number; certificate, tract, or block number; survey, division, or outlot number; name of original grantee or city or town, subdivision or addition to city or town; number of acres assessed; acreage value or city value; year for which taxes are collected; personal property value; total value; respective amounts of ad valorem and poll taxes due state; respective amounts of ad valorem and poll taxes due county; total state and county taxes; tax receipt number.

v. Lands and Town Lots Redeemed During Year Ending June 30 (Form 93) 1932-34, 1937.
Shows county, year of report, name of tax assessor-collector; years for which redeemed; in whose name assessed; by whom redeemed; abstract or lot number; certificate, tract, or block number; survey or division; name of original grantee or city or town subdivision or addition to city or town; number of acres redeemed; amounts of state ad valorem and poll taxes; penalty and interest; amounts of county ad valorem and school taxes; penalty and interest; total taxes, penalty, and interest; total costs; date of redemption, collector's receipt number, comptroller's certificate number.
Arr. chron. by year, by type of report thereunder; each report arr. alph. by name of taxpayer. No index. Typed under pr. hds. 300 pp. 18 x 26 x 1. C.C. off.

For assessor-collector's copies of reports of land and lots delinquent, 1918--, see entry 363; for his insolvent lists, 1925--, see entry 365; for his lists of errors in assessment, 1919--, supplemental rolls, 1918--, and reports of annual redemptions, 1919--, see entry 360.

126. TAX RECEIPTS, Jan. 3, 1923-Dec. 31, 1926. 7,000 stubs in 2 f.b. 1912, 1915 in Miscellaneous Instruments, entry 171.
Stubs of state and county tax receipts, showing roll, page, and line reference to assessor's tax rolls, date of receipt, name of payer, amounts of state and county taxes, and total amount paid. No arr. No index. Hdw. on pr. fms. 11 x 5 x 14. C.C. bsmt. va.

For clerk's triplicates of receipts, 1936-38, see entry 127; for assessor-collector's duplicates, 1925--, see entry 361.

127. TAX RECEIPTS, Jan. 1, 1936-1938. 21,000 receipts in 4 bundles.
Triplicates of state and county tax receipts, showing name and address of payer, dates for which tax payment applies, date paid, page and line of tax roll where property listed, tax receipt number, and signature of tax collector. Arr. numer. by receipt no. No index. Hdw. on pr. fms. 5 x 10 x 4. C.C. bsmt. va.

For clerk's stubs of receipts, 1912, 1915, see entry 171, 1923-26, see entry 126; for tax assessor-collector's duplicates, 1925--, see entry 361.

128. (OCCUPATION TAX RECEIPTS), Jan. 1897-Feb. 1898, 1915, 1917, 1921. Jan. 1897-Feb. 1898, 1921 in Commissioners Court Papers Pending (1897-98 in f.b. 3; 1921 in f.b. 9), entry 6; 1915, 1917 in Miscellaneous Instruments, entry 171.
Copies of occupation tax receipts, showing date and number of receipt, name of county, name of payer, amount paid, kind of occupation, and signature of collector.

For tax assessor-collector's register of occupation taxes paid, 1891-93, 1901-15, see entry 369; for county clerk's occupation tax accounts, 1893-1920, see entry 7-ii, iii, iv; for occupation tax receipts issued as drummers' licenses, 1881-82, see entry 143; for funds due state from occupation licenses, 1899, 1915, 1917, 1921, 1922, see entry 28; for assessor-collector's monthly reports of occupation tax collections, 1918--, see entry 373.

Vital Statistics

Marriages

129. MARRIAGE LICENSES, Dec. 29, 1853--. 1,500 licenses in 25 f.b. 1917, 1932, 1933, also in Miscellaneous Instruments, entry 171. Original marriage licenses returned for filing and recording after ceremony has been performed, showing clerk's authorization to any ordained minister or justice of the peace for performance of marriage rites, license number, names of contracting parties, date and place of issuance of license; minister's or justice's return, giving date and place of marriage ceremony, and signatures of officiating party and two witnesses; certificate of recordation showing filing date, recording date, and signature of county clerk. 1853-July 26, 1935 arr. chron. by filing date; July 26, 1935-- arr. numer. by license no. No index. 1853-1930 hdw. on pr. fms.; 1930-- typed on pr. fms. 11 x 5 x 14. 11 f.b., 1853-Nov. 30, 1920, C.C. bsmt. va.; 14 f.b., Dec. 1, 1920--, C.C. off.

For recorded copies of returned marriage licenses, 1846--, see entry 130; and for Negro freemen, 1865-67, see entry 133. For stubs of marriage licenses issued, 1932-34, see entry 134.

130. MARRIAGE RECORD, Sept. 20, 1846--. 17 vols. (A-C, 1-14). Recorded copies of marriage licenses returned after ceremony has been performed, showing same information as original licenses, see entry 129, except that copies show license number, May 7, 1857-Jan. 1, 1883, Nov. 2, 1934--, only. Arr. chron. by recording date; May 7, 1857-Jan. 1, 1883, Nov. 2, 1934-- also arr. numer. by license no. 1846-Dec. 2, 1916, vols. A-C, 1-7, indexed alph. by first letters of surnames of male and female, chron. thereunder; also separate index to all vols., see entry 132. 1846-Mar. 16, 1857 hdw.; Mar. 16, 1857-June 7, 1930 hdw. on pr. fms.; June 8, 1930-- typed on pr. fms. Aver. 400 pp.; vol. A, 14 x 10 x 2; vols. B, C, 1-14, 18 x 12 x 3. C.C. off.

For transcript of vol. A, 1846-57, see entry 131. For recorded copies of returned marriage licenses for free Negroes, 1865-67, see entry 133. For original returned marriage licenses: 1853--, see entry 129; 1917, 1932, 1933, see entry 171. For stubs of marriage licenses issued, 1932-34, see entry 134.

131. MARRIAGE RECORD (Transcript), Sept. 20, 1846-Mar. 16, 1857. 1 vol. (A).
Transcript of volume A of Marriage Record, entry 130, showing same information as entry 130. Arr. chron. by recording date. Indexed alph. by first letters of surnames of male and female, chron. thereunder; also separate index, see entry 132. Typed. 400 pp. 14 x 10 x 2. C.C. off.

132. GENERAL INDEX TO MARRIAGE RECORD, Sept. 20, 1846--. 3 vols. (1-3).

Index by names of male and female to Marriage Record, entry 130; and to Marriage Record (Transcript), entry 131; each entry shows year date of license, name of opposite party, and reference to book and page. Arr. in separate male and female subdivisions, alph. by first letter of surname thereunder, chron. thereunder. 1846-Feb. 15, 1936, 2 vols. (1, 2), have alph. references on individual pages to indicate pages for recording of surnames and alph. positions of given names; Feb. 15, 1936--, 1 vol. (3), has alph. tabs indicating surname subdivisions, and alph. key table in front of book indicating page nos. where given names are recorded under each surname subdivision. Hdw. under pr. hds. Aver. 540 pp. 18 x 14 x 4. C.C. off.

133. MARRIAGE RECORD FOR FREE PERSONS OF COLOR, Oct. 5, 1865-Apr. 4, 1867. 1 vol.

Recorded copies of returned marriage licenses authorizing celebration of marriage rites for Negroes having the status of freemen, showing place of issuance, license number, names and residence of contracting parties, grant of authority and order to make return within sixty days, date issued, and signature of county clerk; minister's or justice's return, showing date of marriage, signatures of official performing ceremony and two witnesses; certificate of recordation showing filing date, recording date, and signature of county clerk; many returns contain the statement that the father acknowledged the children as his offspring in the presence of the minister or justice, "thereby legitamatizing them." Arr. alph. by first letter of surname of male, chron. by recording date thereunder. No index. Hdw. 75 pp. 16 x 10 x 1. C.C. off.

134. MARRIAGE LICENSE, Dec. 9, 1932-Nov. 3, 1934. 4 vols. Discontinued.

Stubs of marriage licenses issued, showing names of male and female, date issued, and signature of county clerk or deputy. That portion of stubs assigned to recording of information relative to affidavits made by contracting or third parties or parents or guardian only partially recorded, showing relationship to contracting parties, ages of contracting parties, and date issued. Arr. chron. by date issued. No index. Hdw. on pr. fms. 150 stubs 16 x 12 x 1. 2 vols., 1932-Feb. 4, 1934, D.C. bsmt. va.; 2 vols., Feb. 5-Nov. 3, 1934, C.C. bsmt. va.

For original returned marriage licenses, 1853--, see entry 129; 1917, 1932, 1933, see entry 171. For recorded copies of returned marriage licenses, 1846--, see entry 130; and of those for free Negroes, 1865-67, see entry 133.

135. AFFIDAVITS FOR MARRIAGE LICENSE, Dec. 23, 1935--. 1,800 papers in 4 f.b. July 5, 1929-Nov. 3, 1934 in Application of Intention, entry 136.

Original affidavits that no legal objections to marriage exist, made by contracting parties, third party, or parent or guardian, showing affidavit number, names and ages of applicants, signature of affiant, date, certificate of acknowledgment; and certificate of recordation showing filing date, recording date, and signature of county clerk; accompanied by physicians' health certificates presented by male applicants for marriage li-

censes, showing state and county, date issued, name of applicant, result of physical examination, and signature of physician. Arr. numer. by affidavit no. No index. Hdw. on pr. fms. 11 x 5 x 14. C.C. off.

136. APPLICATION OF INTENTION, July 5, 1929-Nov. 13, 1934. 1,200 papers in 4 f.b.

Original applications for marriage licenses, giving three days' notice of intention to marry (July 7, 1929-Aug. 24, 1933), showing file number, date physician's health certificate for male was filed, declaration of intention, signature of applicant, date of application, certificate of acknowledgment, and certificate of recordation showing filing date, recording date, and signature of county clerk. Also contains: Affidavits for Marriage License, July 5, 1929-Nov. 3, 1934, entry 135. Arr. chron. by filing date. No index. Hdw. on pr. fms. 11 x 5 x 14. C.C. bsmt. va.

For recorded copies of notices of intention, June 15, 1929-Aug. 24, 1933, see entry 134.

137. NOTICE OF INTENTION TO MARRY, June 15, 1929-Aug. 24, 1933. 3 vols. (1-3). Discontinued; law requiring notice repealed in 1933.

Recorded copies of applications for marriage licenses, giving three days' notice of intention to marry, showing same information as original notices, see entry 136, and recorded copies of affidavits for marriage licenses, showing same information as original affidavits, see entry 135. Arr. numer. by file no. June 15, 1929-Sept. 5, 1932, 2 vols. (1, 2), indexed alph. by first letters of surnames of male and female, in separate subdivisions, chron. by filing date thereunder; Sept. 6, 1932-Aug. 24, 1933, 1 vol. (3), indexed alph. by first letter of surname of male, chron. by filing date thereunder. Typed on pr. fms. 350 pp. 18 x 12 x 3. 2 vols. (1,2), June 15, 1929-Sept. 5, 1932, C.C. bsmt. va.; 1 vol. (3), Sept. 6, 1932-Aug. 24, 1933, C.C. off.

For original notices, 1929-33, see entry 136; for original affidavits, 1929-34, see entry 136; 1935--, see entry 135.

Births and Deaths (See also entries 318, 322-326)

138. BIRTHS AND DEATHS (Reports and Certificates), May 5, 1903-Sept. 29, 1909, Apr. 1, 1913-Apr. 1, 1915. 1,500 papers in 1 f.b.

Original birth and death reports. Birth reports made to county clerk by physicians, accoucheurs, or parents, showing name of county, name, sex, and race of child, legitimate or otherwise, nationality and names of father and mother, date of report, signature of person reporting, filing date, and recording date. Death reports made to county clerk by physicians, surgeons, coroners, or undertakers, showing name of county, name, sex, age, nationality, and citizenship of deceased, date and place of death, residence of deceased, cause of death and duration of last illness, date of report, signature and residence of person reporting, filing date, and recording date. Also contains: (Certificate of Birth), Apr. 12, 1908-Sept. 29, 1909, Apr. 1, 1913-Apr. 1, 1915, entry 139; (Certificate of Death), Apr. 12, 1908-Sept. 29, 1909, Apr. 1, 1913-Apr. 1, 1915, entry 141. No arr. No index. Hdw. on pr. fms. 11 x 5 x 14. C.C. bsmt. va.

139. (CERTIFICATE OF BIRTH), Apr. 12, 1908-Sept. 29, 1909, Apr. 1, 1913-Apr. 1, 1915. In Births and Deaths (Reports and Certificates), entry 138.

Original birth certificates made out by county clerk on standard state department of public health and vital statistics forms, showing town and county, date of birth, name of child (sometimes not shown), sex, race or color, legitimate or otherwise, stillborn or alive, place of birth, name and nationality of father, maiden name and nationality of mother, residence of parents, occupation of father, and name and residence of person reporting.

For clerk's copies of birth certificates issued by local registrars, 1931--, see entry 140.

140. (CERTIFICATE OF BIRTH), July 31, 1931--. 1 f.b.

County clerk's copies of standard state bureau of vital statistics birth certificates issued by the various local registrars in registration precincts of the county, showing county, state, precinct number, certificate number, name and sex of child, stillborn or alive, single or multiple birth, conditions of delivery, order of birth in family, date and place of birth, name, age, race, residence, and occupation of each parent, maiden name of mother, name of attending physician or midwife, and filing date. Arr. alph. by first letter of surname of child, chron. by filing date thereunder. No index. Hdw. on pr. fms. 12 x 12 x 14. C.C. off.

For original birth certificates, 1908-9, 1913-15, see entry 139.

141. (CERTIFICATE OF DEATH), Apr. 12, 1908-Sept. 29, 1909, Apr. 1, 1913-Apr. 1, 1915. In Births and Deaths (Reports and Certificates), entry 138.

Original death certificates made out by clerk on standard state bureau of vital statistics forms, showing county, date of death, full name of deceased, place of death, residence of deceased; personal and statistical particulars (length of residence at place of death and in Texas, date of birth, sex, color or race, whether alien or citizen, age, marital status, birthplace, occupation, name and birthplace of father, maiden name and birthplace of mother); medical certificate of death (immediate and contributory causes of death), name of doctor, if doctor in attendance, place of burial or removal, date of burial, name and address of undertaker, and filing date.

For clerk's copies of death certificates issued by local registrars, 1931--, see entry 142.

142. (CERTIFICATE OF DEATH), June 11, 1931--. 1 f.b.

County clerk's copies of standard state bureau of vital statistics death certificates issued by local registrars in registration precincts of the county, showing county, state, precinct number, certificate number, name, age, sex, race, marital status, and occupation of deceased, date and place of birth, residence of deceased, date, place, and cause of death, disposition of body, name of undertaker, name of attending physician, name of person reporting, and filing date. Arr. alph. by first letter of surname of deceased, chron. by filing date thereunder. No index. Hdw. on pr. fms. 12 x 12 x 14. C.C. off.

For original death certificates, 1908-9, 1913-15, see entry 141.

Business and Professional Records
(See also entries 172, 259-261, 297-300, 413)

143. RECORD OF DRUMMERS LICENSE, Apr. 23, 1881-June 6, 1882. 1 vol. Recorded copies of commercial travelers' special occupation tax ($50) receipts issued by the state comptroller as licenses, showing receipt number, name of drummer or salesman, length of time for which payment applies, date issued, signatures of comptroller and chief clerk, and certificate of recordation showing filing date, recording date, and signature of county clerk. Arr. chron. by recording date. No index. Hdw. on pr. fms. 136 pp. 16 x 11 x 1½. C.C. bsmt. va.

For tax assessor-collector's register of occupation taxes paid, 1891-93, 1901-15, see entry 369; for occupation tax receipts, 1897-98, 1915, 1917, 1921, see entry 128; for occupation tax accounts, 1893-1920, see entry 7-ii, iii, iv; for funds due state from sale of occupation tax licenses, 1899, 1915, 1917, 1921, 1922, see entry 28; for monthly reports of occupation taxes, 1918--, see entry 373.

144. BUTCHERS REGISTER, Dec. 2, 1907-Jan. 14, 1929. 1 vol. Discontinued.

List of butchers, showing name and address of butcher, business address, registration number, and date of registration. Arr. chron. by registration date. Indexed alph. by first letter of surname of butcher, chron. by registration date thereunder. Hdw. under pr. hds. 130 pp. 16 x 10 x 1½. C.C. bsmt. va.

For butchers' reports of animals slaughtered, 1880, 1881, 1887-1905, 1908, 1919, see entry 75.

145. LIQUOR DEALERS BOND RECORD, July 24, 1907-Jan. 15, 1918. 4 vols. Discontinued.

Recorded copies of bonds made by retail liquor dealers, and by retailers of malt beverages, subdivided as follows:

i. Liquor dealers' bonds, July 24, 1907-June 26, 1909, first vol., pp. 1-248; Nov. 22, 1910-July 7, 1913, second vol., pp. 1-100; Nov. 13, 1913-July 31, 1916, third vol., pp. 1-250; July 10, 1917-Jan. 15, 1918, fourth vol., pp. 1-250.

Shows name of dealer as principal, names of sureties, amount and date of bond, business address of dealer, approval of county judge, signatures of principal and sureties, notary's acknowledgment, and certificate of recordation showing filing date, recording date, and signature of county clerk.

ii. Malt beverage dealers' bonds, July 29, 1907-May 19, 1909, first vol., pp. 249-299; Jan. 2, 1911-June 10, 1912, second vol., pp. 101-134; Nov. 19, 1913-Sept. 13, 1916, third vol., pp. 1-150; July 3, 1917-Jan. 15, 1918, fourth vol., pp. 1-100.

Shows same information as recordings in separate volume, July 10, 1912-July 5, 1913, entry 146.

Arr. chron. by recording date under each subdivision. July 24, 1907-July 7, 1913, 2 vols., indexed alph. by first letter of surname of dealer, chron. by recording date thereunder; Nov. 13, 1913-Jan. 15, 1918, 2 vols., no index. Hdw. on pr. fms. Aver. 350 pp. 16 x 11 x 2. C.C. bsmt. va.

146. RETAIL DEALER BOND RECORD MALT, July 10, 1912-July 5, 1913. 1 vol.

Recorded copies of bonds given by retail dealers in malt beverages, showing name of dealer as principal, names of sureties, amount of bond, business address, approval of county judge, notary's acknowledgment, signatures of principal, county judge, and bondsmen, and certificate of recordation showing filing date, recording date, and signature of county clerk. Arr. chron. by filing date. Indexed alph. by first letter of surname of dealer, chron. by recording date thereunder. Hdw. on pr. fms. 300 pp. 16 x 11 x 2. C.C. bsmt. va.

For same record, 1907-9, 1911-18, see entry 145-ii.

147. TEXAS WORKMEN'S COMPENSATION RECORD, June 12, 1924-Nov. 29, 1927. 1 vol. Sept. 6, 1917, Feb. 15, 16, 1918, July 26, 1919 (4 entries) in Miscellaneous Record, entry 172.

Recorded copies of notices filed by employers, that they have subscribed to the provisions of the workmen's compensation act, showing name and address of subscriber, name and address of insurance company, name of person filing notice, certificate of acknowledgment, and certificate of recordation showing filing date, recording date, and signature of county clerk. Arr. chron. by recording date. Indexed alph. by first letter of surname of employer, chron. by filing date thereunder. 300 pp. 16 x 10 x 2. C.C. bsmt. va.

148. DAIRY NAMES AND TRADE MARKS, June 12, 1920, May 8, 1922-Dec. 1, 1923. 1 vol. (1).

One facsimile, on page 1, of dairy name and trademark used on milk bottles, showing name and trademark, name and address of dairyman, filing date, and recording date. Also contains, on pp. 1-13: (Petroleum and Gas Prospect Applications), May 8, 1922-Dec. 1, 1923, entry 93. Arr. chron. by filing date. No index. Typed. 300 (13 used) pp. 15 x 10 x 2. C.C. off.

149. CERTIFICATE OF ASSUMED NAMES, June 18, 1921--. 350 certificates in 1 f.b.

Original certificates filed by owners of unincorporated business firms operating under assumed names, to designate real names of owners who may be held responsible for operation, showing certificate number and date issued, name and address of firm, names and addresses of persons owning or operating firm, signatures of owners or operators, certificate of acknowledgment, filing date, and recording date. Arr. chron. by filing date. No index. Hdw. on pr. fms. 11 x 5 x 14. C.C. off.

For register of assumed names, 1921--, see entry 150.

150. INDEX ASSUMED NAMES, June 18, 1921--. 1 vol. (1).

Register of unincorporated business firms operating under assumed names, showing name and address of firm, names and addresses of persons owning or conducting firm, and filing date of certificate. Arr. alph. by first letter of assumed name, chron. by filing date thereunder. No index. Hdw. on pr. fms. 167 pp. 16 x 10 x 1½. C.C. off.

For assumed name certificates, 1921--, see entry 149.

151. (PUBLIC WAREHOUSEMEN'S CERTIFICATES), 1923--. In Miscellaneous Instruments, entry 171.
Original certificates issued by county clerk to owners or operators of public warehouses, authorizing their operation, showing location and name of warehouse, names of principal owners or operators, grant of authority, and signature of county clerk.
For public warehousemen's bonds, 1919, 1923--, see entry 152.

152. (PUBLIC WAREHOUSEMEN'S BONDS), 1919, 1923--. In Miscellaneous Instruments, entry 171.
Original bonds made in favor of the state by owners or operators of public warehouses to insure the public against loss or damage, showing names of principal and sureties, amount and date of bond, conditions of liability, signatures of principals and sureties, and approval of county clerk.
For public warehousemen's certificates, 1923--, see entry 151.

153. DENTIST RECORD EMBALMERS, Sept. 22, 1911-Aug. 14, 1937. 1 vol.
Recorded copies of certificates issued to dentists by state board of dental examiners, Sept. 22, 1911-July 10, 1935; and recorded copies of certificates issued to embalmers by state board of embalmers' examiners, Jan. 3, 1917-Aug. 14, 1937. Show certificate number, name of applicant, date of application, date of certification by board, signatures of board members, and certificate of recordation showing filing date, recording date, and signature of county clerk. Arr. alph. by first letter of surname of applicant, chron. by recording date thereunder. No index. Hdw. on pr. fms. 100 pp. 18 x 12 x 1. C.C. off.

154. OPTOMETRY RECORD, Feb. 2, 1922--. 1 vol. (1).
Recorded copies of certificates and licenses issued to optometrists by state board of examiners. Certificates show certificate number, name and address of optometrist, expiration date of certificate, signed declaration by optometrist of intention to take such examination as may be prescribed by state board, signatures of board members, recording date, and signature of county clerk. Licenses show legal authority under which issued, name and address of optometrist, statement that examination has been passed, grant of authority to practice, date issued, signatures of board members, recording date, and signature of county clerk. In some instances both certificate and license are recorded; in others only one is recorded. Arr. chron. by recording date. Indexed alph. by first letter of surname of optometrist, chron. by recording date thereunder. Hdw. on pr. fms. 320 (12 used) pp. 16 x 10 x 2. C.C. off.

155. REGISTER OF NURSE, June 25, 1923-July 31, 1933. 1 vol. (1).
Recorded copies of licenses issued to nurses by state board of nurse examiners, showing date and number of license, name of licensee, certification that nurse has been examined and is qualified to practice, signatures of members of state board; certificate to identity and character of licensee, with signatures of two acquaintances; and certificate of recordation showing filing date, recording date, and signature of county clerk. Arr. chron. by recording date. Indexed alph. by first letter of surname of licensee, chron. by recording date thereunder. Hdw. on pr. fms. 144 pp. 18 x 12 x 1. C.C. off.

Military Service
(See also entries 172, 256)

156. SOLDIERS AND SAILORS DISCHARGE RECORD, Apr. 5, 1919--. 1 vol. (1).

Recorded copies of soldiers' and sailors' discharge certificates from the U. S. Army and Navy and from the Texas National Guard; and recorded copies of certificates issued by the Secretary of War in lieu of lost or destroyed certificates. Show branch of service, name of soldier or sailor, authority or military order under which issued, name, place of birth, occupation, and physical condition of veteran; place and date of discharge, signature of issuing or commanding officer; enlistment record showing name and serial number, date and place of enlistment, prior service, (if any), rank, special qualifications, nature of engagements or expeditions, vocation, wounds, physical condition, date of completion of typhoid and paratyphoid prophylaxis, marital status, character, signature of medical officer; date and amount of payment of bonus and transportation costs; certificate of recordation showing filing date, recording date, and signature of county clerk. Also copies of certificates issued by military authorities discharging drafted persons found unfit for military service, showing date and place issued, name of drafted person, signature of military officer. Arr. chron. by recording date. Indexed alph. by first letter of surname of person discharged, chron. by recording date thereunder. Army and Navy certificates hdw. on pr. fms.; Texas National Guard certificates, certificates in lieu of lost certificates, and discharges from draft typed. 600 pp. 18 x 12 x 3. C.C. off.

Fees and Expenses
(See also entries 7-v, 15, 80, 173, 272, 303-310)

157. CLERK'S DAILY JOURNAL, Dec. 1, 1897-June 29, 1909, Dec. 2, 1914-Nov. 29, 1920, Feb. 2, 1932--. 7 vols. (2 unmarked, 1-5). Title varies: Statement of Fees and Commissions, Dec. 1, 1897-June 29, 1909, 1 vol.; Record Fees and Expenses, Dec. 2, 1914-Nov. 29, 1920, 1 vol.

Contains: County Clerk's General Fee Record, Oct. 1, 1901-June 29, 1909, Dec. 12, 1914-June 25, 1915, Feb. 2, 1932--, entry 158; (County Clerk's Expense Record), Dec. 1, 1897-Dec. 15, 1902, Dec. 2, 1914-Nov. 29, 1920, Feb. 2, 1932--, entry 160. Dec. 1, 1897-June 29, 1909, Dec. 2, 1914-Nov. 29, 1920, 2 vols., have separate subdivisions for fees and expenses, arr. chron. by date of receipt or disbursement thereunder; Feb. 2, 1932--, 5 vols. (1-5), arr. chron. No index. Hdw. under pr. hds. Aver. 200 pp. 18 x 12 x 2. 2 vols., 1897-1909, 1914-20, C.C. bsmt. va.; 5 vols. (1-5), 1932--, C.C. off.

158. COUNTY CLERK'S GENERAL FEE RECORD, Jan. 3, 1928-Dec. 31, 1929, Jan. 1, 1931-Dec. 1, 1931. 2 vols. Title varies: Record of Fees Collected, Jan. 3, 1928-Dec. 31, 1929, 1 vol. Oct. 1, 1901-June 29, 1909, Dec. 12, 1914-June 25, 1915, Feb. 2, 1932-- in Clerk's Daily Journal, entry 157.

Clerk's record of fees collected for recording instruments, showing date of collection, amount received, kind of instrument, name of payer, and

total daily collections, itemized by total amounts for different kinds of instruments. Arr. chron. by date of collection. No index. Hdw. under pr. hds. 250 pp. 18 x 12 x 1. C.C. bsmt. va.

159. LEDGER (Fee Charge Accounts), Feb. 13, 1900-Aug. 12, 1919. 2 vols.

Clerk's charge accounts of fees for recording instruments, showing name of party against whom fee is charged, date of accrual, quantity and nature of instruments and amounts of fees due for each type, and amounts of payments. Separate pages for each payer, arr. chron. thereon by date of accrual of fee. Indexed alph. by first letter of surname of person owing fee, chron. thereunder. Hdw. 280 pp. 14 x 8 x 2. C.C. bsmt. va.

160. (COUNTY CLERK'S EXPENSE RECORD), Dec. 1, 1897-Dec. 15, 1902, Dec. 2, 1914-Nov. 29, 1920, Feb. 2, 1932--. In Clerk's Daily Journal, entry 157.

Clerk's record of expenses incurred in the operation of his office, showing date of payment, purpose and amount of expenditure.

161. (COUNTY CLERK'S REPORTS OF OFFICE EXPENSES), Jan. 31-Oct. 31, 1931. 1 vol.

Duplicate copies of county clerk's monthly reports to commissioners court of his office operation expenses, showing date of report, amounts paid for bond premiums, postage, post office box rent, and clerical salaries, and signature of county clerk. Arr. chron. by date of report. No index. Hdw. on pr. fms. 200 pp. 10 x 16 x 1. C.C. bsmt. va.

For original annual reports of office expenses, 1915, 1916, 1921-23, see entry 16.

Official Bonds and Oaths and Deputations

162. OFFICIAL BONDS, Oct. 24, 1859-June 20, 1887, Jan. 1, 1890-Dec. 1, 1920, Aug. 7, 1924--. 1,000 bonds in 6 f.b. Title varies: Old Official Bonds, Oct. 24, 1859-June 20, 1887, Jan. 1, 1890-Dec. 17, 1906, 3 f.b.; Notary Public Bonds and Official Bonds, Dec. 1, 1907-Dec. 1, 1920, 1 f.b.; Official Bonds and Deputations, Aug. 7, 1934-Jan. 3, 1933, 1 f.b.

Contains: (County Official's Bonds and Oaths), Oct. 24, 1859-June 20, 1887, Jan. 1, 1890-Dec. 1, 1920, Aug. 7, 1924--, entry 163; (Deputations), Notary Bonds, Jan. 11, 1900-Dec. 17, 1906, Dec. 1, 1908-Dec. 1, 1920, entry 169; Oct. 24, 1859-June 20, 1887, Aug. 7, 1924--, entry 167; 1859-87, 1890-Dec. 1, 1907 no arr.; Dec. 1, 1907-Dec. 1, 1920, Aug. 7, 1924-- arr. chron. by filing date. No index. 1859-87, 1890-1914 hdw. on pr. fms.; 1914-20, 1924-- typed on pr. fms. 4 f.b., 1859-87, 1890-1920, C.C. bsmt. va.; 2 f.b., 1924--, C.C. off.

163. (COUNTY OFFICIALS' BONDS AND OATHS), 1859-87, 1890-1920, 1924--. Oct. 24, 1859-June 20, 1887, Jan. 1, 1890-Dec. 1, 1920, Aug. 7, 1924-- in Official Bonds, entry 162; 1896, 1903, 1909, 1916, 1917 also in Commissioners Court Papers Pending (1896 in f.b. 2; 1903, 1909, 1916, 1917 in f.b. 6), entry 6; 1914, 1925, 1930, 1932, 1933, 1935 also in Miscellaneous Instruments, entry 171.

Original bonds and oaths of office of county officials, showing names of principal and sureties, name and title of official to whom bond is payable, amount of bond, conditions of contract, oath of office signed by principal and acknowledged by county clerk, and certificate of recordation showing filing date, recording date, and signature of county clerk.

For recorded copies, 1846, see entry 85; 1847-54, 1857--, see entry 166.

164. (OATHS OF BOARD OF EQUALIZATION), Dec. 18, 1908-Jan. 3, 1922, May 12, 1930-May 12, 1934. 130 papers in 2 f.b. 1921, 1923-28 in Miscellaneous Instruments, entry 171.

Original oaths of office taken by members of commissioners court upon assuming duties as members of the board of equalization, showing name of county, name of member, conditions of obligation (that subscriber will faithfully perform duties required under constitution and laws), date of oath, certification, and filing date; also, 1908-Jan. 3, 1922 oaths made by tax assessor that a certain number of deputies are necessary to inspect taxable property and report to the board of equalization, accompanied by county judge's orders approving their appointment, and oaths taken by the deputies appointed, to faithfully perform their duties. No arr. No index. Hdw. on pr. fms. 11 x 5 x 14. C.C. bsmt. va.

For recorded copies, 1908-29, see entry 384.

165. DEPUTATIONS (and Notary Bonds), Feb. 1, 1885-Sept. 15, 1921. Jan. 2, 1930-July 8, 1933. 1,000 papers in 2 f.b.

Contains: (Deputations), Feb. 1, 1891-Sept. 15, 1921, Jan. 2, 1930-July 8, 1933, entry 167; Notary Bonds, Feb. 1, 1885-July 27, 1893, entry 169. Feb. 1, 1885-Sept. 15, 1921 no arr.; Jan. 2, 1930-July 8, 1933 arr. chron. by filing date. No index. 1885-1914 hdw. on pr. fms.; 1914-21, 1930-33 typed on pr. fms. 11 x 5 x 14. 1 f.b., 1885-1921, C.C. bsmt. va.; 1 f.b., 1930-33, C.C. off.

166. OFFICIAL BOND RECORD, Jan. 1, 1847-Aug. 21, 1854, Apr. 4, 1857--. 8 vols. (1 unmarked, C, 3 unmarked, 3-5). Title varies: Official Bonds, 1847-54, 1857-74, 2 vols. No title: 1874-86, 1 vol. 1846 in Deed Record, entry 85.

Recorded copies of bonds and oaths made by county officials, showing same information as original bonds and oaths, see entry 163. Also contains: (Deputation Record), Jan. 1, 1847-Aug. 21, 1854, 1857-Aug. 25, 1905, entry 168; Notary Bond Record, 1847-54, 1857-1905, entry 170. Arr. chron. by recording date. 1847-54, 1874-1904, 4 vols., no index; 1857-74, 1904--, 4 vols., indexed alph. by first letter of surname of principal, chron. by recording date thereunder. 1847-54, 1857-86 hdw.; 1886-1908 hdw. on pr. fms., 1908-- typed on pr. fms. Aver. 300 pp. 16 x 10 x 2. 1 Vol., 1847-54, C.C. bsmt. va.; 2 vols., 1857-86, C.C. bsmt. va.; 5 vols., 1886--, C.C. off.

For original bonds and oaths, 1859-87, 1890-1920, 1924--, see entry 163; for oaths of board of equalization: 1908-22, 1930-34, see entry 164; 1921, 1923-28, see entry 171, and recorded copies, 1908-29. See entry 384.

167. (DEPUTATIONS), Oct. 24, 1859-June 20, 1887, Feb. 1, 1891--. Oct. 24, 1859-June 20, 1887, Aug. 7, 1924-- in Official Bonds, entry 162; Feb. 1, 1891-Sept. 15, 1921, Jan. 2, 1930-July 8, 1933 in Deputations (and Notary Bonds), entry 165; 1910, Jan. 8, 1930-Aug. 19, 1935 in Miscellaneous Instruments, entry 171; 1919-25 in Commissioners Court Papers Pending (f.b. 9), entry 6.

Original appointments and oaths of office of deputy county officials, showing date and place of execution, name of deputizing official, name of appointee, office to which appointed, signature of deputizing official, certificate of acknowledgment, oath of office and signature of deputy, filing date, recording date, and signature of county clerk.

For recorded copies, 1846--, see entry 168.

168. (DEPUTATION RECORD), 1846--. 1846, Oct. 23, 1854-Jan. 12, 1856 in Deed Record, vols., A, E, F, entry 85; Jan. 1, 1847-Aug. 21, 1854, Apr. 4, 1857-Aug. 25, 1905 in Official Bond Record, entry 166; Aug. 25, 1905-- (last entry July 1, 1935) in Notary Bond Record, entry 170.

Recorded copies of appointments and oaths of office of deputy county officials, showing same information as original appointments and oaths, see entry 167.

For originals, 1859-87, 1891--, see entry 167.

169. NOTARY BONDS, June 1, 1921-Dec. 16, 1937. 1,000 bonds in 2 f.b. Feb. 1, 1885-July 27, 1893 in Deputations (and Notary Bonds), entry 165; 1897 in Commissioners Court Papers Pending (f.b. 3), entry 6; Jan. 11, 1900-Dec. 17, 1906, Dec. 1, 1908-Dec. 1, 1920 in Official Bonds, entry 162.

Original bonds given by notaries public, showing state and county, names of principal and sureties, amount and date of bond, conditions of contract, signatures of principal and sureties; oath of office signed by notary with clerk's acknowledgment and filing date. Arr. chron. by filing date. No index. Typed on pr. fms. 11 x 5 x 14. C.C. off.

For recorded copies, 1846, see entry 85; 1847-54, 1857-1905, see entry 166; 1905--, see entry 170.

170. NOTARY BOND RECORD, June 1, 1905--. 3 vols. (2-4). 1846 in Deed Record, entry 85; 1847-54, 1857-1905 in Official Bond Record, entry 166.

Recorded copies of bonds and oaths of notaries public, showing same information as original bonds and oaths, see entry 169. Also contains: (Deputation Record), Aug. 25, 1905-- (last entry July 1, 1935), entry 168. Arr. chron. by recording date. Indexed alph. by first letter of surname of principal, chron. thereunder. 1905-19 hdw. on pr. fms.; 1919-- typed on pr. fms. 240 pp. 17 x 11 x 2½. C.C. off.

For originals, 1885-93, see entry 165; 1897, see entry 6; 1900-1906, 1908-1920, see entry 162; 1921-37, see entry 169.

Miscellaneous

171. MISCELLANEOUS INSTRUMENTS, 1843, 1845-48, 1852, 1854-59, 1865--. 1,400 papers in 5 f.b. Title varies: "Deeds," 1843, 1845-48, 1852, 1854, 1866, 1868, 1869, 1872-75, 1877, 1879, 1881, 1882, 1884, 1887, 1 f.b.; "Miscellaneous and Notary Bonds 1916-17-18," 1893, 1901, 1903, 1905-19, 1921, 1 f.b.; "Miscellaneous Papers," 1921-1935, 1 f.b.
Contains: (County Clerk's Annual Exhibit of County Finances), 1900, 1921-27, entry 13; (County Commissioner's Annual Report), 1899, 1925, 1930, entry 14; (County Clerk's Quarterly Reports), 1897-1900, 1925, entry 15; (District Clerk's Quarterly Reports), 1897, 1900, 1925, entry 17; (County Judge's Quarterly Reports), 1900, entry 19; (Justices' of Peace Quarterly Reports), 1897, 1899, 1900, entry 22; (Sheriff's Annual Report), 1924, entry 26; (Tax Collector's Quarterly Reports), 1923-25, 1927, entry 27; (Statement of Occupation Taxes), 1899, 1915, 1917, 1922, entry 28; (Road Petitions), 1898, 1899, 1927, entry 44; (Road Orders), 1897, 1898, 1902, 1924, entry 46; (Reports of Juries of View), 1846, 1920, 1921, entry 47; (Road Notices to Landowners), 1900, entry 49; (Road Agreements and Contracts), 1923, 1924, 1928, 1929, entry 50; (Road Bids), 1913, entry 52; (Road Supervisors' Reports), 1898, 1900, entry 53; (Road Overseers' Reports), 1880, entry 56; (School Petitions), 1898, 1899, entry 57; (Petitions for Elections), 1898, 1899, entry 66; (Election Notices), 1933, entry 68; (Election Returns), 1924, 1926, 1930, 1932-34, entry 69; (Certificates of Election), 1912, 1925, 1926, 1928, 1932, entry 73; Statement of Candidates Campaign Expenses, 1924, 1926, 1928, 1930, 1932, entry 74; (Butchers' Reports of Animals Slaughtered), 1898-1901, 1908, entry 75; (Petitions for Appointment of County Officials and Deputies), 1929, entry 76; (Deeds), 1843, 1846-54, 1865, 1868, 1873-75, 1879, 1881, 1882, 1886-88, 1890, 1892, 1897, 1899, 1905, 1907, 1909, 1911-14, 1916, 1917, 1924, 1925, 1935, entry 82; Chattel Mortgages (and Releases), 1912-19, 1921-24, 1926, 1929, 1933, entry 97; Lis Pendens Notice and Abstract of Judgment, 1922, 1924, 1928-30, entry 103; Tax Receipts, 1912, 1915, entry 126; (Occupation Tax Receipts), 1915, 1917, entry 128; Marriage Licenses, 1917, 1932, 1933, entry 129; (Public Warehousemen's Certificates), 1923--, entry 151; (Public Warehousemen's Bonds), 1919, 1923--, entry 152; (County Officials' Bonds and Oaths), 1914, 1925, 1930, 1932, 1933, 1935, entry 163; (Oaths of Board of Equalization), 1921, 1923-28, entry 164; (Deputations), 1910, Jan. 8, 1930-Aug. 19, 1935, entry 167; (Sheriff's Receipts for Liquor Seized), 1923-30, entry 177.)
No arr. No index. Hdw. and typed, some on pr. fms. 9 x 5 x 14. 1 f.b., "Deeds," D.C. bsmt. va.; 1 f.b., "Miscellaneous and Notary Bonds, 1916-17-18," C.C. bsmt. va.; 1 f.b., "Miscellaneous Papers," and 2 f.b., "Miscellaneous Instruments," 1865--, C.C. off.

172. MISCELLANEOUS RECORD, Sept. 6, 1917; Feb. 15, 16, Dec. 20, 1918; Feb. 22, July 26, 1919; Oct. 20, 1930. 1 vol. Discontinued.
Recorded copies of 8 instruments filed with county clerk for recording, including: Texas Workmen's Compensation Record (4 entries), Sept. 6, 1917, Feb. 15, 16, 1918, July 26, 1919, entry 147; one affidavit by insurance company, Dec. 20, 1918, certifying to deposit of notes and bonds with the

state treasurer, showing state and county, kind and amount of deposit, signatures of company officials, certificate of acknowledgment, icate of recordation showing filing date, recording date, and signature of county clerk; 2 bills of sale, Feb. 22, 1919, showing same information as bills of sale recorded 1846-- in Deed Record, see entry 85-viii; one adjusted service certificate, Oct. 20, 1930, issued by U. S. Veterans' Bureau, showing value of certificate, name and address of owner, date due and payable, signature of director of bureau, and certificate of recordation showing filing date, recording date, and signature of county clerk. Arr. chron. by recording date. No index. Typed. 250 (8 used) pp. 15 x 10 x 2. C.C. off.

173. RECORD OF ACKNOWLEDGMENTS (County Clerk), Nov. 20, 1882-May 16, 1905, Jan. 2, 1912--. 4 vols.

Record of instruments sworn to before county clerk, showing number and date of acknowledgment, kind of instrument, location of real estate if real estate involved, name and identification of grantor, name, identification, and residence of grantee, identification of witnesses, and amount of fees. Arr. chron. by date sworn to and numer. by acknowledgment no. Nov. 20, 1882-May 16, 1905, Jan. 1, 1921--, 2 vols., no index; Jan. 2, 1912-Dec. 13, 1920, 2 vols., indexed alph. by first letters of surnames of grantor and grantee, in separate subdivisions, chron. thereunder. 250 pp. 14 x 9 x 1. 3 vols., 1882-1905, 1912-1920, C.C. bsmt. va.; 1 vol., 1921--, C.C. off.

174. RECORD OF ACKNOWLEDGMENTS (Notary), July 18, 1874-May 29, 1879, May 25, 1898-Nov. 11, 1904, June 17, 1907-Nov. 26, 1908. 3 vols.

Record of instruments sworn to before notaries public, showing date acknowledgment taken, kind and date of instrument, location of real estate if real estate involved, name and identification of original grantor, name, residence, and identification of grantee, identification of witnesses, and amount of fees. July 18, 1874-May 29, 1879, June 17, 1907-Nov. 26, 1908, 2 vols., arr. chron. by date acknowledgment taken; May 25, 1898-Nov. 11, 1904, 1 vol., arr. numer. by acknowledgment no. 1874-79 indexed alph. by first letter of surname of grantor, chron. thereunder; 1898-1904, 1907-8 no index. 1874-79, 1907-8 hdw.; 1898-1904 hdw. under pr. hds. 250 pp. 14 x 9 x 1. C.C. bsmt. va.

175. SUPPLY RECORD, Mar. 29, 1904-Nov. 19, 1912. 1 vol. Discontinued

Clerk's record of supplies ordered for county offices, showing date of order, from whom and by whom ordered, and itemized lists of articles. Arr. chron. by date of order under county office subdivisions. No index. Hdw. under pr. hds. 290 pp. 15 x 10 x 1. C.C. bsmt. va.

176. (HUNTING AND FISHING LICENSE REPORTS), 1927--. 15 papers in 2 envelopes.

Duplicate copies of reports (1931--) made by county clerk to state game, fish, and oyster commission, of money received by clerk from sale of hunting, trapping, and artificial lure fishing licenses, showing date of report, license number, name and address of applicant, amount of license fee, and total amount; also duplicate copies (1927-1931) of license receipts returned unused to state commission, showing date of receipt, kind of license, inclusive license serial numbers, and total value of receipts.

No arr. No index. Typed. 4 x 10 x 1/4. 1 envelope, 1927-34, C.C. bsmt. va.; 1 envelopes, 1935--, C.C. off.

177. (SHERIFF'S RECEIPTS FOR LIQUOR SEIZED), 1923-30. In Miscellaneous Instruments, entry 171.
Triplicates of receipts given by sheriff to deputies or constables receipting for liquor or property used in manufacture, sale, or transportation of liquor, showing receipt number and date, state and county, name of sheriff, name of officer making seizure, name of person from whom property taken, location of seizure, description of property or liquor seized, signature of sheriff, and clerk's certificate to filing.

178. JURY LISTS, July 1, 1895--. 3 f.b.
Original lists of persons selected by jury commissioners to serve as petit jurors in county court, as grand petit jurors in district court, showing court term and week to serve, names of jurors, signatures of commissioners, sheriff's return of summons, date filed, and signature of county clerk. 1895-July 29, 1937, 2 f.b., no arr.; June 1, 1937--, 1 f.b., arr. chron. by court term. No index. 1895-1920 hdw.; Mar. 1, 1920-July 7, 1937 typed; Jan. 6, 1937-- hdw. and typed on pr. fms. 11 x 5 x 14. 2 f.b., 1895-July 29, 1937, C.C. bsmt. va.; 1 f.b., Jan. 6, 1937--, C.C. off.

III. DISTRICT COURT

A district court for each of the judicial districts to be established by law was created by each of the six Texas constitutions.[1] The act of the Congress organizing the first district courts divided the Republic into four judicial districts.[2] From time to time new judicial districts have been established by law until at present there are more than one hundred in the state. Upon its creation in 1846, Guadalupe County was placed in the second judicial district; it is now included in the twenty-fifth.[3]

The district judge presides over the court, and the district clerk, the district attorney, and the sheriff complete the court personnel.

Under the Republic the district judge was elected by joint vote of both houses of the Congress.[4] In 1845 the office became appointive by the governor with the consent of two-thirds of the senate.[5] By a constitutional

1. 1836, Gammel, Laws, I, 1073; 1845, ibid., II, 1285; 1861, ibid., V, 10; 1866, ibid., 864; 1869, ibid., VII, 410; Const., 1876, Art. V, sec. 1.
2. 1836, Gammel, Laws, I, 1258.
3. 1846, ibid., II, 1365; 1885, ibid., IX, 658.
4. 1836, Gammel, Laws, I, 1074, 1258.
5. 1845, ibid., II, 1285.

amendment adopted in 1850, the district judge became elective by the voters of the judicial district[6] and remained so until 1869, when the constitution of that year provided that he should be appointed by the governor with the advice and consent of the senate.[7] Since 1876, the district judge has been elected by the voters of the judicial district.[8]

In order to be qualified for office the district judge must have been a resident of the judicial district for two years prior to his election, must have reached the age of twenty-five, and must have been a practicing lawyer of the state or judge of a court in the state for at least four years.[9]

The term of office of the district judge was placed at four years in 1836,[10] six years in 1845,[11] eight years in 1866 [12] and 1869,[13] and four years in 1876,[14]

The district judge has always been paid an annual salary, the amount or minimum being set by constitution. Under the Republic the amount was $3,000.[15] A minimum of $1,750 was fixed in 1845 [16] and 1861,[17] of $3,500 in 1866 [18] and 1869.[19] The present constitution fixed the judge's salary at $2,500 until changed by law;[20] the amount was increased to $4,000 in 1919,[21] and to $5,000 in 1927.[22]

The district judge could be removed from office under the Republic by impeachment in the Congress, upon conviction of treason, bribery, or other crimes.[23] Since the adoption of the Constitution of 1845, the district judge has been removable by impeachment proceedings in the senate[24] or by the governor on the address of two-thirds of each house of the legislature, for willful neglect of duty, incompetency, or other reasonable cause not sufficient grounds for impeachment;[25] since 1876 he may be removed by either of the two foregoing procedures or by the supreme court for incompetency, negligence, or misconduct.[26]

6. 1850, Gammel, Laws, III, 599.
7. 1869, ibid., VII, 411.
8. Const., 1876, Art. V, sec. 7.
9. Ibid.
10. 1836, Gammel, Laws, I, 1073.
11. 1845, ibid., II, 1285.
12. 1866, ibid., V, 865.
13. 1869, ibid., VII, 411.
14. Const., 1876, Art. V, sec. 7.
15. 1836, Gammel, Laws, I, 1129.
16. 1845, ibid., II, 1285.
17. 1861, ibid., V, 11.
18. 1866, ibid., 865.
19. 1869, ibid., VII, 413.
20. Const., 1876, Art. V, sec. 7.
21. 1919, 36th Legis., 50.
22. 1927, 40th Legis., 411.
23. 1836, Gammel, Laws, I, 1077.
24. 1845, ibid., II, 1296; 1861, ibid., V, 23; 1866, ibid., 881; 1869, ibid., VII, 416; Const., 1876, Art. XV, sec. 2.
25. 1845, Gammel, Laws, II, 1285, 1286; 1861, ibid., V, 11; 1866, ibid., 867; 1869, ibid., VII. 412, 413; Const., 1876, Art. XV, sec. 8.
26. Const., 1876, Art. XV, sec. 6.

(Next entry, 179, p. 199) District Court

In addition to his regular judicial duties and powers, the district judge is authorized to perform marriage ceremonies[27] and to remove any county officer for malfeasance.[28] He appoints an official court reporter to serve his court,[29] a jury commission to select the grand jury, and grand jury bailiffs.[30] When the office of county auditor was created, a majority of the district judges holding court in the county and the county judge appointed the auditor;[31] later this appointive power was given to the district judge or judges exclusively.[32]

A district clerk for each county was provided by the Constitution of 1836 and each successive constitution, and the office has been elective by the voters of the county since its creation.[33] To qualify for office the district clerk has been required since 1836 to furnish bond and take a prescribed oath of office.[34] His term of office was four years until 1876, when it was set at two years.[35] Until 1917 the district clerk's compensation was derived from fees for official services he performed; since 1917 he has received an annual salary, the maximum of which is set by the commissioners court.[36] He has been removable by the district judge since 1836, upon conviction by a jury, for malfeasance, neglect of duty, or other sufficient cause.[37]

In addition to his duties as recorder for the court, the district clerk keeps a record of each member of any branch of the medical proffesion who is practicing in his county[38] and a record of each veterinarian in his county.[39] He keeps a similar record of each chiropodist.[40]

The district attorney, whose duty as the state's attorney was to prosecute and defend all cases in which the state was interested, was provided for in the Constitution of 1836,[41] but the office was not established by law until 1840.[42]

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27. 1837, Gammel, Laws, I, 1294.
28. 1923, 38th Legis., 357.
29. 1903, 28th Legis., 85.
30. 1876, Gammel, Laws, VIII, 914.
31. 1905, 29th Legis., 381.
32. 1917, 35th Legis., 337.
33. 1836, Gammel, Laws, I, 1271; 1845, ibid., II, 1286; 1861, ibid., V, 12; 1866, ibid., 866; 1869, ibid., VII, 412; Const., 1876, Art. V, sec. 9.
34. 1836, Gammel, Laws, I, 1262, 1263; 1846, ibid., II, 1510; 1876, ibid., VIII, 1069.
35. 1836, ibid., I, 1074; 1845, ibid., II, 1286; 1861, ibid., V, 12; 1866, ibid., 1866; 1869, ibid., VII, 412; Const., 1876, Art. V, sec. 9.
36. 1836, Gammel, Laws, I, 1142; 1848, ibid., III, 299; 1917, 35th Legis., 33.
37. 1836, Gammel, Laws, I, 1074; 1845, ibid., II, 1286; 1861, ibid., V, 12; 1866, ibid., 866; 1869, ibid., VII, 412; Const., 1876, Art. V, sec. 9.
38. 1873, Gammel, Laws, VII, 526.
39. 1919, 36th Legis., 2nd C.S., 143.
40. 1923, 38th Legis., 357.
41. 1836, Gammel, Laws, I, 1074
42. 1840, ibid., II, 205.

(Next entry, 179, p. 199)

It has been provided for in each succeeding constitution.[43]

When the office was first established, the district attorney was appointive by the President of the Republic.[44] By the Constitution of 1845, the district attorney was elected by joint vote of both houses of the legislature.[45] Since 1850 he has been elected by the voters of the judicial district.[46]

The district attorney had to be a citizen of the Republic before he was qualified to take office.[47] In 1846 the officer was required to be a resident of the district and state and to give a $5,000 bond and take an oath of office.[48] The present constitution requires him to be a resident of the state and district,[49] and since 1879 he has been required to be a licensed attorney.[50]

The district attorney's term of office was set at two years in 1840.[51] In 1866 his term was lengthened to four years[52] and remained so[53] until 1876, when it was again fixed at two years.[54]

Laws regulating the district attorney's fees were passed in 1836 [55] and in 1839.[56] An act of 1840 provided for an annual salary of $1,200 in addition to fees regulated by the act.[57] In 1866 the constitution set his salary at $1,000 in addition to fees of office.[58] The Constitution of 1876 provided that he be paid an annual salary of $500 by the state, in addition to his fees.[59] In 1929 an act gave him, in addition to the $500 provided by the constitution, ten dollars a day for the first 350 days of each calendar year.[60] He now receives an annual salary of $4,000.[61]

The district attorney can be removed from office by the district judge, upon conviction by a jury, for incompetence, official misconduct, or drunkenness.[62]

In 1846 the district attorney was required to give legal advice and assistance to county officials, to prosecute and defend all actions in which the state was interested, and to report to the attorney general as that officer might require.[63] A school law of 1870 made it the district attorney's duty to inspect the actions of the county courts in his district in regard

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43. 1845, Gammel, Laws, II, 1286; 1861, ibid., V, 12; 1866, ibid., 868; 1869, ibid., VII, 413; Const., 1876, Art. V, sec. 21.
44. 1840, Gammel, Laws, II, 205.
45. 1846, ibid., 1286.
46. 1850, ibid., III, 599; 1866, ibid., V, 868; 1869, ibid., VII, 413; 1879, ibid., VIII, 1395.
47. 1836, ibid., I, 1077.
48. 1846, ibid., II, 1601.
49. Const., 1876, Art. XVI, sec. 14.
50. RCS, 1879, Art. 249.
51. 1840, Gammel, Laws, II, 205.
52. 1866, ibid., V, 868.
53. 1869, ibid., VII, 413.
54. 1879, ibid., VIII, 1394.
55. 1836, ibid., I, 1198.
56. 1839, ibid., II, 73.
57. 1840, ibid., 205.
58. 1866, ibid., V, 868.
59. Const., 1876, Art. V, sec. 21.
60. 1929, 41st Legis., 2nd C.S. 134.
61. 1935, 44th Legis., 2nd C.S., 1710.
62. RCS, 1879, Art. 3390.
63. 1846, Gammel, Laws, II, 1601-1601-1604.

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to school matters and to report to the superintendent of public instruction.[64] It is his duty to prosecute all officials who are violating the public trust;[65] to prosecute the county treasurer for diversion of trust funds;[66] to prosecute for removal of unqualified school trustees;[67] to abate nuisances arising from pool halls,[68] bucket shops, bawdy houses, gambling dens, and like places;[69] to institute and prosecute escheat proceedings against private property;[70] to prosecute for cancelation of licenses of physicians,[71] dentists,[72] optometrists,[73] and veterinary surgeons[74] who have violated provisions of their respective licenses; to file forfeiture and condemnation suits in cases of violation of the pure food and drug act;[75] and to prosecute escheat proceedings for forfeiture of lands illegally held by corporations.[76] He is forbidden to accept any rewards from private individuals for services required of him by law.[77]

The district attorney is required to keep a register of his official acts,[78] to report all collections and disbursements to the comptroller and county clerk,[79] to keep a fee book,[80] to report semi-annually to the comptroller all exploitations of minerals and timber on public lands,[81] and to keep a detailed record of all fees, costs, and commissions.[82]

The sheriff, who serves the district court as its ministerial officer, is discussed in full in the essay on that office (see pp. 251-253).

The grand jury was created to investigate crime in the county and to report its findings to the district court. At the time of its creation in 1836, its membership consisted of not more than twenty nor fewer than thirteen persons.[83] In 1871 the grand jury was composed of not more than twenty and not fewer than fifteen men.[84] At present it consists of twelve men.[85]

In 1836 the sheriff and the county clerk together chose the grand jury from a list of persons eligible for jury service in the county.[86] In 1846 the district clerk and the county clerk met in the presence of a justice of the peace and selected a grand jury from the county jury list.[87] From 1871

64. 1870, Gammel, Laws, VI, 292.
65. 1876, ibid., VIII, 922.
66. 1899, 26th Legis., 45.
67. 1905, 29th Legis., 263; 1907, 30th Legis., 204; 1917, 35th Legis., 447.
68. 1919, 36th Legis., 18.
69. 1923, 38th Legis., 57.
70. 1885, Gammel, Laws, IX, 655; 1907, 30th Legis., 111.
71. 1923, 38th Legis., 289.
72. 1919, 36th Legis., 50.
73. 1921, 37th Legis., 1st C.S., 159.
74. 1919, 36th Legis., 2nd C.S., 143.
75. 1911, 32nd Legis., 76.
76. 1893, Gammel, Laws, X, 467.
77. 1876, ibid., VIII, 922.
78. 1846, ibid., II, 1604.
79. Ibid., 1603.
80. RCS, 1879, Art. 2419.
81. 1905, 29th Legis., 38.
82. 1935, 44th Legis., 2nd C.S., 1781.
83. 1836, Gammel, Laws, I, 1268.
84. 1871, ibid., VII, 62.
85. Const., 1876, Art. V, sec. 13.
86. 1836, Gammel, Laws, I, 1268.
87. 1846, ibid., II, 1476.

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to 1876 the district clerk met with the county court and chose a grand jury.[88] The district judge now appoints, at each term of the district court, a jury commission of three members to select a grand jury.[89]

In 1836 persons qualified to serve as grand jurors had to be citizens of the Republic and county, freeholders within the Republic and householders within the county, able to read and write, and of good mind and sound moral character.[90] The same general qualifications have been required up to the present time.[91]

Grand jurors are paid for their services on a per diem basis, each grand juror receiving three dollars for every day or fraction of a day that he attends the grand jury.[92]

Since 1836 it has been the duty of the grand jury to inquire into all offenses liable to indictment which have come to its attention through the prosecuting attorney or any other reliable source of information. The grand jury has power to have witnesses summoned and to hear all evidence in a case, whereupon it either bills or no-bills the defendant on the indictment drawn up by the district attorney. The results of its investigation are reported to the district court.[93]

The first term of the district court in Guadalupe County convened in September 1846. Present were the Honorable William E. Jones, judge of the second judicial district; Milton Osborne, sheriff; and Asa J. L. Sowell, district clerk. The regularly appointed district attorney being absent, the court appointed John A. Chalmers, a practicing attorney, attorney pro tem for the current term. The sheriff was ordered to summon thirty-six "good & lawful men" to serve as jurors, and from this number, a grand jury was drawn.[94]

Jurisdiction of the district court was subject to the provisions of an act passed by the first state legislature organizing district courts and defining their powers and jurisdiction. By the terms of this act, the district court had original jurisdiction of all criminal cases. It had the power to hear and determine all prosecutions in behalf of the state--by indictment, information, or presentment--for treason, murder, or other felonies, crimes, and misdemeanors committed within its jurisdiction, except such as might have been exclusively cognizable before justices of the peace or other courts of the state. It had all of the powers incident and belonging to a court of oyer and terminar. The act also gave the district court original jurisdiction of all suits in behalf of the state, suits to recover penalties, forfeitures, and escheats, and suits against the state which should be allowed by law. It had civil jurisdiction of all suits for the recovery of land, cases of divorce and alimony, and of all suits,

88. 1871, Gammel, Laws, VII, 63.
89. 1876, ibid., VIII, 915.
90. 1836, ibid., I, 1267.
91. 1846, ibid., II, 1476; 1871, ibid., VII, 62; 1876, ibid., VIII, 914
92. 1927, 40th Legis., 255.
93. 1836, Gammel, Laws, I, 1267.
94. Guadalupe County, Minutes District Court (see entry no. 212), A, 1-3, cited hereafter as Min. Dist. Ct.

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complaints, and pleas whatever, without regard to any distinction between law and equity, when the matter in controversy amounted to one hundred dollars or more, exclusive of interest. It had the power to do and to perform all other acts pertaining to courts of general jurisdiction. Its appellate jurisdiction extended over all probate matters in inferior courts. It had original probate jurisdiction in cases where the probate judge or clerk had an interest. It had power to hear and determine all motions against sheriffs, coroners, and other officers for misappropriation of money or other default of duty, and to impose fines and jail sentences for contempt of court. The district judge had the power to grant remedial orders, writs, or other processes necessary to obtain the relief prayed for before the court, and to frame judgments of the court so as to afford all the relief which might be required by the nature of the same.[95] In criminal case No. 1 in the district court of Guadalupe County, a case of petit larceny, the defendant pleaded not guilty, was found guilty by a jury, and the punishment imposed by the court was five lashes on his bare back.[96] The first civil case was heard on March 8, 1847, and was continued, it appearing to the satisfaction of the court that there was no legal service of the writ and petition, and an alias was ordered.[97]

The Constitution of 1866 provided for a number of changes in the judiciary of Texas. The district court was to share much of its civil and criminal jurisdiction with the county court (for jurisdiction of the county court during this period, see pp. 44, 45, 227). It had jurisdiction of all criminal cases, suits for divorce, suits to recover damages for slander or defamation of character, suits for the trial of title to land, suits for the enforcement of liens, suits for the trial of right to property levied on by virtue of any writ of execution, sequestration, or attachment, when the property levied on should be equal to or exceed one hundred dollars in value. It had jurisdiction of all suits, complaints, or pleas whatever, without regard to any distinction between law and equity, where the matter in controversy exceeded one hundred dollars exclusive of interest. The district judge was empowered to issue remedial writs. The court had appellate jurisdiction and general control over the county court in probate matters.[98]

The provisions of the Constitution of 1866 became effective in June of that year, and the county governmental agencies established by them began to function in most of the counties. But the United States Congress refused to re-admit Texas to the Union under this constitution; so the offices operating by its authority were dissolved in many of the counties. However, they were not abolished in Guadalupe County, and the courts that had been organized continued to function until the Constitution of 1869 became effective.[99]

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95. 1846, Gammel, Laws, II, 1216, 1507.
96. Min. Dist. Ct., A, 4.
97. Ibid., 9.
98. 1866, Gammel, Laws, V, 866.
99. See entry nos. 212, 306.

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The civil and criminal jurisdiction of the district court remained the same under the Constitution of 1869, except that it was to be exclusive, not being shared with the county court in any part.[100] The district court had exclusive original jurisdiction in all probate matters.[101]

A law of 1873 required that the delinquent tax list be filed with the district clerk for docketing. Delinquent tax suits have been under the jurisdiction of the district court since that time.[102]

The present constitution provides for the jurisdiction of the district court as follows:

> The District Court shall have original jurisdiction in all criminal cases of the grade of felony; in all suits in behalf of the State to recover penalties, forfeitures and escheats; of all cases of divorce; of all misdemeanors involving official misconduct; of all suits to recover damages for slander or defamation of character; of all suits for trial of title to land and for the enforcement of liens thereon; of all suits for the trial of the right of property levied upon by virtue of any writ of execution, sequestration or attachment when the property levied on shall be equal to or exceed in value five hundred dollars; of all suits, complaints or pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall be valued at or amount to five hundred dollars exclusive of interest; of contested elections, and said court and the judges thereof, shall have power to issue writs of habeas corpus, mandamus, injunction and certiorari, and all writs necessary to enforce their jurisdiction.
>
> The District Court shall have appellate jurisdiction and general control in probate matters, over the County Court established in each county . . . The District Court shall have appellate jurisdiction and general supervisory control over the County Commissioners Court . . .[103]

By statutes enacted in pursuance of the constitution, the district court has jurisdiction in suits for the partition of real estate between joint owners or claimants,[104] and general supervisory control of the actions of the county board of school trustees in creating and changing school districts.[105] Under Federal statutes, it is empowered to conduct naturalization hearings.[106]

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100. The county court created by this constitution was an administrative body. 1869, Gammel, Laws, VII, 414.
101. Ibid., 411.
102. 1873, ibid., 639.
103. Const., 1876, Art. V, sec. 8.
104. RCS, 1925, Art. 6083.
105. 1915, 34th Legis., 71.
106. Federal Stat., vol. 6 (2nd edition), p. 952.

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It sits as a juvenile court, exercising concurrent jurisdiction with the county and criminal district courts in cases of delinquent children, and exclusive jurisdiction in cases of neglected or abandoned children.[107] The district court has exclusive jurisdiction in adoption proceedings.[108]

There follows a list of legal records requirements of the clerk of the district court, grouped by subject, chronologically by the date the law was approved thereunder.

Case Papers

Case Papers, Gammel, Laws, I, 1258-1271, Dec. 22, 1836. (To be filed)
Attorney's Receipt for Case Papers, Gammel, Laws, II, 1554, May 12, 1846. (To be filed)
Inquest Papers, Gammel, Laws, II, 1668, May 13, 1846. (To be filed)

Dockets

File Docket, Gammel, Laws, I, 1196, Dec. 19, 1836.
Execution Docket, Gammel, Laws, II, 738, Jan. 27, 1842.
Criminal Docket, W.S. Oldham and George W. White (comp.), "Old Code," Art. 544, in A Digest of the General Statute Laws of the State of Texas (Austin, 1859), cited hereafter as "Old Code." Feb. 1, 1857.
Bar Docket, Gammel, Laws, VIII, 358, June 16, 1876.
Jury Case Trial Docket, Civil, Gammel, Laws, VIII, 1007, Aug. 18, 1876.
Non-jury Docket, Civil, RCS, 1879, Art. 1290, Sept. 1, 1879.

Minutes

Minutes of the District Court, Gammel, Laws, I, 1258-1271, Dec. 22, 1836.
Execution Record, Gammel, Laws, II, 152, Jan. 26, 1839.
Naturalization Record, Federal Stat., vol. 5, footnotes on p. 201; vol. 6 (2nd edition), p. 952.
Appointment of Temporary District Clerk, Gammel, Laws, III, 447, Dec. 5, 1849. (To be recorded in minutes)
Order Setting Day for Taking up Criminal Docket, "Old Code," Art. 545, Feb. 1, 1857. (To be recorded in minutes)
Order Declaring Office of Justice of Peace Vacant, Gammel, Laws, VIII, 7, Feb. 9, 1874. (To be recorded in minutes)
Order Declaring Office of Sheriff Vacant, Gammel, Laws, VIII, 101, Apr. 14, 1874. (To be recorded in minutes)
Order Requiring Sheriff to Post New Bond, Gammel, Laws, VIII, 101, Apr. 14, 1874. (To be recorded in minutes)
Index to Minutes of District Court, Gammel, Laws, VIII, 861, June 21, 1876.
Order Designating Day of Taking up Jury Docket, Gammel, Laws, VIII, 917, Aug. 1, 1876. (To be recorded in minutes)
Election of Special District Judge by Practicing Attorneys, Gammel, Laws, VIII, 997, Aug. 15, 1876. (To be recorded in minutes)
Appointment of Special District Judge, Gammel Laws, VIII, 997, Aug. 15, 1876. (To be recorded in minutes)
District Clerk's Bill of Costs Due from State in Criminal Cases, Gammel, Laws, IX, 73, July 9, 1879. (To be recorded in minutes)

107. 1907, 30th Legis., 137.

108. 1931, 42nd Legis., 300.

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District Attorney's Bill of Costs Due from State in Criminal Cases, Gammel, Laws, IX, 73, July 9, 1879. (To be recorded in minutes)
County Attorney's Bill of Costs Due from State in Criminal Cases, Gammel, Laws, IX, 73, July 9, 1879. (To be recorded in minutes)
Sheriff's Bill of Costs Due from State in Criminal Cases, Gammel, Laws, IX, 73, July 9, 1879. (To be recorded)
Oath of Special Judge in Criminal Cases, CCP, 1879, Art. 572, July 24, 1879. (To be recorded in minutes)
Certificate of Examining Committee to Court Stenographer's Competency, 28th Legis., 85, Mar. 25, 1903. (To be filed)
Certificate of Examining Committee to Court Stenographer's Competency, 28th Legis., 85, Mar. 25, 1903. (To be recorded)
Appointment of Court Stenographer, 28th Legis., 84, Mar. 25, 1903. (To be recorded)
Juvenile Record, 30th Legis., 138, Apr. 5, 1907.
District Attorney's Per Diem Account, 30th Legis., 326, Apr. 29, 1907. (To be recorded in minutes)
Traveling Expense Account of District Attorney, 38th Legis., 51, Feb. 15, 1923. (To be recorded in minutes)
Traveling Expense Account of District Judge, 38th Legis., 51, Feb. 15, 1923. (To be recorded in minutes)
Order Reciting Election of Presiding Judge, 38th Legis., 220, Mar. 21, 1923. (To be recorded in minutes)
Declaration by District Judge Fixing Time of Court Sessions, 40th Legis., 132, Mar. 15, 1927. (To be recorded in minutes)

Fees and Costs

Fee Book, Gammel, Laws, I, 1200, Dec. 19, 1836.
Criminal Fee Book, Gammel, Laws, IV, 1116, Feb. 15, 1858.
Sheriff's Jury Cost Account, CCP, 1879, Art. 1069, July 24, 1879. (To be filed)
Record of Witnesses Called in Criminal Cases, CCP, 1879, Art. 1110, July 24, 1879.
Record of Sheriff's Fee Bill and Affidavit for Conveying Attached Witnesses, Gammel, Laws, X, 141, Apr. 8, 1891.
Fee Officials' Annual Statements of Fees Charged and Collected, Gammel, Laws, X, 1450, June 16, 1897. (To be filed)
Grand Jury's Annual Report of Examination of Fee Officials' Accounts, Gammel, Laws, X, 1451, June 16, 1897. (To be filed)
Receipts by Peace Officers for Expenses Incurred, 27th Legis., 22, Sept. 7, 1901. (To be filed)
District Court Stenographer's Annual Report of Fees and Per Diem Compensation, 28th Legis., 84, Mar. 25, 1903. (To be filed)
Treasurer's Annual Report of Stenographic Fees Received from District Clerk, 28th Legis., 84, Mar. 25, 1903. (To be filed)
Naturalization Fee Book, Federal Stat., vol. 6 (2nd edition), p. 952.
Receipts for Fees Paid, 30th Legis., 120, Apr. 3, 1907. (To be recorded in fee book)
Certificate for Witness Fees, 40th Legis., 114, Mar. 8, 1927. (To be filed)

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Trust Funds

Record of Trust Funds, Gammel, Laws, VIII, 843, May 19, 1876.

Jury Service

List of Freeholders for Jury Service, Gammel, Laws, I, 1267, Dec. 22, 1836. (To be filed)
Record of Jurors Drawn, Gammel, Laws, IV, 1077, Feb. 13, 1858.
Certified Jury List, Gammel, Laws, IV, 1076, Feb. 13, 1858. (To be filed)
Jury Exemptions, Gammel, Laws, VIII, 914, Aug. 1, 1876. (To be filed)
List of National Guardsmen for Jury Exemption, 28th Legis., 214, Apr. 1, 1903. (To be filed)
Affidavit of Jury Service Exemption, 30th Legis., 216, Apr. 16, 1907. (To be filed)

Miscellaneous Court Records

Delinquent Tax List, Gammel, Laws, VII, 640, June 2, 1873. (To be filed)
Officer's Schedule of Stolen Property Seized, CCP, 1879, Art. 963, July 24, 1879. (To be filed)
Official Shorthand Notes, 28th Legis., 84, Mar. 25, 1903. (To be filed)
Druggist's Affidavit and Canceled Liquor Prescriptions, 28th Legis., 56, Mar. 16, 1903. (To be filed)
Affidavit of Person Ordering Shipment of Liquor in Prohibition Territory, 33rd Legis., 1st C.S., 63, Aug. 21, 1913. (To be filed)
Affidavit of Druggist's Agent to Ethyl Alcohol Purchase, 35th Legis., 3rd C.S., 76, Oct. 12, 1917. (To be filed)
Druggist's Affidavit and Duplicate Liquor Prescriptions, 35th Legis., 4th C.S., 20, Mar. 16, 1918. (To be filed)
Officer's Statement of Livestock Dipped, 41st Legis., 1st C.S., 143, May 22, 1929. (To be filed)
Application by Department of Public Safety to District Judge for Delivery of Seized Narcotics, 45th Legis., 344, Apr. 16, 1937. (To be filed)
Officer's Report of Narcotic Drugs Destroyed, 45th Legis., 344, Apr. 16, 1937. (To be filed)

Ex-Officio Records of District Clerk

Professional Licenses

Record of Practicing Attorneys, Gammel, Laws, II, 136, Jan. 27, 1839.
Committee's Report on Applicant for License to Practice Law, Gammel, Laws, II, 1552, May 12, 1846. (To be recorded)
Medical Register, Gammel, Laws, VII, 526, May 16, 1873.
Veterinarian's Certificate of License, 32nd Legis., 134, Mar. 16, 1911. (To be recorded)
Register of Chiropodist's License, 38th Legis., 358, Mar. 6, 1923.
Cancelation of Physician's License, 38th Legis., 286, Mar. 24, 1923. (To be recorded in medical register)

Official Bonds and Oaths

County Clerk's Bond and Oath, Gammel, Laws, I, 1210, Dec. 20, 1836. (To be filed)
Appointment and Oath of Deputy County Clerk, Gammel, Laws, III, 117, Mar. 16, 1848. (To be filed)

Acknowledgments

District Clerk's Acknowledgment Record, Gammel, Laws, VIII, 157, Apr. 28, 1874.

Registration of Voters

Recorded Lists of Registered Voters, Gammel, Laws, VI, 202, July 11, 1870.
Voter's Certificate of Registration, Gammel, Laws, VIII, 82, Apr. 8, 1874. (To be filed)
Voter's Affidavit to Certificate of Registration, Gammel, Laws, VIII, 82, Apr. 8, 1874. (To be filed)

Case Papers
(See also entry 256)

Civil

179. (CIVIL CASE PAPERS), Sept. 15, 1846--. 8,200 cases in 209 f.b. (labeled with contained case numbers, the cases being numbered in two series: 1-11500, Sept. 15, 1846-Oct. 1, 1929; A 1-A 1132, Oct. 1, 1929--) and 1 f.b. (3), containing cases 10778, 10792, 10814, filed 1923-25. Discrepancy between total number of cases and number indicated by case numbering is accounted for by fact that approximately 4,400 numbers were skipped in numbering the cases; for instance, 999 omitted between 5099 and 6099.
Original case papers in civil cases instituted originally and by appeal in the district court, including original, supplemental, and amended petitions, answers and other pleadings, with demurrers, exceptions, motions, stipulations, and bonds, filed with clerk by parties; citations, subpoenas, and other process issued by clerk, with officers' returns; writs, including attachment, garnishment, sequestration, mandamus, injunction, habeas corpus; and, in some cases, judgments, statements of fact, assignments of error, evidenciary exhibits, cost bills, affidavits, briefs, opinions and mandates of appellate courts, and other related papers. Jacket for each case shows number and style of case, and filing date; jackets arr. numer. by case no. No index. Hdw.; typed; hdw. and typed on pr. fms. 11 x 5 x 14. 209 f.b. (labeled with contained case numbers), D.C. off.; 1 f.b. (3), D.C. bsmt. va.

For recorded copies of civil case papers, 1846-68, see entry 180.
For docket of instruments filed in two civil cases, 1930, see entry 198.
For duplicates of civil subpoenas, 1897-1911, 1922--, see entry 207.

180. FINAL RECORD DISTRICT COURT, Sept. 28, 1846-Nov. 28, 1868. 2 vols. (A, B). Discontinued.
Recorded copies of district court civil case papers and related instruments recorded for preservation of record, after final disposition of case.

Included are petitions, answers, transcripts of testimony, instructions to jurors, judgments, motions, notices, affidavits, certified copies of deeds and other evidenciary exhibits, and writs. Papers for each case arr. chron. by filing date. Indexed alph. by first letters of surnames of plaintiff and defendant, in separate subdivisions, chron. thereunder. Hdw. Aver. 632 pp. 18 x 12 x 3. 1 vol. (A), Sept. 28, 1846-May 9, 1859, D.C. bsmt. va.; 1 vol. (B), Oct. 17, 1853-Nov. 28, 1868, D.C. off.
For original civil case papers, 1846--, see entry 179.

181. (TRANSCRIPTS OF LAND TITLE SUITS), Mar. 11, 1847-May 21, 1858. In Witness Record, vol. titled Witness Docket, pp. 32-60, entry 203. Dates are of original papers and proceedings; no recording dates of transcription.

Transcripts of the record in adjudicated civil cases in various district courts, involving title to land in Guadalupe County; the first case recorded concerns the Moses Baker league. Instruments include field notes, orders appointing partitioners, agreements, and judgments.

182. RECORDS (Transcripts of Record in Land Title Suits Appealed to Supreme Court), Oct. 31, 1859-Jan. 20, 1873. 1 vol.

Transcripts of the record upon appeals to the Texas Supreme Court of cases instituted in the Guadalupe County district court, and involving the title to lands, with copies of supreme court mandates and opinions, and transcripts from the minutes of other Texas district courts. No arr. of cases; papers recorded chron. under each case. No index. Hdw. 798 (409 used) pp. 18 x 12 x 3. D.C. bsmt. va.

183. (TAX SUITS), July 16, 1900--. 825 cases in 15 f.b. Title varies: City Tax Suits, July 16, 1900-Mar. 14, 1905, 1 f.b.; Drulin vs. Ry., Mar. 14-July 13, 1905, 1 f.b.; State and County Tax Suits, Mar. 17, 1909-Nov. 9, 1911, 1 f.b.; Obert vs. Landa, Oct. 3, 1911-Mar. 20, 1914, 1 f.b.; File Box No. 6, Aug. 18, 1911-Apr. 10, 1915, 1 f.b.; File Box No. 4, Aug. 21, 1916-Jan. 5, 1918, 1 f.b. Last case filed June 26, 1934.

Original case papers in delinquent tax suits filed by the state, county, and the city of Seguin, including petitions for foreclosure of delinquent taxes, answers, demurrers, motions and exceptions, evidenciary exhibits, tax notices, orders of sale, citations, schedules of property owned by taxpayers, proofs of publication, publication cost bills, decrees, attorney's receipts for papers, and other related papers. File Box No. 6 also contains 2 jury lists filed Nov. 28, and Dec. 7, 1914, and an indictment in criminal case no. 4262, filed Apr. 10, 1934. 1900-1918, 7 f.b. no arr.; 1916-34, 8 f.b., arr. numer. by case no. No index. Hdw. and typed on pr. fms. 11 x 5 x 14. 7 f.b., July 16, 1900-Jan. 5, 1918, D.C. bsmt. va.; 8 f.b., Aug. 21, 1916-June 26, 1934, D.C. off.

184. ATTORNEY'S RECEIPT BOOK, Dec. 5, 1894-Oct. 3, 1913. 1 vol. (2). Discontinued.

Register of receipts for case papers withdrawn from and returned to custody of district clerk by attorneys in civil cases, showing number and style of case, number of papers withdrawn, signature of attorney receiving papers, date withdrawn, and date returned. Arr. chron. by date withdrawn. No index. Hdw. under pr. hdw. 216 (83 used) pp. 16 x 11 x 1½. D.C. bsmt. va.

Naturalization (See also entry 295)

185. CITIZEN PAPERS, Jan. 30, 1849-Jan. 16, 1899. 1,200 papers in 2 f.b. Title varies: Applications to Practice Law, Jan. 30, 1849-Aug. 25, 1884, 1 f.b. Dates overlap: 1 f.b., 1849-84; 1 f.b., 1849-99.

Original instruments in naturalization proceedings in district court, including declarations of intention, proofs of naturalization, oaths to obtain letters of citizenship, petitions for certificates of naturalization, and letters of citizenship. No arr. No index. Hdw. and hdw. on pr. fms. Fair. 11 x 5 x 14. D.C. off.

For original declarations of intention, 1907-27, see entry 186; 1929-35, see entry 190; for copies, attached to petitions, 1907-29, see entry 188; for recorded copies, 1884-1907, see entry 187.

186. U.S. DEPARTMENT OF LABOR NATURALIZATION SERVICE RECORD OF DECLARATION OF INTENTION, Jan. 10, 1907-Aug. 20, 1927. 3 vols. (1-3).

Original sworn declarations of intention to become citizen, showing declaration number, name of declarant, his age, occupation, and personal description, date and place of declarant's birth, his immigration record, declarant's foreign residence, his marital status, name and residence of his wife, nation allegiance to which is renounced, date of declaration, signature of declarant to oath, and signature of district clerk to jurat. Arr. chron. by date sworn. Indexed alph. by first letter of surname of declarant, chron. thereunder. Hdw. on pr. fms. 100 pp. 12 x 9 x ½. D.C. off.

For original declarations, 1849-99, see entry 185; 1929-35, see entry 190; for recorded copies of declarations, 1884-1907, see entry 187; for copies of declarations, attached to petitions, 1907-29, see entry 188.

187. RECORD OF DECLARATION TO BECOME A CITIZEN, July 7, 1884-Sept. 26, 1907, 2 vols. (1, 2).

Recorded copies of declarations of intention to become citizen, showing name of declarant, ruler to whom declarant owes allegiance, birthplace, age, port of arrival, date of arrival, intention stated, signature of declarant, date sworn, filing date, and signature of district clerk. Arr. chron. by filing date. Indexed alph. by first letter of surname of declarant, chron. thereunder. Hdw. on pr. fms. 80 pp. 12 x 9 x ½. D.C. off.

For original declarations, 1849-99, see entry 185; 1907-27, see entry 186; 1929-35, see entry 190; for copies of declarations attached to petitions, 1907-29, see entry 188.

188. NATURALIZATION SERVICE, PETITION AND RECORD, Jan. 4, 1907-June 1, 1929. 3 vols. (1-3).

Original sworn petitions for naturalization addressed to district court (duplicates sent to Bureau of Naturalization), showing petition number, name, residence, age, occupation, and birthplace of petitioner, his immigration record, names and places of residence of his children, statements made by petitioner revealing his political and religious beliefs, petitioner's renunciation of allegiance to foreign ruler, term of petitioner's residence in United States, signature of petitioner to oath and of clerk to jurat, with copies of declaration of intention attached and incorporated in petition by reference. Arr. chron. by date sworn. Indexed alph. by

first letter of surname of petitioner, chron. thereunder. Hdw. on pr. fms. 100 pp. 19 x 11 x 2. D.C. off.

For original declarations of intention, 1849-99, see entry 185; 1907-27, see entry 186; 1929-35, see entry 190; for recorded copies, 1884-1907, see entry 187.

189. CERTIFICATE OF NATURALIZATION, May 20, 1907-May 14, 1929. 6 vols. Stubs of U.S. Naturalization Service form, Certificate of Naturalization, issued by district clerk by direction of district court, showing certificate number and date filed, name and age of naturalized citizen, names, ages, and places of residence of his wife and minor children, recitals as to the filing of declaration of intention, references to civil minute entries by volume and page numbers, and signature of person receiving certificate. Arr. numer. by certificate no. No index. Hdw. on pr. fms. Aver. 50 pp. 8 x 5 x 1. D.C. off.

For original petitions for certificates, 1849-99, see entry 185.

190. (NATURALIZATION PAPERS), Sept. 25, 1929-Feb. 23, 1935. 2 vols. Original petitions for citizenship, certificates of arrival, declarations of intention, affidavits of petitioner, and citizenship petitions granted. All are U.S. Naturalization Service forms, bound in loose-leaf books. Arr. chron. by filing date. Indexed alph. by first letter of surname of petitioner, chron. thereunder. Hdw. and typed on pr. fms. 50 pp. 10 x 8 x 1. D.C. off.

For original petitions for certificates of naturalization, 1849-99, see entry 185; for original petitions for naturalization, 1907-29, see entry 188; for stubs of naturalization certificates issued, 1907-29, see entry 189. For original declarations of intention, 1849-99, see entry 185; 1907-27, see entry 186; for copies, attached to petitions, 1907-29, see entry 188; for recorded copies, 1884-1907, see entry 187.

Criminal

191. (CRIMINAL CASE PAPERS), Oct. 5, 1846--. 4,689 cases in 71 f.b. (labeled with contained case numbers).

Original case papers in criminal cases within the original and appellate jurisdiction of the district court, including indictments, warrants of arrest, capiases, subpoenas, witness attachment writs, appeal bonds, bail bonds, bail bonds on appeal, bonds after examining trials, bonds for subpoenaed witnesses, appearance bonds, commitment bonds, habeas corpus petitions and writs, applications for suspended sentence, complaints and orders of arrest in juvenile delinquency cases; and, in some cases, waivers of jury trial, transcripts of testimony, evidenciary exhibits, affidavits, motions, judgments and verdicts, jury lists, venire facias writs, statements of fact, bills of exception, judge's charges to jury, mandates and mandamus writs from criminal court of appeals, reports of coroners' juries, and other related papers. Cases, 1846-95, loose; 1895-- in separate jackets showing number and style of case and filing date. Arr. numer. by case no. No index. Hdw.; hdw. on pr. fms.; typed on pr. fms. 11 x 5 x 14. 59 f.b., Oct. 5, 1846-Apr. 29, 1929, cases 1-3949, D.C. bsmt. va.; 12 f.b., Apr. 29, 1929--, cases 3950-4689, D.C. off.

For indictment in crminal case no. 4262, Apr. 10, 1934, see entry 183. For duplicates and stubs of witness attachments, 1915-36, see entry

208; for duplicates of witness subpoenas, 1919--, see entry 209; for duplicates of capiases, 1913--, see entry 210; for duplicates of subpoenas for non-resident witnesses before grand jury, 1912--, see entry 211; for docket of witnesses subpoenaed, 1882-95, 1934-35, see entry 203.

Dockets

192. CLERK'S FILE DOCKET, Aug. 29, 1879--. 3 vols. (1 unmarked, 2, 3). Fall term 1857-spring term 1869 in Records (Civil and Criminal Docket), pp. 200-454, entry 204; fall term 1870-Nov. term 1879 in Record of Charters and Irrigation, pp. 1-216, entry 94.

Clerk's original entry docket of civil cases filed in district court, including tax suits to 1916, showing case number, filing date, names of attorneys, style of case, nature of case, and process issued and sheriff's return. Arr. chron. by filing date. Indexed alph. by first letter of surname of plaintiff, chron. thereunder. 1879-Sept. 3, 1928 hdw. under pr. hds.; Sept. 4, 1928-- typed under pr hds. Aver. 640 pp. 18 x 12 x 2½. D.C. off.

For separate file dockets of delinquent tax suits, 1916-28, see entry 195; 1929--, see entry 196.

193. CIVIL DOCKET DISTRICT COURT (Pending), June 16, 1927--. 1 vol. Docket of civil cases pending in district court, used by judge for calling of cases for action of court at terms and for the notation of orders, under the following tabular subdivisions:

i. Non-Jury, June 16, 1927-Mar. 17, 1938.

Shows case number, names of parties and attorneys, kind of action, filing date, notations of orders, and process issued and served with date of service.

ii. Appearance, Apr. 21, 1931-Apr. 20, 1939.

Shows case number, names of parties and attorneys, kind of action, filing date, notations of orders, and process issued and served with date of service.

iii. Divorce, Apr. 2, 1932-Apr. 18, 1939.

Shows case number, names of parties and attorneys, kind of action, filing date, notations of orders, and process issued and served with date of service.

iv. Jury, Sept. 13, 1938-Mar. 28, 1939.

Shows case number, names of parties and attorneys, kind of action, filing date, name of party demanding jury, and notations of orders.

v. Motion, Nov. 10, 1937-Nov. 25, 1938.

Shows case number, names of parties and attorneys, kind of action, filing date, date motion filed, date set for hearing, and determinative order. Arr. chron. by filing date. No index. Hdw. under pr. hds. 300 (unnumbered) pp. 9 x 14 x 2. D.C. off.

For docket of civil cases disposed, 1847-54, 1857-67, 1869--, see entry 194; 1855-57 and fall term 1868, see entry 204. For docket of jury cases, 1881-1912, see entry 199; 1912--, see entry 194. For docket of motions disposed, 1853-70, 1885-1912, see entry 205; 1871-84, see entry 281; 1912--, see entry 194.

194. TRANSFER CIVIL DOCKET DISTRICT COURT (Disposed), Mar. term 1847-fall term 1854, fall term 1857-fall term 1867, spring term 1869--. 17 vols. (1 unmarked, C, 2 unmarked, D, 2, 1 unmarked, 2-5, 6 unmarked). Title varies: Appearance Docket, Mar. term 1847-fall term 1854, 1 vol. (unmarked); District Court Docket, fall term 1857-fall term 1867, 1 vol. (C); Judges Docket, spring term 1869-May term 1878, 2 vols. (unmarked); Civil Docket, Nov. term 1878-May term 1887, 1 vol. (D); Judge's Civil Docket, Nov. term 1887-Nov. term 1901, 3 vols. (2, 1 unmarked, 2); Judge's Civil Bar Docket, May term 1902-spring term 1912, 3 vols. (3-5). No title: Apr. 16, 1912-Dec. 21, 1921, Aug. 14, 1926-Aug. 15, 1930, 3 vols. (unmarked). Spring term 1855-spring term 1857, and fall term 1868, in Records (Civil and Criminal Docket), pp. 1-199, 498-632, entry 204.

Docket of civil cases now disposed of, used by judge for the calling of cases for the action of the court at court terms and for the notation of orders, showing case number, names of parties and attorneys, kind of action, filing date, notations of orders, reference to volume and page numbers of minutes, process issued and served, date of service; name of party demanding jury and notation of orders in jury cases (1912--, only); and, with respect to motions (1912--, only), nature of motion, date filed, date set for hearing, and determinative order. Arr. chron. by filing date. Mar. term 1847-fall term 1854, spring term 1869--, no index; fall term 1857-fall term 1867, indexed alph. by first letter of surname of plaintiff, chron. thereunder. Hdw. under pr. hds. Aver. 500 pp. 9 x 14 x 3. 12 vols., 1847-1912, D.C. bsmt. va.; 6 vols., 1912--, D.C. off.

For docket of jury cases, 1881-1912, see entry 199. For docket of civil motions disposed, 1853-70, 1885-1912, see entry 205; 1871-84, see entry 281. For docket of pending cases, 1927--, see entry 193.

195. DELINQUENT TAX FILE DOCKET, Aug. 21, 1916-Sept. 28, 1928. 1 vol. (1).

Clerk's original entry docket of tax suits filed in district court, showing number and style of case, names of attorneys, filing date, pleadings filed, and process issued with return. Arr. numer. by case no. Indexed alph. by first letter of surname of defendant, chron. by filing date thereunder. Hdw. under pr. hdw. 168 pp. 18 x 10 x 2. D.C. off.

For tax suits filed 1929--, see entry 196.

196. DELINQUENT TAX DOCKET & FEE BOOK, Sept. 13, 1929--. 1 vol. (3).

Clerk's original entry docket of delinquent tax suits filed in district court and account of fees and costs earned in each case, showing number and style of case, filing date, names of attorneys; date, item, and amount of fees earned by district clerk, county attorney, sheriff, out-county sheriffs, and miscellaneous fees; receipts for fees, with date and amount of receipts, and signature of officer receiving fees. Arr. numer. by case no. and chron. by filing date. Indexed alph. by first letter of surname of defendant, chron. by filing date thereunder. Hdw. under pr. hds. 235 (136 used) pp. 17 x 11 x 2. D.C. off.

For tax suits filed 1916-28, see entry 195; for fees in tax suits, 1916-28, see entry 248.

197. JUDGE'S DELINQUENT TAX DOCKET, May term 1905-spring term 1914. 2 vols. Title varies: Judge's Docket - Delinquent Tax Suits, May term 1905-fall term 1911, 1 vol.

Docket of delinquent tax suits, used by judge for the calling of cases for the action of the court at court terms and for the notation of orders showing term of court, number and style of case, filing date, nature of suit, and orders at term and previous terms. Arr. numer. by case no. No index. Hdw. under pr. hds. Aver. 240 double (190 used) pp. 16 x 11 x 2½. D.C. bsmt. va.

198. CASE DOCKET, Mar. 3-Nov. 5, 1930. 1 vol. (1).

Clerk's entry docket of instruments filed in two civil cases with voluminous papers, showing number and style of case, names of parties and attorneys, filing date, nature of instrument, and by whom filed. No arr. No index. Hdw. under pr. hds. 120 (3 used) pp. 16 x 10 x 1½. D.C. off.

For original civil case papers, 1846--, see entry 179.

199. JURY TRIAL DOCKET, May term 1881-spring term 1912. 2 vols.

Docket of civil cases listed for trial to jury upon demand for jury trial and payment of jury fees, or upon demand for jury trial and the filing of oath of inability to pay fees, showing case number, names of parties and attorneys, kind of action, filing date, name of party demanding jury, and notations of orders. Arr. chron. by filing date. Indexed alph. by first letter of surname of plaintiff, chron. thereunder. Hdw. under pr. hds. 107 double pp. 16 x 9 x 1. D.C. bsmt. va.

For docket of jury cases disposed, 1912--, see entry 194; for docket of jury cases pending, 1938-39, see entry 193-iv.

200. CRIMINAL DOCKET DISTRICT COURT, Spring term 1853-fall term 1869, July 13, 1874--. 11 vols. (1 unmarked, C, 9 unmarked). Title varies: Judges Criminal Docket District Court, Nov. term 1904-spring term 1917, 1 vol.; Transfer Criminal Docket, Nov. 24, 1911-Nov. 9, 1934, 2 vols. No title: spring term 1853-fall term 1856, July 13, 1874-July 22, 1875, 2 vols. Fall term 1869 also in Records (Civil and Criminal Docket), pp. 456-480, entry 204.

Docket of criminal cases, used by judge for the calling of cases for the action of the court at terms and for the notations of orders, showing term of court, number and style of case, names of attorneys, offense charged, orders at term and at previous terms, and, with respect to motions (1912--, only), nature of motion, date motion filed, date set for hearing, and determinative order. Disposed of cases show spring term 1853-69, 1874-Nov. 11, 1938, in first ten volumes and on pages 1-804 of eleventh, or current volume; pending cases, Apr. 29, 1929-Apr. 14, 1939, pages 805-1112 of current volume. Arr. chron. by filing date. Spring term 1853-1869, 1874-Mar. term 1904, Nov. 24, 1911-Nov. 9, 1934, 9 vols., no index; Nov. term 1904- spring term 1917, Apr. 29, 1929--, 2 vols., indexed alph. by first letter of surname of defendant, chron. by filing date thereunder. Hdw. under pr. hds. Aver. 1,000 pp. 9 x 14 x 3. 8 vols., spring term 1853-1869, 1874- spring term 1917, D.C. bsmt. va.; 3 vols., 1911--, D.C. off.

For docket of criminal motions disposed, 1853-70, 1885-1912, see entry 205.

201. COURT CRIMINAL SET DOCKET, Nov. 1885-May 1895. 1 vol. Discontinued.

Court calendar of criminal cases set for hearing in district court, showing term of court, number and style of case, filing date, date of arrest, charge, and disposition of case. Arr. chron. by filing date. No index. Hdw. under pr. hds. 475 (47 used) pp. 16 x 11 x 2. D.C. bsmt. va.

202. GRAND JURY DOCKET, May term 1884--. 18 vols. (1, 15 unmarked, 2, 3). Title varies: Minutes of Grand Jury, May term 1884-Nov. 7, 1894, 1 vol. (1); Ledger, Aug. 10, 1893-Mar. 1, 1907, Oct. 1, 1912-Sept. 25, 1925, 12 vols. (unmarked); Felony Docket, May 15, 1907-Nov. 22, 1912, 2 vols. (unmarked); Day Book, May 23, 1914-Oct. 30, 1918, 1 vol. (unmarked).

Grand jury's schedule of felony cases presented for its action, showing grand jury case number, name of accused, time, place, and nature of offense, names of witnesses, date subpoena issued, names of witnesses examined, and findings and orders of grand jury. Arr. numer. by grand jury case number. A few mixed vols. titled Ledger are indexed alph. by first letter of surname of defendant, chron. thereunder; no index to other vols. 1884-1925, hdw.; 1926--, hdw. under pr. hds. Aver. 150 pp. 15 x 10 x 2. 15 vols., May term 1884-Apr. 25, 1915, Dec. 24, 1917-Sept. 25, 1925, D.C. bsmt. va.; 3 vols., May 23, 1914-Oct. 30, 1918, spring term 1926--, D.C. off.

203. WITNESS RECORD, Mar. 11, 1847-May 21, 1858, Aug. 3, 1882-May term 1895, Apr. 20, 1934-Apr. 23, 1935. 2 vols. (1 unmarked, 1). Title varies: Witness Docket, Mar. 11, 1847-May 21, 1858, Aug. 3, 1882-May term 1895, 1 vol. (unmarked).

Docket entries, 1882-95, in unmarked volume, 1934-35 in volume 1, of witnesses subpoenaed in criminal cases, showing number and style of case, date issued, name of witness, date of application, whether issued for state or defendant, and name of officer to whom subpoena issued. Unmarked vol. also contains, on pp. 32-60: (Transcripts of Land Title Suits), Mar. 11, 1847-May 21, 1858, entry 181. 1847-58, land title suits, no arr.; 1882-95, 1934-35, docket entries, arr. chron. by date subpoena issued. 1847-58, land title suits, no index; 1882-95, 1934-35, docket entries, indexed alph. by first letter of surname of witness, chron. by date subpoena issued thereunder. 1847-58, land title suits, hdw.; 1882-95, 1934-35, docket entries, hdw. under pr. hds. Aver. 200 pp. 18 x 11 x 2. 1 vol. (unmarked), 1847-58, 1882-95, D.C. bsmt. va.; 1 vol. (1), 1934-35, D.C. off.

For original subpoenas filed with criminal case papers, 1846--, see entry 191; for duplicates of witness subpoenas, 1919--, see entry 209; for duplicates of subpoenas for non-resident witnesses before grand jury, 1912--, see entry 211.

204. RECORDS (Civil and Criminal Docket), spring term 1855-spring term 1870. 1 vol.

Contains: on pp. 200-454, Clerk's File Docket, fall term 1857-spring term 1869, entry 192; on pp. 1-199 and 498-632, Transfer Civil Docket District Court (Disposed), spring term 1855-spring term 1857, and fall term 1868, entry 194; on pp. 456-480, Criminal Docket District Court, fall term 1869, entry 200. Arr. chron. by filing date. No index. Hdw. under pr. hds. 632 pp. 17 x 11 x 2. D.C. bsmt. va.

205. MOTION DOCKET DISTRICT COURT, fall term 1853-Nov. term 1870, Nov. term 1885-Apr. term 1912. 2 vols. Mar. term 1871-May term 1884 in Court Docket, pp. 73-152, entry 281.
Docket of motions filed in civil and criminal cases now disposed, used by judge for the notation of orders, showing term of court, case number, names of parties and attorneys, nature of motion, date motion filed, date set for hearing, and determinative order. Arr. chron. by filing date. Indexed alph. by first letter of surname of plaintiff, chron. thereunder. Hdw. under pr. hds. 120 pp. 16 x 11 x 2. D.C. bsmt. va.

For docket of civil motions disposed, 1912--, see entry 194; for docket of civil motions pending, 1937-38, see entry 193-v. For docket of criminal motions disposed and pending, 1912--, see entry 200.

Processes
(See also entries 179, 191, 192, 193-i,ii,iii, 194, 195, 203, 219, 220, 244, 246, 256, 329-333, 342, 345)

206. ATTORNEYS ORDER BOOK FOR WITNESSES, Nov. 6, 1902-Nov. 13, 1929. 2 vols. (B, C).
Original praecipes of attorneys requesting district clerk to issue witness subpoenas in civil and criminal cases, showing number and style of case, date of order, name of witness, name of attorney at whose instance subpoena issued, date issued, to whom delivered, amount of officer's fee for serving, and signatures of attorney and clerk. Arr. chron. by date of order. No index. Hdw. on pr. fms. 200 pp. 14 x 9 x 2. D.C. bsmt. va.

207. CIVIL SUBPOENAS, July 2, 1897-Apr. 24, 1911, Apr. 12, 1922--. 4 vols.
Duplicate copies of writs commanding sheriff or constable to summon witnesses in civil causes, showing name of witness, date of appearance, in whose behalf summoned, names of plaintiff and defendant, date returnable, date issued, and signature of district clerk. Arr. chron. by date subpoena issued. No index. Hdw. on pr. fms. 100 pp. 7 x 9 x 1. 1 vol., July 2, 1897-Apr. 24, 1911, D.C. bsmt. va.; 3 vols., Apr. 12, 1922--, D.C. off.

For original subpoenas filed with civil case papers, 1846--, see entry 179.

208. WITNESS ATTACHMENT FELONY CASES, Jan. 7, 1915-Dec. 9, 1936. 1 vol.
Duplicate copies and stubs of writs issued to sheriff or constable for attachment of witnesses failing to answer subpoenas. Duplicates show county of residence and name of witness, date set for conveyance of witness to court, in whose behalf testimony is to be given, number and style of case, date returnable, amount of bond required to release witness, date writ issued, and signature of district clerk. Stubs show number and style of case, in whose behalf testimony is to be given, name of witness, date issued, date delivered to sheriff, and signature of district clerk. Arr. chron. by date writ issued. No index. Hdw. on pr. fms. 40 pp. 7 x 4 x 1. D.C. off.

For original writs filed with criminal case papers, 1846--, see entry 191.

209. SUBPOENA FELONY, Apr. 28, 1919--. 17 vols.
Duplicate copies of writs issued to sheriff or constable to summon out-county witnesses for criminal trials, showing name, residence, and vocation of witness, appearance date, name of defendant, case number, amount of bond, if bond required, date writ issued, and signature of district clerk. Arr. chron. by date issued. No index. Hdw. on pr. fms. 100 pp. 13 x 9 x 1. 11 vols., Apr. 28, 1919-Apr. 27, 1935, D.C. bsmt. va.; 6 vols., May 7, 1934--, D.C. off.

For original subpoenas filed with criminal case papers, 1846--, see entry 191.

210. CAPIAS DISTRICT COURT, Nov. 23, 1913--. 10 vols.
Duplicate copies of writs ordering sheriff to arrest persons charged by indictments with criminal offenses, showing name of person to be arrested, term of court fixed for defendant's appearance, nature of charge, returnable date of writ, date capias issued, and signature of district clerk. Arr. chron. by date issued. No index. Hdw. on pr. fms. 100 pp. 10 x 8 x 1. 6 vols., 1913-Apr. 20, 1935, D.C. bsmt. va.; 4 vols., Apr. 20, 1935--, D.C. off.

For original capiases filed with criminal case papers, 1846--, see entry 191.

211. SUBPOENAS CUT COUNTY GRAND JURY, Apr. 15, 1912-Nov. 19, 1928, Apr. 23, 1929--. 2 vols.
Duplicate copies of subpoenas directing sheriff or constable to summon non-resident witnesses before grand jury for investigation of criminal offenses, showing name, residence, and exact location and occupation of witness, appearance date, amount of bond, if bond required, and date subpoena issued. Arr. chron. by date issued. No index. Hdw. on pr. fms. 250 (50 used) pp. 14 x 9 x 2. 1 vol., 1912-28, D.C. bsmt. va.; 1 vol., 1929--, D.C. off.

For original subpoenas filed with criminal case papers, 1846--, see entry 191.

Minutes

212. MINUTES DISTRICT COURT, Sept. 28, 1846-Nov. 24, 1890. 9 vols. (A, AB, C-I).
Clerk's journal record of judgments entered under direction of the district judge, of all other acts done and proceedings had in district court not recorded in separate volumes. Includes, among other things, proceedings in civil cases, 1847-1890, and criminal cases, 1846-1884; orders appointing jury commissioners, bailiffs, court stenographers, interpreters, and other appointive court officers; orders empaneling and discharging grand juries, reports of grand juries; reports of bar committees, and resolutions in memoriam. Date of proceedings, names of officers present, nature of matter before the court and of the proceedings therein show for each day of sessions; signature of judge to approval of minutes shows for each term and for vacation sittings. Arr. chron. by date of court term and vacation sittings, by order of proceedings thereunder. Indexed alph. by first letter of surname of plaintiff in civil cases, of defendant in criminal cases, chron. thereunder; also separate index, see entry 213. Hdw. Aver. 600 pp. 18 x 12 x 3. D.C. off.

For general civil minutes, 1891--, see entry 215. For general criminal minutes, 1884--, see entry 217. For clerk's rough minutes, 1855-63, see entry 214.

213. GENERAL INDEX DISTRICT COURT, Sept. 28, 1846-Nov. 24, 1890. 1 vol. (A).
Index by name of plaintiff in civil causes, and of defendant in criminal causes, to Minutes District Court, entry 212, each entry showing name of opposite party, case number, and reference to book and page. Arr. alph. by first letter of surname, chron. thereunder. Hdw. under pr. hds. 250 pp. 16 x 11 x 2. D.C. off.

214. (CLERK'S MEMORANDA OF PROCEEDINGS FOR ENTRY IN MINUTES), Oct. 29, 1855-May 19, 1863. 1 vol. Inside title: Blotter. Discontinued.
Clerk's memorandum notes of proceedings of district court, made at court sittings, and later recorded in full in Minutes District Court, entry 212. Arr. chron. by court term. No index. Hdw. Front cover torn off. 150 pp. 9 x 8 x 1. D.C. bsmt. va.

215. CIVIL MINUTES DISTRICT COURT, May 4, 1891--. 7 vols. (J-P).
Clerk's journal record of judgments in civil actions entered under the direction of the district judge, and of all other acts done and proceedings had in the district court, except in certain civil proceedings recorded, for various periods of time in separate volumes. Includes orders empaneling and discharging grand juries; general reports of grand juries; appointments of jury commissioners, bailiffs, court stenographers, interpreters, and other appointive court officers; appointment of county auditor; reports of bar committees, and resolutions in memoriam. Names of officers present, date of proceedings, nature of matters before the court and proceedings therein, and signature of judge to approval of minutes show for each term and for vacation sittings. Arr. chron. by court term and vacation sittings by order of proceedings thereunder. For index, see entry 216. 1891-May 6, 1911 hdw.; Nov. 20, 1911-- typed. Aver. 620 pp. 18 x 12 x 3. D.C. off.
For general civil minutes, 1846-90, see entry 212. For separate recordings of special civil proceedings: orders of sale, 1917--, see entry 219; executions, 1847--, see entry 220; delinquent tax judgments, 1898-1913, 1926, see entry 221; dismissals of tax suits, 1916-27, see entry 222; divorce minutes, 1911--, see entry 223; juvenile minutes, 1934, 1935, see entry 224; jury verdicts, 1904--, see entry 225; naturalization minutes, 1891-1906, see entry 226. For separate recordings of proceedings incident to allowance of costs payable by the state: district clerk's, 1891-spring term 1931, see entry 229-i, Nov. 9, 1931--, see entry 228; district attorney's fees, 1895-1927, see entry 229-ii; district attorney's per diem, 1928--, see entry 230; district attorney's examining trial fees, 1933-35, see entry 231; county attorney's examining trial fees, 1932-35, see entry 232; sheriff's fees, 1883-84, 1889-1907, 1911-35, see entry 234, 1897-1911, see entry 238-i; sheriff's examining trial fees, spring term 1933-Apr. 19, 1933, see entry 233, Dec. 13, 1933--, see entry 235; sheriff's fee bills, 1928-30, see entry 236; sheriff's accounts for witness conveyance before grand jury, 1904-13, see entry 237; sheriff's pay for summoning non-resident witnesses, 1911-14, see entry 234, 1922--, see entry 239; sheriff's pay for summoning non-resident witnesses before grand jury, 1918--, see entry 240; sheriff's

pay for placing attached witnesses under bond, 1909, 1917-23, see entry 241; justices' of peace examining trial fees, 1933--, see entry 242; witnesses' fees, 1883-97, 1909-37, see entry 243; 1897-1909, see entry 238-ii; orders for subpoenas for grand jury witnesses, 1928--, see entry 244; jurors' and bailiffs' fees, 1846-70, 1876--, see entry 245.

216. GENERAL INDEX TC CIVIL MINUTES, May 4, 1891--. 2 vols. (2, 3). Index by names of plaintiff and defendant to Civil Minutes District Court, entry 215, and to Divorce Minutes, entry 223; each entry shows name of opposite party, file number, and reference to book and page. Plaintiff entries are listed on left-hand pages, defendant entries, on right-hand pages, arr. alph. by first letter of surname, chron. thereunder. Hdw. under pr. hds. Aver. 400 pp. 18 x 12 x 3. D.C. off.

217. CRIMINAL MINUTES DISTRICT COURT, May 12, 1884--. 4 vols. (I-L). Clerk's journal record of criminal proceedings in district court not recorded in separate volumes. Includes presentments by grand jury, showing number and style of case, offense charged by indictment and name of grand jury foreman, verdicts, showing number and style of case, offense found, penalties assessed, and name of jury foreman; judgments and sentences of the court, to 1913 only, showing number and style of case, recital of submission of case, offense found by jury or by court, penalty assessed by jury or by court, confirmatory judgment; defendant's recognizances, showing name of defendant, offense charged, date of recognizance, amount and conditions of recognizance. Names of officers present and signature of district judge to approval of minutes show for each term. Arr. chron. by court term. Indexed alph. by first letter of surname of defendant, chron. thereunder. 1884-May 24, 1913 hdw.; Nov. 17, 1913-- typed. 640 pp. 18 x 12 x 3. D.C. off.

For general criminal minutes, 1846-84, see entry 212; for judgments and sentences, 1913--, see entry 218; for recognizance minutes, 1875-1922, see entry 227; for jury verdicts, 1904--, see entry 225.

218. CRIMINAL MINUTES DISTRICT COURT (Judgments and Sentences), Dec. 1, 1913--. 3 vols. (M-O).

Clerk's record of district court proceedings, signed by district judge and attested by clerk, in criminal cases in which judgments are rendered, under the following subdivisions:

i. Judgment on a Plea of Not Guilty - Conviction, May 5, 1915-May 11, 1938, vol. M, pp. 1-88.

Shows term of court, date of proceedings, number and style of case, offense charged, name of jury foreman, plea of not guilty, submission of case to jury, verdict of jury with penalty assessed and recommendations, sentence, and suspension, if suspended.

ii. Judgment on a Plea of Guilty, Dec. 15, 1914-Apr. 18, 1933, vol. M, pp. 129-253; May 8, 1933--, vol. N.

Shows term of court, number and style of case, date of proceedings, offense charged, plea of guilty, judge's admonition to defendant upon his plea of guilty, name of jury foreman, submission of case to jury, jury verdict, punishment assessed with recommendations of jury, sentence, and suspension if suspended.

iii. Judgment on Motion for New Trial-and Sentence, Dec. 15, 1914-May 2, 1932, vol. M, pp. 257-384; May 2, 1932--, vol. N.
Shows term of court, date of proceedings, number and style of case, offense, order and opinion of court on motion, and defendant's action on ruling. Also the sub-title, Sentence-Felony Less than Capital, showing date of sentence, number and style of case, name of defendant, defendant's statement before sentence pronounced, offense, term of imprisonment, to whom prisoner is to be delivered, court's order for execution of sentence, and notice of appeal, if appealed.

iv. Judgment on Verdict of Not Guilty, Dec. 3, 1913-May 9, 1938, vol. M, pp. 385-413.
Shows term of court, date of proceedings, number and style of case, offense, plea of not guilty, name of jury foreman, submission of case to jury, verdict of not guilty, and orders discharging defendant.

v. Judgment Dismissing Prosecution, Dec. 1, 1913-May 5, 1930, vol. M, pp. 513-640; Judgment on Nolle Prosequi and Dismissal, Nov. 23, 1931--, vol. N; May 2, 1933--, vol. O.
Shows term of court, date of proceedings, number and style of case, offense, reasons for state's attorney's recommendation for dismissal, and order discharging defendant.

vi. Sentence - With Credit for Time Spent in Jail, Nov. 24, 1931--, vol. N.
Shows term of court, date of proceedings, number and style of case, offense, and term of imprisonment with credit for time served in county jail prior to sentence.

vii. Judgment of Conviction (Plea of Guilty)-Jury Waived-Suspended Sentence, Nov. 23, 1931--, vol. N.
Shows term of court, date of proceedings, number and style of case, offense, sentence, term of imprisonment, and amounts of defendant's recognizance.

viii. Recognizance of Defendant-Suspended Sentence, Apr. 11, 1938--, vol. O.
Shows terms of court, date of proceedings, officers present, number and style of case, offense, prior proceedings, recital of suspension of sentence and defendant's acknowledgment of indebtedness for a designated sum conditioned upon his good behavior.

Vol. M. arr. chron. by date of judgment under subdivisions for each form indicated by marginal tabs; vols. N, O arr. chron. by date of judgment. Indexed alph. by first letter of surname of defendant, chron. thereunder. Vol. M, hdw. on pr. fms.; vols. N and O, typed on pr. fms. 640 pp. 18 x 12 x 3. D.C. off.

For general criminal minutes, including judgments and sentences to 1913: 1846-May 12, 1884, see entry 212; May 12, 1884--, see entry 217; for recognizance minutes, 1875-1922, see entry 227.

219. ORDER OF SALE DOCKET (Minutes), July 11, 1917--. 1 vol. (1).
Clerk's record of district court orders issued to execution officer for sale of property to satisfy lien foreclosure judgments, showing number and style of case, amount of judgment, amount due thereon, rate of interest, amount of costs, date order issued, to whom delivered; copy of officer's return, showing date executed, description of property, date and manner of advertising for sale, date of sale, amount of property auctioned, by whom bid in, to whom deed executed, amount paid by buyer, amount and to whom surplus of proceeds of sale paid after deduction of costs, date of return, itemized list of sheriff's fees, and signature of sheriff or deputy; filing

date, recording date, page and volume of minute book where final judgment recorded, and date of judgment. Arr. chron. by filing date. Indexed alph. by first letters of surnames of plaintiff and defendant, in separate subdivisions, chron. thereunder. Hdw. on pr. fms. 290 (136 used) pp. 18 x 11 x 2. D.C. off.

For recorded copies of sheriff's deeds to land sold under order of sale, see entry 85-ii.

220. EXECUTION DOCKET DISTRICT COURT (Minutes), Dec. 23, 1847--. 4 vols. (2 unmarked, 3, 4).

Clerk's record of district court executions issued to enforce the collection of judgments rendered in district court, showing number and style of case, nature of suit, date and amount of judgment, amount due, rate of interest, date issued; sheriff's return showing date of return, date and manner of execution. Arr. chron. by date issued. 1847-Apr. 1857, 1 vol. (unmarked), no index; May 4, 1857--, 3 vols. (1 unmarked, 3, 4), indexed alph. by first letters of surnames of plaintiff and defendant, in separate subdivisions, chron. thereunder. 1847-Apr. 28, 1857 hdw.; May 4, 1857-Aug. 17, 1929 hdw. on pr. fms.; Dec. 18, 1929-- typed on pr. fms. Aver. 600 pp. 18 x 12 x 3. 1 vol. (unmarked), 1847-Apr. 28, 1857, D.C. bsmt. va.; 3 vols. (1 unmarked, 3, 4), May 4, 1857--, D.C. off.

221. DELINQUENT TAX JUDGMENT RECORD, May term 1898-fall term 1913, Apr. term 1926. 2 vols. (H, 1). Title varies: Civil Minutes District Court Tax Judgments, May term 1898-fall term 1913, 1 vol. (H).

Clerk's record of district court proceedings in tax suits resulting in judgments, showing term of court, number and style of case, date of proceedings, amount of delinquent tax, judgment, description of land, interest rate, orders of court, signed approval of district judge, and signed attest of district clerk. Arr. chron. by date of proceedings. No index. Hdw. on pr. fms. 320 (63 used) pp. 18 x 12 x 3. D.C. bsmt. va.

For judgments dismissing tax suits, 1916-27, see entry 222.

222. JUDGMENT DISMISSING TAX SUITS, Nov. 20, 1916-Apr. 18, 1927. 1 vol.

Clerk's record of court proceedings in dismissing suits for delinquent taxes, showing term of court, date of action, officers present, number and style of case, name of attorney making motion for dismissal, order dismissing suit, to whom execution for costs issued, signed approval of district judge, and signed attest of district clerk. Arr. chron. by date of proceedings. No index. Hdw. on pr. fms. 130 (8 used) pp. 18 x 11 x 1. D.C. off.

For tax suit judgments, 1898-1913, 1926, see entry 221.

223. DIVORCE MINUTES, Nov. 20, 1911--. 1 vol. (1).

Clerk's journal record of proceedings of district court in divorce cases resulting in final decree, signed by district judge and attested by clerk, entered under the following subdivisions:

i. Decree of Divorce, Nov. 20, 1911--, pp. 1-149 (4 decrees to page). Showing term of court, date, officers present, number and style of case, nature of cause, recital of prior proceedings and decree, and order for execution for costs to issue.

ii. Decree of Divorce with Custody of Children, Nov. 20, 1911--, pp. 253-310 (2 decrees to page).
Shows term of court, date, officers present, number and style of case, nature of cause, recital of prior proceedings, and decree granting divorce and determining custody of children.

iii. Decree of Divorce, Division of Property, Etc., Nov. 17, 1913, p. 326 (one decree to double page).
Shows term of court, date, officers present, number and style of case, nature of cause, recital of prior proceedings, recital of property involved with description, terms of decree granting divorce and determining property division, and order for execution for costs to issue.

iv. Decree of Divorce - Order Dismissal, Nov. 20, 1911--, pp. 485-558 (4 decrees to page).
Shows term of court, date, officers present, number and style of case, recital of hearing upon motion, name of person filing, ruling and order; also, orders dismissing case for want of prosecution.

v. Order Refusing Divorce, Apr. 21, 1913--, pp. 565-571.
Shows term of court, date, officers present, number and style of case, nature of cause, recital of prior proceedings, order refusing decree, and order for execution for costs to issue.

Arr. chron. by date of proceedings. Indexed alph. by first letters of surnames of plaintiff and of defendant, chron. thereunder; also separate index, see entry 216. Hdw. on pr. fms. 600 (289 used) pp. 18 x 12 x 3. D.C. off.

224. JUVENILE DOCKET (Minutes), Apr. 10, 1934, Nov. 18, 1935. 1 vol. (1).
Clerk's record of proceedings of district court sitting as a juvenile court, in one case involving a delinquent child, showing number and style of case, date complaint filed, nature of offense, and orders of the court; and in one case involving a dependent and neglected child, showing number and style of case, filing date, and orders of the court. Arr. chron. by filing date. No index. Typed on pr. fms. 100 (4 used) pp. 16 x 11 x 2. D.C. off.

225. RECORD OF JURY VERDICTS, May 3, 1904--. 2 vols. (2, 3).
Recorded copies of verdicts returned by juries in civil and criminal cases tried in district court, showing number and style of case, date of verdict term of court, names of jurors, date of trial, verdict with award in civil cases and assessment of penalties in convictions in criminal cases, and name of foreman. Arr. chron. by date of verdict. Indexed alph. by first letter of surname of plaintiff in civil cases, by first letter of surname of defendant in criminal cases, chron. thereunder. Hdw. on pr. fms. Aver. 320 pp. (2 verdicts to page) 16 x 11 x 2. D.C. off.

226. FINAL NATURALIZATION RECORD, Nov. 15, 1891-May 4, 1906. 2 vols. (1, 1). Title varies: Minutes Final Naturalization, 1891-1903. 1 vol. (1).
Clerk's record of proceedings in district court granting citizenship and administering of oath of allegiance to the United States, showing date and place of court sitting, officers present, name of alien, copies of petitions and affidavits, oath of alien, minutes of proceedings, court orders admitting alien to citizenship, signed approval of district judge, and signed attest

of district clerk. Arr. chron. by date of proceedings. Indexed alph. by first letter of surname of alien, chron. thereunder. Hdw. on pr. fms. 600 (74 used) pp. 18 x 12 x 2. D.C. off.

For county court naturalization proceedings, 1892-1906, see entry 296.

227. RECOGNIZANCE DOCKET (Minutes), Mar. 11, 1875-Nov. 20, 1922. 2 vols. Title varies: Recognizance Minutes Book - District Court, Mar. 11, 1875-Nov. 25, 1903, 1 vol.

Clerk's record of proceedings in criminal cases in which defendants' and witnesses' appearance bonds or recognizances are taken, showing number and style of case, names of principal and sureties on bond, amount and conditions of bond or recognizance, appearance date, nature of charge, indictment number, and term of court at which returned. 1875-Nov. 25, 1903, 1 vol., arr. in separate witness and defendant subdivisions (defendant, 1875-Nov. 25, 1903, pp. 1-81; witness, Mar. 15, 1875-Nov. 29, 1898, pp. 82-208), chron. by date of proceedings thereunder; May 2, 1904-Nov. 20, 1922, 1 vol., arr. chron. by date of proceedings. No index. Hdw. on pr. fms. 320 (208 and 145 used) pp. 17 x 11 x 2. D.C. bsmt. va.

For recognizance of defendant, 1938--, see entry 218-viii.

228. MINUTES DIST. CLERK'S ACCOUNTS - FELONY CASES, Nov. 9, 1931--. 1 vol. (4). Nov. 2, 1891-spring term 1931 in Minutes of Dist. Clerks & Dist. Attorneys Accounts, entry 229-i.

Clerk's record of district court proceedings incident to allowance of his fees for services performed in felony cases, showing term of court, date of hearing, court officers present, list of cases disposed of in which clerk claims fees, and, with respect to each case, name of district clerk, court and term at which case was disposed of, number and style of case, offense, verdict, sentence, items of fees upon final disposition, amount of fees for recording sheriff's accounts, total, clerk's signed affidavit to correctness, and signed approval of district judge. Arr. chron. by date of court term. No index. Typed on pr. fms. 146 pp. 16 x 11 x 2. D.C. off.

229. MINUTES OF DIST. CLERKS & DIST. ATTORNEYS ACCOUNTS, Nov. 2, 1891-spring term 1931. 3 vols. (1-3).

Contains, in separate subdivisions, the following records:

i. Minutes Dist. Clerk's Accounts - Felony Cases, Nov. 2, 1891-May 6, 1911 in vol. 1, pp. 1-86; Nov. 20, 1911-Dec. 22, 1925 in vol. 2, pp. 1-79; fall term 1925-spring term 1931 in vol. 3, pp. 1-163; entry 228.

ii. Minutes of District Attorney's Accounts, May 6, 1895-May 6, 1911 in vol. 1, pp. 109-150; Nov. 20, 1911-May 20, 1926 in vol. 2, pp. 80-115; Nov. 22, 1926 and Dec. 20, 1927 in vol. 3, pp. 165-168. No current record because by law minutes allowing district attorney's fees are recorded in the county in which he resides, and there has been no resident district attorney in Guadalupe County since 1928.

Shows date of hearing, place of meeting, officers present, name of district attorney, number of cases and total amount of fees, and, with respect to each case, case number, name of defendant, charge, terms and date of sentence, amount of fees, district attorney's signed affidavit to correctness, and signed approval of district judge. Clerk's accounts arr. chron.

by date of court term; attorney's, by date of proceedings. No index. Hdw. on pr. fms. 200 pp. 12 x 11 x 2. D.C. off.

230. DISTRICT ATTORNEY'S PER DIEM BILL, TWO OR MORE COUNTIES, May 10, 1928--. 2 vols. (3, 4). Title varies: Minutes Dist. Atty's. Per Diem Fee Bill, May 10, 1928-May 17, 1933, 1 vol. (3).

Carbon copies of district attorney's per diem fee bills, showing term of court, name of district attorney, number of judicial district, number of days' service for which per diem is claimed with showing of inclusive dates, amount per day, total bill; number of days served in examining trials and bill for same; signed certification of district attorney, signed approval of district judge, and district clerk's signed certificate of recordation. Arr. chron. by date of recording. No index. Hdw. on pr. fms. 125 pp. 14 x 9 x 1½. 1 vol. (3), 1928-May 17, 1933, D.C. bsmt. va.; 1 vol. (4), Dec. 18, 1933--, D.C. off.

231. (DISTRICT AND COUNTY ATTORNEYS' ACCOUNTS IN EXAMINING TRIALS), Nov. 13, 1933-Nov. 14, 1935. 1 vol.

Carbon copies of accounts of fees earned by district attorney for attending and prosecuting felony cases in examining trials where trials result in subsequent indictment, showing name of attorney, and, with respect to each case listed, justice court number, district court number, style of case, date of examining trial, charge, precinct number, signed certification of attorney, and signed attest of district clerk. Also contains: (County Attorney's Accounts in Examining Trials), entry 232. Arr. chron. by date certified. No index. Hdw. on pr. fms. Faded. 250 (8 used) pp. 15 x 11 x 2. D.C. off.

232. (COUNTY ATTORNEY'S ACCOUNTS IN EXAMINING TRIALS), May 28, 1932-Nov. 14, 1935. May 28, 1932-Mar. 14, 1933 in Examining Trial Accounts, pp. 213-214, entry 233; Nov. 13, 1933-Nov. 14, 1935 in (District and County Attorney's Accounts in Examining Trials), entry 231.

Carbon copies of accounts of fees earned by county attorney for attending and prosecuting felony cases in examining trials where trial results in subsequent indictment, showing name of attorney, and, with respect to each case listed, justice court number, district court number, style of case, date of examining trial, charge, precinct number, and fee; signed certification of attorney, and signed attest of district clerk.

233. EXAMINING TRIAL ACCOUNTS, May 28, 1932-Apr. 19, 1933. 1 vol. (1).

Contains: on pages 213-214, (County Attorney's Account in Examining Trials), May 28, 1932-Mar. 14, 1933, entry 232; on pages 1-5, Sheriff's Account in Examining Trial, spring term 1933-Apr. 19, 1933, entry 235. Arr. in separate subdivisions by offices, chron. by court term thereunder. No index. Hdw. on pr. fms. 250 (7 used) pp. 17 x 11 x 3. D.C. bsmt. va.

234. MINUTES SHERIFF'S ACCOUNTS, Nov. term 1883-May 20, 1884, May 6, 1889-May 25, 1907, Nov. 20, 1911-Dec. 11, 1935. 10 vols. (1, 2, 2, 3, 3, 3, 1 unmarked, F, 1, 2). Title varies: Minute Book, May 6, 1889-Nov. 1, 1897, 1 vol. (2).

Clerk's record of district court proceedings incident to allowance of sheriff's fees for services performed in felony cases, showing term of court, date of proceedings, court officers present, name of sheriff; with respect to each case, case number, name of defendant, offense, disposition of case, date of service, miles traveled, mileage and fees earned in making arrests, summoning witnesses, attaching witnesses, and approving witnesses' bonds, attending prisoner in habeas corpus cases, and summoning jury when actually sworn in; also recapitulation, showing case numbers, names of defendants, offenses, amounts of fees, and total fees; signed affidavit of sheriff certifying term account, signed approval of district judge, and signed attest of district clerk. Unmarked volume also contains, on pages 321-349: Clerk's Certificates for Sheriff's Pay Advances and Summoning Non-Resident Witnesses Dist. Court, Dec. 12, 1911-May 11, 1914, entry 239. Arr. chron. by court term, numer. by case no. thereunder. No index. Hdw. on pr. fms. Aver. 480 pp. 16 x 11 x 2½. 9 vols., 1883-84, 1889-1907, 1911-May 23, 1931, D.C. bsmt. va.; 1 vol., Nov. 9, 1931-1935, D.C. off.

For same record of sheriff's accounts, 1897-1911, see entry 238-i.

235. SHERIFF'S ACCOUNT IN EXAMINING TRIAL, Dec. 13, 1933--. 1 vol. Spring term 1933-Apr. 19, 1933 in Examining Trial Accounts, pp. 1-5, entry 233.

Carbon copies of sheriff's accounts of fees earned in examining trials where trial results in indictment by grand jury, showing name and address of sheriff, term of grand jury; with respect to each case, examining court and district court numbers, style of case, date of examining trial, charge, itemized fees, total, term disposed of and disposition of case; signed certification of sheriff, district clerk's signed certificate of recordation, and signed approval of district judge. Arr. chron. by recording date. No index. Hdw. on pr. fms. 125 (34 used) pp. 14 x 9 x 2. D.C.off.

236. MINUTES SHERIFF'S FEE BILLS, FELONY CASES, Apr. 19, 1928-Nov.12, 1930. 1 vol.

Carbon copies of state comptroller's form Sheriff's Fee Bill in Felony Cases (Under Counties), showing fee bill number, name of sheriff, county of his residence, number and style of case, date of arrest, place of arrest and its location with reference to and distance from county seat, arrest, fees for taking and approving bond; date, names of witnesses, and mileage in summoning and attaching; fees for attending prisoner and summoning jury when actually sworn in; and total bill; last part of volume contains recapitulation sheets by terms, listing case numbers, with name of defendant, charge, and amount of fees in each, and with total fees, with signed certification of district clerk, and signed approval of district judge. Arr. numer. by case no. No index. Hdw. on pr. fms. 140 pp. 14 x 9 x 2. D.C. bsmt. va.

237. RECORD SHERIFF'S ACCOUNTS GRAND JURY, May 2, 1904-Dec. 11, 1913. 1 vol.

Clerk's record of district court proceedings incident to the approval of accounts presented by sheriff for conveying witnesses before grand jury,

showing court term, date of hearing, court officers present, number and style of case, charge, names of witnesses, mileage and fees claimed, sheriff's signed affidavit certifying account, signed approval of district judge, and signed attest of district clerk. Arr. chron. by date of proceedings. No index. Hdw. on pr. fms. 300 (25 used) pp. 16 x 11 x 2. D.C. bsmt. va.

238. MINUTES SHERIFF'S & WITNESS ACCOUNTS, Nov. 6, 1897-May 6, 1911. 2 vols. Title varies: Minutes Certificates Sheriff's and Witness Accounts, 1897-1903, 1 vol.

Clerk's record of district court proceedings incident to allowance of sheriff's and witnesses' fees, subdivided as follows:

i. Minutes Sheriff's Accounts, Nov. 6, 1897-Nov. 28, 1903, first vol., pp. 1-86; May 2, 1904-May 6, 1911, second vol., p. 1-198.

Shows same information as recordings of sheriff's accounts, 1883-1884, 1889-1907, 1911-1935, in separate volumes, see entry 234.

ii. Minutes Witness Felony Accounts, Nov. 10, 1897-Nov. 28, 1903, first vol., pp. 107-304; May 11, 1904-Dec. 25, 1909, second vol., pp. 201-480.

Shows same information as recordings, 1883-1897, 1909-1915, 1918-1937, in separate volumes, see entry 243.

Arr. chron. by date of hearing. No index. Hdw. on pr. fms. 480 pp. 17 x 11 x 2. D.C. bsmt. va.

239. CLERK'S CERTIFICATES FOR SHERIFF'S PAY ADVANCES AND SUMMONING NON-RESIDENT WITNESSES DIST. COURT, Dec. 7, 1922--. 4 vols. (G, H. 2 unmarked). Title varies: Clerk's Certificate for Refunds to Sheriff for Advances to Non-Resident Witness, Dec. 7, 1922-Nov. 30, 1928, Dec. 10, 1937--, 2 vols. (G, 1 unmarked). Dec. 12, 1911-May 11, 1914 in Minutes Sheriff's Accounts, unmarked vol., pp. 321-349, entry 234.

Carbon copies of clerk's certificates to the state comptroller for sheriff's pay for advances to and summoning of non-resident witnesses for service in felony cases in district court, issued as vouchers authorizing payment by comptroller, showing number and amount of certificate, number and style of case, term of court, offense, name of sheriff and county of his residence, names and addresses of witnesses, date and number of days' service, amount advanced, fee for serving subpoena, number of miles traveled, amount for mileage, total fees, and date, with district clerk's signed certificate of recordation, and signed approval of district judge. Arr. chron. by recording date. No index. Hdw. on pr. fms. 50 pp. 14 x 9 x 2. 2 vols., 1922-Apr. 30, 1934, D.C. bsmt. va.; 2 vols., May 8, 1934--, D.C. off.

240. CLERK'S CERTIFICATE SHERIFF'S PAY FOR SUMMONING NON-RESIDENT WITNESS BEFORE GRAND JURY, Nov. 23, 1918--. 2 vols. (1 unmarked, 1).

Carbon copies of clerk's certificates to state comptroller for sheriff's pay for summoning non-resident witnesses before grand jury, issued as voucher authorizing payment by comptroller, showing certificate number, amount, date issued, name of sheriff, county of his residence, grand jury term, names of witnesses summoned, respective counties of their residence, number of days served, items of sheriff's mileage and fees, total, district clerk's signed

certificate of recordation, and signed approval of district judge. Arr. chron. by recording date. No index. Hdw. on pr. fms. 100 pp. 14 x 9 x 1. D.C. off.

241. CLERK'S CERTIFICATE FOR PAY PLACING UNDER BOND ATTACHED WITNESS, May 13-Dec. 9, 1909, Jan. 23, 1917-May 19, 1923. 2 vols. (1, 2).

Carbon copies of clerk's certificates to state comptroller for sheriff's pay for attaching and placing under bond witness having disobeyed a subpoena in criminal cases, issued as voucher authorizing payment by comptroller, showing certificate number and date, total amount of claim, name of sheriff and county of his residence, name of witness, number and style of case, nature of criminal charge, term of court at which attachment issued, days of witness service, amounts due sheriff for fees and mileage, district clerk's signed certificate of recordation, and signed approval of district judge. Arr. chron. by date of certificate. No index. Hdw. on pr. fms. 10 pp. 8 x 13 x 2. D.C. bsmt. va.

242. MINUTES J. P. ACCOUNTS IN EXAM. TRIAL, Nov. 15, 1933--. 1 vol. (A).

Carbon copies of justices' of peace accounts in examining trials where trial results in subsequent indictment, showing name of justice, examining court number, precinct number, district court number, style of case, date of trial, charge, itemized account of fees, signed affidavit of justice, signed approval of district judge, and district clerk's signed certificate of recordation. Arr. chron. by recording date. No index. Hdw. on pr. fms. 40 pp. 14 x 10 x 1. D.C. off.

243. WITNESS FELONY ACCOUNTS, Nov. 13, 1883-Nov. 1, 1897, Nov. 22, 1909-May 6, 1911, Nov. 20, 1911-May 2, 1927, Dec. 5, 1927-May 20, 1931, Nov. 12, 1931-May 13, 1937. 13 vols. (1, B, D, 2 unmarked, 1, 1 unmarked, F-H, 1, 1, 2). Title varies: Minutes Witness Accounts, Nov. 13, 1883-Nov. 1, 1897, Nov. 22, 1909-May 6, 1911, Nov. 20, 1911-May 11, 1916, 3 vols. (1, B, 1 unmarked); Non Resident Witness Accounts, Apr. 24-May 5, 1911, 1 vol. (D); Witness Accts. & Certificates, May 5, 1913-May 7, 1920, 1 vol. (unmarked); Witness Certificates in County, Dec. 9, 1913-Apr. 14, 1915, 1 vol. (1); Record of Witness Accounts, Nov. 22, 1918-Apr. 22, 1926, 1 vol. (unmarked); Witness Accounts and Certificates, Dec. 6, 1920-Dec. 17, 1924, 1 vol.(F); Subpoenaed Witness Account & Certificates, May 6, 1925-May 2, 1927, 1 vol. (G); Subpoenaed Out County Witness Account & Certificate, Dec.5,1929-May 20, 1931, 1 vol. (H); Grand Jury Witness Accounts, Nov. 12, 1931-Apr. 14, 1937, 1 vol. (1).

Clerk's record of proceedings upon the applications of witnesses, including out-county witnesses, for the allowance of fees for attendance upon district court in felony cases, and upon like applications for attendance upon grand jury, and duplicate copies of clerk's certificates issued, after allowance of claim, as vouchers authorizing state comptroller to issue warrants for witnesses' pay. Proceedings upon application for and allowance of fees, entered upon comptroller's form, show number and style of case, name of witness, grand jury term (where attendance is upon grand jury), offense involved in case, miles traveled by witness with his itinerary, days absent

from home, per diem, and total; affidavit of witness in proof of his claim, with district clerk's signed certificate of recordation and signed approval of district judge. Certificates to 1931, combined with comptroller's form for proceedings, show name of witness, total amount of fees, references to account as established by proceedings, and clerk's signed certification of witness' right to receive fees. Certificates since 1931, upon separate form, show certificate number, number and style of case, offense involved in case, miles traveled by witness with his itinerary, total mileage, days absent from home, per diem, total, affidavit of witness in proof of his claim, district clerk's signed certificate of recordation, and signed approval of district judge. 1883-97, 1909-May 20, 1931 arr. chron. by date of proceedings; Nov. 12, 1931-1937 proceedings upon applications arr. chron. by date of proceedings, certificates numer. by certificate no. No index. Hdw. on pr. fms. Aver. 150 pp. 16 x 11 x 2. 10 vols., 1883-97, 1909-May 20, 1931, D.C. bsmt. va.; 3 vols., Nov. 12, 1931-1937, D.C. off.

For same record, 1897-1909, see entry 238-ii.

244. CERTIFICATE AND PETITION OF GRAND JURY FOR NON-RESIDENT WITNESS, Apr. 16, 1928--. 1 vol. Last entry, Nov. 8, 1937.

Carbon copies of certificates and petitions of grand jury, certifying to the need of certain specified non-resident witnesses to appear, and petitioning district judge to cause subpoenas to issue for same, showing term of district court, certification of grand jury to necessity for issue of subpoena, names of persons desired, residence, exact location and vocation of witnesses to be subpoenaed, signature of foreman of grand jury, and order of district judge to district clerk requiring issuance of subpoenas. Arr. chron. by date of petition. No index. Hdw. on pr. fms. 50 pp. 14 x $8\frac{1}{2}$ x $\frac{1}{2}$. D.C. off.

245. JURORS' TIME BOOK DISTRICT COURT, Sept. term 1846-Apr. term 1870, Nov. term 1876--. 7 vols. (4 unmarked, 2-4). Title varies: Jury Book, Sept. term 1846-Apr. term 1870, Nov. term 1876-Nov. term 1879, 2 vols. No title: Nov. term 1893-May 18, 1901, 1 vol.

District clerk's record of time served by jurors, and bailiffs (1880--, only) on grand and petit juries in district court, showing date of court term, jury number, juryman's number and name, number of jury scrip, days of week served, whole number of days served, and amount due juror, signed attest of district clerk, and signed approval of district judge. Arr. chron. by date of service. No index. Hdw. under pr. hds. 320 pp. 16 x 11 x 2. 2 vols., Sept. term 1846-Apr. term 1870, Nov. term, 1893-May 18, 1901, D.C. bsmt. va.; 1 vol., Nov. term 1876-Nov. term 187[illegible], C.C. bsmt. va.; 4 vols., May term 1880--, D.C. off.

Fees and Costs
(See also entries 7-vi, 17, 85-iii, 179, 183, 196, 199, 206, 219, 222, 223-iii, v, 228-243, 245, 256, 329-332, 342, 345)

246. CLERK'S FILE DOCKET AND FEE BOOK (Civil Fee Book), Sept. 1846--. 16 vols. (8 unmarked, 2-9). Title varies: Fees 754 to 1208, 1857-Feb. 1859, 1 vol. (unmarked); Civil Fee Book, Nov. 1859-Nov. 13, 1917, 7 vols. (5 unmarked, 2, 3). No title: Sept. 1846-1857, 2 vols. (unmarked).
Clerk's accounts of fees charged for services in civil cases in district court, showing number of case, names of parties and attorneys, date of first fee (docketing), cause of action, date and kind of service, and fees due clerk, judge, attorney, sheriff, jury, witnesses, notaries, bailiffs, surveyors, out-county sheriffs, interpreters, and publication agent, with notations of fees paid and signature of officer receiving payment, and certification by clerk to issuance and service of process with statement of fees due. The first volume, Sept. 1846-fall term 1853, has a few criminal case fees, including fees charged in the first criminal case filed, Oct. 5, 1846, in which defendant was sentenced to whipping (5 lashes, $2); also statement of publication in the Western Texian. Fees charged as late as 1880 in these early cases. Sept. 1846-1857 (dates approximate, and obtained from case papers, as no date of first fee shown), 2 vols. (unmarked), no arr.; 1857-Oct. 31, 1876, 2 vols. (unmarked), arr. numer. by case no.; Nov. 1876--, 12 vols. (4 unmarked, 2-9), arr. chron. by date of first fees, with fees entered chron. under each case. Sept. 1846-1857, Nov. 1876-Nov. 20, 1897, no index; 1857-Oct. 31, 1876, Dec. 1, 1897--, indexed alph. by first letter of surname of plaintiff, chron. thereunder. 1846-59 hdw.; 1859-1917 hdw. under pr. hds.; 1917-- hdw. on pr. fms. Covers off vol. for spring term 1854-1857. Aver. 300 double pp. 18 x 11 x 3. 8 vols., 1846-1907, D.C. bsmt. va.; 8 vols., 1905--, D.C. off.

247. WITNESS ATTENDANCE, Apr. 4, 1921-Apr. 23, 1931. 1 vol.
Record of affidavits made by witnesses to attendance in the trial of civil causes, showing number and style of case, date of court term, affidavit of witnesses showing number of miles traveled, number of days' attendance at court, total amount claimed, clerk's certificate to correctness of affidavit and to witness' right to specified sum as his pay, with signature of witness to affidavit and of clerk to certificate, and date filed. Arr. chron. by filing date. No index. Hdw. on pr. fms. 50 pp. 14 x 8 x 1½. D.C. bsmt. va.

248. DELINQUENT TAX FEES, Aug. 21, 1916-Sept. 18, 1928. 2 vols. (1 unmarked, 2).
Clerk's account of fees accruing in delinquent tax suits in district court, showing case number, name of defendant, amount sued for, interest, penalties, list of officers' fees with amounts, and officers' receipts. Arr. numer. by case no. No index. Hdw. on pr. fms. 640 pp. 17 x 11 x 3. D.C. off.
For fees accruing 1929--, see entry 196.

249. MISDEMEANOR FEE BOOK, Dec. 3, 1917--. 1 vol. (1).
Clerk's accounts of fees in cases tried upon indictments charging felonies but resulting in convictions of misdemeanors, showing case number, name of defendant, date of judgment, amount of fine, term of imprisonment, itemized

statement of fees of witnesses, jury, and of the several court officers, respectively, and of fees in justice's court. Arr. chron. by date judgment rendered. Indexed alph. by first letter of surname of defendant, chron. thereunder. Hdw. on pr. fms. 49 pp. 17 x 11 x 1. D.C. off.

250. EXPENSE ACCOUNTS DISTRICT ATTORNEY (and District Judge), Nov. 10, 1924-Aug. 25, 1933. 2 vols. (1, 2).
Recorded copies, 1924-Apr. 24, 1933, in volume 1, and carbon copies, Apr. 24-Aug. 25, 1933, in volume 2, of expense accounts presented by district judge and district attorney for per diem and mileage, showing name of attorney or judge, date expense incurred, number of miles traveled, incidental expenses, and total amount. Arr. chron. No index. Hdw. on pr. fms. 160 pp. 14 x 10 x 1. D.C. bsmt. va.

251. REPORT OF OFFICERS' STATE ACCOUNTS, May 21, 1937--. 1 vol.
Carbon copies of district clerk's certificates to comptroller that the accounts of out-county sheriffs and other officers for fees charged in felonies as listed are true and correct in accordance with the original accounts as recorded in the minutes, showing county, court, term of court; list of officers' names and titles; date, from what county, and amount of account; signed certification of district clerk. Arr. chron. by date of certification. No index. Hdw. on pr. fms. 3 pp. 14 x 8 x ¾. D.C. off.

252. JURY CERTIFICATES, 1928--. 3 vols. (labeled with contained certificate numbers).
Stubs of certificates for pay issued to jurors, as vouchers authorizing county treasurer to pay them for services rendered in district court, showing date of issue, number of certificate, amount due, name of juror, number of days' service, kind of service and term of court, and receipt by juror with date and signature. Arr. numer. by certificate no. No index. Hdw. on pr. fms. 200 pp. 16 x 4 x 1½. 2 vols., 1928-35, D.C. bsmt. va.; 1 vol., Dec. 2, 1935--, D.C. off.

253. DISTRICT ATTORNEYS FEES, FINES AND COMMISSIONS PAID, Dec. 12, 1925-Jan. 6, 1927. 1 vol. (1).
Account of fees, fines, and commissions in criminal cases paid by district attorney to district clerk for remittance to state treasurer, showing court, case number, names of defendants, date of judgment, amount paid, date paid to clerk, total amount paid, date remitted to state treasurer, manner of remitting, and remarks. Arr. chron. by date of payment to clerk. No index. Hdw. under pr. hds. 150 (2 used) pp. 17 x 11 x 1½. D.C. off.

254. GENERAL FEE BOOK, DISTRICT CLERK, Dec. 1, 1914--. 2 vols. (1, 1). Title varies: Record of Fees District Clerk, Dec. 1, 1914-Dec. 16, 1935, 1 vol. (1).
Clerk's daily account of collections and disbursements of fees and court costs, showing date, amount, from whom received, explanation, case number, and classification of money collected; and date, amount, to whom paid, explanation, check number, and classification of disbursements. Arr. chron. by date received. No index. Hdw. under pr. hds. 102 double pp. 18 x 16 x 2 and 16 x 11 x 2. D.C. off.

Trust Funds

255. RECORD OF TRUST FUNDS, Nov. 28, 1894--. 2 vols. (1, 2). Clerk's accounts of money, evidences of indebtedness, and other things of value, deposited in the registry of the court to abide the result of legal proceedings. 1894-1933, deposits kept by clerk in office in original form, and accounts show case number, date received, description of deposit, upon what account received, amount, and disposition made of deposit; 1933--, funds deposited by clerk in depository designated by commissioners court as county depository of trust funds in possession of district and county clerks, and accounts show number and style of case, reference to civil minutes by volume and page numbers, date deposit received, from whom received, description and amount of deposit, name and location of depository, amount deposited in depository, with deposit slips attached; and, with respect to disbursements, date, check number, amount, and payee. Arr. chron. by date deposits received. Indexed alph. by first letter of fund title. 1894-1933 hdw. under pr. hds.; 1933-- hdw. on pr. fms. Vol. 1, 100 pp. 17 x 11 x 2; vol. 2, 200 pp. 18 x 16 x 1. D.C. off.

Miscellaneous Court Records

256. (MISCELLANEOUS PAPERS), 1820-1935. 2,158 papers in 11 f.b. (2 unmarked, 2116-2189, 3102-3159, 1, 2, 5, 8-11). Papers filed without arrangement as to subject matter, such as requests for the appointment of riding bailiffs and orders appointing bailiffs; lists of bailiffs and bailiffs' claims for pay; appointments of court reporters; appointment of deputy county clerk; orders appointing, and instructions delivered by court to jury commissioners; orders for special venires and jury venire lists; requests by grand jury for witness subpoenas; grand jury witness subpoenas; grand jury reports; certificates for pay of jurors; appointments and qualifying oaths of special judges made upon disqualification or inability of district judge to serve; civil and criminal case papers with related papers, including petitions, citations, subpoenas, motions, executions for costs, copies of judgments, abstracts of judgments, divorce decrees, scire facias writs, contempt orders, complaints, informations, indictments, writs of habeas corpus and petitions therefor, bail bonds, statements of fact, commitments, papers used as evidenciary exhibits, and attorneys' receipt cards for case papers; probate case papers and related papers, including inventories of property, letters of administration, guardianship papers, reports of appraisers, copies of wills, and patents, deeds, tax deeds, powers of attorney and accounts; appointment of second lieutenant in Texas militia (Jan. 18, 1871); petitions for soldiers' pensions (1850-1894); applications for law licenses (1851-1894); appointment of committee to examine applicant for law license; application for pardon of convict; orders appointing finance committee, with committee's reports; official bonds, reports, and resignations of various county officers; proposals for building a gravel road, road contracts, and contractor's bond; insurance policies; treasurer's receipts to district clerk for fines and fees; post office department registry return receipts; canceled checks; statements of money collected by the sheriff on executions in favor of the state, fall term 1858; and sheriff's bill for board of prisoners, May 28, 1857; list of lands sold by J. C. Hays, agent, in Guadalupe County, Apr. 22, 1845; abstract number 6 to one league of land granted to Luciano Navarro,

Grayson County (no date); Wilson family history; list of family names (no date); patent to trustees of Rectorville College, Aug. 12, 1854; two farmer's apprentice agreements, May 1885; description and maps showing location of rock silver in river bed (no date); description and map showing route to location of hidden property (no date); grub-stake agreement with prospectors in search of gold, silver, and quicksilver in the states of Coahuila and Nuevo Leon, Republic of Mexico (no date); assay report on silver ore, Oct. 10, 1887; list of school lands, Jan. 16, 1890; literature on the breakwater at Aransas Pass and a letter urging a larger congressional appropriation for its construction, Mar. 14, 1902; letters and other communications to clerk, some with dates as early as 1856. No arr. No index. Hdw. and typed; some on pr. fms. Fair. 11 x 5 x 14. 1 f.b., 1820-1935, D.C. bsmt. va.; 11 f.b., 1898-1914, D.C. off.

257. DOCKET (Judge's Memoranda of Precedents), July 1874-Feb. 24, 1879. 1 vol. Page headings: The Morrison Law Docket.
District judge's memorandum book of appellate court decisions and opinions, law texts, and other authorities cited by attorneys as precedents in civil cases presented to the court, showing number and style of case, cause of action, plaintiff's attorney and witnesses, defendant's attorney and witnesses, citations of authorities, and, in some cases, rulings, interlocutory orders, and final judgments entered in the case at bar. Arr. chron. by filing date. No index. Hdw. under pr. hds. 64 pp. 11 x 8 x 1. D.C. off.

Ex-Officio Records of District Clerk

258. ACKNOWLEDGMENT RECORD DISTRICT CLERK, Apr. 3, 1874-June 7, 1880, Sept. 6, 1894-Aug. 29, 1934. 3 vols. Title varies: Statement of Acknowledgments, D.C., Apr. 3, 1874-June 7, 1880, 1 vol.; Acknowledgment Record, Sept. 6, 1894-Nov. 7, 1902, 1 vol. Nov. 29, 1886-Oct. 3, 1894 in (Register of Voters and District Clerk's Acknowledgment Record), pp. 70-116, entry 262.
Record of acknowledgments taken by district clerk, showing number of acknowledgment, kind and date of instrument, location of land, name of original grantee, name and residence of grantor, how known, date of acknowledgment, names and residences of grantee and witnesses, how known, and amount of fee. Arr. chron. by date acknowledgment taken. 1874-June 7, 1880, Sept. 6, 1894-Nov. 7, 1902, 2 vols., indexed alph. by first letter of surname of grantor, chron. thereunder; Nov. 8, 1902-Aug. 29, 1934, 1 vol., indexed alph. by first letters of surnames of grantor and grantee, in separate subdivisions, chron. thereunder. Hdw. on pr. fms. Aver. 350 pp. 16 x 10 x 2. 2 vols., Apr. 3, 1874-June 7, 1880, Sept. 6, 1894-Nov. 7, 1902, D.C. bsmt. va.; 1 vol., Nov. 8, 1902-Aug. 29, 1934, D.C. off.

259. RECORD PHYSC'NS (Physicians) CERTS. (Certificates), Apr. 17, 1897-Sept. 1909, July 23, 1923. 1 vol.
Recorded copies of physicians' licenses and diplomas. Licenses, 1897-1907, issued by judicial district boards of medical examiners show title of board, name of physician and county of residence, signature of president and secretary of board, date and place of issuance, and certificate of recordation showing filing date, recording date, and signature of district clerk. Diplomas (some in Latin), 1898-Aug. 4, 1909, show date and place of issuance, name of school, name of physician, period of attendance at school, and

certificate of recordation showing filing date, recording date, and signature of district clerk. Also contains: one copy of pharmacist's certificate, Sept. 1909; (Veterinarians' Certificates), July 23, 1923, entry 261. Arr. chron. by recording date. Indexed alph. by first letter of surname of doctor, veterinarian, or pharmacist, chron. thereunder. Hdw. 160 (66 used) pp. 18 x 11 x 1. D.C. off.

For licenses issued by state board of medical examiners, 1907--, see entry 260.

260. MEDICAL REGISTER, Dec. 14, 1907--. 2 vols. (B, C).
Recorded copies of licenses issued by state board of medical examiners, authorizing licensees to engage in the practice of medicine and surgery, showing certificate number, name and residence of licensee, grant of license upon examination or by virtue of reciprocity with a sister state, date and place of issuance, signature of board members, and certificate of recordation showing filing date, recording date, and signature of district clerk; also oath of physician made upon registration, showing his age, date and place of birth, college degree obtained with name of college, date degree conferred, school of practice to which affiant belongs, his address, and signature. Volume B also contains: (Veterinarians' Certificates), 1911, entry 261. Arr. chron. by recording date. Indexed alph. by first letter of surname of registrant, chron. thereunder. Hdw. on pr. fms. 200 (82 and 9 used) pp. 16 x 12 x 2. D.C. off.

For licenses issued by judicial district board of examiners, 1897-1907, see entry 259.

261. (VETERINARIANS' CERTIFICATES), 1911, July 23, 1923. 1911 in Medical Register, vol. B, entry 260; July 23, 1923 in Record Physc'ns (Physicians) Certs. (Certificates), entry 259.
Recorded copies of two certificates to practice, issued by state board of veterinary examiners, showing date and place issued, date applied for, name, age, and birthplace of veterinarian, grant of license, signatures of board members, and certificate of recordation showing filing date, recording date, and signature of district clerk.

262. (REGISTER OF VOTERS AND DISTRICT CLERK'S ACKNOWLEDGMENT RECORD), July 7, 1867-Dec. 31, 1873, Nov. 29, 1886-Oct. 3, 1894. 1 vol.
Register, July 7, 1867-Dec. 31, 1873, on pages 1-60, of persons, mostly Negroes, applying for registration as voters under Reconstruction, showing name of voter, registration number, whether native-born or naturalized, date entered on register, and remarks ("colored"; "moved to" with place; "moved from" with place; and "Cancelled--held office prior to 1865--and engaged in rebellion.") In cases where person moved from county, or was found ineligible, entry is marked through. Also contains, on pp. 70-116: Acknowledgment Record District Clerk, Nov. 29, 1886-Oct. 3, 1894, entry 258. 1867-73, register of voters, arr. numer. by registration no.; 1886-94, acknowledgment record, arr. chron. by filing date. No index. Hdw. under pr. hds. 150 (107 used) pp. 17 x 11 x 1. D.C. bsmt. va.

For lists of certified voters, used by election judges, 1933-38, see entry 65; for assessor-collector's lists of qualified voters, 1934-37, see entry 372.

(Next entry, 263, p. 230)

IV. COUNTY COURT

Inferior tribunals of justice called county courts have had a continuous place in Texas county government since its beginnings under the Republic, except for the first two years of statehood and the period covered by the Constitution of 1869. A county court for each county was created by the Constitution of 1836 [1] and granted general probate and limited civil jurisdiction by the Congress.[2] By act of 1839 the county court lost its original civil jurisdiction, but retained probate.[3] The first state constitution did not create a county court, but provided that an inferior court with probate jurisdiction should be established in each county.[4] In accordance with this provision, the state legislature organized a probate court, consisting of a probate judge, for each county in 1846.[5] This separate probate court was short-lived, however, for in 1848 the legislature established a county court and gave it all original probate jurisdiction.[6] The county court continued to exercise probate jurisdiction only, until the Constitution of 1866 added limited civil and criminal jurisdiction.[7] The Constitution of 1869 omitted judicial county courts, granting exclusive original probate jurisdiction to the district courts for the only time in the history of Texas county government.[8] The present state constitution, adopted in 1876, created county courts with civil, criminal, and probate jurisdiction; it provided, however, that the legislature might by local or general law increase, diminish, or change their civil and criminal jurisdiction.[9]

On September 28, 1846, the first meeting of the probate court in the newly organized County of Guadalupe was held, with Probate Judge Henley G. Henderson presiding.[10] This court continued to meet until the August term 1848, when the county court sat as a probate court for the first time, with the Honorable Jeremiah S. Calvert, chief justice, presiding.[11] The United States Congress refused to re-admit Texas to the Union with the Constitution of 1866 in effect, and in many counties the agencies set up by its authority were abolished, but the county court of Guadalupe County exercised the civil, criminal, and probate jurisdiction authorized by this constitution until the Constitution of 1869 became effective.[12] The county court of Guadalupe County, as established by the present constitution, has exercised full constitutional civil, criminal, and probate jurisdiction since 1876, never having had its civil or criminal jurisdiction diminished or changed by the legislature.[13]

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1. 1836, Gammel, Laws, I, 1074.
2. Ibid., 1209, 1210, 1213.
3. 1839, ibid., II, 91.
4. 1845, ibid., 1287.
5. 1846, ibid., 1614-1624.
6. 1848, ibid., III, 113.
7. 1866, ibid., V, 868.
8. 1869, ibid., VII, 412.
9. Const., 1876, Art. V, secs. 16, 22.
10. Guadalupe County, Probate Minutes (see entry no. 269), A, 1.
11. Ibid., 24.
12. See entry no. 292 for civil and criminal proceedings of the court, and entry no. 269 for this period.
13. See entry nos. 269, 290.

(Next entry, 263, p. 230)

The office of probate judge, in existence for only two years, was created by the legislature. The officer was elected by the voters of the county to serve a two-year term.[14]

The presiding officer of the county court, whose title was chief justice until 1866, when it was changed to county judge, has also been the presiding officer of the administrative body of the county, and the creation, selection, qualifications, tenure, and removal of the office hawe been discussed in the essay on the commissioners court (see pp. 105, 106). His compensation as a judicial officer was three dollars for each day he held court[15] in addition to fees of office[16] until an act of 1866 allowed him three dollars for each suit and a salary fixed by the police court, not to exceed $250 a year.[17] The present constitution allows the county judge fees and perquisites prescribed by law.[18] In Guadalupe County, the county judge now receives a salary, the amount of which is determined annually by the commissioners court.[19]

The chief justice and the county judge were charged with conserving the peace in the county, and for this purpose had power by warrant to cause any person charged with criminal offense to be arrested, and to take all manner of recognizances.[20] The present constitution gives the county judge power to issue writs of mandamus, injunction, habeas corpus, and all other writs necessary to enforce the jurisdiction of his court.[21] The presiding officer of the county court has been vested with authority to perform marriage ceremonies since 1837.[22]

The county clerk was clerk of the probate court during its existence,[23] and has always been the clerk of the county court. The structure of the office has been outlined in the essay on the county clerk as recorder (see pp. 144, 145). The clerk of the county court has been charged with recording all judgments, decrees, and orders of the court, and preserving all records and papers of the court.[24]

The sheriff, the executive officer of the probate and county courts, has been treated in a separate essay (see pp. 251-253).

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14. 1846, Gammel, Laws, II, 1614.
15. 1836, ibid., I, 1208, 1214.
16. Ibid., 1197, 1200.
17. 1866, ibid., V, 961.
18. Const., 1876, Art. V, sec. 15.
19. 1935, 44th Legis., 2nd C.S., 1762; Com. Civ. Min., G, 1-13.
20. 1836, Gammel, Laws, I, 1212; 1866, ibid., V, 961.
21. Const., 1876, Art. IV, sec. 16.
22. 1837, Gammel, Laws, I, 1294; 1866, ibid., V, 990; 1891, ibid., X, 98.
23. 1846, ibid., II, 1616.
24. 1836, ibid., I, 1210, 1214; 1848, ibid., III, 116; 1876, ibid., VIII, 846.

County Court (Next entry, 263, p. 230)

General probate jurisdiction exercised by the probate and county courts of Guadalupe County has undergone little change through the years. Probate jurisdiction includes power to probate wills; appoint guardians for minors, idiots, lunatics, persons non compos mentis, and common drunkards; grant letters testamentary and of administration and guardianship; settle accounts of administrators, executors, and guardians; transact all business appertaining to the estates of deceased persons, minors, idiots, lunatics, persons non compos mentis, and common drunkards, including the settlement, partition, and distribution of estates of deceased persons;[25] to order inquisition to be made by a jury, of idiots, lunatics, and persons of unsound mind;[26] and to apprentice minors.[27]

Civil and criminal jurisdiction was first exercised by the county court of Guadalupe County in February 1867,[28] in accordance with an act of 1866 defining the civil jurisdiction of county courts as extending to all suits in which the matter in controversy exceeded $100 and did not exceed $500; and criminal jurisdiction, to all misdemeanors and petty offenses.[29]

Civil and criminal jurisdiction returned to the county courts by the Constitution of 1876 has been exercised continuously in Guadalupe County to the present time.[30] The county court has exclusive original jurisdiction in all civil cases where the matter in controversy exceeds $200 in value and does not exceed $500, exclusive of interest, and in the forfeiture and final judgment of all bonds taken in criminal cases of which the county court has jurisdiction; concurrent jurisdiction with the district court when the matter in controversy exceeds $500 and does not exceed $1,000, exclusive of interest; and appellate jurisdiction over cases originating in the justice courts, where the judgment of the court appealed from, or the matter in controversy exceeds $20, exclusive of costs. The county court has exclusive original criminal jurisdiction of all misdemeanors, except misdemeanors involving official misconduct, and except cases in which the highest penalties or fines to be imposed do not exceed $200, and except in counties where there is established a criminal district court; and appellate jurisdiction over criminal cases originating in the justice courts and mayor's and recorder's courts.[31]

Certain other matters not included in the regular civil, criminal, or probate jurisdiction of the county court have been placed within its jurisdiction from time to time. A Federal law which was in effect when Texas became a state authorized county court to conduct naturalization proceedings.[32]

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25. 1845, Gammel, Laws, II, 1287; 1846, ibid., 1614-1624; 1848, ibid., III, 113; 1866, ibid., V, 96, 868; Const., 1876, Art. V, sec. 16; 1876, Gammel, Laws, VIII, 929-967.
26. 1846, ibid., II, 1615; 1848, ibid., III, 295; 1876, ibid., VIII, 974-976.
27. 1848, ibid., III, 297; 1866, ibid., V, 979-981; Const., 1876, Art. V, sec. 16; 1876, Gammel, Laws, VIII, 855.
28. Guadalupe County, Journal (see entry no. 292), 1, 2.
29. 1866, Gammel, Laws, V, 962.
30. See entry no. 290.
31. 1876, Gammel, Laws, VIII, 854, 855.
32. Federal Stat., vol. 5, footnotes 61, on p. 201.

(Next entry, 263, p. 230)

This function was removed from the county court by an act of Congress in 1906, which confined naturalization proceedings to courts of unlimited jurisdiction.[33] Prior to the adoption of the Eighteenth Amendment, the county court rendered judgment on petitions to sell liquor.[34] The court hears cases involving delinquent children, having concurrent jurisdiction with the district court in these cases.[35] It also passes on applications by epileptics[36] and tuberculosis victims[37] for admission to state institutions, and on petitions for licenses to sell beer.[38]

There follows a list of records required of the county clerk as clerk of the county court, grouped by subject, arranged chronologically by the date of approval of the law thereunder.

Probate

Case Papers

Probate Case Papers, Gammel, Laws, I, 1214, Dec. 20, 1836. (To be filed)
Final Probate Record, Gammel, Laws, II, 1616, May 11, 1846.

Dockets

Probate Docket, Gammel, Laws, II, 1616, May 11, 1846.
Probate Claim Docket, Gammel, Laws, VI, 343, Aug. 15, 1870.
Index to Probate Claim Docket, Gammel, Laws, VI, 343, Aug. 15, 1870.
Executors' and Administrators' Docket, Gammel, Laws, VI, 351, Aug. 15, 1870.
Guardianship Docket, Gammel, Laws, VIII, 1022, Aug. 18, 1876.
Guardianship Claim Docket, Gammel, Laws, VIII, 1026, Aug. 18, 1876.
Index to Guardianship Claim Docket, Gammel, Laws, VIII, 1026, Aug. 18, 1876.
Judge's Probate Docket, RCS, 1879, Art. 1764, Sept. 1, 1879.
Index to Judge's Probate Docket, RCS, 1879, Art. 1798, Sept. 1, 1879.

Minutes

Probate Minutes, Gammel, Laws, I, 1214, Dec. 20, 1836.
Proceedings in Bankruptcy, Gammel, Laws, II, 508, Jan. 19, 1841. (To be recorded in probate minutes)
Proceedings in Lunacy Cases, Gammel, Laws, III, 295, Mar. 20, 1848. (To be recorded)
Proceedings in Apprenticeship, Gammel, Laws, III, 297. Mar. 20, 1848.
Guardianship Record, Gammel, Laws, VIII, 1027, Aug. 18, 1876.
Index to Probate Minutes, RCS, 1879, Art. 1798, Sept. 1, 1879.

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33. Federal Stat., vol. 6 (2nd edition), p. 352.
34. 1906, 29th Legis., 2nd C.S., 261.
35. 1907, 30th Legis., 137.
36. 1903, 28th Legis., 1938.
37. 1915, 34th Legis., 143.
38. 1933, 43rd Legis., 294.

Civil and Criminal

Case Papers

Case Papers, Gammel, Laws, I, 1210, Dec. 20, 1836. (To be filed)

Dockets

Clerk's File Docket, Gammel, Laws, I, 1197, Dec. 19, 1836.
Execution Docket, Gammel, Laws, II, 155, Jan. 26, 1839.
Applications for Pensions (Texas Revolution), Gammel, Laws, VIII, 898, July 28, 1876. (To be entered on docket)
Jury Case Trial Docket, Gammel, Laws, VIII, 1007, Aug. 18, 1876.

Minutes

Minutes of County Court, Gammel, Laws, I, 1210, Dec. 20, 1836.
Execution Record, Gammel, Laws, II, 152, Jan. 26, 1839.
Order of Commissioners Court Granting County Judge Leave of Absence, Gammel, Laws, VIII, 853, June 16, 1876. (To be recorded in minutes)
Order Changing Time of Court Terms, Gammel, Laws, VIII, 853, June 16, 1876. (To be recorded in minutes)
Order Designating Day for Probate Business, Gammel, Laws, VIII, 858, June 16, 1876. (To be recorded in minutes)
Index to Minutes of County Court, Gammel, Laws, VIII, 861, June 21, 1876.
Order Designating Day for Taking up Jury Docket, Gammel, Laws, VIII, 917, Aug. 1, 1876. (To be recorded in minutes)
Appointment of Special County Judge, Gammel, Laws, VIII, 505, Apr. 26, 1893. (To be recorded in minutes)
Juvenile Record, 30th Legis., 138, Apr. 5, 1907.

Naturalization

Naturalization Record, Federal Stat., vol. 5, footnotes on p. 201.

Ex Officio

Application to be Adjudged an Epileptic, 28th Legis., 164, Apr. 3, 1903. (To be filed)
Application for Medicinal Liquor License, 31st Legis., 3rd C.S., 35, Aug. 19, 1910. (To be filed)
Application and Permit for Liquor Dealer's License, 33rd Legis., 1st C.S., 57, Nov. 17, 1913. (To be filed)
Hearings on Applications for Beer Licenses, 43rd Legis., 294, May 11, 1933. (To be recorded)

Fines, Fees, and Costs

Probate Fee Book, Gammel, Laws, II, 1616, May 11, 1846.
County Clerk's Statement of Jury Fees and Fines Received, Gammel, Laws, VIII, 859, June 16, 1876. (To be recorded in minutes)
County Judge's Fee Book, Gammel, Laws, VIII, 1129, Aug. 23, 1876.

County Clerk's Fee Book, Gammel, Laws, VIII, 1129, Aug. 23, 1876.
Index to Probate Fee Book, RCS, 1879, Art. 1798, Sept. 1, 1879.

Jury Service

List of Jurors Drawn, Gammel, Laws, I, 1211, Dec. 20, 1836. (To be recorded in minutes)
List of Freeholders for Jury Service, Gammel, Laws, I, 1267, Dec. 22, 1836. (To be filed)
Certified Jury List, Gammel, Laws, IV, 1076, Feb. 13, 1858. (To be filed)
List of National Guardsmen for Jury Exemption, 28th Legis., 214, Apr. 1, 1903. (To be filed)
Affidavit of Jury Service Exemption, 30th Legis., 216, Apr. 16, 1907. (To be filed)

Trust Funds

Record of Trust Funds, Gammel, Laws, VIII, 843, May 19, 1876.

Probate

(See also entries 24-26, 85-iv,xii,89, 302-304, 306, 308, 329, 334)

Case Papers (See also entry 256)

263. PROBATE CASES (Papers), Sept. 28, 1846--. 3,322 cases in 98 f.b. (36 f.b. containing cases 1-1599, Sept. 28, 1846-Sept. 11, 1903, labeled with first letters of contained surname of parties; 62 f.b. containing cases 1600-3322, Sept. 23, 1903--, labeled with contained case numbers).

Original probate case papers filed with the clerk, including wills and codicils; affidavits, depositions, and transcripts of testimony in proof of wills; bonds and qualifying oaths of executors, administrators, and guardians; applications to probate wills, for letters testamentary, for letters of administration and guardianship, for allowances, for orders authorizing the sale of real estate, for orders authorizing the compromise and settlement of suits and claims, and seeking the action of the court in various other matters; inventories, appraisements, and lists of claims; citations, proofs of publication of notices to creditors, and other notices; exhibits and accounts; complaints contesting the probate of wills and the appointment of executors, administrators, or guardians and their actions in various matters involved in the administration of estates; claims against the estate presented to executor or administrator, with his endorsement or memorandum, showing date of presentation and notation of allowance or rejection; applications for orders authorizing final disposition of estate and the discharge of executors, administrators, or guardians and their bondsmen; clerk's memoranda of orders recorded in probate minutes; and, in some cases, signed orders, letters testamentary, letters of administration and of guardianship, correspondence, account books, check books and stubs, diaries, attachment writs and attachment bonds. Also includes lunacy case papers prior to 1884 and subsequent to 1925. 1846-Sept. 11, 1903, 36 f.b., arr. alph. by first letter of surname of estate of minor, chron. by filing date thereunder; Sept. 23, 1903--, 62 f.b., arr. numer. by case no. 1846-Sept.

11, 1903, arr. serves as index; Sept. 23, 1903--, separate index, see entry 267. Hdw. and typed; some on pr. fms. 11 x 5 x 14. C.C. off.

For lunacy papers filed separately, 1884-1925, see entry 265. For recorded copies of probate case papers: 1846-94, see entry 264; 1853-54, see entry 292; 1894--, see entry 269.

264. PROBATE RECORD, Sept. 28, 1846-July 13, 1894. 7 vols. (A, B, D-G, D). Aug. 29, 1853-Aug. 10, 1854 also in Journal, entry 292; 1894-- in Probate Minutes, entry 269.

Recorded copies of probate case papers recorded for preservation of record (for kinds of papers included, see entry 263), and showing clerk's certificate to recordation showing filing date, recording date, and signature of county clerk. Arr. chron. by recording date. For separate index, see entry 270; Sept. 28, 1846-Sept. 1, 1887, 6 vols. (A, B, D-G), also indexed alph. by first letter of surname of estate or minor, chron. by recording date thereunder. Hdw. 320 pp. 16 x 10 x 2. C.C. off.

For original probate papers, 1846--, see entry 263.

265. LUNACY CASES DISPOSED OF, Nov. 28, 1884-June 6, 1925. 250 cases in 2 f.b.

Original lunacy case papers, including complaints, warrants, affidavits, and court orders. No arr. No index. Hdw. and typed; some on pr. fms. 11 x 5 x 14. C.C. bsmt. va.

For prior and subsequent lunacy papers, see entry 263.

Dockets

266. JUDGES PROBATE DOCKET, Sept. 28, 1846--. 9 vols. (A, B, 2, 3, 1-5). Title varies: Probate Docket, Sept. 28, 1846-Aug. 5, 1880, Jan. 1, 1908-Oct. 1, 1935, 5 vols. (A, 1-4).

Clerk's docket of cases filed in administration of estates, probate of wills, guardianship, and lunacy, showing case number, name of estate, ward, or lunatic, name of administrator, executor, or guardian, nature of application and date filed, names of attorneys; and a minute, with date, of all orders, judgments, decrees, and proceedings had in each case. Arr. numer. by case no. and chron. by filing date of first instrument. 1846-Aug. 5, 1880, Aug. 1, 1898-Sept. 21, 1903 no index; Sept. 22, 1880-July 23, 1898, Mar. 23, 1905-Oct. 24, 1907, 2 vols. (B, 3), indexed alph. by first letter of surname of decedent, war, or lunatic, chron. by filing date thereunder; Sept. 23, 1903-- separate index, see entry 267. 1846-Aug. 5, 1880 hdw.; Sept. 22, 1880-- hdw. under pr. hds. Aver. 600 pp. 14 x 10 x 2. C.C. off.

267. INDEX TO PROBATE DOCKET, Sept. 23, 1903--. 1 vol. (1).

Index by name of decedent, ward, or lunatic to Probate Cases (Papers), cases 1600-3322, entry 263, and to latter part of volume 2 and volumes 3, 1-5 of Judges Probate Docket, entry 266; each entry shows name of party, kind of case, and reference to case number. Arr. alph. by first letter of surname, numer. by case number thereunder. Typed on pr. fms. 200 pp. 14 x 10 x 2. C.C. off.

268. PROBATE CLAIM DOCKET, Apr. 8, 1871--. 3 vols. Title varies: Claim Docket, Apr. 8, 1871-Oct. 10, 1923, 2 vols.
Clerk's register of claims against estates presented for the approval of the court, used for the classification of claims as to the order of payment, showing name of claimant, date and amount of claim, maturity date, date from which claim bears interest, rate of interest, date allowed or rejected by personal representative, amount allowed, filing date, date of approval or disapproval by court, class of claim, and, in cases of claims reduced to judgment, the date and amount of the judgment. Arr. chron. by filing date. 1871-Oct. 10, 1923, 2 vols., no index; Oct. 10, 1923--, 1 vol., indexed alph. by first letter of surname of decedent, chron. by filing date thereunder. Hdw. under pr. hds. Aver. 280 pp. 18 x 12 x 2. C.C. off.

Minutes

269. PROBATE MINUTES, Sept. 28, 1846--. 22 vols. (A-V).
Clerk's journal record of orders, judgments, decrees, and proceedings of the court sitting as a probate court (probate court, Sept. 28, 1846-July term 1848; county court, Aug. term 1848-Mar. 1870; district court, Oct. 6, 1870-July 1, 1876; county court, July 21, 1876--) in cases involving estates of decedents; guardianships of minors, idiots, lunatics, persons non compos mentis, and common drunkards; lunacy minutes, except for Dec. 20, 1913-June 7, 1917, Dec. 16, 1922-Feb. 5, 1924; and apprenticeships. Shows term of court, date of meeting, names of officers present, subject of hearing, names of interested parties, orders of the court, signed approval of judge, and signed attest of clerk. Also contains: Probate Record, 1894--, entry 264. Arr. chron. by court term, by order of hearing thereunder. For separate indexes, see entries 270, 271. 1846-Dec. 16, 1905 hdw.; Jan. term 1906-- typed. Aver. 600 pp. 18 x 12 x 3. C.C. off.
For separate lunacy minutes: 1913-17, see entry 272; 1922-24, see entry 273.

270. INDEX TO PROBATE MINUTES (Numerical by Case Number), Sept. 28, 1846-Mar. 31, 1913, 2 vols. (1, 2).
Numerical listing by case number, of probate cases included in Probate Minutes, entry 269, and Probate Record, entry 264, showing name of estate, case number, abstract of court orders and proceedings, and reference to book and page. Arr. numer. by case no. Indexed alph. by first letter of surname of estate or minor, chron. thereunder. Hdw. under pr. hds. Aver. 400 pp. 16 x 12 x 2. C.C. off.

271. INDEX TO PROBATE MINUTES (Alphabetical by Name of Party), Apr. 1, 1913--. 2 vols. (3, 4).
Index by name of estate or minor to Probate Minutes, entry 269, showing filing date, case number, name of estate or minor, name of administrator, executor, or guardian, and reference to each order by book and page. Arr. alph. by first letter of surname, chron. thereunder. Hdw. under pr. hds. Aver. 500 pp. 16 x 16 x 3. C.C. off.

272. PROBATE LUNACY DOCKET (Minutes) AND FEE BOOK, Dec. 20, 1913-June 7, 1917, 1 vol. (1).
Clerk's record of proceedings in lunacy cases and accounts of fees and costs accruing to court officers therein, showing filing date, case number, names

of defendant, judge, and commissioners appointed by the court to investigate the defendant, summary of findings of the commission with signatures of the commissioners, description and valuation of defendant's estate; items and amounts of judge's, clerk's, county attorney's, and sheriff's fees. Arr. chron. by filing date. No index. Hdw. on pr. fms. 100 double pp. 16 x 12 x 2. C.C. bsmt. va.

For prior and subsequent lunacy minutes, see entries 269, 273. For fees and costs accruing in probate cases: all court officers, 1881-1930, see entry 303; county judge, 1914-32, see entry 302; county clerk, 1862-69, see entry 304; executions for costs, 1857-61, see entry 306; bills of cost, 1930--, see entry 308.

273. LUNACY TUBERCULAR EPILEPTIC DOCKET (Minutes), June 26, 1922, Dec. 16, 1922-Feb. 5, 1924. 1 vol.

Clerk's record of lunacy proceedings in probate court, 1922-Feb. 5, 1924, on pages 9-15, showing case number, name of defendant, date of trial, verdict of jury in answer to special issues submitted by the court, judgment of the court with, if defendant adjudged a lunatic, an order of comitment, signed approval of judge, and signed attest of clerk. Also contains, on page 201, one copy of a judgment filed June 26, 1922, declaring a tuberculosis victim a patient of the first class and ordering a transcript of the proceedings, together with the original application and accompanying certificates, to be certified for transmission to the superintendent of the state tuberculosis sanatorium. Arr. chron. by date of trial. Indexed alph. by first letter of surname of lunatic or patient, chron. thereunder. Typed. 250 (8 used) pp. 16 x 12 x 1½. C.C. off.

For prior and subsequent lunacy minutes, see entries 269, 272. For original applications for admission to state tuberculosis hospital, 1936-38, see entry 301.

Civil and Criminal
(See also entries 302, 305-307, 311, 312)

Case Papers

274. CIVIL (Case Papers), July 1, 1876--. 3,000 cases in 60 f.b. (48 f.b., July 1, 1876-Feb. 28, 1921, labeled with first letters of contained surnames of plaintiffs; 12 f.b., Feb. 28, 1921--, labeled 1-12). Title varies: Civil Cases Disposed Of, July 1, 1876-Feb. 28, 1921, 48 f.b.

Original case papers in civil cases within the original and appellate jurisdiction of the county court, including original, supplemental, and amended petitions and answers, with demurrers, exceptions, motions, stipulations, and bonds, filed with the clerk by parties; citations, subpoenas, and bonds, filed with the clerk by parties; citations, subpoenas, and other processes issued by clerk; writs, including attachments, garnishments, sequestrations, certiorari, and supersedeas; and in some cases transcripts of proceedings in cases of appeal from judgment of county court, jury verdicts, judgments, bills of cost, evidenciary exhibits, depositions, and related papers. Jacket for each case shows number and style of case and filing date. July 1, 1876-Feb. 28, 1921, 48 f.b., arr. alph. by first letter of surname of plaintiff, chron. thereunder; Feb. 28, 1921--, 12 f.b.,

arr. numer. by case no. 1876-Feb. 28, 1921, arr. serves as index by name of plaintiff; Feb. 28, 1921-- no index. Hdw. and typed; some on pr. fms. 11 x 5 x 14. 48 f.b., 1876-Feb. 28, 1921. C.C. bsmt. va.; 12 f.b., Feb. 28, 1921--, C.C. off.

275. (CRIMINAL CASE PAPERS), Dec. 4, 1899--. 55 f.b.
Original case papers in criminal cases within the original and appellate jurisdiction of the county court, including complaints, informations, warrants of arrest, habeas corpus writs, bail and recognizance bonds, subpoenas and witness attachments, motions, jury verdicts; and, in some cases, mandates, transcripts of cases appealed from justice courts, and special venire lists. Jacket for each case shows number and style of case and filing date. 1899-Dec. 6, 1924, 40 f.b., arr. alph. by first letter of surname of defendant, chron. by filing date thereunder; Dec. 6, 1924--, 15 f.b., arr. numer. by case no. No index. Hdw. and typed; some on pr. fms. 11 x 5 x 14. 40 f.b., Dec. 4, 1899-Dec. 6, 1924, C.C. bsmt. va.; 15 f.b., Dec. 6, 1924--, C.C. off.

276. ATTORNEY'S RECEIPT BOOK, Sept. 19, 1888-Dec. 22, 1904. 1 vol.
Discontinued.
Record of receipts given by attorneys for county court case papers withdrawn from and returned to custody of the clerk, showing number and style of case, kind and number of papers withdrawn, name of attorney, date withdrawn, and date returned. Arr. chron. by date withdrawn. No index. Hdw. under pr. hds. 150 pp. 15 x 10 x ½. C.C. bsmt. va.

Dockets

277. CLERK'S FILE DOCKET, Dec. 18, 1902--. 2 vols. (2, 3).
Clerk's original entry docket of civil cases filed in county court, showing case number, names of attorneys, names of parties, nature of action, filing date; process issued, date of issuance, officer serving, and date returned. Arr. numer. by case no. 1902-Feb. 4, 1922, 1 vol. (2), indexed alph. by first letters of surnames of plaintiff and defendant, in separate subdivisions, chron. thereunder; Feb. 5, 1922--, 1 vol. (3), separate index, see entry 278. Hdw. under pr. hds. 380 pp. 16 x 12 x 2½. C.C. off.
For jury trial docket, 1889-1927, see entry 284; for motion docket, 1888--, see entry 285.

278. INDEX TO FILE DOCKET, Feb. 5, 1922--. 1 vol. (1).
Index by names of plaintiff and defendant to volume (3) of Clerk's File Docket, entry 277; each entry shows name of opposite party, and reference to book and page. Arr. alph. by first letters of surnames, chron. by filing date thereunder. Hdw. under pr. hds. 250 pp. 16 x 11 x 2. C.C. off.

279. CIVIL DOCKET (Pending), Sept. 24, 1926--. 1 vol.
Docket of civil cases pending in county court, used by judge for calling of cases for action of court at terms and for the notation of orders, showing case number, names of attorneys, names of parties to suit, kind of action, filing date, and orders at term and previous terms. Arr. chron. by court term, numer. by case no. thereunder. No index. Hdw. under pr. hds. 150 double pp. 18 x 12 x 2. C.C. off.

For docket of civil cases disposed 1876--, see entry 280; for judge's civil motion docket, 1888--, see entry 285.

280. TRANSFER CIVIL DOCKET (Disposed), Sept. term 1876--. 5 vols. (A, 2-4, 1 unmarked). Title varies: Judges Civil Docket, Sept. term 1876-Oct. term 1901, 2 vols. (A, 2); Judges Civil Bar Docket, Oct. term 1901-May term 1908, 1 vol. (3); Civil Docket, July term 1908-July term 1913, 1 vol. (4). Feb., Apr., June, and Aug. terms 1867 in Mark and Brand Record, entry 110; Feb. term 1867-Apr. term 1870 in Court Docket, entry 281; July term 1876 in Judges Criminal Docket, entry 286.

Docket of civil cases in county court, now disposed of, used by judge for the calling of cases for action of court at terms and for the notation of orders, showing case number, names of attorneys, names of parties, kind of action, filing date, and orders at term and previous terms. Arr. chron. by court term, numer. by case no. thereunder. No index. Hdw. under pr. hds. Aver. 150 double pp. 18 x 12 x 2. 4 vols. (A, 2-4), 1876-July term 1913, C.C. bsmt. va.; 1 vol. (unmarked), July term 1913--, C.C. off.

For docket of civil cases pending, 1926--, see entry 279; for judge's civil motion docket, 1888--, see entry 285.

281. COURT DOCKET, Feb. term 1867-Apr. term 1870, Mar. term 1871-May term 1884. 1 vol.

Contains, on pages 1-72: Transfer Civil Docket (Disposed), Feb. term 1867-Apr. term 1870, entry 280; on pages 73-152, Motion Docket District Court, Mar. term 1871-May term 1884, entry 285. Arr. chron. by court term, numer. by case no. thereunder. No index. Hdw. 152 pp. 12 x 8 x 1. C.C. bsmt.va.

282. EXECUTION DOCKET, July 19, 1876--. 2 vols. (A, B).

Clerk's record of executions issued by him to enforce judgments rendered in civil cases in county court, showing number of case, book and page number of recording of judgment in civil minutes, names of plaintiff and defendant, kind of execution, amount of judgment, amount of costs, amount due on judgment, rate of interest, county of levy, date issued, date returnable, to whom delivered; officer's return showing date and time execution received, manner of levy, description of property sold, itemized statement of officer's costs, name of officer, filing date, recording date, and signature of county clerk. Arr. chron. by recording date. 1876-July 15, 1908 indexed alph. by first letter of surname of plaintiff, chron. thereunder; July 15, 1908-Dec. 18, 1936, separate index, see entry 283; Mar. 8, 1937-- indexed alph. by first letters of surnames of plaintiff and defendant, chron. thereunder. 1876-1936 hdw. under pr. hds.; 1937-- typed on pr. fms. Aver. 388 pp. 18 x 12 x 2. C.C. off.

For record of executions for costs in probate cases, 1857-61, and in civil and criminal cases, 1867, see entry 306.

283. INDEX TO EXECUTION DOCKET, July 15, 1908-Dec. 18, 1936. 1 vol. (A).

Index by names of plaintiff and defendant to Execution Docket, entry 282; each entry shows name of opposite party and reference to page number. Plaintiff entries on left-hand pages, defendant entries on right. Arr. alph. by first letters of surnames, chron. thereunder. Hdw. under pr. hds. 50 pp. 16 x 11 x 1. C.C. off.

284. JURY DOCKET, Apr. term 1889-Mar. term 1927. 2 vols. Title varies: Jury Trial Docket, Apr. term 1889-Apr. term 1908, 1 vol.

Clerk's file docket of civil cases in county court docketed for trials to jury upon demand for jury trial and payment of jury fees, or upon demand for jury trial and filing of affidavit of inability to pay jury fees, showing case number, names of plaintiff and defendant, names of attorneys, cause of action, name of party demanding jury, amount of jury fee and by whom paid, and orders at term and previous terms. Arr. chron. by filing date. No index. Hdw. under pr. hds. Aver. 160 pp. 18 x 12 x 2. C.C.off.

For general file docket of civil suits, 1902--, see entry 277.

285. MOTION DOCKET, July 11, 1888--. 1 vol.

Docket of motions filed in civil cases, used by county judge for notation of orders, showing case number, names of parties and attorneys, nature of motion, date motion filed, date set for hearing, and disposition of motion. Arr. chron. by filing date. No index. Hdw. under pr. hds. 160 pp. 18 x 12 x 2. C.C. off.

For judges order dockets: pending, 1926--, see entry 279; disposed, 1876--, see entry 280.

286. JUDGES CRIMINAL DOCKET, Feb. term 1867-July term 1868, July term 1876--. 14 vols. (1 unmarked, A, 1 unmarked, B-F, 2 unmarked, 1, 2, 1, 1 unmarked). Title varies: Criminal Docket, Feb. term 1867-July term 1868, July term 1876, July term 1888-Mar. term 1910, 7 vols. (1 unmarked, B-F, 1 unmarked); Judges State Docket, Aug. term 1876-Oct. term 1882, 1 vol. (A); Courts Criminal Docket, Nov. term 1882-July term 1888, 1 vol. (unmarked); Transfer Criminal Docket, Mar. term 1910-Mar. 18, 1937, 3 vols. (1 unmarked, 1, 2).

Docket of criminal cases in county court, Feb. term 1867-July term 1868, Aug. term 1876--, used by the judge for calling cases before the court and for notations of orders, showing term of court, number and style of case, offense, filing date, and determinative orders. First volume titled "Criminal Docket" also contains: Transfer Civil Docket (Disposed), July term 1876, entry 280. Arr. chron. by court term, chron. by filing date thereunder. No index. 1867-July term 1868, July term 1876, hdw.; Aug. term 1876-- hdw. under pr. hds. Aver. 275 pp. 16 x 11 x 2. 9 vols. (1 unmarked, A, 1 unmarked, B-F, 1 unmarked), 1867-68, 1876-Mar. term 1910, C.C. bsmt. va.; 5 vols. (1 unmarked, 1, 2, 1, 1 unmarked), Mar. 18, 1910--, C.C. off.

Processes (See also entries 24-26, 274, 275, 277, 282, 329, 330, 335, 336, 340)

287. CIVIL SUBPOENAS, Jan. 19, 1915--. 2 vols.

Duplicate copies of subpoenas issued by the court or clerk to the sheriff or other process officer commanding him to summon witnesses named therein to testify in civil cases in county court, showing number and style of case, date issued, name of party in whose behalf witness subpoenaed, name of witness; court, place, and time of appearance, date returnable, and signature of county clerk. Arr. chron. by date issued. No index. Hdw. on pr. fms. Aver. 150 pp. 12 x 10 x 2. 1 vol., 1915-June 27, 1929, C.C. bsmt.va.; 1 vol., June 29, 1929--, C.C. off.

288. SUBPOENAS (Criminal), Mar. 17, 1924-June 17, 1933, Jan. 1, 1936--. 6 vols.
Duplicate copies of subpoenas issued by the court or clerk to the sheriff or other process officer commanding him to summon witnesses named therein to testify in criminal cases in county court, showing number and style of case, date issued, name of party in whose behalf witness subpoenaed, name of witness; court, place, and time of appearance, date returnable, and signature of county clerk. Arr. chron. by date issued. No index. Hdw. on pr. fms. Aver. 150 pp. 12 x 10 x 2. 4 vols., 1924-1933, C.C. bsmt. va.; 2 vols., 1936--, C.C. off.

289. CAPIAS, Aug. 25, 1927-Nov. 17, 1928, Mar. 7, 1930--. 6 vols.
Duplicate copies of capiases issued by the court or clerk to the sheriff or other process officer commanding him to arrest, hold, and produce before the county court defendants charged with criminal offenses, showing number and style of case, date issued, offense, date returnable, and signature of county clerk. Arr. chron. by date issued. No index. Hdw. on pr. fms. Aver. 150 pp. 4 x 9 x 2. 3 vols., 1927-28, 1930-Oct. 22, 1932, C.C. bsmt. va.; 3 vols., Oct. 24, 1932--, C.C. off.

Minutes

290. MINUTES COUNTY COURT, July term 1876--. 5 vols. (A-D, 1). Title varies: Criminal Minutes, Jan. 4, 1886-Sept. 26, 1913, 3 vols. (B-D). Feb. term 1867-Apr. 4, 1870, July 17-21, 1876, in Journal, entry 292.
Clerk's journal record of judgments entered in civil and criminal cases under the direction of the judge, and of all acts done and proceedings had in the county court not recorded in separate volumes, including proceedings in civil and criminal cases; reports of fines and jury fees; orders appointing jury commissioners; orders appointing bailiffs, court reporters, interpreters, and other appointive court offices; reports of bar committees; and resolutions in memoriam. Shows date of proceedings, names of officers present, subject of matter before the court and of the proceedings therein for each day of sessions, signed approval of judge, and signed attest of clerk for each term and for vacation sittings. Arr. chron. by court term, by order of proceedings thereunder. Separate index to civil actions, see entry 291; no index to criminal cases. 1876-1904 hdw.; 1905-- typed. Aver. 500 pp. 16 x 12 x 2. C.C. off.
For separate plea of guilty proceedings, 1907-38, see entry 293.

291. GENERAL INDEX CIVIL MINUTES, July term 1876--. 2 vols. (1 unmarked, 2). Title varies: General Index to Minutes, July term 1876-Oct. 3, 1904, 1 vol. (unmarked).
Index by names of plaintiff and defendant to civil actions in Minutes County Court, entry 290; each entry shows name of opposite party, and reference to book and page. Arr. in separate plaintiff and defendant subdivisions, alph. by first letter of surname thereunder, chron. thereunder. Hdw. under pr. hds. Aver. 640 pp. 18 x 14 x 2½. C.C. off.

292. JOURNAL, Aug. 29, 1853-Aug. 10, 1854, Feb. term 1867-Apr. 4, 1870, July 17-21, 1876. 1 vol.
Contains: Probate Record, 1853-Aug. 10, 1854, entry 264; Minutes County Court, Feb. term 1867-Apr. 4, 1870, July 17-21, 1876, entry 290. Arr. chron. by court term. No index. Hdw. 500 pp. 16 x 12 x 2. C.C. bsmt. va.

293. PLEA OF GUILTY RECORD, Aug. 2, 1907--. 1 vol. Last entry Mar. 29, 1938.
Clerk's minutes of proceedings in criminal trials in county court in which defendants pled guilty and waived trial by jury, showing term of court, number and style of case, offense, date of trial, amount of fine and jail sentence, and signature of county clerk. Arr. chron. by date of court term. For index, see entry 294. Hdw. on pr. fms. 640 pp. 18 x 12 x 3. C.C. off.
For prior recording and regular criminal minutes, see entry 290.

294. INDEX TO PLEAS OF GUILTY, Aug. 2, 1907--. 1 vol. (1). Last entry Mar. 29, 1938.
Index by name of defendant to Plea of Guilty Record, entry 293; each entry shows case number, date of trial, name of defendant, and reference to book and page. Arr. alph. by first letter of surname of defendant, chron. thereunder. Hdw. under pr. hds. 600 pp. 18 x 12 x 3. C.C. off.

Naturalization
(See also entries 185-190, 226)

295. DECLARATION RECORD, July 23, 1887-Sept. 19, 1906. 2 vols. Title varies: Record of Declarations, July 23, 1887-Apr. 18, 1902, 1 vol.
Originals of United States Naturalization Service Declaration of Intention, filed with clerk to institute naturalization proceedings in county court, showing number of declaration; name, age, occupation, personal description, date of birth, birthplace, and residence of declarant; last foreign residence, from what country emigrated; name of vessel, port, and date of arrival; name of country to which allegiance is renounced; oath of allegiance to the United States, with date and signature of declarant; signature of county clerk to jurat, and certificate of recordation showing filing date, recording date, and signature of clerk. Arr. chron. by date of oath. 1887-Apr. 18, 1902, no index; June 7, 1902-Sept. 19, 1906, indexed alph. by first letter of surname of declarant, chron. thereunder. Hdw. on pr. fms. Aver. 215 pp. 16 x 10 x 2. C.C. off.

296. FINAL NATURALIZATION RECORD, Apr. 5, 1892-July 5, 1906. 2 vols. (1 unmarked, 1). Title varies: Naturalization Record, Apr. 5, 1892-Apr. 6, 1903, 1 vol. (unmarked).
Clerk's record of county court naturalization proceedings, showing date and place of proceedings, names of court officials present (judge, clerk, sheriff), name of attorney; original signed petition of applicant, showing name of alien, name of judge, place of nativity, date and place of declaration, name of sovereign renounced, signature of applicant, and signature of county clerk to jurat; original sworn affidavits by two citizens to petitioner's residence in United States for five years and to his good moral character, showing

signatures of affiants and of county clerk to jurat; order of the court granting rights of citizenship, with signatures of county judge and clerk. Arr. chron. by date of proceedings. Indexed alph. by first letter of surname of applicant, chron. thereunder. Hdw. on pr. fms. 300 pp. 18 x 12 x 2. C.C. off.

Ex Officio
(See also entry 310)

297. BEER LICENSE, Sept. 9, 1933-Dec. 7, 1935. 100 papers in 1 f.b. Original petitions for licenses to wholesale and retail wine and beer, showing date of application, name of applicant, address of place of business; clerk's certificate to posting notice of hearing of petition before county judge, showing case number, address of place of business, date and place set for hearing, and signature of county clerk; also stubs of receipts issued on payment of license, showing number, date, and amount of receipt, and name of person making payment. Arr. numer. by case no., chron. thereunder. No index. Hdw. on pr. fms. 11 x 5 x 14. C.C. off.

298. JUDGMENT RECORD BEER LICENSE, Sept. 5, 1933-Aug. 16, 1937. 1 vol. Clerk's record of orders by county judge granting or rejecting applications for wine and beer licenses, showing file number, date petition filed, date notices posted, name and address of applicant, kind of license applied for, date set for hearing, order granting or rejecting application, and signature of county judge. Arr. chron. by filing date of petition. Indexed alph. by first letter of surname of applicant, chron. by filing date thereunder. Hdw. on pr. fms. 100 pp. 18 x 11 x 1. C.C. off.

299. LIQUOR LICENSE DOCKET, July 17, 1907-May 3, 1918. 1 vol. Docket of applications for liquor or malt liquor licenses filed with county judge, showing file number, name of applicant, kind of license applied for, filing date, order of the judge granting or rejecting application, with reference to book and page number of Liquor Dealers Judgment Record, entry 300. Arr. chron. by filing date, numer. by file no. thereunder. No index. Hdw. on pr. fms. 145 pp. 16 x 11 x 1. C.C. bsmt. va.

300. LIQUOR DEALERS JUDGMENT RECORD, July 25, 1907-May 3, 1918. 4 vols. Title varies: Retail Liquor License Record, July 25, 1907-July 15, 1909, 1 vol.
Clerk's record of orders of county judge granting or rejecting petitions for retail liquor or malt beverage licenses, showing file number, date of application, name of applicant with the address of his place of business, and reciting the affidavit of applicant filed in proof of his compliance with the provisions of the liquor laws, and setting forth the decision and order of the judge. Arr. chron. by date of application. 1907-July 15, 1909, 1 vol., no index; Aug. 16, 1909-May 3, 1918, 3 vols., indexed alph. by first letter of surname of applicant, chron. by date of application thereunder. Hdw. on pr. fms. 300 pp. 16 x 10 x 2. C.C. bsmt. va.
For copies of bonds given by retail liquor dealers, 1907-18, see entry 145-i; for copies of bonds of malt beverage dealers, 1907-9, 1911-June 10, 1912, Nov. 19, 1913-1918, see entry 145-ii, July 10, 1912-July 5, 1913, see entry 146.

301. EPILEPTIC AND TUBERCULAR APPLICATIONS, May 28, 1936-Sept. 27, 1938. 33 applications in 1 f.b.

Thirty-two original applications dated 1936-Sept. 27, 1938, made under oath to the county judge by parents, guardians, or friends of persons afflicted with tuberculosis and one application of an epileptic dated Sept. 7, 1936, seeking admission to state eleemosynary institutions, showing name, age, sex, residence, and nativity of patient; date of application, relationship of applicant to patient; description, location, and value of property owned by patient or person legally liable for support of patient; name of husband, wife, or guardian, if any; name, age, and sex of each child, if any; physician's certificate; and judge's order on application. Arr. chron. by date of application. No index. Hdw. on pr. fms. 11 x 5 x 14. C.C. off.

For one copy of judgment on tuberculosis patient's application, dated June 26, 1922, see entry 273.

Fines, Fees, and Costs

(See also entries 15, 18-20, 24-26, 78, 79, 272, 274, 284, 290, 293, 329, 334-336, 340, 342, 345)

302. COUNTY JUDGES GENERAL FEE RECORD, Dec. 13, 1914-Dec. 31, 1932. 2 vols. (1 unmarked, 1). Title varies: County Judges Record of Fees and Expenses, Dec. 13, 1914-Dec. 31, 1930, 1 vol.

County judge's record of his fees earned for official services in civil, criminal, and probate cases and ex-officio proceedings, showing number of case, date and amount of payment, class of fee (probate, lunacy, felony, etc.), total for each class and yearly total, and amount of annual salary. Arr. chron. by date of payment. No index. Hdw. under pr. hds. 160 pp. 16 x 13 x 2. 1 vol., 1914-Dec. 31, 1930, C.C. bsmt. va.; 1 vol. (1), Jan. 28, 1931-Dec. 31, 1932, C.C. off.

For county judge's fees: 1881-1930, see entry 303; 1930--, see entry 308.

303. PROBATE FEE BOOK, Jan. 16, 1881-July 30, 1930. 6 vols. (2 unmarked, 2-5).

Clerk's record of each item of costs accruing to the officers of probate court, together with witness fees, if any, in settlement of estates of decedents and wards, showing name of estate, case number, name of administrator, executor, or guardian, items and amounts of costs due clerk, judge, and sheriff, miscellaneous fees, amount of costs due each officer, total amount of costs, and dates of payment. Arr. chron. by date of accrual of first fee. Partially indexed alph. by first letter of surname of estate or minor, chron. by date of accrural thereunder. 1881-Jan. 1, 1895, Jan. 12, 1911-July 30, 1930 hdw. on pr. fms.; Jan. 1, 1895-Nov. 29, 1919 hdw. under pr. hds. Aver. 500 pp. 16 x 8 x 2. C.C. bsmt. va.

For probate bills of cost, July 30, 1930--, see entry 308; for county judge's fees in probate cases, 1914-32, see entry 302; for clerk's fees in probate cases, 1862-69, see entry 304; for probate executions for costs, 1857-61, see entry 306.

304. CLERK'S FEES IN ESTATE CASES, Aug. 25, 1862-Oct. 28, 1869. 1 vol.

Record of fees earned by county clerk in probate cases, showing name of administrator, executor, or guardian, name of estate or minor, case number,

date of filing instrument, kind of instrument, amount due, and dates and amounts of payments. Arr. chron. by date of filing first instrument. Indexed alph. by first letter of surname of administrator, executor, or guardian, chron. by filing date thereunder. Hdw. 75 pp. 16 x 6 x 1. C.C. bsmt. va.

For county clerk's fees in probate cases: 1881-1930, see entry 303; 1930--, see entry 308.

305. CIVIL FEE BOOK, July term 1876-Dec. 7, 1934. 8 vols. (A, 7 unmarked).

Clerk's record of fees and costs accruing to court officers and others for services in civil causes filed in county court, showing number of case, names of parties, cause of action; an itemized list of witnesses', clerk's, judge's, and sheriff's fees, with date and amount of each; total; and signed and dated receipts of officers. Arr. chron. by accrual of first fee. 1876-May 1, 1917, 6 vols. (A, 5 unmarked), no index; May 4, 1917-Dec. 7, 1934, 2 vols., indexed alph. by first letter of surname of plaintiff, chron. by date of accrual thereunder. Hdw. under pr. hds. Aver. 400 pp. 16 x 12 x 2. 6 vols. (A, 5 unmarked), 1876-May 1, 1917, C.C. bsmt. va.; 2 vols., May 4, 1917-Dec. 7, 1934, C.C. off.

For civil bills of cost, 1928--, see entry 309; for county judge's fees in civil cases, 1914-32, see entry 302.

306. EXECUTIONS ISSUED FROM GUADALUPE COUNTY COURT COMMENCING 1 SEPT. 1857, Sept. 5, 1857-June 1, 1861, Apr. 8-Nov. 6, 1867. 1 vol.

Clerk's record of executions for costs in county court. On pages 1-11 is record of executions issued Sept. 5, 1857-June 1, 1861, for costs in probate cases, showing date issued, name of party against whom issued, amounts due chief justice, clerk, and sheriff, amounts of jury and notary fees, amounts expended for documentary stamps; also sheriff's return on execution, showing name of party to whom delivered, date of service, and notations as to manner of levy ("Satisfied in full," "Not levied by consent,""No property found"). On pages 12-14 is record of executions issued Apr. 8-Nov. 6, 1867, on judgments to collect fines, fees, and costs in civil and criminal cases in county court, showing date issued, names of parties in whose favor and against whom issued, amount of fine or judgment, amounts of jury, sheriff's, judge's, and clerk's fees; also sheriff's return, showing date returned, to whom delivered, date of service, and manner of levy. Arr. chron. by date execution issued. No index. Hdw. 150 double (14 used) pp. 14 x 9 x 1. C.C. bsmt. va.

For record of civil executions, 1876-1936, see entry 282.

307. CRIMINAL FEE BOOK, Oct. 30, 1876--. 7 vols. (A-D, 1 unmarked, F, G).

Clerk's record of fees earned by county officers and fines assessed against defendants in criminal trials in county court, showing number and style of case, charge or offense, date judgment rendered, amount of fine, amounts of trial and jury fees, itemized list of sheriff's, witnesses', and clerk's fees; recapitulation of fees and fines; date payment received, and signature of recipient. Arr. chron. by date of entry of initial fee. 1876-Oct. 14, 1902, 2 vols. (A, B), no index; Oct. 14, 1902--, 5 vols.

(C, D, 1 unmarked, F, G), indexed alph. by first letter of surname of defendant, chron. thereunder. Hdw. under pr. hds. Aver. 350 pp. 16 x 10 x 2. 5 vols. (A-D, 1 unmarked), 1876-Sept. 30, 1924, C.C. bsmt. va.; 2 vols. (F, G), Sept. 30, 1924--, C.C. off.

308. (BILLS OF COST, PROBATE AND LUNACY), July 30, 1930--. 1 vol.
Duplicates of bills of cost in probate and lunacy cases in county court, prepared by the clerk in demand for payment of all costs in each case up to the adjournment of each term, showing case number, name of estate or lunatic, name of executor, administrator, or guardian, term of court, itemized statement of clerk's, judge's, sheriff's, printer's, and miscellaneous fees; recapitulation, with total costs; clerk's certificate of correctness; and, occasionally, date of payment. Arr. numer. by case no. No index. Hdw. and typed on pr. fms. 300 pp. 14 x 8 x 3. C.C. off.

For probate fee record, Jan. 16, 1881-July 30, 1930, see entry 303; for clerk's fees in probate cases, Aug. 25, 1862-Oct. 28, 1869, see entry 304.

309. (BILLS OF COST, CIVIL), Jan. 16, 1928--. 1 vol.
Copies of bills of cost prepared by the county clerk for presentation at the end of each term to parties to civil suits in county court, showing number and style of case, name of party owing fee bill, term of court, items of clerk's, sheriff's, and witnesses' fees, with amount of each; recapitulation of fees and costs; grand total; amount and dates of payments, clerk's certificate of correctness, with date and signature; and occasional officers' receipts, showing date, amount, and signature of officer. Arr. numer. by case no. No index. Hdw. on pr. fms. 250 pp. 14 x 8 x 2. C.C. off.

310. (BILLS OF COST BEER LICENSE), Sept. 5, 1933-Aug. 16, 1937. 1 vol.
Duplicates of bills rendered to petitioners for beer licenses for costs of proceedings upon their applications, showing date of bill, name of petitioner, case number, items and amounts of clerk's and judge's fees, total amount of bill, clerk's certificate of correctness, and signatures of clerk and judge. Arr. numer. by case no. No index. Typed. 700 pp. 14 x 8 x 4. C.C. off.

311. JURY CERTIFICATES, June 1, 1925--. 2 vols.
Stubs of certificates for pay issued by county clerk to persons serving as jurors in civil and criminal cases in county court, showing name of juror, number of days served, number and amount of certificate, and date issued. Arr. numer. by certificate no. No index. 1,000 stubs 16 x 16 x 1. 1 vol., 1925-Dec. 15, 1932, C.C. bsmt. va.; 1 vol., Dec. 15, 1932--, C.C. off.

312. CONVICT BOND RECORD, Jan. 1, 1931--. 2 vols. (6, 7).
Record of payments of fines and court costs by county convicts, showing case number, name and description of convict, in what court convicted, amount of fines and costs, and date and to whom paid. Arr. chron. by date of payment. Indexed alph. by first letter of surname of convict, chron. by date of payment thereunder. Hdw. under pr. hds. 160 double pp. 17 x 15 x 1. C.J. off.

(Next entry, 313, p. 245)

V. JUSTICE OF THE PEACE COURTS

The justice of the peace court has been a branch of the Texas judiciary, created by constitution and organized by statute, since the establishment of the Republic.[1]

Since the organization of Guadalupe County in 1846, justices of the peace have been elected by the voters of their precincts.[2] Until the Constitution of 1869 became effective, two justices were authorized for each precinct, since that date, one.[3] The justice qualifies for office by making bond and taking a prescribed oath.[4] Except during the period governed by the Constitution of 1866, when all county and precinct officers were given four-year terms, the justice's term of office has been two years.[5] The justice's compensation has been fees allowed by law for official services.[6] Throughout the existence of the office, the justice of the peace has been removable by the district judge, upon conviction by a jury, for malfeasance or misconduct.[7]

When the justice of the peace courts in Guadalupe County were established and began to function in the latter part of 1846, the provisions of an act of the first state legislature defining the powers and the jurisdiction of the justice courts were in effect. The act provided that the justice courts should have criminal jurisdiction over all breaches of the peace, misdemeanors, and other offenses for which the fine did not exceed $50. Cases involving the use of deadly weapons were excepted from their jurisdiction. The justice courts conducted examining trials of persons charged with crimes over which the district court had exclusive jurisdiction. They exercised civil jurisdiction over all suits where the amount in controversy did not exceed $100.[8] By a law of March 20, 1848, their criminal jurisdiction was broadened to include all misdemeanors and offenses for which the fine did not exceed $100.[9]

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1. 1836, Gammel, Laws, I, 1074, 1201-1206; 1845, ibid., II, 1287; 1846, ibid., 1604-1614; 1861, ibid., V, 13; 1866, ibid., 869; 1869, ibid., VII, 414, 415; 1870, ibid., VI, 261-286; Const., 1876, Art. V, sec. 1; 1876, Gammel, Laws, VIII, 990-1004.
2. 1845, ibid., II, 1277; 1866, ibid., V, 857; 1869, ibid., VII, 399; Const., 1876, Art. V, sec. 18.
3. 1846, Gammel, Laws, II, 1604; 1866, ibid., V, 857; 1869, ibid., VII, 415; Const., 1876, Art. V, sec. 24.
4. 1846, Gammel, Laws, II, 1604; 1866, ibid., V, 978; Const., 1876, Art. V, sec. 24.
5. 1845, Gammel, Laws, II, 1286; 1866, ibid., V, 869; 1869, ibid., VII, 414; Const., 1876, Art. V, sec. 18.
6. 1846, Gammel, Laws, II, 1605; 1866, ibid., V, 978; 1876, ibid., VIII, 1127.
7. 1846, Gammel, Laws, II, 1605; 1866, ibid., V, 978; Const., 1876, Art. V, sec. 24.
8. 1846, Gammel, Laws, II, 1604, 1607.
9. 1848, ibid., III, 163.

(Next entry, 313, p. 245) Justice of the Peace Courts

There were no alterations made in the jurisdiction of the justice courts by the Constitution of 1866, except that their criminal jurisdiction was concurrent with that of the county court.[10] The Constitution of 1869 left the matter of defining the jurisdiction of the justice courts up to the legislature.[11] The legislature passed an act authorizing justice courts to exercise the same jurisdiction given to them by the law of March 20, 1848.[12]

Present jurisdiction of the justice courts was authorized by the Constitution of 1876, and defined by an enabling act passed the same year. They have original concurrent jurisdiction with other courts in all cases arising under the criminal laws of the state, except misdemeanors involving official misconduct, in which the punishment is by fine and does not exceed $200. The courts are empowered to conduct examining trials of persons charged with crimes over which the county and district courts have jurisdiction. Original civil jurisdiction extends to all cases where the amount in controversy is $200 or less, exclusive of interest, of which exclusive original jurisdiction is not given to the district or county courts. Justice courts also have power to foreclose mortgages and enforce other liens on personal property where the amount in controversy does not exceed $200, exclusive of interest; to take forfeiture of all bail bonds given for the appearance of any parties; to impose fines upon defaulting witnesses and jurors, but not to exceed $25.[13]

The justice of the peace performs a number of duties not included in his judicial functions. He is empowered to make disposition of stray livestock,[14] He is authorized to perform marriage ceremonies,[15] and to administer oaths of office.[16] During the Civil War he was required to enroll persons subject to military service in the Confederate Army.[17] The Constitution of 1869 provided that he should act as tax assessor within his precinct,[18] but this duty was removed in 1875 by an act establishing an assessor-collector.[19] The investigation of the causes of fires suspected of being maliciously started is another of the justice's duties.[20] He is an ex-officio notary public, has power to take depositions for any court in the state, takes acknowledgments of deeds and other instruments required by law to be recorded, and performs the duties of a coroner where such duties are not designated as the constable's by the constitution.[21] He is authorized to order the destruction of confiscated gambling devices.[22] As registrar of vital statistics in his precinct he is required to keep a record of births and deaths.[23]

10. 1866, Gammel, Laws, V, 868.
11. 1869, ibid., VII, 411.
12. 1870, ibid., VI, 261.
13. Const., 1876, Art. V, sec. 19; 1876, Gammel, Laws, VIII, 991, 1002.
14. 1836, ibid., I, 1272.
15. 1837, ibid., 1294.
16. 1848, ibid., III, 163.
17. 1861, ibid., V, 457.
18. 1869, ibid., VII, 424.
19. 1875, ibid., VIII, 464.
20. 1873, ibid., VII, 623.
21. 1870, ibid., VI, 261.
22. 1907, 30th Legis., 109.
23. 1927, 40th Legis., 180.

There follows a list of records required of the justice of the peace, grouped by subject and arranged chronologically thereunder by the date the law was approved.

Civil and Criminal

Case Papers, Gammel, Laws, I, 1203, Dec. 20, 1836. (To be filed)
Record of Proceedings in Justice of the Peace Court, Gammel, Laws, I, 1203, Dec. 20, 1836.
Case and Execution Docket, Gammel, Laws, II, 1611, May 11, 1846.
Proceedings in Forcible Entry and Detainer Cases, Gammel, Laws, III, 103, Mar. 15, 1848. (To be recorded)
Justice Civil Docket, Gammel, Laws, III, 164, Mar. 20, 1848.
Criminal and Examining Trial Docket, Gammel, Laws, III, 164, Mar. 20, 1848.
Justice's Fee Book, Gammel Laws, III, 309, Mar. 20, 1848.
Criminal Fee Book, Gammel, Laws, IV, 1116, Feb. 15, 1858.
Witness Record, Criminal, CCP, 1879, Art. 1110, July 24, 1879.
Record of Trust Funds, Gammel, Laws, VIII, 843, May 19, 1876.

Inquests

Inquest Minutes, "Old Code" Art. 861, Feb. 1, 1857.

Vital Statistics - Births and Deaths

Record of Birth and Death Certificates, 41st Legis., 1st C.S., 7, May 20, 1929.
Index to Birth and Death Certificates, 41st Legis., 1st C.S., 7, May 20, 1929.

Acknowledgments

Justice's Acknowledgment Record, Gammel, Laws, VIII, 157, Apr. 28, 1874.

Civil and Criminal
(See also entries 7-x, 20-23, 231-233, 235, 242, 329, 337-340, 345)

313. CIVIL CASES (Papers), 1919--. 3,500 cases: 2,000 in 1 bundle; 1,500 in 8 f.b.
Original case papers filed in civil actions in justice court of precinct 1, including petitions, writs, bonds, citations, and supporting affidavits. 1919-31, 1 bundle, arr. numer. by case no.; Aug. 27, 1925--, 8 f.b., arr. alph. by first letter of surname of plaintiff, chron. by filing date thereunder. No index. Hdw. and typed; some on pr. fms. Bundle, 8 x 10 x 8; f.b., 11 x 5 x 14. 1 bundle, 1919-31, D.C. bsmt. va.; 8 f.b., 1925--, J.P. off.

314. JUSTICE CIVIL DOCKET, May 1870-Oct. 20, 1916, May 3, 1918--. 16 vols. (14 unmarked, 1, 3). Title varies: Journal, May 1870-Aug. 1875, 1 vol.; J.P. Civil Docket, May 21, 1878-Sept. 16, 1886, Sept. 18, 1889-Jan. 31, 1906, Oct. 21, 1914-Sept. 3, 1915, 7 vols.; Civil Cases, May 3, 1918-Nov. 14, 1924, 1 vol. No title: Aug. 12, 1875-May 8, 1878, Feb. 2, 1906-Oct. 20, 1916, 2 vols.
Justice's record of civil cases filed and tried in justice court of precinct 1, showing number and style of case, filing date, names of attorneys, cause of action, date of trial, disposition of case, amount of court costs, amounts of justice's and constable's fees, and total. Arr. numer. by case no. and chron. by filing date. 1870-May 1878, no index; Sept. 25, 1886-Sept. 11, 1889, 1 vol., indexed alph. by first letter of surname of plaintiff, chron. thereunder, giving name of defendant; 1878--, separate index, see entry 315. Hdw. under pr. hds. Aver. 300 pp. 15 x 10 x 2. 11 vols., 1870-Sept. 16, 1886, Sept. 18, 1889-1916, May 3, 1918-Nov. 14, 1924, D.C. bsmt. va.; 1 vol., Sept. 25, 1886-Sept. 11, 1889, C.C. Bsmt. va.; 4 vols., 1925--, J.P. off.

315. INDEX TO CRIMINAL AND CIVIL DOCKET, 1878--. 1 vol.
Index by name of plaintiff to Justice Civil Docket, entry 314, and by name of defendant to Criminal Docket, Apr. 30, 1883-Oct. 28, 1899, July 17, 1901-Aug. 22, 1905, July 20, 1908-Nov. 12, 1917, Jan. 5, 1923-Nov. 11, 1924, Sept. 20, 1926--, entry 317; each entry shows name of other party, and reference to page number (1878-Sept. 20, 1926), to case number (Sept. 20, 1926--). Arr. alph. by first letters of surnames of plaintiff and defendant, chron. thereunder. Hdw. 225 pp. 16 x 10 x 2. J.P. off.

316. CRIMINAL CASES FELONY, Apr. 15, 1926--. 6 f.b. and 11 bundles.
Original case papers, including complaints, warrants, writs, bonds, and supporting affidavits. 1926--, 6 f.b., cases arr. alph. by first letter of surname of defendant, chron. thereunder; 1935-38, 11 bundles, cases arr. numer. by case no. No index. Hdw. and typed; some on pr. fms. Bundles, 4 x 10 x 6; f.b., 11 x 6 x 14. 11 bundles, May 15, 1935-June 18, 1938, D.C. bsmt. va.; 6 f.b., Apr. 15, 1926--, J.P. off.

317. CRIMINAL DOCKET, Mar. 18, 1878-Mar. 27, 1888, Feb. 3, 1891-June 29, 1910, Sept. 14, 1912-Nov. 12, 1917, Jan. 5, 1923--. 31 vols. (17 unmarked, C, 13 unmarked) and 4,000 entries in 1 bundle. Title varies: Justice Criminal Docket, Jan. 5, 1923-Nov. 11, 1924, 1 vol. (C); Recorded Sheriff's Fees, Sept. 27, 1923-Aug. 16, 1924, 1 vol.; Criminal Transfer Docket, Oct. 30, 1935-Aug. 3, 1936, 1 vol.
Record of criminal cases filed in justice court, showing number and style of case, names of attorneys, charge or offense, date set for trial, itemized account of costs, justice's and constable's fees, and disposition of case. Arr. numer. by case no. and chron. by filing date. 1878-Feb. 9, 1883, Nov. 22, 1899-July 16, 1901, Aug. 30, 1905-Dec. 5, 1907, Aug. 22, 1924-Sept. 20, 1926, 7 vols., indexed alph. by first letter of surname of defendant, chron. thereunder; Apr. 30, 1883-Oct. 28, 1899, July 17, 1901-Aug. 22, 1905, July 20, 1908-Nov. 12, 1917, Jan. 5, 1923-Nov. 11, 1924, Sept. 20, 1926--, separate index, see entry 315. Hdw. under pr. hds. Aver. 350 pp. 15 x 10 x 2. 21 vols., 1878-88, 1891-1910, 1912-17, Sept. 27, 1923-Sept. 20, 1926, D.C. bsmt. va.; 1 vol., Jan. 5, 1923-Nov. 11, 1924, C.C. bsmt. va.; 9 vols., and 1 bundle, Sept. 20, 1926--, J.P. off.

318. (EXAMINING TRIAL CASE PAPERS), 1938--. 1 f.b.
Original case papers of examining trials in felony cases, also inquest papers, including transcripts of evidence given and proceedings, warrants of arrest in subpoena, and complaints. No arr. No index. Typed and hdw. and typed on pr. fms. 11 x 5 x 14. J.P. off.

319. CRIMINAL DOCKET EXAMINING TRIALS, Dec. 2, 1902-Oct. 7, 1927, Feb. 1, 1931--. 6 vols. (1, 1 unmarked, 2, 3, 2 unmarked). Title varies: Examining Trial Docket, Dec. 2, 1902-Oct. 7, 1927, 4 vols. (1, 1 unmarked, 2 3).
Record of examining trials of felony cases heard in justice court, showing number and style of case, name of defendant, names of attorneys, date of complaint, date warrant issued and to whom delivered, amount of bond, itemized account of court costs and fees due constable and justice, and total amount. Arr. numer. by case no. 1902-June 8, 1909, May 1, 1917-Oct. 7, 1927, 3 vols. (1-3), indexed alph. by first letter of surname of defendant, chron. by filing date and numer. by case no. thereunder; June 19, 1909-Apr. 30, 1917, Feb. 11, 1931--, 3 vols., no index. Hdw. under pr. hds. Aver. 300 pp. 16 x 10 x 1½. 4 vols. (1, 1 unmarked, 2, 3), 1902-27, D.C. bsmt. va.; 2 vols., 1931--, J.P. off.

320. (CRIMINAL MINUTES), May 10, 1876-Mar. 10, 1878. 1 vol.
Record of proceedings of criminal cases in justice court, showing name of defendant, number and style of case, outline of proceedings, and final disposition of case. Arr. numer. by case no. No index. Hdw. 350 pp. 8 x 10 x 1½. C.C. bsmt. va.

321. (JURY TIME BOOK), Feb. 2, 1880-Jan. 14, 1890. In Inquest Record, entry 322.
Record of time served by jurors in justice court, showing dates and number of days served, civil or criminal service, amounts paid, whether payment in scrip or currency, and names of jurors.

Inquests
(See also entry 318)

322. INQUEST RECORD, Feb. 2, 1880--. 6 vols. (2 unmarked, 2, 3 unmarked).
Record of inquests held by justice of peace, Aug. 1, 1887--, showing date of inquest, name and description of deceased, information on cause of death, names of suspected persons and arrest if any, and justice's findings on cause of death. Also contains: (Jury Time Book) 1880-Jan. 14, 1890, entry 321. Arr. chron. by death of inquest and date of service. 1880-Feb. 27, 1934 no index; May 19, 1934-- indexed alph. by first letter of surname of deceased, chron. thereunder. Hdw. on pr. fms. Aver. 215 pp. 16 x 10 x 2. 1 vol., 1880-May 22, 1902, C.C. bsmt. va.; 2 vols., June 6, 1902-Nov. 18, 1927, D.C. bsmt. va.; 3 vols., Nov. 29, 1927--, J.P. off.

Vital Statistics - Births and Deaths
(See also entries 138-142, 318, 322)

323. BIRTH RECORD, Apr. 23, 1903--. 7 vols. (1-7).
Recorded copies of state bureau of vital statistics birth certificates issued 1903-Mar. 31, 1928 by county clerk for all births reported in

county, showing same information as original certificates, see entry 139; issued Apr. 11, 1928-- by justice of peace of precinct 1, as registrar of vital statistics, for all births in his precinct and for births in outlying precincts whenever interested parties register them for recording, showing same information as clerk's copies of birth certificates, see entry 140. Vols. 1, 2 arr. alph. by first letter of surname of child, chron. thereunder; vols. 3-7 arr. chron. by date of birth and numer. by registration no. Vols. 1, 2, no index (arr. serves as index); vols. 3, 5-7 indexed alph. by first letter of surname of child, chron. thereunder; vol. 4, Jan. 1, 1925-Aug. 28, 1929, separate index, see entry 325. Hdw. on pr. fms. Aver. 240 pp. 16 x 12 x 2. J.P. off.

324. RECORD OF DEATHS, June 1, 1903--. 5 vols. (1, 2, 1 unmarked, 4, 5).

Recorded copies of state bureau of vital statistics death certificates, issued 1903-Mar. 31, 1928 by county clerk for all deaths in county, showing same information as original certificates, see entry 141; Apr. 11, 1928-- by justice of peace of precinct 1 as registrar of vital statistics, for deaths in his precinct and for deaths in outlying precincts whenever interested parties report them for recording, showing same information as clerk's copies of death certificates, see entry 142. Vols. 1, 2 arr. alph. by first letter of surname of deceased, chron. thereunder; 3 vols. (1 unmarked, 4, 5), arr. chron. by date of death and numer. by registration no. Vols. 1, 2 no index (arr. serves as index); 2 vols. (1 unmarked, 5), indexed alph. by first letter of surname of deceased, chron. thereunder; vol. 4, Jan. 8, 1925-Sept. 8, 1933, separate index, see entry 325. Hdw. on pr. fms. Aver. 240 pp. 16 x 12 x 2. J.P. off.

325. (INDEX TO BIRTH AND DEATH RECORD), Jan. 1, 1925-Sept. 8, 1933. 1 vol. (4).

Index by name of child to volume 4 of Birth Record, 1925-1929, entry 323; and by name of deceased to volume 4 of Record of Deaths, 1925-1933, entry 324; each entry shows name of child or deceased, register number, and reference to book and page. Arr. in separate birth and death subdivisions, alph. by first letter of surname thereunder, chron. thereunder. Hdw. under pr. hds. 280 pp. 16 x 12 x 2. J.P. off.

326. (BIRTH AND DEATH CERTIFICATES), May 28, 1928-Feb. 18, 1933. 1 vol.

Recorded copies of standard state bureau of vital statistics birth and death certificates issued May 28, 1928-May 30, 1930 in registration districts 2 and 4; June 1, 1930-Feb. 18, 1933, in justice precinct 2, which includes Schertz, Marion, Tholma, Cibolo, and rural routes, subdivided as follows:

i. Birth, May 28, 1928-Jan. 30, 1933, pp. 1-240.

Shows same information as clerk's copies of certificates, see entry 140.

ii. Death, May 28, 1928-Feb. 18, 1933, pp. 1-139.

Shows same information as clerk's copies of certificates, see entry 142. Each subdivision arr. chron. by registration date. Each subdivision indexed alph. by first letter of surname, chron. thereunder. Hdw. on pr. fms. 450 (379 used) pp. 16 x 10 x 2. C.C. off.

(Next entry, 327, p. 250)

VI. COUNTY ATTORNEY

The office of county attorney was created in 1866, one county attorney being appointed in each county by the police court.[1] The first county attorney to serve in Guadalupe County was appointed on January 8, 1867.[2] The office was abolished in 1871,[3] but was reestablished in 1876 as an elective office.[4]

When the office was first created, the county attorney was required to take an oath and furnish a $5,000 bond payable to the governor.[5] He is now required to be a licensed attorney as well as to take the oath prescribed by the constitution and to give a $2,500 bond.[6]

The attorney was appointed for a four year term in 1866,[7] but his tenure is now two years.[8]

The police court was directed to allow the county attorney an annual salary not to exceed $250, in addition to fees he received for certain services he performed in office.[9] His entire compensation was derived from fees from 1876 to 1936, at which time all county officials in counties having a population of more than 20,000 and less than 190,000 were placed on an annual salary basis, with the exception of precinct officers.[10] Guadalupe County was included in the counties affected.

At first the county attorney could be removed from office by the police court for incompetence, neglect of duty, or malfeasance.[11] He is now removable by the district judge upon conviction for incompetence, official misconduct, or drunkenness.[12]

When the office was first created, it was the duty of the county attorney to represent the state and county in the county court in all suits to which either was a party. In the absence of the district attorney he represented the state before all committing magistrates. He attended the police court and performed any services required by it.[13] A law of 1876, which is still in effect, greatly extended the powers and duties of the county attorney. He attends each term of the county court and such terms of the district court as the absence of the district attorney necessitates. He conducts prosecutions in the justice courts when more important official duties do not prevent him. He gives legal advice to county officials when it is requested of him. He must keep a record of all his official acts and make an annual report to the state comptroller on all money collected by him and payable to the county treasurer. He may institute proceedings against any county official entrusted with county funds who is neglecting or abusing his trust or who is failing to discharge his duties. He has the power to issue subpoenas for persons suspected of committing crimes and to examine suspects and witnesses.[14] He files and prosecutes all delinquent

1. 1866, Gammel, Laws, V, 868.
2. Com. Civ. Min., B, 155.
3. 1871, Gammel, Laws, VI, 937.
4. Const., 1876, Art. V, sec. 21.
5. 1866, Gammel, Laws, V, 969.
6. 1876, ibid., VIII, 921.
7. 1866, ibid., V, 969.
8. Const., 1876, Art. V, sec. 21.
9. 1866, Gammel, Laws, V, 969.
10. 1935, 44th Legis., 2nd C. S., 1762.
11. 1866, Gammel, Laws, V, 970.
12. Const., 1876, Art. V, sec. 24.
13. 1866, Gammel, Laws, V, 969.
14. 1876, ibid., VIII, 921.

tax suits for the state and county.[15] He may employ, with the consent of the commissioners court, any assistants that he may need.[16]

Records required of the county attorney are a register of all his official acts,[17] and a record of all fees collected.[18]

327. COUNTY ATTORNEYS DOCKET, Sept. 19, 1905-Mar. 10, 1913. 1 vol. (1). Discontinued.

Record of criminal cases scheduled for prosecution by county attorney, showing number and style of case, charge, date of arrest, names of state's witnesses, date witnesses subpoenaed, date attached, date forfeiture taken, date orders taken, and legal memoranda. Arr. chron. by date of arrest and numer. by case no. No index. Hdw. under pr. hds. 137 double pp. 16 x 11 x 2. D.C. bsmt. va.

328. ATTORNEYS FEE BOOK, Dec. 18, 1914-Sept. 21, 1918, Jan. 13, 1931-Oct. 1, 1934, Jan. 1, 1935--. 3 vols. (1, 1, 1 unmarked). Title varies: County Attorney's Record of Fees and Expenses, Dec. 18, 1914-Sept. 21, 1918, 1 vol. (1); Fee Book, Jan. 13, 1931-Oct. 1, 1934, 1 vol. (1).

Record of fees and expenses earned by county attorney, showing date received, case number, from whom (justice or county court); disbursements with explanation and distribution. 1914-18, 1931-35, arr. chron. by date of collection; 1936--, arr. chron. by court term. No index. Hdw. on pr. fms. 150 double pp. 16 x 11 x 1⅓. 2 vols., 1914-18, 1931-34, D.C. bsmt. va.; 1 vol., 1935--, C.A. off.

For accounts of county attorney's fees in examining trials, 1932-35, see entry 232; for county clerk's debit and credit accounts with county attorney, 1893-95, 1907, 1909-11, 1916, see entry 7-viii; for county attorney's reports of fees earned, 1887-97, 1899-1905, see entry 20.

15. 1895, Gammel, Laws, X, 782.
16. 1891, ibid., 93
17. 1876, ibid., VIII, 922.
18. RCS, 1879, Art. 2419.

(Next entry, 329, p. 253)

VII. SHERIFF

Since 1836 the chief peace officer in each Texas county, as well as the principal executive officer of the district and county courts, has been the sheriff. He first became a county officer by a provision in the Constitution of the Republic creating the office of sheriff for each county.[1] The office has remained intact since then, with various functions being added from time to time.

Since 1846, when Guadalupe County was organized, the sheriff has been elected by the voters of the county.[2]

Since 1846, the sheriff has been required to give bond payable to the governor for an amount determined by the county administrative body, not less than $5,000 nor more than $30,000, within twenty days after receiving notice of his election.[3] The sheriff is now included in a constitutional provision requiring each county officer to be a resident of the county in which he holds office and to keep an office in a place specified by the legislature.[4]

The sheriff's term of office has changed several times since 1846. At first he held office for a two-year term and could not serve more than four years out of six.[5] His tenure was lengthened to four years in 1866, and he could not hold office for more than eight years out of twelve.[6] His tenure continued to be four years under the Constitution of 1869,[7] but it was reduced to two years when the present constitution became effective in 1876.[8]

Until recently the sheriff received his entire compensation from fees specified by the legislature for his official services.[9] In 1936 all county officers, with the exception of precinct officers, were placed on an annual salary basis in counties having a population of more than 20,000 and less than 190,000.[10] The Guadalupe County commissioners court ordered in 1936 that all county officials, excepting precinct officers, should be placed on an annual salary basis.[11]

In 1846 the sheriff was removable from office upon conviction for neglect of duty, corruption, partiality, or for any other malfeasance in office.[12] There was no mention of causes for which the sheriff might be removed from office under the Constitution of 1866. He could be removed by the district judge in 1869 for failure to give new bond or to furnish additional security when it was required, or for delinquency in the performance of any important duty or for any cause spread upon the minutes of

1. 1836, Gammel, Laws, I, 1074.
2. 1846, ibid., II, 1286; 1866, ibid., V, 869; 1869, ibid., VI, 398; Const., 1876, Art. V, sec. 23.
3. 1846, Gammel, Laws, II, 1571.
4. Const., 1876, Art. XVI, sec. 14.
5. 1846, Gammel, Laws, II, 1286.
6. 1866, ibid., V, 869.
7. 1869, ibid., VII, 414.
8. Const., 1876, Art. V, sec. 23.
9. Gammel, Laws, II, 1286; 1866, ibid., V, 232; 1869, ibid., VI, 957; Const., 1876, Art. V, sec. 23.
10. 1935, 44th Legis., 2nd C.S., 1762.
11. Com. Civ. Min., G, 1-13.
12. 1846, Gammel, Laws, II, 1575.

(Next entry, 329, p. 253)

the court.[13] He is now removable by the district judge for official misconduct, drunkenness, or incompetence.[14]

A variety of functions are included in the powers and duties of the sheriff. When the governmental agencies of Guadalupe County began to operate in 1846, the sheriff conserved the peace in the county, arrested all offenders against the laws of the state and took them before the proper court for examination or trial. It was his duty to quell and suppress all assaults and batteries, affrays, insurrections, and unlawful assemblies. He apprehended and committed to jail all felons and other offenders, until an examination or trial could be had. He might appoint one or more deputies. He executed all processes and precepts directed to him by legal authority, and made return thereof to the proper court, and if he failed to do so, he was liable to a fine. He could take bond for appearance of the defendant in a criminal case and return the bond to the proper court. If he met with resistance while executing any legal process, he could call to his aid the power of the county. He had charge and control of the courthouse, subject to regulations prescribed by the county court. He maintained the jail, receiving and safely keeping all offenders against the state. He attended all district, county, and probate court meetings in his county and attended the supreme court when it met in his county. He was required to endorse on processes and precepts that came into his hands the date received, the manner and date executed, and his official signature. On or before the first day of the district court's meeting in his county each term, he made out a statement of all money received or collected by him on fines, penalties and forfeitures, and judgments collected by him in behalf of the state and reported in full to the comptroller of public accounts.[15] The sheriff was directed to deliver road overseer appointments to the persons appointed.[16]

The powers and duties of the sheriff noted above have remained unaltered for the most part since 1846, with other functions being added to the office from time to time. He was made collector of taxes in the county under the Constitution of 1869.[17] In connection with this duty, he was required to publish notices of delinquent taxes and sell the property for the same.[18] In 1875 he was relieved of these duties when the office of tax assessor-collector was established.[19] He executed subpoenas and other processes directed to him by the speaker of the house of representatives.[20] The sheriff was allowed to organize a posse of citizens upon receiving information that a felony had been committed or was about to be committed, and to pursue the offender anywhere in the state.[21] The sheriff was made the tax collector again in 1876, but only in counties having less than ten thousand population.[22] In Guadalupe County the sheriff served as tax collector until November 8, 1892.[23]

In 1876 the sheriff was made ex-officio hide and animal inspector when a vacancy occurred in that office.[24] He is now required to deliver

13. 1869, Gammel, Laws, VII, 414.
14. Const., 1876, Art. V, sec. 24.
15. 1846, Gammel, Laws, II, 1571.
16. 1848, ibid., III, 99.
17. 1869, ibid., VII, 424.
18. 1870, ibid., VI, 398.
19. 1875, ibid., VIII, 464.
20. 1873, ibid., VII, 471.
21. 1875, ibid., VIII, 457
22. Const., 1876, Art. VIII, sec. 16.
23. Election Returns, unmarked vol., p. 3.
24. 1876, Gammel, Laws, VIII, 1131.

prisoners to persons contracting to convey them to the state penitentiary, or, in instances where no person has contracted, to convey them himself.[25] The sheriff must make a full report in writing to the commissioners court at each term, of all money collected or handled by him.[26] At the close of each regular term of the district court the sheriff must make a certified list of all persons who, after indictment, have fled the country, and mail it to the Adjutant General.[27] When land is being sold for taxes, the sheriff may bid for and purchase the land in behalf of the state, provided no other bids are made on the land. He executes a deed to the state, and he must see that it is properly recorded in the deed record.[28]

The governor directs all orders for drafts on the man power of the state to the sheriff, who personally notifies the county clerk. After the clerk has compiled a list of the names of the persons to be drafted, the sheriff summons the men personally or by mail. The sheriff may call upon the commander of the state militia in writing for aid when an impending emergency justifies it, and danger is threatening the peace of the community. He may collect such public property and arms as may be in the hands of persons unauthorized to have them, and hold them subject to orders from the governor. He executes all processes issued at court-martial proceedings.[29]

The sheriff has always been required by law to keep a fee book.[30]

Service, Fees, and Expenses

(See also entries 7-ix, 24-26, 68, 85-iii, 107, 177, 179, 192-196, 206-211, 219, 220, 234-237, 238-i, 239-241, 246, 248, 249, 272, 277, 282, 287-289, 303, 305-309)

329. SHERIFF'S DOCKET & FEE BOOK (General), Dec. 6, 1884-Nov. 17, 1894. 1 vol.

Sheriff's record of fees earned in both civil and criminal cases in all courts of the county and state, showing number and style of case, kind of process, name of officer issuing process, date process received, date executed, and date returned, items and amounts of fees, remarks, and receipts. Arr. chron. by date process received. Indexed alph. by first letter of surname of plaintiff in civil cases, of defendant in criminal cases, chron. thereunder. Hdw. under pr. hds. 146 double pp. 16 x 11 x 2. D.C. bsmt. va.

For fees earned in serving processes for out-county courts, Dec. 3, 1894--, see entry 341. For fee accounts for services, kept separately by court and kind of trial: district court, civil, 1886--, see entry 331; district court, felony, 1894-1918, 1925-27, see entry 332, 1934--, see entry 344; grand jury, 1915--, see entry 333; county court, probate, 1902-37, see entry 334; county court, civil, 1905--, see entry 335; county court, criminal, 1885-July 1, 1933, see entry 336, Apr. 10, 1933--, see entry 340; justice courts, civil, 1927-34, see entry 337; justice courts, criminal, 1927-30, 1932--, see entry 338, 1933--, see entry 340; justice courts, examining trials, 1932--, see entry 339.

25. 1881, Gammel, Laws, IX, 109.
26. 1887, ibid., 834.
27. Ibid., 842.
28. 1897; ibid., X, 1189.
29. 1905; 29th Legis., 187.
30. 1836, Gammel, Laws, I, 1200.

330. SHERIFF'S RECORD AND DOCKET OF LEVY AND SALE OF LANDS, Jan. 8, 1892-Oct. 21, 1902, Dec. 3, 1902-Oct. 18, 1922, Dec. 2, 1936--. 3 vols. (1, 2, 1 unmarked).

Sheriff's record of services in sale of land to satisfy court judgments, showing number and style of case, kind of process, court of origin of process, name of issuing officer, date process received, date executed, and date returned, date property advertised for sale, date of sale and amount received, description of property, and list of fees due. Arr. chron. by date process received. 1892-Oct. 21, 1902, partially indexed by first letter of surname of plaintiff, chron. thereunder; Dec. 3, 1902-1922, no index; 1936-- indexed alph. by first letter of surname of plaintiff, chron. thereunder. Hdw. on pr. fms. Aver. 220 pp. 16 x 11½ x 1½. 2 vols. (1, 2), 1892-1922, D.C. bsmt. va.; 1 vol., 1936--, Shff. off.

For copies of sheriff's deeds to land sold under execution, see entry 85-ii.

331. DISTRICT COURT CIVIL DOCKET, Mar. 3, 1886--. 7 vols. (2 unmarked), 2, 4 unmarked). Title varies: Sheriff's Civil Docket & Fee Book - District Court, Mar. 3, 1886-Nov. 17, 1916, 3 vols.; Sheriff's File Docket and Fee Book, Aug. 17, 1916-Nov. 27, 1926, 1 vol.

Sheriff's record of fees earned in civil cases in district court, showing number and style of case, kind of process or precept served, name of serving officer, date process received, date executed, and date returned, items and amounts of fees, remarks, and receipts. First 6 pages of volume for 1886-1895, have reward notices for criminals pasted over the record. Arr. chron. by date received. 1886-Nov. 27, 1926 indexed alph. by first letter of surname of plaintiff, chron. thereunder; Jan. 6, 1927-- no index. Hdw. on pr. fms. Aver. 200 pp. 18 x 12 x 1. 6 vols., 1886-Oct. 5, 1933, D.C. bsmt. va.; 1 vol., Mar. 8, 1930--, Shff. off.

For prior record, 1884-94, see entry 329.

332. SHERIFF'S DOCKET FELONY CASES (District court), Dec. 13, 1894-Dec. 11, 1918, spring term 1925-Dec. 3, 1927. 3 vols. (1 unmarked, 5, 1). Title varies: Sheriff's Criminal Docket & Fee Book, Dec. 13, 1894-Feb. 14, 1908, 1 vol.; Sheriff's Criminal Fee Book, Oct. 7, 1907-Dec. 11, 1918, 1 vol. (5). First 112 pp. of vol. 1 missing. 1934-- in Register of Prisoners, entry 344.

Sheriff's record of fees earned in criminal cases in district court, showing number and style of case, offense, term of court, name of officer, mileage in making trips to summon witnesses and make arrests, items and amounts of fees, remarks, and receipts. 1894-1918 arr. chron. by date process received; 1925-27 arr. numer. by case no., chron. by date fee accrued thereunder. 1894-Feb. 14, 1908, 1925-27, 2 vols. (1 unmarked, 1), indexed alph. by first letter of surname of defendant, chron. thereunder; Oct. 7, 1907-Dec. 11, 1918, 1 vol. (5), no index. Hdw. on pr. fms. Aver. 250 pp. 16 x 11 x 2. D.C. bsmt. va.

For prior record, 1884-94, see entry 329.

333. GRAND JURY DOCKET, Jan. 1, 1915--. 3 vols. (1 unmarked, 2, 3). Sheriff's record of cases filed for investigation by grand jury, showing date filed, name of person accused, names of witnesses, name of complainant;

time, place, and nature of offense, date subpoena issued, and findings of grand jury. Arr. chron. by filing date. No index. Hdw. on pr. fms. 150 pp. 16 x 11 x 1. Shff. off.

For prior record, 1884-94, see entry 329.

334. PROBATE DOCKET & FEE BOOK, Dec. 9, 1902--. 2 vols. (1, 2). Last entry Feb. 23, 1937.

Sheriff's record of fees earned in probate cases, showing case number, name of deceased or minor, kind of process, name of serving officer, date process received, date executed, and date returned, items and amounts of fees, receipts, and remarks. Arr. chron. by date received. Indexed alph. by first letter of surname of estate, chron. thereunder. Hdw. under pr. hds. 225 double pp. 16 x 11 x 2½. D.C. bsmt. va.

For prior record, 1884-94, see entry 329.

335. SHERIFF'S CIVIL DOCKET (County court), Oct. 11, 1905--. 2 vols. (2, 1 unmarked). Title varies: Sheriff's Civil Docket and Fee Book - County Court, Oct. 11, 1905-Dec. 23, 1926, 1 vol. (2).

Sheriff's record of fees earned in civil cases in county court, showing number and style of case, kind or process, name of serving officer, date process received, date executed, and date returned, items and amount of fees, remarks, and receipts. Arr. chron. by date received. Indexed alph. by first letter of surname of plaintiff, chron. thereunder. Hdw. under pr. hds. Aver. 150 pp. 18 x 12 x 1. 1 vol. (2), 1905-26, D.C. bsmt. va.; 1 vol., Jan. 6, 1927--, Shff. off.

For prior record, 1884-94, see entry 329.

336. SHERIFF'S CRIMINAL FEE BOOK (County court), Jan. 1, 1895-June 1, 1912, Nov. 1, 1913-July 1, 1933. 5 vols. (3 unmarked, 2, 3). Title varies: Sheriff's Criminal Docket and Fee Book, Jan. 1, 1895-June 1, 1912, 2 vols.

Sheriff's record of fees earned in criminal cases in county court, showing number and style of case, offense, items of fees, disposition of case, name of serving officer, date process issued, date executed, and date returned, total fees in case, and remarks. Arr. numer. by case no., chron. by date fee accrued thereunder. Indexed alph. by first letter of surname of defendant, chron. thereunder. Hdw. under pr. hds. Aver. 300 pp. 16 x 11 x 2½. D.C. bsmt. va.

For prior record, 1884-94, see entry 329; for subsequent record, 1933--, see entry 340.

337. JUSTICE COURT CIVIL DOCKET, Jan. 3, 1927-Oct. 10, 1934. 2 vols.

Sheriff's record of fees earned in civil cases in justice court, showing number and style of case, kind of process, name of serving officer, date process received, date executed, and date returned, items and amounts of fees, remarks, and receipts. Arr. chron. by date received. No index. Hdw. on pr. fms. 78 double pp. 17 x 11 x 1. D.C. bsmt. va.

For prior record, 1884-94, see entry 329.

338. JUSTICE CRIMINAL DOCKET, Nov. 4, 1927-Jan. 6, 1930, June 3, 1933--, 3 vols. (3, 2 unmarked). Title varies: Sheriff's Justice Court Criminal Docket, Nov. 4, 1927-Jan. 6, 1930, 1 vol. (3); Sheriff's Criminal Docket & Fee Book, June 3, 1932-Sept. 23, 1935, 1 vol. Sheriff's record of fees earned in criminal cases in justice court, showing number and style of case, kind of process, name of serving officer, date process received, date executed, and date returned, items and amounts of fees, receipts, and remarks. Arr. chron. by date received. No index. Hdw. on pr. fms. Aver. 160 pp. 18 x 10 x 2. 2 vols., 1927-30, 1932-Sept. 23, 1935, D.C. bsmt. va.; 1 vol., Sept. 24, 1935--, Shff. off.

For prior record, 1884-94, see entry 329; for record, 1933--, see also entry 340.

339. SHERIFF'S ACCOUNTS EXAMINING TRIALS, Apr. 27, 1932--. 1 vol. Sheriff's record of fees earned in examining trials of felony cases tried in justice court, showing justice court and district court case numbers, style of case, date of trial, charge of offense, and itemized account of fees for each case. Arr. chron. by date of trial. No index. Hdw. on pr. fms. 400 pp. 16 x 12 x 2. Shff. off.

For prior record, 1884-94, see entry 329.

340. SHERIFF'S CRIMINAL DOCKET AND FEE BOOK JUSTICE AND COUNTY COURTS, Apr. 10, 1933--. 1 vol.
Sheriff's record of fees earned in criminal trials in justice and county courts, showing number and style of case, name of court, kind of process, name of serving officer, date process received, date executed, and date returned, items and amounts of fees, officer's receipts, and verdict and disposition of case. Arr. numer. by case no., chron. by date fee accrued thereunder. No index. Hdw. on pr. fms. 300 pp. 16 x 12 x 2½. Shff. off.

For prior record, 1884-94, see entry 329; for criminal fees in county court, 1895-1933, see entry 336; for criminal fees in justice court, 1927-30, 1932--, see entry 338.

341. SHERIFF'S FOREIGN DOCKET AND FEE BOOK, Dec. 3, 1894--. 4 vols. (2-5).
Sheriff's record of fees earned for serving processes issued by out-county courts, showing number and style of case, kind of process, from what court and county received, date received, date executed, and date returned, and itemized account of fees and payment of fees. Arr. chron. by date received. Indexed alph. by first letter of surname of party requesting issuance of process, chron. thereunder. Hdw. on pr. fms. 150 pp. 16 x 12 x 1. 3 vols. (2-4), Dec. 3, 1894-Dec. 23, 1930, D.C. bsmt. va.; 1 vol. (5), Jan. 4, 1931--. Shff. off.

For prior record, 1884-94, see entry 329.

342. FEE BOOK, Jan. 1, 1931--. 1 vol.
Record of money due sheriff for expenses for service in various courts and for care of prisoners, showing date of entry, amount due, and for what service. Arr. chron. No index. Hdw. under pr. hds. 160 pp. 14 x 16 x 1½. Shff. off.

343. BENCH WARRANT, May 7, 1934--. 1 vol.
Triplicates of warrants used by sheriff to bring prisoners from penitentiary, or jails in other counties to trial in Guadalupe County, showing name of

sheriff, date issued, name of prisoner, case number, charge or offense, and name and location of prison. Arr. chron. by date issued. No index. Hdw. on pr. fms. 100 pp. 14 x 11 x 1½. Shff. off.

Jail Register

.344. REGISTER OF PRISONERS, 1887-Dec. 30, 1922, Jan. 1, 1934--. 7 vols. (1, 1 unmarked, 2, 2, 1, 3, 1 unmarked). Title varies: Jail Record, 1887-Feb. 15, 1895, 1 vol. (1); Jail Register, Aug. 13, 1894-Aug. 30, 1903, 1 vol. (2); Jail Docket, Dec. 12, 1901-Dec. 24, 1917, 2 vols. (2, 1).
Sheriff's register of prisoners committed to county jail, showing name, number, description, and nationality of prisoner; date committed, offense, date of offense, sentence, date discharged, and condition of discharge. First volume 1, 1887-Feb. 15, 1895, has reward notices for prisoners pasted over the pages. Current volume also contains: Sheriff's Docket Felony Cases (District Court), 1934--, entry 332. Arr. chron. by date of Commitment. No index. Hdw. under pr. hds. Aver. 150 pp. 16 x 12 x 1. 6 vols., 1887-1922, D.C. bsmt. va.; 1 vol., 1934--, Shff. off.

VIII. CONSTABLES

Each of the six constitutions of Texas has provided for constables.[1] In 1836 one constable was elected from each militia captain's district by the qualified electors of the district;[2] in 1846 one was elected from each justice of the peace precinct by the elctors of the precinct;[3] in 1869 one for each justice precinct was appointed by the county court;[4] and since 1876 one has been elected from each justice precinct by its voters.[5]

Since 1846 the constable has been required to take a prescribed oath and to furnish a bond.[6] His term of office has always been two years except under the Constitutions of 1866 and 1869, when it was lengthened to four.[7]

He has always derived his compensation from fees charged for services rendered by him.[8] Removal was provided for in 1846 by conviction in the district court for willful neglect of duty, corruption, or partiality.[9] Under the Constitution of 1869 the constable could be removed for sufficient cause spread upon the minutes of the district court.[10] He may be removed now by the judge of the district court for official misconduct, drunkenness, or incompetence.[11]

1. 1836, Gammel, Laws, I, 1074; 1845, ibid., II, 1286; 1861, ibid., V, 12; 1866, ibid., 869; 1869, ibid., VII, 415; Const., 1876, Art. V, sec. 18.
2. 1836, Gammel, Laws, I, 1245.
3. 1846, ibid., II, 1567.
4. 1869, ibid., VII, 415.
5. Const., 1876, Art. V, sec. 18.
6. 1846, Gammel, Laws, II, 1567.
7. 1836, ibid., I, 1074, 1245; 1845, ibid., II, 1286; 1846, ibid., II, 1567; 1861, ibid., V, 12; 1866, ibid., 869; 1869, ibid., VII, 415; Const., 1876, Art. V, sec. 18.
8. 1848, Gammel, Laws, III, 306; 1881, ibid., IX, 129.
9. 1846, ibid., II, 1568.
10. 1869, ibid., VII, 415.
11. Const., 1876, Art. V. sec. 24.

The powers and duties of the constable have been altered little since 1846, when Guadalupe County was organized. At that time it was his duty to suppress all riots, affrays, and unlawful assemblies, to keep the peace, and to take all offenders arrested before some justice of the peace. He had the power to call to his assistance any citizen or group of citizens when he met resistance in executing his duty. It was his duty to execute all processes, warrants, and precepts directed to him by any lawful officer.[12]

His duties as executive officer of the various courts are usually parallel to those of the sheriff;[13] in any suit to which the sheriff is a party, all processes are addressed to the constable.[14] Primarily, however, the constable is executive officer of the justice of the peace court, executing processes, summoning juries, and enforcing executions.[15] His other duties include acting with other peace officers of the county as attendance officer of schools having no special officer serving in that capacity,[16] serving notices to election judges and election notices to successful candidates,[17] killing and disposing of condemned livestock,[18] and impounding and disposing of estrays.[19] If for any reason the sheriff is barred from performing his duties, or if he refuses, the constable acts in his stead.[20] He is authorized to summon a posse of citizens of the state for the purpose of pursuing a felon, or to prevent a felony from being committed.[21] He is allowed to appoint as many as two deputies if his precinct contains a town of 8,000 or more population.[22] He is required to turn over at once, to the parties to whom it is due, all money in his hands due other persons, and to make a quarterly report to the commissioners court of all money and fees collected.[23]

The constable keeps a record of all fees collected by him in a fee book, which is open to inspection by interested parties at all times.[24]

345. SHERIFF'S GENERAL FEE BOOK (Constable's Fee Book), Jan. 31, 1931--. 1 vol.

Record of fees earned by constable for serving papers for various courts, showing date of service, date of payment of fee, and kind of process. Arr. numer. by case no. No index. Hdw. on pr. fms. 180 pp. 16 x 12 x 1½. Shff. off.

For fees earned by constables in justice of the peace courts, see entries 314, 317, 319; for constables' reports of fees earned in justice courts, 1887-97, 1899-1905, see entry 23; for county clerk's debit and credit accounts with constables, 1895-99, 1909-15, see entry 7-xi.

12. 1846, Gammel, Laws, II, 1567.
13. 1892, ibid., X, 383, 389; Const., 1876, Art. V; sec. 12; 1876, Gammel, Laws, VIII, 889, 965; 1905, 29th Legis., 167.
14. 1846, Gammel, Laws, II, 1669.
15. 1876, ibid., VIII, 916, 994, 999.
16. 1915, 34th Legis., 93; 1923, 38th Legis., 255.
17. 1905, 29th Legis., 1st C.S., 522, 528.
18. 1899, 26th Legis., 1st C.S. 303.
19. 1915, 34th Legis., 146.
20. 1850, Gammel, Laws, III, 486.
21. 1875, ibid., VIII, 456.
22. 1885, ibid., IX, 637.
23. 1907, 30th Legis., 120.
24. 1848, Gammel, Laws, III, 307.

(Next entry 346, p. 268)

IX. TAX ASSESSOR-COLLECTOR

The history of the tax assessor-collector in Texas is in reality the history of two separate offices, which time and again have been combined, then separated only to be combined again. Under the Republic, tax assessments were made by an assessor provided by law for each county,[1] and collections were made by the sheriff.[2] When Texas became a state, the assessing and collecting functions were combined in one office.[3] Guadalupe County was organized in 1846, the first year of statehood, and her first assessor and collector of taxes made bond on August 1.[4] The Constitution of 1869 made the justices of the peace the assessors of taxes in their precincts, and the sheriff the collector for the county.[5] This provision of the constitution was amended in 1873, however, and an assessor-collector for each county was established by law in 1875.[6] Separate offices were provided by the present constitution. An assessor was authorized for each county.[7] A collector was provided for each county having 10,000 or more population at the last preceding Federal census; in smaller counties the sheriff served as ex-officio collector.[8] Although Guadalupe County's population exceeded 10,000 in 1850,[9] no record was found of the election of a separate tax collector until 1892.[10] At the general election held November 8, 1932, a constitutional amendment was adopted which created an assessor-collector for every county of 10,000 or more population and designated the sheriff ex-officio assessor-collector in counties of less than 10,000.[11] The voters of Guadalupe County elected a tax assessor-collector at the next general election, on November 6, 1934.[12]

Since 1846, the officer or officers charged with assessing and collecting taxes have been elected to office.[13] Vacancies in the office of assessor-collector were filled until 1866 by appointment of the county court;[14] from 1866 to 1876 by special election.[15] Under the present con-

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1. 1837, Gammel, Laws, I, 1319.
2. 1836, ibid., 1246.
3. 1846, ibid., II, 1294, 1653.
4. Deed Record, A, 6.
5. 1869, Gammel, Laws, VII, 424; 1870, ibid., VI, 378, 398.
6. 1873, ibid., VIII, 236; 1875, ibid., 464.
7. Const., 1876, Art. VIII, sec. 14.
8. Ibid., sec. 16.
9. Texas Almanac for 1936 (Dallas, 1936), 140.
10. Election Returns, unmarked vol., p. 3.
11. Const., 1876, Art. VIII, secs. 14, 16; 1933, 43rd Legis., 598.
12. Election Returns, vol. 3, p. 68.
13. 1846, Gammel, Laws, II, 1653; 1866, ibid., V, 1052; 1875, ibid., VIII, 464; Const., 1876, Art. VIII, secs. 14, 16; 1876, Gammel, Laws, VIII, 1095; ibid., 1101; 1933, 43rd Legis., 598.
14. 1846, Gammel, Laws, II, 1653.
15. 1866, ibid., V, 1052; 1875, ibid., VIII, 464.

(Next entry, 346, p. 268)

stitution, vacancies in the office of assessor were first filled by appointment of the district judge;[16] later by appointment of the commissioners court.[17] During the same period, vacancies in the office of collector were filled by appointment of the commissioners court.[18] Vacancies in the office of assessor-collector are now filled by the commissioners court by appointment.[19]

From 1846 until the close of the Civil War, the assessor-collector held office for two years.[20] In 1866, his term was lengthened to four years.[21] Since 1876, the assessor, the collector, and the assessor-collector have held two-year terms.[22]

The officer or officers have been required to be residents of the state and county[23] and to take the constitutional oath required of all civil officers.[24] Since 1873 the officer acting as assessor has been required to take an additional oath in regard to assessments.[25]

By the first state tax law, the assessor-collector made one bond for county taxes and one for state taxes, each in an amount double the probable amount of the respective taxes for one year.[26] In 1850 the amount of each of these bonds was increased to a sum double the probable amount of the respective taxes for two years;[27] in 1866 the amounts were again set at twice the probable amounts for one year.[28] Under the Constitution of 1869, the justices of the peace gave bond as assessors for $2,000, and the sheriff gave bond as collector for a sum equal to the amount of taxes assessed in the county the previous year.[29] When the office of assessor-collector was again established in 1875, a bond to the state for double the amount of state taxes assessed in the county the previous year and a bond to the county for a sum equal to the amount of county taxes for the previous year were required of the officer.[30] Each of the officers established by the Constitution of 1876 gave separate bonds for state and county taxes. The assessor's bond to the state was for an amount equal to at least one-fourth of the probable amount of state taxes in the county, but not to exceed $10,000; his bond to the county was for an amount equal to the same fraction of the probable amount of county taxes, but not to exceed $5,000.[31] The collector's bonds were set at amounts equal to the respective assessments in the county for the previous year;[32] both bonds were later reduced to sixty percent of the respective taxes, but not to exceed

16. 1876, Gammel, Laws, VIII, 1101, 1102.
17. RCS, 1879, Art. 1518.
18. 1876, Gammel, Laws, VIII, 1096.
19. Ibid.; RCS, 1879, Art. 1518.
20. 1846, Gammel, Laws, II, 1653; 1848, ibid., III, 196; 1850, ibid., 647.
21. 1866, ibid., V, 1052; 1875, ibid., VIII, 464.
22. Const., 1876, Art. VIII, secs. 14, 16; 1876, Gammel, Laws, VIII, 1095, 1101; 1933, 43rd Legis., 598.
23. 1845, Gammel, Laws, II, 1293; 1861, ibid., V, 19, 875; 1869, ibid., VII, 422; Const., 1876, Art. XVI, sec. 14.
24. 1845, Gammel, Laws, II, 1291; 1861, ibid., V, 17, 874; 1869, ibid., VII, 420; Const., 1876, Art. XVI, sec. 1.
25. 1873, Gammel, Laws, VII, 576; 1907, 30th Legis., 1st C.S., 460.
26. 1846, Gammel, Laws, II, 1653, 1654; 1848, ibid., III, 196, 197.
27. 1850, ibid., III, 647, 648.
28. 1866, ibid., V, 1052, 1053.
29. 1873, ibid., VII, 576, 599.
30. 1875, ibid., VIII, 464-466.
31. 1876, ibid., 1102.
32. Ibid., 1095, 1096.

$125.000 each;[33] later to forty percent, but not to exceed $100,000 each;[34] and finally to ten percent, but not to exceed $50,000 each.[35] Since the last combination of the offices, no changes have been made in the amounts of the bonds to the state and the county for assessing and collecting.[36]

Until recently, the officer or officers were paid fees for the various duties of assessing and collecting, at rates fixed by statute.[37] Additional compensation and allowances have been authorized at various times for special services demanded, such as taking general censuses,[38] taking school censuses,[39] and making trips to the capital to settle accounts with the state.[40] The assessor-collector is now paid a salary, the amount of which is determined annually by the commissioners court.[41]

The Constitution of 1869 provided for the removal of all civil officers by an address of two-thirds of the members elect to each house of the legislature.[42] Under the present constitution, the assessor-collector may be removed from office by the district judge, after conviction by a jury for incompetency, official misconduct, habitual drunkenness, or other causes provided by law.[43]

Whether performed by two separate officers or a single officer, the duties of assessing and collecting have always been two distinct functions. The statutes have provided the procedures to be followed in each.

In assessing, the officer is concerned with gathering lists, or inventories, of taxable property and preparing the assessment rolls from which taxes are collected each year. In accordance with legal requirements of an act of 1846, the assessor-collector called on each taxable inhabitant in the county at least once between March 1 and July 1 of each year and demanded a list of all taxable property.[44] The owner was required to take an oath to the correctness of his list; this oath, in slightly different form, is still required today.[45] If any person failed or refused to render his list, he was liable to a fine of not less than $10 nor more than $500,

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33. 1915, 34th Legis., 190.
34. 1917, 35th Legis., 353.
35. 1932, 42nd Legis., 3rd C.S., 30.
36. The requirement of bond as collector for the county was repealed by act of 1933, but was re-instated by act of 1934, before the officers affected were elected at the general election of 1934. 1933, 43rd Legis., 598-600; 1934, ibid., 3rd C.S., 86.
37. 1840, Gammel, Laws, II, 185, 198, 199; 1846, ibid., 1662; 1860, ibid., IV, 1422; 1870, ibid., VI, 388, 395, 406; 1875, ibid., VIII, 548; 1876, ibid., 1101, 1107, 1108.
38. 1846, ibid., II, 1369; 1849, ibid., III, 461; 1852, ibid., 957.
39. 1856, ibid., IV, 257; 1860, ibid., 1392; 1876, ibid., VIII, 1108.
40. 1866, ibid., V, 922, 923; 1876, ibid., VIII, 1101.
41. 1935, 44th Legis., 2nd C.S., 1762.
42. 1869, Gammel, Laws, VII, 426.
43. Const., 1876, Art. V, sec. 24.
44. 1846, Gammel, Laws, II, 1655.
45. Ibid.; 1848, ibid., III, 198; 1866, ibid., V, 1052; 1876, ibid., VIII, 1102, 1103; 1909, 31st Legis., 1st C.S., 373.

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and the assessor was directed to report the matter to the proper court and attend the trial as a witness to the failure or refusal.[46] This penalty was omitted from the tax law of 1866 and subsequent tax laws.

In 1848 the time of the assessor's demand was changed to the period between January 1 and June 1, and the assessor was required to leave a written notice if the owner were not at home when he called.[47]

Under the law of 1866, the assessor posted notices early in January of each year in at least three places in each of the justice precincts of the county, stating the time and place of his visit to the precinct for the purpose of receiving inventories of property and returns on income, poll, and occupation taxes.[48] If any person failed to submit his inventory and return at the appointed time and place, the assessor went to his residence and assessed the property himself, adding a charge of ten cents per mile to the assessment, or left a written order on the door if the owner were absent.[49]

Present regulations require the assessor to call on each property owner for his inventory sometime between January 1 and June 1 of each year, leaving written notice of the date the inventory will be received if the owner is not at home.[50] If any owner fails or refuses to submit his inventory or refuses to swear to it, the assessor notes the facts of the case, makes the assessment himself, and submits a certified list of all such persons to the board of equalization annually.[51]

A method of settling disagreements as to assessments was provided in 1866. If the owner and the assessor could not agree on the assessed valuation of any property, each called in an appraiser, and if the two appraisers could not agree, a third appraiser was called in to make the final valuation.[52] Since 1876, the assessor has reported all assessments which owners consider excessive to the board of equalization, whose valuation is final.[53]

From the inventories, and from whatever other information he could obtain, the assessor made out the annual assessment rolls, setting down the name of the owner, the amount, description, and value of all taxable real and personal property, and the amount of taxes due. He also made up lists of property owned by non-residents. The roll had to be completed and certified before the second Monday in July. He then made three copies of the final assessment roll, retained one copy for use in collecting, deposited one copy with the county clerk, and sent one copy to the state comptroller. For willful failure or refusal to prepare the assessment rolls, the officer was subject to penalties. Whenever he ascertained that any property had not been assessed for any particular year, he assessed it on his next roll.[54]

Duties relative to the assessment rolls have undergone little change. Since the creation of the board of equalization by the present constitution, the assessor has submitted his original rolls to that body for equalization, and when he receives the corrected and approved rolls from the board, he proceeds to make out the final assessment rolls in triplicate.

46. 1846, Gammel, Laws, II, 1656; 1848, ibid., III, 197, 198.
47. 1848, ibid., III, 197.
48. 1866, ibid., V, 1055.
49. Ibid., 1056.
50. 1876, ibid., VIII, 1103.
51. Ibid., 1104, 1106.
52. 1866, ibid., V, 1061.
53. 1876, ibid., VIII, 1106.
54. 1846, ibid., II, 1654, 1656.

He deposits one copy with the county clerk for public inspection, sends one copy to the state comptroller, and retains one copy for use in collections. The following year he may reclaim the copy filed with the clerk, for use in making up his new assessment rolls.[55] If the assessor discovers any real property in the county which has not been assessed for any year since 1870, he assesses it for each year not assessed.[56]

The general land office furnishes the assessor with abstracts of lands in the county, and he records them in two books, one for rural lands and one for town lots, indexes them, and preserves them as aids in making assessments.[57] He makes an annual report to the state comptroller of all property subject to taxation in his county.[58] Each year he compiles a list of delinquent taxpayers and sends one copy to the county clerk, one to the comptroller, and retains one.[59]

In the execution of his duties, the assessor has always followed the instructions of, and used the forms prescribed by the state comptroller.[60]

At various times the assessor has been required, at the time he made his annual assessments, to take general censuses[61] and school censuses.[62]

As collector, the officer is charged with collecting all taxes assessed in his county for the use of the county and the state, making the proper disposition of money collected, and making numerous reports to state and county officials.

The tax law of 1846 specified that the collection of taxes should begin immediately after the final assessment rolls had been completed. The collector called on each person whose name appeared on the roll and demanded payment.[63] In 1866, the officer was directed to begin his collections on July 1 of each year, by posting notices in each of the justice precincts of the county, giving ten days' notice of the date and place that taxes were to be paid in the precinct.[64]

Present law requires the collector or his deputy to begin collections on October 1 of each year or as soon thereafter as he may be able to obtain the necessary rolls, books, and data, by giving twenty days' notice in each of the justice precincts, of the date and place appointed for receiving tax payments. The collector or deputy must remain at least two days in each place. If either fails to attend, he in like manner gives a second notice.[65] The collector must keep his office in the county seat, and any person who fails to pay in the precinct must call at the office and pay his taxes.[66]

Since 1866 the collector has been required to give each taxpayer a receipt showing the kind of property, amount of taxes paid, and for what

55. 1876, Gammel, Laws, VIII, 1106, 1107.
56. Ibid., 1105.
57. 1879, ibid., VIII, 1324-1328.
58. 1909, 31st Legis., 1st C.S., 371, 372.
59. 1931, 42nd Legis., 498.
60. 1846, Gammel, Laws, II, 1657; 1876, ibid., VIII, 1106, 1107.
61. 1846, ibid., II, 1368; 1848, ibid., III, 310, 311; 1858, ibid., IV, 921-923.
62. 1854, ibid., III, 1461, 1462; 1876, ibid., VIII, 1038; 1884, ibid., IX, 578.
63. 1846, ibid., II, 1658.
64. 1866, ibid., V, 1067.
65. 1876, ibid., VIII, 1096.
66. 1887, ibid., IX, 925.

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years paid.[67] The collector also makes note of the payment on the margin of the tax roll, and this entry is notice and evidence of the payment.[68] Taxes may be paid in two installments, one-half before November 31, and the remaining half before June 30 the following year.[69] Discounts are allowed for early payment and partial payment.[70] If a property owner asks the collector for the amount of his taxes and the collector cannot find his name on the rolls, he assesses the property, collects the taxes, and enters the transaction on a supplemental roll. When the final supplemental roll, including all assessments not entered on the regular assessment roll, has been completed for the year and certified, it is disposed of in the same manner as the regular assessment rolls, one copy being deposited with the county clerk, one being forwarded to the state comptroller, and one being retained in the tax office.[71]

In addition to taxes on real and personal property listed on the rolls, the collector has been charged with the collection of various special taxes imposed: vocational license taxes,[72] occupation and poll taxes,[73] inheritance taxes,[74] and motor vehicle license taxes.[75]

Numerous provisions have been made for the collection of delinquent taxes. Since 1846 the collector has been required to make out annual lists of delinquent taxpayers and post copies in public places, and has been instructed to make every effort to collect the taxes delinquent.[76] The collector gives a special receipt for delinquent tax payments, and makes a quarterly report of all such collections to the county clerk.[77] A plan for partial payment of delinquent taxes was installed recently.[78]

All property on which taxes have become delinquent has been subject to seizure and sale at public auction by the collector since 1846. When the collector sells land for taxes, he makes deed to the purchaser.[79] If he fails to sell the land for want of a sufficient bid to satisfy the taxes due, he bids it in for the state and makes deed to the state.[80] Real property on which taxes were delinquent became liable to suit for condemnation and sale in the district court in 1873, and the tax collector was directed to file delinquent tax cases with the officer authorized to institute suit.[81] When lands sold for taxes are redeemed, the collector issues a receipt which serves as sufficient evidence of the redemption.[82] In 1935, all taxes delinquent for years prior to 1920 were canceled, and

67. 1866, Gammel, Laws, V, 1067; 1876, ibid., VIII, 1097; 1921, 37th Legis., 136.
68. 1921, 37th Legis., 136.
69. 1895, Gammel, Laws, X, 780.
70. 1934, 43rd Legis., 4th C.S., 36, 37.
71. 1895, Gammel, Laws, X, 833.
72. 1848, ibid., III, 203.
73. 1866, ibid., V, 1060.
74. 1907, 30th Legis., 1st C.S., 499.
75. 1918, 35th Legis., 4th C.S., 160.
76. 1846, Gammel, Laws, II, 1661; 1848, ibid., III, 202; 1876, ibid., VIII, 1097, 1098; 1893, ibid., X, 522, 523.
77. 1923, 38th Legis., 3rd C.S., 188.
78. 1937, 45th Legis., 923.
79. 1846, Gammel, Laws, II, 1658; 1866, ibid., V, 1070; 1876, ibid., VIII, 1092.
80. 1876, ibid., VIII, 1094.
81. 1873, ibid., VII, 639-645.
82. 1860, ibid., IV, 1422; 1879, ibid., IX, 61.

the collector was required to draw up a complete delinquent tax record for the years 1920-1935.[83]

The tax collector has been made responsible to the state treasurer for money collected for state taxes, and to the county treasurer for tax collections for the use of the county, and has been required to make periodic reports of collections to various officials. By law of 1846 the collector turned over to the state treasurer, on or before the first day of January each year, all state tax money collected, and to the county treasurer all county taxes.[84] In 1848 the time limit for making the annual settlements with the respective treasurers was changed to December 1 of each year.[85] In 1854 the collector was directed to make quarterly remittance, accompanied by a report, of all county taxes collected, to the county treasurer; to submit all tax money due the state to the state treasurer by June 1 of each year; and to make quarterly reports of state tax collections to the state comptroller.[86] By law of 1876, the collector sent in his collections to the state treasurer whenever he had received as much as $5,000, and to the county treasurer whenever he had collected as much as $500.[87] Payment of all money due each treasurer had to be made monthly by law of 1893.[88] Under present law, the collector remits ninety percent of state and county tax collections to the respective treasurers each week.[89]

In 1876 the collector was directed to prepare a quarterly report to the comptroller, under oath, of all taxes collected by him for the state, and a like report to the commissioners court, of all taxes collected for the county. These reports, together with the tax receipt stubs, were filed with the county clerk, who checked them carefully, certified them, and forwarded the one to the comptroller to that official, and filed the tax receipt stubs in his office for reference and safekeeping.[90] At the end of every month, the collector now makes, on forms furnished by the comptroller, an itemized report under oath to the comptroller, showing every item of ad valorem, poll, and occupation taxes collected during the month, accompanied by a summarized statement showing the full disposition of all state taxes collected. He presents the report, together with the tax receipt stubs, to the county clerk for examination and certification, and then forwards it to the comptroller. He settles his final accounts with the comptroller on or before the first of May.[91] At the end of each month, the collector makes a like report to the commissioners court, of all collections made for the county. The county clerk examines the report, checking it against the receipt stubs, certifies it, and files it in his office to await the next meeting of the commissioners court. At the next regular meeting of the court, the collector appears and makes a summarized statement showing the disposition of all taxes collected, both state and county, during the last three months. The statement must show that all taxes due the state have been paid over promptly to the state treasurer and that all taxes due the county have been paid over promptly to the county treasurer, for which purpose the collector presents proper vouchers

83. 1935, 44th Legis., 355.
84. 1846, Gammel, Laws, II, 1661.
85. 1848, ibid., III, 201, 202.
86. 1854, ibid., 1517.
87. 1876, ibid., VIII, 1100.
88. 1893, ibid., X, 520, 522.
89. 1932, 42nd Legis., 3rd C.S., 30.
90. 1876, Gammel, Laws, VIII, 1097.
91. 1893, ibid., X, 520.

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and receipts. The collector makes final adjustment of his account with the commissioners court for county taxes collected, on or before the first of May.[92]

The collector makes a quarterly report of all occupation taxes collected for the state and county, and one exact copy of this report. He files the original with the county clerk for the inspection of the public. The clerk certifies the copy, and the fact that the original has been filed in his office, and forwards the copy to the state comptroller. The collector also makes out and forwards to the comptroller an annual report of all occupation taxes collected during the year.[93]

There follows a list of records required of the assessor and collector of taxes, grouped by subject, and arranged chronologically thereunder by the date of approval of the law.

Real and Personal Property Taxes

Abstracts of Title

Clerk's Register of Abstracts of Title to Lands Granted and Transferred under Former Governments, Gammel, Laws, II, 186, Jan. 16, 1840.

Assessor's Abstracts of Lands, Gammel, Laws, VIII, 1324, Mar. 8, 1879. (To be recorded)

Assessor's Abstracts of Town Lots, Gammel, Laws, VIII, 1326, Mar. 8, 1879. (To be recorded)

Index to Assessor's Abstracts, Gammel, Laws, VIII, 1328, Mar. 8, 1879.

Inventories and Renditions

Inventories of Property, Gammel, Laws, I, 1320, June 12, 1837. (To be filed)

Taxpayer's Assessment Rendition, Gammel, Laws, V, 1056, Nov. 10, 1866. (To be filed)

Assessor's Register (of titled and patented lands), Gammel, Laws, V, 1064, Nov. 10, 1866.

Unrendered Personal Property, Gammel, Laws, V, 1062, Nov. 10, 1866. (To be recorded in assessor's register)

Rendition of Out-county Property Owned by Residents, Gammel, Laws, V, 1062, Nov. 10, 1866. (To be filed)

Assessments of Property in County Rendered by Non-residents, Gammel, Laws, V, 1064, Nov. 10, 1866. (To be recorded in assessor's register)

List of Persons Refusing or Neglecting to Render Property, Gammel, Laws, VIII, 1104, Aug. 21, 1876. (To be recorded)

Date of Leaving Notices Requiring Persons to Render Property, Gammel, Laws, VIII, 1104, Aug. 21, 1876. (To be recorded)

Approved List of Taxable Property, Gammel, Laws, VIII, 1106, Aug. 21, 1876. (To be filed)

Statement of Church and School Property Tax Exempt, 42nd Legis., 211, May 14, 1931. (To be filed)

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92. Gammel, Laws, 521, 522.

93. 1876, ibid., VIII, 1100, 1101.

Tax Assessor-Collector (Next entry, 346, p. 268)

Rolls

Assessment Roll, Resident, Gammel, Laws, II, 1654, May 13, 1846. (To be filed)
Assessment Roll, Non-resident, Gammel, Laws, II, 1656, May 13, 1846. (To be filed)
Unrendered Land Assessment Roll, Gammel, Laws, VIII, 1050, Aug. 19, 1876. (To be filed)
Supplemental Tax Roll, Gammel, Laws, X, 833, Apr. 29, 1895. (To be filed)
List of Unpaid State and County Taxes, Gammel, Laws, X, 1191, Apr. 14, 1897. (To be filed)

Receipts

Tax Receipt Stubs, Gammel, Laws, IV, 501, Aug. 30, 1856. (To be retained in receipt book)
Memorandum Receipts for Partial Payment of School Taxes, 43rd Legis., 9, Feb. 8, 1933. (To be filed)

Delinquent Taxes

Lists of Delinquent Taxpayers, Gammel, Laws, III, 202, Mar. 20, 1848. (To be filed)
Lists of Insolvents, Gammel, Laws, V, 1074, Nov. 10, 1866. (To be filed)
Redemption of Lands Sold for Taxes, Gammel, Laws, IX, 199, Apr. 4, 1881. (To be recorded)

Occupation Taxes

Occupation Tax Receipt Stubs, Gammel, Laws, VIII, 1449, Apr. 22, 1879.
Occupation Tax Account Book, Gammel, Laws, VIII, 1448, Apr. 22, 1879.
Register of Liquor Occupation Taxpayers, Gammel, Laws, X, 609, May 6, 1893.
Merchant's Affidavit to Amount of Annual Purchases, Requisite to Issuance of Occupation Tax Receipt, Gammel, Laws, X, 748, Mar. 13, 1895. (To be filed)
Application for Renewal of Malt Beverage License, 43rd Legis., 291, May 11, 1933. (To be filed)

Poll Taxes and Exemptions

Duplicates of Poll Tax Receipts, 28th Legis., 136, Apr. 1, 1903. (To be filed)
Duplicates of Poll Tax Exemption Receipts, 28th Legis., 136, Apr. 1, 1903. (To be filed)
Agent's Written Authority to Pay Poll Tax, 28th Legis., 137, Apr. 1, 1903. (To be filed)
List of National Guardsmen for Poll Tax Exemption, 28th Legis., 214, Apr. 1, 1903. (To be filed)
Militia Officer's Certificate of Poll Tax Exemption, 28th Legis., 214, Apr. 1, 1903. (To be filed)
Militia Man's Certificate of Poll Tax Exemption, 29th Legis., 186, Apr. 15, 1905. (To be filed)

Affidavit to Age for Poll Tax Exemption, 29th Legis., 1st C.S., 527, May 15, 1905. (To be filed)
Copies of Registration Receipts of Women Voters, 35th Legis., 4th C.S., 62, June 25, 1918. (To be retained in receipt book)

Reports

Report of Intangible Tax Board, 29th Legis., 355, Apr. 17, 1905. (To be filed)
Copies of Monthly Reports of Delinquent Tax Collections, 38th Legis., 3rd C.S., 157, 188, June 23, 1923. (To be filed)

Vehicle Licenses and Registrations

Application for Motor Vehicle Registration, 35th Legis., 4th C.S., 161, Apr. 3, 1918. (To be filed)
Copies of Receipts for Automobile Licenses, 35th Legis., 4th C.S., 162, Apr. 3, 1918. (To be filed)
Application for Chauffeur's License, 35th Legis., 4th C.S., 162, Apr. 3, 1918. (To be filed)
Copies of Receipts for Chauffeurs' Licenses, 35th Legis., 4th C.S., 162, Apr. 3, 1918. (To be filed)
Bill of Sale to Used Car, 36th Legis., 254, Mar. 24, 1919. (To be filed)
Application for Duplicate License Plates, 41st Legis., 2nd C.S., 180, July 15, 1929. (To be filed)
Affidavit of Weight, Commercial Motor Vehicle, 42nd Legis., 511, June 11, 1931. (To be filed)

Miscellaneous

Assessor's Fee Book, RCS, 1879, Art. 2419, Sept. 1, 1879.
Enrollment List of Reserve Militia, 29th Legis., 169, Apr. 15, 1905. (To be filed)
Certified Copy of Commissioners Court Order Designating Names and Boundaries of Election Precincts, 29th Legis., 1st C.S., 522, May 15, 1905. (To be filed)
Contract for Free Seed and Stock Feed, 35th Legis., 4th C.S., 7, Mar. 11, 1918. (To be filed)
Certified Copy of Emigrant Agent's License, 41st Legis., 2nd C.S., 204, July 1, 1929. (To be filed)

Real and Personal Property Taxes
(See also entries 44, 45, 66, 67)

Abstracts of Title

346. ASSESSOR'S ABSTRACT OF LANDS, 1880--. 9 vols.
Abstracts of title to rural property, showing total number of tracts, abstract number, school and road district numbers, block and subdivision, section number, certificate and patent numbers, with references to volume and page numbers of patent record in general land office; record of ownership, of delinquent taxes, of lienholders and of renditions; descriptions of buildings with value; classification of lands, with total land and im-

provement valuations, and rate of assessment. Arr. numer. by abstract no. and chron. by years rendered. No index. Hdw. and typed under pr. hds. Aver. 500 pp. 17 x 14 x 3. T.A.C. va.

347. ASSESSOR'S ABSTRACTS OF CITY LOTS, 1880-1908, 1926-35, 1937--. 4 vols. (2 unmarked, 5, 6).
Abstracts of title to city property, showing names of addition and city, abstract number, title of abstract, lot numbers; building permit date, number, and amount; record of ownership, of delinquent taxes, of lien-holders, and of renditions; description of building; dimensions of lots, front-foot value, with valuations of land and improvements, respectively, grand total, with plot diagram of each block, and rate of assessment. Arr. under alph. tab subdivisions by name of town or subdivision, numer. by block no. thereunder. No index. Hdw. on pr. fms. 320 pp. 21 x 11 x 1½. 2 vols., 1880-1908, D.C. bsmt. va.; 2 vols. (5, 6), 1926-35, 1937--, T.A.C. va.

Maps and Building Permits (See also entry 95)

348. MAP, GUADALUPE COUNTY, Oct. 1919. 2 maps.
Political and ownership maps of Guadalupe County, showing county boundaries, names of original patentees or grantees of tracts of land and dates acquired; survey, tract, and block numbers. General Land office. Blue prints. Scale 1" = 2,000'. 36 x 36. T.A.C. va.

349. MAP, GUADALUPE, COUNTY, TEXAS, NO. 5, 1932. 1 map.
Political and ownership map of Guadalupe County, showing names of original patentees or grantees, boundaries of original grants and of holdings of present owners, and number of acres of each. San Antonio, Alling Blue Print Co. Blue print. Scale, 1" = 2,000 varas. 36 x 41. T.A.C. va.

350. MAP OF GUADALUPE COUNTY, TEXAS, no date. 1 map.
Map of Guadalupe County independent and common school districts, showing district name and number, tract numbers and names of land owners, county boundaries, and townsites. Wm. Stein and A. Marbach, draughtsmen. Blue print. Scale, 1" = 2,000 varas. 38 x 42. T.A.C. va.
For field notes and plats of common and independent school districts, 1916-18, see entry 58; for record of field notes of common school districts, 1912-22, see entry 398.

351. MAP, CITY OF SEGUIN, Dec. 1914. 1 map.
Political map (resurvey of 1914 of city of Seguin), showing city lot numbers and old and new block numbers, courthouse, and public buildings. San Antonio, Bartlett & Ranney, Inc., and Alexander Walton, Engineers. Blue print. Scale, 1" = 300'. 36 x 60. T.A.C. va.

352. BUILDING PERMITS OF THE CITY OF SEGUIN, Oct. 2, 1929--. 1 vol.
Record of building permits issued by the city of Seguin, showing date of permit, name of property owner, block number of property, kind of structure, type of construction, and approximate cost of building or other improvements on property. Arr. chron. by permit date. No index. Hdw. on pr. fms. 50 pp. 12 x 10 x ½. T.A.C. va.

353. MAP, CITY OF MARION, Dec. 8, 1933. 1 map.
Ownership map of city of Marion, showing section, lot, and block numbers and names of streets. Drawn by H. E. Stautzenburger, Seguin. Pen and pencil. Scale, 1" = 100'. 36 x 36. T.A.C. va.

354. MAP, GERONIMO, TEXAS, no date. 2 maps.
Ownership maps of the town of Geronimo, showing streets, names of owners of lots and blocks, sizes and numbers of lots and blocks, kind and location of buildings (if any). Drawn by Ernest Schubert, Guadalupe County. 1 map pen and ink sketched on linen, and 1 blue print. Scale, 1" = 100'. 30 x 30. T.A.C. va.

Inventories and Valuations (See also entries 384, 385)

355. INVENTORY OF PROPERTY, 1920--. 6 vols., and 20,500 papers (12,000 in 10 wooden boxes, 8,500 in 9 metal file drawers).
Assessor's compilation of inventories of taxable property rendered by property owners or their agents, showing name and address of owner or agent; itemized list of personal property, with assessed value of each item; abstract, certificate, and survey numbers of tracts of land, name of original grantee, number of acres, improvements, and value; lot and block numbers of and improvements upon city or town property; designation of homestead, total value of real estate, total value of personal property, grand total of all property; total value of state tax; and affidavit of person making rendition to correctness of inventory. Arr. chron. by years, alph. by name of property owner thereunder. No index. Hdw. on pr. fms. Wood boxes, 26 x 15 x 10; file drawers, 12 x 16 x 25; vols. 800 pp. 9 x 14 x 6. 10 boxes, Jan. 12, 1920-June 14, 1930, D.C. bsmt. va.; 9 file drawers and 6 vols., Jan. 17, 1931--, T.A.C. va.

356. (SUMMARY OF PERSONAL PROPERTY RENDERED FOR TAXATION), Feb. 14, 1931--. 2 vols.
Summaries of personal property rendered by owners for taxation, showing name of owner, enumeration of taxable property, including livestock, merchandise, equipment, supplies, with respective values of each and grand total. Arr. chron. by year rendered. No index. Typed on pr. fms. 300 pp. 18 x 23 x 2. T.A.C. va.

357. SCHOOL DISTRICT VALUATIONS, 1935--. 1 vol.
Itemized compilation and summary of pecuniary values of taxable properties within independent and common school districts, showing name and number of school district, individual entries of valuations on property, total amount of valuation for each district, and grand total. Arr. under tab subdivisions by school district no., chron. by year thereunder. No index. Hdw. 100 pp. 12 x 10 x 2. T.A.C. va.

Rolls (See also entry 365)

358. ASSESSOR'S TAX ROLLS, Sept. 9, 1884--. 34 vols. (marked by years)
Compiled duplicate assessment rolls of property, showing same information as original rolls, see entry 359. Rolls arr. chron. by years; each roll arr. alph. by first letter of surname of taxpayer. No index. 1884-1909 hdw. on pr. fms.; 1910-- typed on pr. fms. 200 pp. 18 x 23 x 1½. T.A.C. va.

For collector's rolls, 1890--, see entry 359; for copies, 1937, 1938, deposited with county clerk, see entry 120.

359. TAX ROLLS (COLLECTORS), Oct. 11, 1890--. 47 vols.
Compiled original assessment rolls of property of residents and non-residents, rendered and unrendered, including the property of railroad, public utility, oil, and banking companies, showing assessment year, owner's name and address, description and value of property, amounts of state, county, and district school taxes respectively, and poll tax; date assessed, recapitulation of total amounts; assessor's oath of correctness, with certificate of approval signed by tax assessor-collector, county judge, and county commissioners. Rolls arr. chron. by years; each roll arr. alph. by first letter of surname of taxpayer. 1890-1909 hdw. on pr. fms.; 1910-- typed on pr. fms. 200 pp. 18 x 23 x 1½. T.A.C. va.

For assessor's duplicates, 1884--, see entry 358; for copies, 1937, 1938, deposited with county clerk, see entry 120.

360. (SUPPLEMENTAL ASSESSMENT ROLL, LIST OF ERRORS, AND REPORT OF LANDS AND TOWN LOTS REDEEMED), Apr. 23, 1918--. 3 vols.
Verified assessment rolls of property omitted from the tax roll, showing name of owner, abstract or lot number, certificate, tract, or block number, survey, division or outlot number, name of original grantee or city or town where land is located, subdivision or addition to city or town, number of acres assessed, acreage value or city value, year for which taxes are collected, personal property value, total value; respective amounts of ad valorem and poll taxes due state, respective amounts of ad valorem and poll taxes due county; total of state and county taxes; tax receipt number; with appended certificate of commissioners court to correctness of roll. Verified lists of errors in assessments on the tax rolls (Apr. 17, 1919--), showing page and line of roll where error appears, name of owner, abstract or lot number, certificate, tract, or block number, survey, division, or outlot number, original grantee or city or town, subdivision or addition to city or town, number of acres assessed in error, value of property, respective amounts of ad valorem and poll taxes due state, respective amounts of ad valorem and poll taxes due county, and character of error, with certificate of commissioners court to correctness of list and to collector's right to receive credit for taxes shown thereon. Duplicate sworn reports of lands and town lots redeemed from the state during year of report (Apr. 23, 1919--), showing years redeemed, in whose name assessed by whom redeemed, abstract or lot number, certificate, tract, or block number, survey, division, or outlot, original grantee or city or town, subdivision or addition to city or town, number of acres redeemed, respective amounts of ad valorem and poll tax due state, county and district school taxes, total amounts of state and county taxes, total cost, date of redemption, collector's receipt number, comptroller's certificate number; with commissioners court certification of correctness. Arr. chron. by year. No index. Hdw. on pr. fms. 100 pp. 18 x 23 x 1½. T.A.C. va.

For county clerk's copies of supplemental rolls, 1931-34, 1936-37, see entry 125-iv; for clerk's copies of lists of errors, 1931-34, see entry 125-iii; for clerk's copies of reports of redemption, 1932-34, 1937, see entry 125-v.

Receipts

361. TAX RECEIPTS, Jan. 4, 1925--. 164 vols. and 40,000 receipts; 15,000 in 1 bundle and 25,000 in 1 box.
Duplicates of receipts issued upon payment of state county taxes, showing name of original grantee, survey number, name of owner, name and address of payer, tax receipt number, page and line of assessor's tax rolls, abstract number, certificate or block number, description and assessed value of property, date and amount paid, with signature of collector. Arr. numer. by receipt no. No index. Hdw. on pr. fms. Vols., 250 pp. 12 x 19 x 1; bundle, 8 x 10 x 5; box, 12 x 28 x 18. 122 vols., 1925-35, D.C. bsmt. va.; 6 vols., 1 bundle, and 1 box, Dec. 30, 1931-Dec. 31, 1935, C.C. bsmt. va.; 19 vols., Feb. 2, 1932-Dec. 22, 1933, Jan. 27, 1936-Dec. 30, 1937, T.A.C. va.; 17 vols., Jan. 29, 1938--, T.A.C. off.
For stubs of receipts, 1923-26, filed with county clerk, see entry 126; for triplicates, 1936-38, filed with clerk, see entry 127.

Delinquent Taxes and Redemptions
(See also entries 85-iii, 123, 124, 125-v, 183, 195-197, 221, 222, 248, 256, 360, 373)

362. DELINQUENT TAX RECORD, 1885, 1915--. 12 vols.
Record of lands or lots returned delinquent or reported sold to state and not redeemed for designated years, showing years delinquent or reported sold to state, name of owner, abstract or lot number, certificate, tract, or block number, survey, division, or outlot, original grantee or city or town, subdivision or addition to city or town, number of acres reported sold or delinquent, respective amounts of ad valorem and poll taxes due state and county, total state and county taxes, date redemption certificate issued by collector, collector's receipt number, and comptroller's certificate number. Arr. chron. by year of delinquency. No index. 1885 hdw. on pr. fms.; 1915-- typed under pr. hds. Aver. 200 pp. 18 x 12 x ½. 9 vols., 1885, 1917-35, T.A.C. va.; 2 vols., 1915-16, D.C. bsmt. va.; 1 vol., 1935--, T.A.C. off.
For county clerk's record of lands and lots delinquent since 1885, see entry 121, since 1919, see entry 122.

363. (DELINQUENT LIST), Mar. 31, 1918--. 1 vol.
Reports of lands and town lots upon which taxes are delinquent for a period of years, showing page, line, and book of assessor's tax rolls, name of owner, abstract or lot number, certificate, tract, or block number, survey, division, or outlot, original grantee or city or town, subdivision or addition to city or town, number of acres reported sold or delinquent, respective amounts of ad valorem and poll taxes due state and county, amount of total taxes, date of redemption, number of redemption receipt, and number of certificate. Arr. chron. by date reported delinquent. No index. Hdw. on pr. fms. 150 pp. 18 x 23 x 2. T.A.C. off.
For county clerk's copies of assessor-collector's annual reports of lands and lots delinquent, 1933-38, see entry 125-i.

364. DELINQUENT TAX NOTICES, 1923-35. 24 vols.
Duplicate and triplicate copies of notices mailed to delinquent taxpayers, showing date mailed, notice number, name of taxpayer, description of prop-

erty, to whom assessed, itemized list of taxes, total amount due, and certification of tax collector. Arr. numer. by no. of notice. No index. Hdw. on pr. fms. 200 copies per vol. 17 x 14 x ½. 23 vols., 1923-34, D.C. bsmt. va.; 1 vol., Aug. 15, 1934-Dec. 31, 1935, T.A.C. va.

365. INSOLVENT TAX ROLL, July 14, 1925--. 1 vol.
Verified lists of delinquent or insolvent taxpayers, showing page and line number of roll, name of taxpayer, respective amounts of ad valorem and poll taxes due state and county, and total of taxes with certification of commissioners court to insolvency of persons listed, made after posting of list at courthouse door and in each justice precinct, and entitling collector to credit for taxes included in list; attested by county clerk. Arr. chron. by years delinquent or insolvent. No index. Typed on pr. fms. 200 pp. 12 x 19 x 2. T.A.C. va.

For county clerk's copies of lists of delinquent or insolvent taxpayers, 1930-34, 1936, see entry 125-ii; for receipts for tax payments on insolvent list, 1929--, see entry 366.

366. (RECEIPTS INSOLVENT LIST), 1929--. 2 vols.
Triplicates of receipts issued upon payment of taxes on property listed on insolvent list, showing tax receipt and comptroller's charge numbers, name of payer, amount and kind of taxes paid, and date of receipt. Arr. numer. by receipt no. No index. Hdw. on pr. fms. 50 pp. 5½ x 11 x 1. T.A.C. va.

For lists of insolvent taxpayers: 1925--, see entry 365; 1930-34, 1936, see entry 125-ii.

367. REDEMPTION RECEIPTS, Jan. 1922--. 95 vols.
Duplicates of receipts issued upon payment of delinquent taxes, showing date and number of receipt, amount paid with interest; to whom assessed, kinds of taxes, description of acreage or other property, amount of costs and taxes due, total amount, and date of payment. Arr. numer. by receipt no. No index. Hdw. on pr. fms. 100 receipts to vol. 14 x 11 x ½. T.A.C. va.

368. CERTIFICATE OF REDEMPTION, Sept. 9, 1932--. 3 vols. and 1 bundle.
Original certificates issued by state comptroller upon certification by tax collector that delinquent taxes have been paid, showing total amount of delinquent taxes, certificate and receipt number, and comptroller's charge; to whom assessed, time sold or for which delinquent, description of property, and name of original grantee; dated, sealed, and signed by state comptroller. Arr. numer. by certificate no. No index. Aver. 330 certificates to vol. 13 x 11 x 6; 200 certificates in bundle. Hdw. on pr. fms. T.A.C. va.

Occupation Taxes

(See also entries 7-ii, iii, iv, 28, 123, 128, 143, 373)

369. REGISTER OF OCCUPATION TAXES, Dec. 31, 1891-Jan. 28, 1893, Oct. 31, 1901-June 2, 1915. 1 vol.
Record of quarterly, semi-annual, and annual payments of occupation taxes, showing name of payer, class of occupation, receipt number, amount, and expiration date of payment. Arr. alph. by first letter of surname of payer, chron. thereunder. No index. Hdw. under pr. hds. 100 pp. 14 x 9½ x 1½. T.A.C. va.

Poll Taxes and Exemptions
(See also entry 373)

370. POLL TAX RECEIPTS, Jan. 29, 1935--. 150 vols. and 20,000 receipts in 50 bundles.
Triplicates of receipts issued upon payment of poll taxes, showing name and address of payer, precinct number, date and number of receipt, race, sex, color, age, and occupation of payer, place and date of his birth, and amount paid. Arr. numer. by receipt no. No index. Hdw. on pr. fms. 200 receipts to vol. $16\frac{1}{2}$ x $10\frac{1}{2}$ x $\frac{1}{2}$; bundles, 10 x $3\frac{1}{2}$ x 1. 74 vols., 1935-36, D.C. bsmt. va.; 76 vols. and 50 bundles, Jan. 12, 1937--, T.A.C. va.

371. EXEMPTION CERTIFICATES, Dec. 20, 1937-Jan. 31, 1938. 1 vol.
Triplicates of certificates issued to persons exempted by law from the payment of poll taxes, showing number and date of certificate, precinct number, name, address, age, sex, race, place of birth, occupation, and residence of exempted person, and reason for exemption. Arr. numer. by certificate no. and chron. by certificate date. No index. Hdw. on pr. fms. 300 (55 used) pp. 14 x 10 x 2. T.A.C. va.

372. ALPHABETICAL LIST OF POLL TAXPAYERS, 1934-37. 141 vols. Title varies: List of Voters, 1935, 35 vols.
Certified lists of qualified voters or taxpayers of county precincts, showing name and number of precinct, name, address, length of resident in state and county, age, race, and occupation of voter, and poll tax receipt number. Yearly lists for each precinct, each list arr. alph. by first letter of surname of voter, chron. by listing date thereunder. No index. Typed on pr. fms. Aver. 3 pp. 10 x 17 x $\frac{1}{4}$. T.A.C. va.
For lists of certified voters, used by election judges, 1933-38, see entry 65; for register of voters under Reconstruction, 1867-73, see entry 262.

Reports of Collections
(See also entries 27, 124, 379-381)

373. TAX COLLECTOR'S MONTHLY REPORT, Feb. 11, 1918--. 7 vols. Title varies: Record Reports, Apr. 1918-Mar. 1919, 1 vol.
Compiled copies of tax assessor-collector's monthly reports to state comptroller: of poll tax collections, showing receipt number, date, and amount, and name, age, race, occupation, and address of payer; of poll tax exemption certificates issued, showing certificate number and date, name, age, race, occupation, and address of voter; of taxes entered upon assessment and supplemental rolls and collected, showing receipt number and date, name of taxpayer, kinds and classes of taxes with amounts of each, and total; of taxes entered on insolvent list and collected, showing receipt number and date, name of taxpayer, kinds of taxes with amounts of each, amounts of penalties, and grand total; of tax payments made in redemption of lands, showing receipt number and date, name of person redeeming, kinds of taxes with amounts of each, amounts of penalties, and grand total; of monthly collections of occupation taxes, showing month covered by report, date, number, and series of receipt, person to whom issued, nature of occupation taxes, term of license, amount of tax; of state taxes collected and disposed of, showing kinds of taxes and amounts of each, total, how

disbursed, total amount disposed of, with verification by collector; of county taxes collected and disposed of, showing date of report, kinds of taxes and amounts of each, manner of disbursement, total of receipts and disbursements, with verification of collector. Included is monthly summary of all taxes collected, showing respective amounts of state and county taxes collected from each of the several rolls and lists, and amount of redemptions and penalties, kinds of taxes, and totals, with county clerk's certificate of correctness. Added is the affidavit of collector verifying reports of poll taxes collected and of exemption certificates issued, showing number of votes cast in preceding presidential election to have been less than 3,000, and totaling number of exemption certificates issued during month covered by report. Arr. under tabular subdivisions by subject of report, chron. thereunder. No index. Hdw. on pr. fms. 150 pp. 18 x 13 x 1½. T.A.C. va.

For county clerk's copies of these reports, 1936--, see entry 123.

Vehicle Licenses and Registration

374. (APPLICATION FOR REGISTRATION AND MISCELLANEOUS APPLICATIONS AND AFFIDAVITS CONCERNING MOTOR VEHICLES), Jan. 2, 1929, Jan. 4, 1932--. 5,500 papers in 3 pasteboard boxes. 1924-25, 1928-32 in Collector's Weekly Reports and Applications, entry 379.

Original applications for registration of motor vehicles, replacement of license plates, chauffeurs' licenses, transfer of licenses, registration of rebuilt motors, refund of license fees on destroyed motor vehicles, and reregistration of motor vehicles not used during current registration year; also notices of installation of new or rebuilt motors, showing name and address of applicant, license and motor numbers, make and model of vehicle, and amount of fees, with applicant's affidavit. Arr. chron. by date of instrument. No index. Hdw. on pr. fms. 24 x 24 x 14. 1 box, Jan. 2, 1929, D.C. bsmt. va.; 2 boxes, Jan. 4, 1932--, T.A.C. va.

375. (REGISTER OF CARS), Jan. 2, 1924-Nov. 21, 1929. 1 vol. Discontinued.

Registration of motor vehicles, showing name of owner, make and model of car, and license, seal, and engine numbers. 1924-25 arr. numer. by license no.; 1926-29, arr. alph. by first letter of surname of owner, chron. thereunder. No index. Hdw. on pr. fms. 150 pp. 12 x 10 x ½. T.A.C. va.

For county clerk's automobile register, 1913-17, see entries 118, 119.

376. MOTOR VEHICLE LICENSE RECEIPTS, CHAUFFEUR'S LICENSE RECEIPTS, Jan. 5, 1928--. 44 vols.

Duplicates, triplicates, and extra copies of receipts issued upon payment of motor vehicle and chauffeurs' licenses, showing name and address of car owner and chauffeur; year, make, model, and weight of vehicle; license plate, engine, seal, and receipt numbers, and amount and date of license. Arr. numer. by receipt no. No index. Hdw. on pr. fms. 400 receipts to vol. 6 x 10 x 5. T.A.C. va.

377. (LICENSE TRANSFERS), Jan. 3, 1928--. 6 vols.

Quadruplicates of motor vehicle license transfers, showing receipt number, old and new license numbers, and motor number, date of transfer, year, make, and model of vehicle, from whom and to whom transferred, address of pur-

chaser and amount of fees, acknowledged by assignor. Arr. numer. by receipt no. No index. Hdw. on pr. fms. 300 pp. 6 x 10 x 5. T.A.C. va.

378. OPERATORS & CHAUFFEURS, Feb. 1, 1936--. 18,000 cards in 6 f.b.

Duplicate file-card record of operators' and chauffeurs' licenses, issued by state department of public safety, showing name, address, and general description of driver, issuance date and expiration dates of permit, signed by tax assessor-collector. Arr. alph. by first letter of surname of operator or chauffeur, chron. thereunder. No index. Hdw. on pr. fms. 4 x 5⅛ x 17. T.A.C. off.

379. (COLLECTOR'S WEEKLY REPORTS AND APPLICATIONS), 1924-25, Jan. 4, 1928-Oct. 23, 1932. 2,000 papers: 1,200 in 1 box and 800 in 1 bundle.

Duplicates of collector's weekly reports to the state comptroller, of funds derived from the sale of motor vehicle licenses, showing quantity and kind of vehicle licenses, inclusive receipt numbers, amounts of funds allotted to county and to state, total receipts, amounts of deductions for refunds and commissions; summary statement of total amounts received with apportionments based on horsepower for county, and on weight for state highway department. Also contains: (Applications for Registration and Miscellaneous Applications and Affidavits Concerning Motor Vehicles), entry 374. Arr. chron. No index. Hdw. on pr. fms. Box, 24 x 14 x 3; bundle, 14 x 10 x 2. 1 box, 1924-25, D.C. bsmt. va.; 1 bundle, Jan. 4, 1928-Oct. 23, 1932, T.A.C. va.

380. (COLLECTOR'S WEEKLY REPORTS TO STATE HIGHWAY DEPARTMENT), Dec. 1, 1923-Nov. 19, 1932, Jan. 9, 1937--. 2 vols.

Duplicates of collector's sworn weekly reports to state highway department of motor vehicle license taxes collected for county road and bridge fund and state highway department, showing ending date of week covered by report, name of collector, name of county, receipt number, symbol, number of vehicles, source (by type of vehicle), inclusive numbers of receipts of each type issued, gross amounts collected for county and state, respectively, amounts of refunds and commissions, net balances due county and state, respectively, after deduction of refunds and commissions, addition of depository interest and duplicate receipts, adjustment of weight fees, addition of visitors' permits, deduction of overages due collector, and addition of shortages due from collector, collector's affidavit to correctness, signed and dated, with signed and dated jurat of county clerk, also summaries, showing total receipts issued, brought forward from previous reports, total receipts issued during week, and total receipts issued to date of report. Arr. chron. by report date. No index. Hdw. on pr. fms. 200 pp. 17 x 11 x 4. 1 vol., 1923-32, T.A.C. va.; 1 vol., 1937--, T.A.C. off.

381. (MONTHLY AND WEEKLY REPORTS), Feb. 29, 1935-Nov. 15, 1937. 1 vol. Discontinued.

Duplicate copies of tax collector's monthly and weekly reports to department of public safety, showing total number of licenses issued to chauffeurs and operators, inclusive serial numbers of and amount of fees col-

lected for each class of license. Arr. chron. by report date. No index. Hdw. on pr. fms. 50 pp. 9 x 12 x 1. T.A.C. off.

382. (RECEIPT RECORD), Jan. - Dec., 1930. 14,000 cards in 21 bundles.

Card file of receipts issued upon payments of motor vehicle and chauffeur licenses, showing registration number, name and address of licensee; year, make, weight, and engine number of vehicle, receipt number, and remarks. Arr. alph. by first letter of surname of licensee, chron. thereunder. No index (arr. serves as index). Hdw. on pr. fms. 3 x 5 x 6. T.A.C. va.

Deposit Slips

383. DEPOSIT SLIPS, Dec. 30, 1930-Dec. 31, 1932. 2,100 receipts in 6 bundles.

Duplicates of receipts to tax collector for deposits of county funds, showing name of depository, date and amount of deposit, and county fund credited. Arr. chron. by date of deposit. No index. Hdw. on pr. fms. $3\frac{1}{2}$ x 7 x $1\frac{1}{2}$. T.A.C. va.

X. BOARD OF EQUALIZATION

The board of equalization was created by authority of the present state constitution: "The Legislature shall provide for equalizing, as near as may be, the valuation of all property subject to or rendered for taxation, (the County Commissioner's Court to constitute a board of equalization); and may also provide for the classification of all lands with reference to their value in the several counties."[1]

The board formerly met in June of each year,[2] but now meets in May.[3] Each commissioner, as well as the county judge, is required to take a special oath before he enters upon his duties as a member of the board.[4]

The board receives and examines the assessor's tax list, makes any necessary corrections, and returns it to the assessor.[5] It evaluates the unrendered property reported to it annually by the state comptroller.[6] It has the power to summon property owners and require them to testify, in order to ascertain the value of property, and it may raise or lower the assessed value of property. When the board finds it necessary to raise the assessment of any person's property, it orders the county clerk to furnish the property owner with a written notice that the value of his property is to be raised. It equalizes taxes by classifying all property as to its quality and improvements. The assessor furnishes the board with a list of property owners who have either refused to swear to or to sign the assessment of their property made by the assessor, together with his assessment. The board examines, equalizes, and corrects the assessment

1. Const., 1876, Art. VIII, sec.18.
2. 1879, Gammel, Laws, VIII, 1344.
3. 1909, 31st Legis., 1st C.S., 373.
4. 1907, 30th Legis., 1st C.S., 461.
5. 1876, Gammel, Laws, VIII, 1107.
6. Ibid., 1050.

so made and then approves it.[7] If the assessor refuses or fails to perform his duties, the board employs a substitute. The assessor must have the board's certification that he has made a complete assessment before he receives his pay from the state.[8]

384. MINUTES OF COMMISSIONERS COURT EQUALIZATION, 1908--. 3 vols. (1-3). Title varies: Minutes Commissioners Court Equalization and Oath, May term 1908-May term 1937, 2 vols. (1, 2).
Clerk's record of proceedings of commissioners court acting as a board of equalization to determine the value of property assessed for taxes, showing date of court term, name of owner, abstract or certificate number, number of acres, name of original grantee, lot and block numbers; assessed value, value raised or reduced to, final valuation, and post office address of owner. Vol. 1 also contains, on pp. 181-226, recorded copies of tax assessor's special oaths as member of board, Dec. 14, 1908-July 2, 1929; and, on pp. 229, 230, special oaths of judge and commissioners, May 27, 1929. Arr. chron. by date of court term, alph. by first letter of surname of owner thereunder. No index. Hdw. under pr. hds. 250 pp. 15 x 11 x 1½. T.A.C. va.
For original oaths of members, 1908-22, 1930-34, see entry 164; 1921, 1923-28, see entry 171.

385. (INVENTORY OF OIL PROPERTY), 1933. 40 papers in 1 bundle. Inventories of royalty interests in oil leases on which board of equalization has raised assessed value, showing name of owner, percentage of royalty interest, number of acres, description of lease, and newly assessed value. No arr. No index. Hdw. on pr. fms. 18 x 18 x ½. D.C. bsmt. va.

XI. COUNTY TREASURER

The office of county treasurer was created by statute in 1840;[1] prior to that time the duties of the office had been performed by the county clerk.[2]
When Guadalupe County first began to exercise its jurisdiction, the office of county treasurer had been established by act of the first state legislature.[3] The office was not established by the Constitutions of 1866 and 1869, or by statutes passed during the time these two constitutions were in effect, but it is presumed that county treasurers held office during the period because general laws were passed giving the officer special duties.[4] The office was provided by the Constitution of 1876,[5] and established by the legislature.[6]

7. 1879, Gammel, Laws, VIII, 1344.
8. Ibid., 1328.
1. 1840, Gammel, Laws, II, 195.
2. 1836, ibid., I, 1211.
3. 1846, ibid., II, 1644.
4. 1866, ibid., V, 1092; 1873, ibid., VII, 529.
5. Const., 1876, Art. XVI, sec. 44.
6. 1876, Gammel, Laws, VIII, 1035.

By provision of the act of 1846 the treasurer was appointed by the county court;[7] in 1850 the office became popularly elective and has remained so.[8]

Bond and oath have been required of the treasurer since 1846,[9] and on two different occasions the officer was required to give additional bond as treasurer of the county school fund.[10]

The treasurer's term of office was set at two years in 1846.[11] No other provisions as to tenure were made until 1876, when the term was again set at two years.[12]

Until 1935 the county treasurer received his compensation from commissions allowed by law on money handled through his office,[13] but in that year the legislature placed all county officials, with the exception of precinct officers, on an annual salary basis in counties having a population of more than 20,000 and less than 190,000.[14] The commissioners court of Guadalupe County ordered that the county comply with the new law on January 17, 1936.[15]

By act of 1846 the county treasurer could be removed from office by the county court for malfeasance, incompetence, or refusal to act.[16] The Constitution of 1869 provided for the removal of all civil officers, on conviction by jury, after indictment, for malfeasance, nonfeasance, or misfeasance in office.[17] Under the present constitution the treasurer may be removed by the district judge, after a trial by jury, for incompetency, official misconduct, habitual drunkenness, or other causes defined by law.[18]

In 1846 the treasurer was given general duties which are still required. It is his duty to receive all money belonging to the county from whatever source derived, and to pay out and apply the same as law requires and the commissioners court directs. He keeps an account of all expenditures and receipts of money in his custody, and of all debts to and from his county and superintends their collection. At each regular meeting of the commissioners court, he presents a detailed report of receipts and disbursements and delivers his records for the inspection of the court. He can not pay out money from the county treasury except in pursuance of a certificate or warrant from an officer authorized by law to issue it, and he has the power to refuse to pay any order, decree, or warrant if its legality is questionable and to refer the matter to the commissioners court for settlement. He examines the accounts, dockets, and records of other county officials who handle county funds, to determine if any money due the county coming into their hands has not been accounted for and paid

7. 1846, Gammel, Laws, II, 1644.
8. 1850, ibid., III, 521; Const., 1876, Art. XVI, sec. 44.
9. 1846, Gammel, Laws, II, 1644; 1876, ibid., VIII, 1035.
10. 1854, ibid., III, 1464; 1866, ibid., V, 1092.
11. 1846, ibid., II, 1644.
12. Const., 1876, Art. XVI, sec. 44; 1876, Gammel, Laws, VIII, 1035.
13. 1846, ibid., II, 1646; 1873, ibid., VII, 546; Const., 1876, Art. XVI, sec. 44.
14. 1935, 44th Legis., 2nd C.S., 1762.
15. Com. Civ. Min., G, 1-13.
16. 1846, Gammel, Laws, II, 1646.
17. 1869, ibid., VII, 415.
18. Const., 1876, Art. V, sec. 24.

(Next entry, 386, p. 282)

over according to law. If he discovers any such money, he reports his findings to the commissioners court that it may institute suit for recovery.[19]

Additional duties in regard to new sources of county revenue have been assigned to the county treasurer from time to time. He is the custodian of the county available school fund.[20] Money arising from the sale of estrayed livestock is deposited with the treasurer, and he applies it to the jury fund; if the owner of the animal appears within twelve months and presents proof of ownership, the treasurer must pay over to him the sale price.[21] The treasurer keeps a register and an account book of all bonds issued by the commissioners court,[22] and makes an annual report to the state comptroller, showing the condition of the interest and sinking fund for each set of county bonds.[23]

Since 1879 the treasurer has been required to register all claims against the county presented for payment, and to classify them in accordance with the respective funds to which they are chargeable. He must pay all claims in each class in the order in which they are registered, and is not allowed to pay any unregistered claim.[24]

Every deposit into the county treasury is made upon a deposit warrant issued in triplicate by the county clerk, authorizing the treasurer to receive the amount named. The treasurer retains the original warrant, signs the duplicate and returns it to the county clerk, signs the triplicate and returns it to the depositor. The treasurer is forbidden to receive money in any other manner.[25] Whenever the commissioners court enters an order designating an official county depository, it is the treasurer's duty to transfer all funds belonging to the county to the depository immediately, and immediately upon receipt of any money thereafter to deposit it with the depository to the credit of the county.[26]

There follows a list of records required of the county treasurer, grouped by subject, and arranged chronologically thereunder by the date of approval of the law.

Accounts

Road Fund Account; Gammel; Laws; I, 1222, Dec. 20, 1836. (To be recorded)
Jury Fund Account, Gammel, Laws, II, 1490, May 8, 1846. (To be recorded)
Record of Accounts of All Receipts and Disbursements, Gammel, Laws, II, 1645, May 13, 1846.
Record of School Accounts, Gammel, Laws, III, 1464, Jan. 31, 1854.
Stray Stock Fund Account, Gammel, Laws, VII, 529, May 16, 1873. (To be recorded)
Treasurer's Claim Register, RCS, 1879, Art. 961, Sept. 1, 1879.

19. 1846, Gammel, Laws, II, 1645, 1646.
20. 1854, ibid., III, 1464; 1876, ibid., VIII, 1039; 1891, ibid., X, 149.
21. 1866, ibid., V, 976; 1873, ibid., VII, 529.
22. 1887, ibid., IX, 933.
23. 1899, 26th Legis., 45.
24. RCS, 1879, Arts. 961-963.
25. 1905, 29th Legis., 383.
26. Ibid., 393; 1917, 35th Legis., 19.

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County Bond Sinking Fund Account, Gammel, Laws, IX, 933, Apr. 4, 1887. (To be recorded)

Record of County Free Library Fund, 36th Legis., 2nd C.S., 221, July 28, 1919.

Dog Registration Account, 45th Legis., 1121, June 8, 1937. (To be recorded)

County Funding Bonds

Register of Courthouse Bonds, Gammel, Laws, IX, 98, Feb. 11, 1881.

Receipts for Tax Refunds on Canceled Road Bond Issue, 36th Legis., 2nd C.S., 95, July 25, 1919.

Register of Common and Independent School District Bonds, 37th Legis., 58, Mar. 5, 1921.

Road and Bridge Bond Account, 43rd Legis., 29, Feb. 20, 1933. (To be recorded)

Receipts for Tax Refunds on Revoked School Bond Issue, 43rd Legis., 230, May 1, 1933. (To be filed)

Reports

Justices' of Peace Reports of Fines and Penalties Assessed, Gammel, Laws, I, 1205, Dec. 20, 1836. (To be filed)

District Attorney's Annual Report of Collections, Gammel, Laws, II, 1603, May 13, 1846. (To be filed)

Report of Taker-up of Estrayed Animal, Gammel, Laws, VII, 529, May 16, 1873. (To be filed)

County Attorney's Report of Collections, Gammel, Laws, VIII, 922, Aug. 7, 1876. (To be filed)

Report of Children Attending School in Adjoining County, Gammel, Laws, VIII, 1042, Aug. 19, 1876. (To be filed)

County Officers' Reports of Claims Collected, RCS, 1879, Art. 974, Sept. 1, 1879. (To be filed)

Corrected Commissioners Court Report of School Lands Offered for Sale, Gammel, Laws, IX, 212, Apr. 5, 1881. (To be filed)

Officers' Reports of Fees Not Claimed, 30th Legis., 121, Apr. 3, 1907. (To be filed)

Miscellaneous

Warrants, Gammel, Laws, II, 1646, May 13, 1846. (To be filed)

Application for Occupation License, Gammel, Laws, II, 195, Jan. 16, 1840. (To be filed)

Register of Occupation Licenses, Gammel, Laws, II, 196, Jan. 16, 1840.

Register of Mustangs and Mules Captured with Tax Paid on Each, Gammel, Laws, III, 986, Feb. 16, 1852.

Liquor Dealer's Bond, Gammel, Laws, IV, 247, Feb. 2, 1856. (To be filed)

County Treasurer's Fee Book, RCS, 1879, Art. 2419, Sept. 1, 1879.

Bank's Statement of Share Owners, Gammel, Laws, IX, 726, Mar. 31, 1885. (To be filed)

Deposit Warrants, 29th Legis., 383, Apr. 22, 1905. (To be filed)

State Board of Health Protests against Payment of County Health Officer's Fees, 31st Legis., 348, Apr. 21, 1909. (To be filed)

Dog Register, 45th Legis., 1119, June 8, 1937.

386. TREASURER'S ACCOUNT BOOK, Aug. 17, 1877-Feb. 9, 1880, May 9, 1887-Jan. 1, 1932, 1936--. 17 vols. (1 unmarked, 2-7, 1 unmarked, 1916, 2 unmarked, 10-12, 1 unmarked, 14, 15). No title: Aug. 17, 1877-Feb. 9, 1880, 1 vol.

Treasurer's record of receipts and disbursements of county funds, showing date of receipt, from whom received, on what account, and amount received; number, amount, and date of voucher, to whom paid, and purpose of payment. Arr. in county fund subdivisions, chron. by date of receipt or disbursement thereunder. No index. Hdw. under pr. hds. Aver. 320 pp. 18 x 14 x 2. 15 vols. (1 unmarked, 2-7, 1 unmarked, 1916, 2 unmarked, 10-12, 1 unmarked), 1877-80, 1887-1932, D.C. bsmt. va.; 2 vols. (14, 15), 1936--, Tr. off.

For county clerk's accounts of county funds, 1879-1929, see entry 7; 1932--, see entry 8.

387. TREASURER'S REPORTS, Jan. 1, 1923-Dec. 31, 1924, Jan. 1, 1934--. 82 vols.

Copies of treasurer's monthly statements of county funds, presented to commissioners court, showing amount of funds on hand, amount deposited in banks to credit of various county funds; month date of report; accompanied by bank statements verifying report. Arr. chron. by report date. No index. Hdw. Aver. 220 pp. 16 x 10 x ¼. 24 vols., 1923-24, C.C. bsmt. va.; 58 vols., 1934--, Tr. off.

For county clerk's annual exhibits of county funds, 1900, 1921-27, see entry 13; for commissioners', 1899, 1925, 1930, see entry 14.

388. TREASURER'S RECEIPTS, Jan. 1925--. 25 vols.

Triplicates of receipts issued by treasurer to county officials, for payment of money into county treasury, showing date and number of receipt, name of payer, from what source received, fund to be credited, and signature of treasurer. Arr. chron. by date of receipt and numer. by receipt no. No index. Hdw. on pr. fms. 500 pp. 8½ x 10⅓ x 2½. 2 vols., 1925-30, D.C. bsmt. va.; 23 vols., Jan. 17, 1930--, Tr. off.

For original receipts given to county clerk, 1931-32, see entry 39; for county judge's receipts for claims deposited, 1934--, see entry 32; for tax collector's receipts for deposits, 1930-32, see entry 383.

389. TREASURER'S CLAIM REGISTER, Sept. 4, 1879-Nov. 9, 1897, Nov. 1, 1898-Dec. 31, 1901, Dec. 24, 1902-Nov. 23, 1903. 5 vols. (1-5).

Treasurer's register of claims against the county allowed by the commissioners court, and paid from county funds, showing registration number, date registered, date issued and issue number, to whom paid, amount paid, and by what authority paid, for what service, date paid, and remarks. Arr. under the following fund subdivisions: jury, road and bridge, general, courthouse and jail, and smallpox; chron. by date registered thereunder. No index. Hdw. on pr. fms. 250 pp. 16 x 12 x 2. D.C. bsmt. va.

For clerk's record of claims against the county, 1881-1915, 1920-32, 1936--, see entry 30.

390. RECORD OF BONDS, Feb. 13, 1891--. 6 vols. Title varies: Bond Register, Feb. 13, 1891-Sept. 2, 1924, 3 vols.; Treasurer's Bond Register, Apr. 10, 1903-July 1, 1932, 1 vol.; Treasurer's Bond Record, Sept. 18, 1914-June 27, 1917, 1 vol.
Treasurer's register of county funding bond issues, showing to whom issued, purpose of issue, inclusive serial numbers, principal, interest, numbers and amounts of coupons, date due, and date canceled. Arr. chron. by date of issue. No index. Hdw. under pr. hds. 200 pp. 16 x 10 x 2. 5 vols., 1891-1932, D. C. bsmt. va.; 1 vol., 1908--, Tr. off.
For auditor's bond records, 1905-37, see entries 393, 394; for school superintendent's register of common school bonds, 1912--, see entry 403.

391. CANCELED COUPONS, 1910--. 13,000 coupons in 3 boxes and 1 f.b. Canceled and paid interest coupons from county bonds, showing number and amount of coupon, kind of bond and maturity date, bond number and series, and name of payee. No arr. No index. Hdw. on pr. fms. 2 boxes, 3½ x 9 x 2½; 1 box, 24 x 24 x 10; 1 f.b., 11 x 5 x 14. 2 boxes and 1 f.b., 1910-32, 1936--, Tr. off.; 1 box, 1932-35, D.C. bsmt. va.

XII. COUNTY AUDITOR (Defunct)

The office of county auditor was created by the legislature in 1905, to be established in each county containing a city with a population of 25,000 or more.[1] In 1917 the creating act was amended, and all counties having a tax valuation of $15,000,000 or more were included in the number authorized to have a county auditor.[2] Guadalupe County had its first regular auditor appointed by the district judge on October 1, 1925.[3] The office was abolished in Guadalupe County in 1937.[4]

When the office was first created, the county judge and a majority of the district judges having jurisdiction in the county appointed the auditor.[5] In 1917 the district judges holding court in the county were given exclusive authority to appoint an auditor.[6]

The person appointed had to be a citizen of the county and a resident there for at least two years, of unquestionable moral character and intelligence, competent in public business details, with at least two years' experience in auditing and accounting. If no qualified person could be obtained within the county, the judges could appoint one from another county, but not from without the state.[7]

Before entering into his duties the auditor gave a bond of $5,000 payable to the county judge and approved by the commissioners court. He took the usual oath of office and an additional one in writing, stating that he was qualified under the law, setting forth his experience, and stating that he would not be personally interested in any contract into which the county entered.[8]

The auditor's term of office was two years.[9] He was paid a salary of $125 for each million dollars of assessed valuation, but not over $3,600 a

1. 1905, 29th Legis., 381.
2. 1917, 35th Legis., 337.
3. Civ. Min. Dist. Ct., N, 313.
4. 1937, 45th Legis., 1st C.S., RCS, 1925, Art. 1645a-2.
5. 1905, 29th Legis., 381.
6. 1917, 35th Legis., 337.
7. Ibid.
8. 1905, 29th Legis., 381, 382.
9. Ibid., 381.

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year.[10] After due investigation, the auditor could be removed from office for official misconduct or incompetence, by the same power that appointed him.[11]

The county auditor served in a dual capacity. First, he was the chief accounting officer of the county; and second, he was the auditor of the other fiscal officers of the county. As chief accounting officer he was given general oversight of all books and records of all officers of the county, district, or state, who received or collected any money for the county. He prescribed and prepared the forms used in collection of county funds and the mode and manner of keeping these funds, kept an account with each officer handling county funds and required statements of the disposition of funds, made periodical reports to the commissioners court on the financial affairs of the county, relieved the county clerk of keeping the finance ledger, made up the preliminary budget estimates, countersigned all warrants except on the jury fund, and kept a register of all warrants issued.[12] The auditor kept a continual check on all of the fiscal affairs of the common school districts of the county, and maintained a ledger and a bond register for each district.[13] He had charge of the purchasing procedure, and it was his duty to preserve all material concerning purchases.[14]

As an auditor he had continual access to all books of all other fiscal officers of the county, and audited their books at least once in each quarter, verifying all footings and bank balances and stamping his corrections and approval on the books.[15]

The auditor, being appointed by and responsible to the district judges, occupied an unusual position in the county. He was in many ways a semi-state official. That this was recognized by the legislature is shown by the fact that the auditor was the only county official besides the county attorney who was authorized to ask legal opinions from the attorney general.16

The commissioners court of any county having no regular auditor was authorized to hire a private accountant to audit the county's finances, accounts, and records when it was deemed necessary.[17] Since the abolishment of the office of county auditor in Guadalupe County, the commissioners court has entered into contract with an auditor and tax consultant, calling for periodical checks of the financial affairs of the county and for semi-annual audits.[18]

10. 1923, 37th Legis., 391.
11. 1905, 29th Legis., 384.
12. Ibid., 382-384.
13. 1917, 35th Legis., 337-339.
14. 1921, 37th Legis., 185,186.
15. 1905, 29th Legis., 382-384
16. Ibid., 376.
17. 1923, 38th Legis., 170.
18. Com. Civ. Min., F, 604, 605, 628, 629, G, 43, 44.

County Auditor (Defunct) (Next entry, 386, p. 282)

There follows a list of records required of the county auditor by general law, grouped by subject, and arranged chronologically thereunder by the date the law was approved.

General Accounts of County Funds

Auditor's Finance Ledger (account with each county, district, or state officer collecting money for the county), 29th Legis., 382, Apr. 22, 1905.

General Accounts (of all county transactions relating to accounts, contracts, indebtedness, receipts and disbursements), 29th Legis., 383, Apr. 22, 1905.

Account with Each Budget Appropriation, 29th Legis., 382, Apr. 22, 1905.

County Warrants

Duplicates of Deposit Warrants Issued by County Treasurer, 29th Legis., 383, Apr. 22, 1905. (To be filed)

Daily Reports of Warrants Issued on County Treasurer, by Court Clerks and Judges, 29th Legis., 383, Apr. 22, 1905. (To be filed)

Register of All Warrants Issued on County Treasurer by Court Clerks and Judges, 29th Legis., 383, Apr. 22, 1905.

Requisitions

Duplicates of Requisitions Approved and Signed by County Judge, 29th Legis., 384, Apr. 22, 1905. (To be filed)

Bids

Bids to Furnish Office Supplies, 29th Legis., 384, Apr. 22, 1905. (To be filed)

Competitive Bids for County Supplies or Material, for over $150, 29th Legis., 384, Apr. 22, 1905. (To be filed)

Reports

Statements Rendered by All Persons Handling County Funds or Property, 29th Legis., 382, Apr. 22, 1905. (To be filed)

Duplicates of Statements of Fees, Made by All Fee Officials (on forms furnished by state auditor), 41st Legis., 4th C.S., 35, Feb. 19, 1930.

Reports on Taxes and Indebtedness Made by Officials of Tax-levying and Bond-issuing Units, 42nd Legis., 501, June 4, 1931.

Duplicates of Annual Statements of Fees and Commissions Earned, Made by Fee Officials to District Court, 44th Legis., 2nd C.S., 1766, Feb. 12, 1936.

Common School District Funds

Ledger Accounts for All Common School Districts, 35th Legis., 339, Mar. 29, 1917.

Register of Bonds Issued by Common School Districts, 35th Legis., 339, Mar. 29, 1917.

Accounts of Sinking Funds for Bonds Issued by Common School Districts, 35th Legis., 339, Mar. 29, 1917.

Miscellaneous

Officers' Books of Duplicate Receipts for Fines and Fees Collected, 44th Legis., 470, May 9, 1935.
Record of Speedometer Readings of County-owned Automobiles, 44th Legis., 2nd C.S., 1769, Nov. 15, 1935.

392. AUDITOR'S DISTRIBUTION REGISTER OF WARRANTS ISSUED, Jan. 11, 1925-Sept. 20, 1937. 2 vols. (1, 2). Discontinued.
Register of warrants issued by county officers upon county treasurer, showing date and number of warrant, purpose of issue, fund charged, and amount paid. Arr. under subdivisions by year issued, numer. by warrant no. thereunder. No index. Hdw. under pr. hds. 800 pp. 25 x 16 x 3½. C.C. bsmt. va.

393. AUDITOR'S BOND REGISTER, Apr. 10, 1905-Feb. 14, 1935. 1 vol. (1). Discontinued.
Register of bonds issued by county for the construction, maintenance, and operation of roads and bridges, and of annual payments credited upon interest coupons, showing kind, date, and amount of bond; rate of interest, maturity date, registration date, purpose of issue, to whom payable, and date of cancelation. Arr. in subdivisions by class of issue, chron. by registration date thereunder. No index. Hdw. under pr. hds. 640 pp. 16 x 12 x 3. D.C. bsmt. va.

For treasurer's bond register, 1891--, see entry 390; for school superintendent's register of common school bonds, 1912--, see entry 403.

394. RECORD OF BONDS, 1918-June 30, 1937. 1 vol. Discontinued.
Record of the payment of principal and interest on county bonds, showing type and series of bonds, date of issuance, date of maturity, amounts due at maturity, amount of interest, and amounts of annual payments. Arr. chron. by date issued. No index. Hdw. on pr. fms. 250 pp. 18 x 12 x 1½. C.C. off.

395. AUDITORS COMMON SCHOOL LEDGER, Sept. 1, 1932. 1 vol. (1).
Auditor's account of school fund balances on hand in all school districts of the county on Sept. 1, 1932, showing name and number of school district, dates of receipts and payments, by whom received, to whom paid. Arr. under fund (interest and sinking, bond, maintenance, administrative, permanent, and textbook) and school district (2-41) subdivisions. No index. Hdw. under pr. hds. 500 pp. 16 x 12 x 2. D.C. bsmt. va.

396. AUDITOR'S REGISTER OF SCHOOL VOUCHERS, Oct. 1, 1925-Aug. 11, 1928. 1 vol. (1).
Register of vouchers issued by trustees of school districts against state and county available school fund, local maintenance, and rural aid funds, showing date of payment, voucher number, school district number, to whom voucher issued, date, amount, and purpose of issue, and fund chargeable.

Arr. chron. by date issued. No index. Hdw. under pr. hds. 480 pp. 16 x 14 x 2½. D.C. bsmt. va.

For original canceled school vouchers and warrants, 1914-28, 1931--, see entry 402.

XIII. COUNTY BOARD OF SCHOOL TRUSTEES

In the development of the public school system of Texas, inaugurated under the Republic, various boards have been established by law to supervise the school affairs of the county. Members of the county administrative body constituted an ex-officio board of school commissioners from 1840 to 1870, an ex-officio board of school directors from 1870 to 1873.[1] By an act of 1873 each county was authorized to elect five school directors, one from each justice precinct, to compose a board of school directors.[2] With the adoption of the present state constitution in 1876, no one group was designated a county school board; duties in regard to school matters were given to the commissioners court and the county judge.[3] The present county board of school trustees was created in 1911,[4] and was later given all management and control of the public free schools of the county.[5] The county school superintendent is secretary of the board, and keeps a complete record of all of its proceedings.[6]

The county board of school trustees is composed of five members. Originally the members were elected annually from the county at large for two-year overlapping terms.[7] At present, one member is elected by the qualified voters of the common and independent school districts, from the county at large, and the other four are elected from their respective commissioners' precincts by the qualified voters of the precincts. Trustees serve two years, their terms being so arranged that two trustees are elected one year, and three the next.[8]

The trustees must be qualified voters of the precincts from which they are elected, and four of them must reside in different commissioners' precincts. They must be of good moral character, able to read and speak the English language, must be of good education and in sympathy with public free schools. They must take a prescribed oath before entering upon their official duties.[9]

No special compensation was provided for the members of the early boards of school commissioners for their services as school officials. The members of the ex-officio board of school directors received the same per diem allowance when serving as school officers that they received for

1. 1840, Gammel, Laws, II, 320, 321; 1845, ibid., II, 1156; 1854, ibid., III, 1461; 1866, ibid., V, 1088; 1870, ibid., VI, 288.
2. 1873, ibid., VII, 540.
3. 1876, ibid., VIII, 1037-1046. See essay on commissioners court, p. 109.
4. 1911, 32nd Legis., 36.
5. 1915, 34th Legis., 69.
6. Ibid.
7. 1911, 32nd Legis., 35.
8. 1915, 34th Legis., 69; 1932, 42nd Legis., 3rd C.S., 98, 99; 1934, 43rd Legis., 2nd C.S., 108.
9. 1915, 34th Legis., 37.

(Next entry, 397, p. 289) County board of School Trustees

serving as members of the county court.[10] The elected school directors received $4 for each whole day they met in session, the number of days for which they could claim pay being limited to twenty days the first year and ten days each year thereafter.[11] The law creating the county board of school trustees allowed the members their actual expenses while serving, not to exceed $3 per day nor $24 per year.[12] Subsequent amendment set the per diem at $3 and raised the annual maximum to $36.[13]

Members of the elective board of school directors were removable by address of two-thirds of the members of the legislature.[14] County school trustees are removable by the district judge, after jury trial, for causes defined by law.[15]

Before the creation of the elective board of school directors, no organization of the school governing body was indicated by law. This board, however, was directed to hold meetings at the county seat and elect a president, who also served as ex-officio school superintendent.[16] The present county board of trustees meets quarterly, designates the county school superintendent its secretary and executive officer, and at its annual meeting in May of each year elects a president. The president may call meetings, all of which are held in the office of the county school superintendent at the county seat.[17]

Power to divide the county into convenient common school districts has been vested in each of the boards.[18] Actions of the present board in creating, changing, and modifying common school districts are subject to the general supervisory control of the district court. The trustees may recommend to the county school superintendent the transfer of school children from one district to another.[19]

The original board of school commissioners examined applicants for teachers' certificates and issued the certificates.[20] The duty of examining applicants has subsequently been performed by an appointive board of school examiners,[21] except from 1873 to 1876, when the ex-officio school superintendent examined applicants and issued certificates.[22]

Certain powers and duties in the administration of county school finances have been given to the various boards. Since 1840, the board has had supervision of funds derived from property granted or appropriated for

10. 1870, Gammel, Laws, VI, 289.
11. 1873, ibid., VII, 541.
12. 1911, 32nd Legis., 37.
13. 1915, 34th Legis., 73.
14. 1869, Gammel, Laws, VII, 426.
15. Const., 1876, Art. V, sec. 24.
16. 1873, Gammel, Laws, VII, 540.
17. 1911, 32nd Legis., 37; 1915, 34th Legis., 72, 73.
18. 1840, Gammel, Laws, II, 321, 322; 1854, ibid., III, 1461; 1866, ibid., V, 1088; 1870, ibid., VI, 288; 1873, ibid., VII, 540; 1915, 34th Legis., 70, 71.
19. 1915, 34th Legis., 71.
20. 1840, Gammel, Laws, II, 322.
21. This board was appointed successively by the police court, 1866, ibid., V, 1091; the board of school directors, 1870, ibid., VI, 288; the county judge, 1876, ibid., VIII, 1040, 1041; the county school superintendent, 1920, 36th Legis., 3rd C.S., 112..
22. 1873, Gammel, Laws, VII, 540.

the benefit of schools in the county.[23] The board of school directors was authorized to levy and collect an ad valorem tax of not over one percent for building school houses.[24] The present board of school trustees, acting with the county school superintendent, apportions the available school fund of the county and the county's share of the available school fund of the state to all common school districts, and to all independent school districts having less than 150 scholastics.[25]

General oversight of the actual conducting of the schools was first given to the board of school examiners appointed by the police court in 1866.[26] The ex-officio board of school directors had compulsory power over attendance of pupils, and power to settle all difficulties arising in any of the public free schools, by removing teachers and expelling pupils if occasion demanded. It also made such rules and regulations and bylaws for the government of the schools of the county as it deemed necessary for the best interests of education, subject to the rules, direction, and supervision of the state superintendent of public instruction.[27] The elective board of school directors defined the course of study in the public schools, prescribed the kind of school books and apparatus, and regulated the duties of the district trustees and teachers.[28] The present board of school trustees classifies the schools of the county into primary, intermediate, and high schools, in accordance with regulations prescribed by the state school superintendent, cooperates with the county school superintendent in prescribing a course of study, and negotiates with independent school districts that have high schools, for the free tuition of eligible children.[29]

There follows a list of legal records requirements of the county school superintendent as secretary of the county board of school trustees.

Minutes of County Board of School Trustees, 32nd Legis., 37, Mar. 6, 1911.
Field Notes of School Districts, 34th Legis., 71, Mar. 5, 1915. (To be recorded in minutes)
Record of Terms of Office of County and Common School District Trustees, 34th Legis., 73, Mar. 5, 1915.
Orders Transferring Territory from One School District to Another, 41st Legis., 1st C.S., 106, May 23, 1929. (To be recorded in minutes)

397. RECORD (Minutes of County Board of School Trustees), Aug. 8, 1911--. 1 vol.
Secretary's record of proceedings at meetings of county board of school trustees, showing date of meeting, names of trustees present, nature of matters presented for the attention of the board, motions made, action taken, determinative orders, signed by president of board and attested by county school superintendent as secretary. Arr. chron. by date of meeting. No index. 1911-Oct. 15, 1917 hdw.; Oct. 15, 1917-- typed. 200 pp. 13 x 8 x 1. S.S. off.

23. 1840 Gammel, Laws, II, 320-322; 1911, 32nd Legis., 36, 37; 1915, 34th Legis., 72.
24. 1870, Gammel, Laws, VI, 288, 289.
25. 1911, 32nd Legis., 37; 1915, 34th Legis., 72.
26. 1866, Gammel, Laws, V, 1091.
27. 1870, ibid., VI, 289.
28. 1873, ibid., VII, 541.
29. 1911, 32nd Legis., 36.

398. RECORD SCHOOL DISTRICTS, 1912-22. 1 vol.
Record of field notes of surveys of common school districts, showing boundary lines, number of acres, name of surveyor, name and number of district; accompanied by maps showing boundaries. Arr. numer. by school district nos. Indexed numer. by school district no., giving reference to school and page no. Typed. 300 pp. 15 x 10 x 1½. S.S. off.

For field notes and plats of common and independent school districts, 1916-18, see entry 58; for map of independent and common school districts, see entry 350.

XIV. COUNTY SCHOOL SUPERINTENDENT

Prior to the creation of the separate office of county superintendent in Texas, executive control of county school matters was vested in the presiding officer of the county administrative body.[1] An act to establish and maintain a system of public free schools passed in 1873 created a separate board of five elective school directors, and provided that they should elect one of their own number president; the president so elected was designated ex-officio county superintendent of public instruction.[2] With the passage of the school law of 1876 the county judge became ex-officio school superintendent.[3] Amendments to this law created the separate office of county school superintendent; the establishment of the office in each county, however, was left to the discretion of the commissioners court.[4] The first county school superintendent in Guadalupe County took office in pursuance of the following order of the commissioners court, dated September 23, 1901:

> Whereas in the opinion of the Court owing to the Constant increase in the Scholastic Population of the County the educational interest of the County demands the creation of the office of County School Superintendent independent of the County Judge; therefore be it ordered by the Court that the said office of County School Superintendent is hereby created.

The bond of J. B. Williams, county superintendent, was approved by the court on September 28.[5] At present, each county having a scholastic population of 3,000 or more is required to have a county school superintendent.[6]

The ex-officio superintendent was elected by the voters of his justice precinct to membership on the board of school directors, and when elected president by the members, became superintendent by virtue

1. 1854, Gammel, Laws, III, 1461-1465; 1866, ibid., V, 1089; 1870, ibid., VI, 288, 289.
2. 1873, ibid., VII, 540.
3. 1876, ibid., VIII, 1035-1046.
4. 1887, ibid., IX, 924; 1893, ibid., X, 621.
5. Com. Civ. Min., D, 113.
6. 1905, 29th Legis., 263; 1907, 30th Legis., 210-212.

of that election.[7] The county judge was elected by the voters of the county.[8] When the commissioners court decided on the establishment of the office of county school superintendent, it provided that the officer should be chosen at the next general election by the county electorate.[9] The office is popularly elective under present law.[10]

The person elected to the office must be of educational attainments, good moral character, and executive ability, a qualified voter of the county and the holder of a teacher's first grade certificate. Before beginning his duties he must post bond and take the oath of office.[11]

The act of creation set the superintendent's term at four years.[12] The county judge held a two-year term,[13] as did each of the separate school superintendents authorized by law,[14] until 1930, when the superintendent's term was increased to four years.[15]

As created in 1873, the superintendent was directed to charge each applicant he examined for a teacher's certificate $3, and for other services as superintendent he was allowed $4 per day from the county school fund, the number of days for which he received pay being limited to thirty in any one year.[16] For services as superintendent, the county judge was at first allowed an amount set by the state board, not to exceed $100 for any scholastic year, from the available fund;[17] later, he was paid a salary based on the amount of school funds disbursed in the county, upon order of the commissioners court.[18] The present superintendent is paid a salary based on the scholastic population of the county.[19]

Each of these officers has been subject to removal under general constitutional provisions. The Constitution of 1869 provided for the removal of civil officers by an address of two-thirds of each house of the legislature.[20] Under the present constitution, county officers may be removed by the district judge for incompetency, official misconduct, habitual drunkenness, or other causes defined by law, upon the cause therefor being set forth in writing and the finding of its truth by a jury.[21]

Upon the creation of the office, the county school superintendent became the local agent for carrying out state educational policy as directed by the state department. With slight variations in detail, the duties originally required by law have been required by subsequent legislation down to the present time. The officer acting as county school superintendent has been charged with supervising the operation of county schools, maintaining academic standards by securing competent teachers and

7. 1873, Gammel, Laws, VII, 540.
8. Const., 1876, Art. V, sec. 15.
9. 1887, Gammel, Laws, IX, 924; 1893, ibid., X, 621.
10. 1907, 30th Legis., 210.
11. 1887, Gammel, Laws, IX, 924; 1893, ibid., X, 621; 1905, 29th Legis., 263; 1907, 30th Legis., 210.
12. 1873, Gammel, Laws, VII, 540.
13. Const., 1876, Art. V, sec. 15.
14. 1887, Gammel, Laws, IX, 924; 1893, ibid., X, 621; 1905, 29th Legis., 263.
15. 1930, 41st Legis., 5th C.S., 207.
16. 1873, Gammel, Laws, VII, 540, 541.
17. 1876, ibid., VIII, 1042.
18. 1879, ibid., 1471; 1887, ibid., IX, 921; 1893, ibid., X, 622.
19. 1907, 30th Legis., 210.
20. 1869, Gammel, Laws, VII, 426.
21. Const., 1876, Art. V, sec. 24.

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directing their work, controlling the apportionment and disbursement of school funds, and furnishing the state department with all needed information.

The county school superintendent has immediate supervision, under the direction of the state department, of all matters pertaining to public education in his county.[22] He distributes to trustees and teachers all printed regulations, forms, and blanks supplied by the state superintendent and board of education.[23] He visits and examines the schools, confers and counsels with teachers and trustees, and delivers, or secures someone else to deliver lectures on topics calculated to excite interest in public education.[24]

Under the district system for operating county schools the various county boards of trustees have always had power to organize the districts and change their boundary lines.[25] Under the community system, in operation in certain counties[26] during the latter years of the last century, the county school superintendent had extensive power in the creation, organization, and operation of the communities. Resident parents and guardians of minors of school age petitioned the superintendent for the establishment of a school community entitled to the benefits of the available school fund, and if the superintendent believed the petition to be presented in good faith, he ordered the establishment of the community, designating it by name and number, and appointed three community trustees.[27] The superintendent also passed on applications by trustees for appropriations to build or rent schoolhouses.[28] Assignment of pupils to community or district other than that of their residence and transfer of pupils between districts have always been authorized by the county superintendent.[29]

In regard to the employment of teachers and the supervision of their work, the county superintendent has had various duties. The school law of 1873 authorized the superintendent to hold examinations for all persons who applied for teaching positions, and to issue certificates to those who qualified.[30] The county judge, in his capacity as superintendent, received applications accompanied by character certificates, appointed a board of examiners and recommended applicants to the board, called meetings of the board to hold examinations, and upon receiving a favorable report from the

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22. 1887, Gammel, Laws, IX, 924; 1891, ibid., X, 99; 1893, ibid., 621; 1905, 29th Legis., 263.
23. 1873, Gammel, Laws, VII, 538; 1876, ibid., VIII, 1036, 1879, ibid., 1471; 1884, ibid., IX, 574; 1893, ibid., X, 618, 621; 1905, 29th Legis., 263.
24. 1884, Gammel, Laws, IX, 578; 1891, ibid., X, 99; 1893, ibid., 621; 1905, 29th Legis., 263.
25. 1840, Gammel, Laws, II, 321, 322; 1854, ibid., III, 1461, 1866, ibid., V, 1088; 1870, ibid., VI, 288; 1873, ibid., VII, 540; 1915, 34th Legis., 70, 71.
26. Guadalupe County was exempt from the district system by act of 1887, Gammel, Laws, IX, 923; and of 1893, ibid., X, 638.
27. 1876, ibid., VIII, 1041; 1879, ibid., 1471, 1472; 1884, ibid., IX, 585, 586.
28. 1876, ibid., VIII, 1044, 1045; 1884, ibid., IX, 583; 1887, ibid., 923; 1893, ibid., X, 636.
29. 1873, ibid., VII, 541; 1876, ibid., VIII, 1041; 1884, ibid., IX, 578, 586; 1887, ibid., IX, 921; 1893, ibid., X, 637; 1905, 29th Legis., 263; 1907, 30th Legis., 242.
30. 1873, Gammel, Laws, VII, 540.

board, issued certificates of competency valid for one year. The judge might renew certificates for any subsequent year, if he thought proper, without new examination. Upon recommendation by trustees, the county judge was empowered to cancel the certificate of any teacher whom the trustees thought disqualified for teaching children by reason of misconduct or immorality.[31] Under present regulations the county superintendent appoints boards of examiners and recommends applicants for county examinations to the board. The board holds examinations; the county superintendent sends the examination papers and the board's report to the state board of examiners; the state superintendent issues such certificates as are recommended by the state board.[32] A teacher's certificate may be canceled by the authority issuing it, upon presentation of evidence that the holder is conducting his school in violation of state law, or is unworthy to instruct the youth of the state.[33]

The superintendent examines contracts between teachers and trustees, and approves them if he finds them in order.[34] He requires monthly and term reports on pupils' attendance and grades from all teachers in common schools.[35] He organizes and holds annual teachers institutes; he is empowered to cancel the certificate of any teacher who willfully and persistently fails to attend, and to refuse to approve the contract of any teacher who waits until after the institute to sign his contract in order to avoid attendance.[36]

The county superintendent's financial authority extends to both the receipt and the disbursement of school funds. By the act of creation, the superintendent was directed to apportion the public school funds of his county to the various districts according to respective scholastic population.[37] Under the school law of 1876, the superintendent received from the state board a certificate of the amount of the state school fund due his county for the ensuing year, and directed the county treasurer to credit communities and districts with the amounts to which they were entitled.[38] By act of 1884, the superintendent added to the state appropriation the amount of the county school fund, if any, and after deducting commissions, apportioned the remainder among the districts or communities.[39] Subsequent laws have given the superintendent the duty of apportioning the state fund to the common school districts, and the income arising from the county fund to both common and independent districts.[40] The county superintendent

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31. 1876, Gammel, Laws, VIII, 1040-1043; 1879, ibid., 1471, 1474; 1884, ibid., IX, 580, 581; 1887, ibid., 921, 922; 1893, ibid., X, 629.
32. 1905, 29th Legis., 262; 1911, 32nd Legis., 189, 195; 1920, 36th Legis., 3rd C.S., 112; 1921, 37th Legis., 250.
33. 1905, 29th Legis., 263; 1917, 35th Legis., 366.
34. 1879, Gammel, Laws, VIII, 1471; 1884, ibid., IX, 578; 1891, ibid., X, 99; 1893, ibid., 621; 1905, 29th Legis., 263.
35. 1873, Gammel, Laws, VII, 543, 544; 1876, ibid., VIII, 1043; 1884, ibid., IX, 581; 1893, ibid., X, 633.
36. 1884, ibid., IX, 578; 1891, ibid., X, 99; 1893, ibid., 621; 1905, 29th Legis., 263; 1907, 30th Legis., 210; 1927, 40th Legis., 282.
37. 1873, Gammel, Laws, VII, 545.
38. 1876, ibid., VIII, 1041, 1042.
39. 1884, ibid., IX, 579.
40. 1891, ibid., X, 100, 101; 1893, ibid., 622; 1905, 29th Legis., 263; 1907, 30th Legis., 204.

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approves the division made by district trustees of funds among the schools of the district. If the trustees fail to agree, the superintendent makes the division himself.[41] Vouchers and checks drawn on the school fund must be approved by the superintendent.[42] The county treasurer is prohibited from paying out any part of the school fund without the approval of the county superintendent.[43]

The superintendent has always been charged with supplying the state board and state superintendent with school statistics gathered from trustees, census-takers, and teachers in the county.[44]

The county superintendent is the secretary and executive officer of the county board of school trustees.[45]

There follows a list of records required of the county school superintendent, grouped by subject, and arranged chronologically thereunder by the date of approval of the law.

General Administration

Accounts with School Districts, Gammel, Laws, X, 101, Apr. 15, 1891.
Application for Appropriation to Build Schools, RCS, 1895, Art. 3985, Sept. 1, 1895. (To be filed)
Plans and Specifications for School Buildings, RCS, 1895, Art. 3985, Sept. 1, 1895. (To be filed)
Application for Transfer of Pupils between Districts, 29th Legis., 287, July 15, 1905. (To be filed)
District Trustees' Annual Budget of Proposed School Expenditures, 41st Legis., 1st C.S., 3, Aug. 19, 1929. (To be filed)
Record of Interest-bearing School Warrants, 42nd Legis., 739, Mar. 20, 1931.
Copy of Common School District Budget, 42nd Legis., 348, May 21, 1931. (To be filed)
Protest to Common School District Budget, 42nd Legis., 348, May 21, 1931. (To be filed)
Copy of Supplemental Common School District Budget, 42nd Legis., 348, May 21, 1931. (To be filed)
Record of County Equalization Fund, 44th Legis., 286, Apr. 25, 1935.

41. 1905, 29th Legis., 263; 1907, 30th Legis., 204.
42. 1873, Gammel, Laws, VII, 546; 1876, ibid., VIII, 1042; 1884, ibid., IX, 587; 1891, ibid., X, 99; 1893, ibid., 628; 1905, 29th Legis., 263.
43. 1905, 29th Legis., 263; 1909, 31st Legis., 17.
44. 1873, Gammel, Laws, VII, 540. 541, 543; 1876, ibid., VIII, 1038, 1043; 1879, ibid., 1471; 1884, ibid., IX, 578, 587; 1891, ibid., X, 99; 1893, ibid., 621, 629; 1905, 29th Legis., 263; 1907, 30th Legis., 204; 1911, 32nd Legis., 201.
45. 1915, 34th Legis., 72.

Census

Tax Assessor's Scholastic Census Abstract, Gammel, Laws, VIII, 1471, Apr. 29, 1879. (To be filed)
Census-taker's Consolidated School Census Roll of White Scholastics, 29th Legis., 286, July 15, 1905. (To be filed)
Census-taker's Consolidated School Census Roll of Colored Scholastics, 29th Legis., 286, July 15, 1905. (To be filed)
Superintendent's Abstract of Scholastic Census, 29th Legis., 287, July 15, 1905. (To be filed)

Teachers

Qualifications

Teacher's Contract, Gammel, Laws, VIII, 1042, Aug. 19, 1876. (To be filed)
Teacher's Certificate, Gammel, Laws, VIII, 1043, Aug. 19, 1876. (To be filed)
Record of Teaching Certificates Issued, Gammel, Laws, X, 185, Apr. 28, 1891.
Fees Collected from Applicants for Teaching Certificates, 29th Legis., 291, July 15, 1905. (To be recorded)
Certificate of Teacher's Qualifications, 29th Legis., 291, July 15, 1905. (To be filed)
Report of County Board of Teacher Examiners, 29th Legis., 291, July 15, 1905. (To be filed)
Certificate of Normal School Attendance, 29th Legis., 297, July 15, 1905. (To be filed)
Summer Normal School Conductor's Report of Attendance, 29th Legis., 297, July 15, 1905. (To be filed)
Record of Teachers Attending Summer Normal School, 29th Legis., 297, July 15, 1905.

Reports

Teacher's Term Report of Attendance, Gammel, Laws, IV, 527, Aug. 29, 1856. (To be filed)
Teacher's Monthly Attendance Report, Gammel, Laws, VII, 543, Apr. 30, 1875. (To be filed)

General Administration

(See also entries 29, 57, 58, 124, 256, 350, 357, 395, 397, 398, 412)

399. COUNTY SUPT. SCHOOL RECORD, 1884-86, 1891, 1894-97. 4 vols.
Title varies: COUNTY JUDGE'S SCHOOL RECORD, 1884-86, 2 vols.
General school record kept by county judge as ex-officio county school superintendent, under the following subdivisions:

i. Orders Declaring Apportionment of School Funds, Aug. 31, 1885, 1st vol., pp. 3-6; Aug. 31, 1886, 2nd vol., pp. 93-95; Aug. 1895-Sept. 1, 1897, 4th vol., pp. 5-58.

Record of orders by county school superintendent declaring number of scholastics in county, according to tax assessor's census, entitled to the benefits of the public school fund and reciting the making of apportionment of fund by state board of education to cover same, showing number of scho-

lastics in and total amount of apportionment for the county, with itemized statement of amounts distributed to each school by name of school, community number, and amount apportioned.

ii. Tabular Statement of School Communities, no dates. 1st vol., pp. 90-97; 2nd vol., pp. 102-110; 3rd vol., pp. 123, 124.

Record of funds belonging to the several schools in the county, credited on the treasurer's books, showing name, community number, number and location of school, number of pupils over and under scholastic age in school, and amount of fund credited.

iii. Register of Teachers Applying for Examination, no dates. 1st vol., pp. 106-110; 3rd vol., pp. 129-133.

Record of applications for examination for teaching positions received by county superintendent's office, showing applicant's name, sex, race, age, nativity, years of experience, certificate and diplomas held, post office address, moral character, with memorandum of the action of board of examiners and subsequent action of county superintendent upon the application.

iv. Order Establishing School Communities, Sept. 8, 1885-Sept. 1, 1886, 2nd vol., pp. 3-54; Aug. 1, 1891, 3rd vol., pp. 41-99.

Record of orders by county judge upon petitions seeking the creation of school communities, allotting school funds, and appointing school trustees, showing date of petition and order, names of petitioners, name of school community, and of trustees, community number, and amount of funds allotted.

v. Orders Establishing School in District, Sept. 1, 1884. 1st vol., pp. 9-32.

Record of orders establishing schools in the several school districts, showing date, by whom advised (trustees), school district number, and newly established school number, amount allotted for scholastic year, and signature of county judge.

vi. Register of Teachers Accounts Approved for Payment, no dates. 1st vol., pp. 115-135; 2nd vol., pp. 122-152.

Accounts of amounts due teachers, approved for payment, showing names of teacher and of school community, community number, amount approved, term of teacher's service, and remarks; also amounts due other schools for transfers, accounts for rent, furniture, equipment, fuel, building material, and labor.

vii. Register of Teachers Accounts Registered for Payment, no dates, 2nd vol., pp. 81-92.

Accounts due teachers for salaries, presented for approval, showing name of teacher, name and number of school community, time of service, amount payable, and remarks.

viii. Register of Vouchers Approved for Payment, Jan. 2-Dec. 5, 1891, 3rd vol., pp. 134-162; Jan. 4, 1894-95, 4th vol., pp. 158-182.

Record of vouchers issued for teachers' salaries, school supplies, equipment and materials, showing date and number of voucher, when and for whom approved, school and district numbers, amount of voucher, name of school, and nature of service rendered.

ix. Transfers, no dates. 3rd vol., pp. 166-168.

Record of pupils transferred from and to the several districts, showing given name of child, names of parents or guardian, county or community from which transferred, and amount of fund transferred.

x. Orders Appropriating School Funds for the Erection of School Bldgs. or Furn. (Appointment of School Trustees), Aug. 1, 1894, 4th vol., pp. 111-146.

Record of declaration of appointment of school trustees by ex-officio superintendent, for the several school communities, showing date, names of trustees, and school communities.
Arr. chron. by date of entry under each subdivision. No index. Hdw. on pr. fms. Aver. 275 pp. 13½ x 11 x 1½. S.S. va.

400. COUNTY SUPERINTENDENT'S RECORD, 1897--. 13 vols.
Accounts of school funds received and disbursed for the maintenance and operation of schools and school properties, entered under separate subdivisions for each school district of the county, showing name and number of school district, names, addresses, and tenures of office of district trustees, items of disbursement, voucher number, name of payee, purpose of payment, date approved, fund chargeable, balance brought forward, and date, amount, source, and total of receipts from all sources; also accounts of receipts and disbursements of general county school funds, entered under fund subdivisions (county available fund, county administrative fund, and textbook fund), each showing, with respect to disbursements, voucher number, name of payee, purpose of payment, date of approval, amount of payment, and with respect to receipts, date, source, and amount of receipt; and balance. Also contains, on last two and last four flyleaves of last two volumes: (Register of Common School Bonds), 1912--, entry 403.
Accounts arr. under school district and fund subdivisions, chron. thereunder; bond registrations on flyleaves arr. chron. by date of bond. No index. Hdw. under pr. hds. 400 pp. 16 x 13 x 2. 10 vols., 1897-1932, S.S. va.; 3 vols., 1932--, S.S. off.

401. COUNTY TREASURERS SCHOOL ACCOUNT REGISTER, Sept. 1, 1877-Sept. 30, 1895. 15 vols.
Register of county treasurer's receipts and disbursements of school funds, including receipts from tax collector and state treasurer, with separate debit and credit entries of accounts with each school community, showing date, source, and amount received and disbursed, purpose of disbursement, to whom disbursed, name and number of community credited or charged. Also general register of orders paid, showing date, number and amount of warrant, name of payee, on what account and when paid. Arr. chron. by date of entry under designated account. No index. Hdw. under pr. hds. 150 pp. 11 x 9 x 1. S.S. va.

402. SCHOOL VOUCHERS AND WARRANTS, Sept. 1, 1914-Aug. 31, 1928, 1931--. 8 f.b. and 8 bundles.
Original canceled vouchers and warrants issued for teachers' salaries and for administrative and maintenance expenses, showing number and amount of warrant and voucher, name of payee, purpose for which issued, school from which payment is made, district title and number, and register number, with signed approval of school trustees and superintendent. Arr. chron. by date of voucher. No index. Hdw. on pr. fms. F.b., 11 x 5 x 14; bundles, 4 x 10 x 14. 8 f.b., 1914-28, and 4 bundles, 1931-35, C.C. bsmt. va.; 2 bundles, 1935-37, S.S. off.; 2 bundles, 1938--, County Depository.
For county auditor's register of school vouchers, 1925-28, see entry 396.

403. (REGISTER OF COMMON SCHOOL BONDS), 1912--. In County Superintendent's Record, last 2 and last 4 flyleaves of last 2 vols., entry 400.

Register of common school district bonds, showing name and number of school district, by whom bond issued, by whom owned, inclusive serial numbers, amounts of principal and accrued interest, interest rate, maturity dates, and coupon numbers and amounts.

Census

(See also entry 399-i)

404. FAMILY CENSUS BLANK, Mar. 1908--. 130,000 papers: 90,000 in 32 f.b. and 40,000 in 62 bundles.

Original census forms (white for white people, pink for colored) filled out for each family having children of scholastic age, showing type of school district as common or independent, district number; name, birthday, age and defects of child; name of county in which family resided on the first day of April immediately preceding the taking of census, length of residence of family in district, names and nativity of parents, with signature and address of person rendering child; date when subscribed and sworn before census trustee. Arr. chron. by years, by race (white or colored) thereunder, by date sworn to thereunder. No index. Hdw. on pr. fms. F.b., 11 x 5 x 14; bundles, 5½ x 5½ x 3. 32 f.b., 1908-24, C.C. bsmt. va.; 62 bundles, 1925--. S.S. off.

405. CONSOLIDATED SCHOLASTIC CENSUS, 1922--. 6 vols. and 5,000 papers in 5 bundles.

Scholastic census rolls of white and colored children in the county, showing year of census; name, sex, age, and address of child; district number, and name of person rendering child; accompanied by summarization of census roll and census of defective children not eligible for rolls. Arr. chron. by year of census. No index. Typed on pr. fms. Vols., 250 pp. 10 x 14 x 1; bundles, 8½ x 14 x 2. S.S. va.

Teachers

(See also entries 399-vi, vii, viii, 402)

Qualifications (See also entry 399-iii)

406. REGISTER TEACHERS' CERTIFICATES, Nov. 1, 1893-July 26, 1911. 1 vol. 1918-- in Record of Application and Certificates, entry 407.

Registration of teachers' certificates, including those issued by county superintendent, showing date of registration, name, address, sex, age, teaching experience, nationality, color, and nativity of teacher; grade and kind of certificate, by and to whom issued, and expiration date. Arr. chron. by registration date. No index. Hdw. on pr. fms. 100 pp. 11½ x 9½ x 1. S.S. va.

407. RECORD OF APPLICATIONS AND CERTIFICATES, May 4, 1918--. 1 vol. (1).

Register of applications for teaching positions and of certificates of applicants, showing date of application, name, address, sex, race, nationality and experience of applicant. Also contains: Register Teachers'

Certificates, entry 406. Arr. chron. under numerical tab subdivisions by school year. No index. Hdw. on pr. fms. 125 double pp. 16 x 11 x 1½. S.S. off.

Reports

408. HEAD TEACHER OR PRINCIPALS' TERM REPORTS, Sept. 5, 1935--. 480 reports in 6 bundles.

Head teachers' or principals' reports from the several schools in county to county superintendent, showing name and number of school district, condition of school building, value of school property, distribution of pupils; and report of teachers' service records, showing name of teacher, grade of certificate, name of college attended, major studies, credits made, and teaching experience. Arr. chron. by school term. No index. Hdw. on pr. fms. 10 x 14 x 1/8. S.S. va.

409. TEACHER'S MONTHLY REPORTS, Oct. 1935--. 900 reports in 42 bundles.

Original reports made by teachers, showing name of school, kind of school as white or colored, school and district numbers, month of term, inclusive dates of term, amount of teacher's monthly salary, total due teacher for month, total number of days taught, pupils entering for first time, re-entries of pupils, losses in number of pupils, membership, aggregate attendance, aggregate absence, aggregate days of membership, average membership, average daily attendance, percentage of attendance, number of times tardy, number of pupils between ages 6 and 17 (inclusive) and 7 and 15 (inclusive) among the original entries, name and post office address of teacher, date filed, number and amount of voucher, in whose favor voucher drawn, charges to several funds, respectively, with county superintendent's dated and signed approval. Arr. chron. by report date. No index. Hdw. on pr. fms. 8½ x 4 x 1. S.S. off.

410. SUPERINTENDENTS ANNUAL REPORT, Aug. 31, 1897-1898, 1900. 42 reports in 1 bundle.

Duplicates of superintendent's annual reports to state superintendent of public instruction upon the several schools in the county, showing teaching positions and salaries; training, experience, tenure, and age of teachers; distribution of teachers on basis of enrollment. Arr. chron. by date of report. No index. Hdw. on pr. fms. 14 x 10 x 3. S.S. off.

XV. COUNTY SURVEYOR

The office of county surveyor was created by general law under the Republic of Texas, and is provided for in the present state constitution. The officer was at first selected by joint vote of both houses of the Congress, but in 1840 the office became elective by the voters of the county and has remained so.[1]

1. 1837, Gammel, Laws, I, 1406; 1840, ibid., II, 437; Const. 1876, Art. XVI, sec. 44; 1876, Gammel, Laws, VIII, 1035.

(Next entry, 411, p. 302)

County Surveyor

Under the Republic, the surveyor was required to make bond for $10,000, approved by the county board of land commissioners and payable to the President.[2] Present requirements exact a bond of from $500 to $10,000, the amount to be determined and the bond approved by the commissioners court.[3]

The term of office was set at three years by the act of creation, but was reduced to two years when the office became popularly elective.[4] The surveyor's term of office is now two years.[5]

Compensation was derived from fees of office [6] until the recent fee and salary law put the office in Guadalupe County on a salary basis.[7]

The Constitution of the Republic provided for the removal of all civil officers by impeachment for and conviction of treason, bribery, and other high crimes and misdemeanors.[8] The same officers were removable by an address of two-thirds of each house of the legislature under the Constitution of 1869.[9] County officers are removable, under present constitutional provision, by the district judge for causes defined by law, after due trial by jury.[10]

Throughout the history of the office, the county surveyor has been given certain duties and powers by law, which, with slight revisions, remain on the statute books today.

The county surveyor made up or procured a map of the county containing plats of all deeded lands.[11] As new surveys were made the surveyor corrected his map, at first making corrections each month but later each quarter.[12]

The field notes of all surveys made in the county were recorded by the surveyor and forwarded to the commissioner of the general land office.[13] The surveyor was required to correct the field notes quarterly, and send sketches and field notes of the surveys made during the preceding quarter to the commissioner of the general land office.[14]

The surveyor was authorized to administer oaths to applicants for purchases of public land, to the effect that the land chosen by them was actually vacant. He recorded preemption claims in a separate set of records.[15] Applicants for purchase of land were required to file land certificates or scrip as evidence of title with the surveyor, who was required

2. 1837, Gammel, Laws, I,1406.
3. 1897, ibid., X, 1080.
4. 1837, ibid., I, 1406; 1840, ibid., II, 437.
5. Const., 1876, Art. XVI, sec. 44; 1876, Gammel, Laws, VIII, 1035.
6. 1837, ibid., I, 1406.
7. 1935, 44th Legis., 2nd C.S., 1762.
8. 1836, Gammel, Laws, I, 1077.
9. 1869, ibid., VII, 426.
10. Const., 1876, Art. V, sec. 24.
11. 1837, Gammel, Laws, I, 1406.
12. 1840, ibid., II, 366; 1858, ibid., IV, 940.
13. 1837, ibid., I, 1406.
14. 1858, ibid., IV.
15. 1845, ibid., II, 1074.

to register all applications for surveys of land claims.[16] He received applications from actual settlers to purchase the land they were occupying,[17] and applications to prospect for and notices of discovery of minerals on public lands.[18]

The Congress of the Republic required that each county set aside three leagues of vacant land for school purposes, such lands to be within the county if possible, elsewhere if no vacant lands remained within the county. The county surveyor located and surveyed this land, and filed the field notes of the survey with the clerk of the county in which the land was located.[19]

On the first of January of each year he prepared a register of all surveys made in the county and filed in his office, and delivered the register to the county court for tax assessment purposes.[20] When any county, by change of boundaries, was granted land that formerly belonged to another county, the surveyor was required to transmit a full and complete copy of all field notes on surveys in the area in question to the surveyor of the county to which the area was given.[21]

If any field notes became lost or accidentally destroyed, the owner of the land could obtain certified copies of the lost notes by filing with the surveyor an affidavit setting forth the facts.[22]

There follows a list of records required of the county surveyor, arranged chronologically by the date the law was approved.

Record of Field Notes of Surveys, Gammel, Laws, I, 1406, Dec. 14, 1837.
Record of Surveys of Preemption Claims, Gammel, Laws, II, 1074, Jan. 22, 1845.
Affidavit of Settler to Belief that He Has Settled on Vacant Land, Gammel, Laws, II, 1074, Jan. 22, 1845. (To be recorded in preemption record)
Affidavit of Loss or Destruction of Field Notes, Gammel, Laws, II, 1599, May 9, 1846. (To be filed)
Map and Profile of Railroad Right-of-way, Gammel, Laws, III, 1344, Feb. 7, 1853. (To be filed)
Register of Entries or Applications for Land, Gammel, Laws, IV, 493, Aug. 30, 1856.
Application for Survey, Actual Settler, Gammel, Laws, IV, 1393, Feb. 1, 1860. (To be recorded)
Application by Settler for Additional Lands, Gammel, Laws, IV, 1393, Feb. 1, 1860. (To be recorded)
Copies of Land Office Field Notes and Map of University Lands in County, Gammel, Laws, VIII, 75, Apr. 8, 1874. (To be filed)
Valuation of University Lands in County, Gammel, Laws, VIII, 76, Apr. 8, 1874. (To be filed)

16. 1856, Gammel, Laws, IV, 493.
17. 1860, ibid., 1493.
18. 1889, ibid., IX, 1145; 1895, ibid., X, 928.
19. 1839; ibid., II, 134.
20. 1840, ibid., 186.
21. Ibid., 366.
22. 1846, ibid., 1599.

Application to Purchase University Lands, Gammel, Laws, VIII, 77, Apr. 8, 1874. (To be filed)

Record of Application to Purchase University Lands, Gammel, Laws, VIII, 77, Apr. 8, 1874.

Commissioners Court Report of School Lands Offered for Sale, Gammel, Laws, IX, 56, July 8, 1879. (To be filed)

Record of Applications to Purchase School Lands, Gammel, Laws, IX, 56, July 8, 1879.

Application for Homestead Donation, RCS, 1879, Art. 3940, Sept. 1, 1879. (To be filed)

Record of Application for Homestead Donation, RCS, 1879, Art. 3940, Sept. 1, 1879.

Application for Survey of Mining Claim on Public Land, Gammel, Laws, IX, 1145, Mar. 29, 1889. (To be recorded)

Affidavit to Required Work on Mining Claim on Public Land, Gammel, Laws, IX, 1145, Mar. 29, 1889. (To be recorded)

Survey of Oil and Gas Claim on Public Land, 33rd Legis., 410, June 28, 1913. (To be recorded)

411. SURVEYOR'S RECORD OF FIELD NOTES, May 11, 1922--. 2 vols. (A, 1). Title varies: Field Notes Surveyors Records, May 11, 1922-Jan. 1, 1931, 1 vol. (A).

Copies of field notes filed for record, showing state and county, number of acres, name of person for whom survey made, name of original grantee or patentee, beginning points and bounds of survey, and certificate of recordation showing filing date, recording date, and signature of county surveyor (or county clerk, when office of surveyor vacant); accompanied by plat. Volume A also contains, on pp. 52-67: (Petroleum and Gas Prospect Applications), July 29, 1929-Nov. 6, 1931, entry 93. Arr. chron. by recording date. Indexed alph. by first letter of surname of person for whom survey made or applicant, chron. thereunder. Hdw. and typed on pr. fms. Vol. A, 240 (50 used) pp. 18 x 12 x 2; vol. 1, 312 (67 used) pp. 18 x 12 x 2. C.C. off.

412. APPLICATIONS SURVEYORS RECORDS, Jan. 18, 1924-Nov. 15, 1937. 1 vol. (1).

Copies of applications, Mar. 19, 1924-Nov. 15, 1937, made to licensed state land surveyors and to county surveyor for surveys of unsurveyed land belonging to public free school fund, for purpose of obtaining mineral leases thereon, showing application number, name of surveyor, metes and bounds of area, signature of applicant, filing date, recording date, book and page, and signature of surveyor. Also contains: (Petroleum and Gas Prospect Applications), Jan. 18, 1924-Sept. 3, 1931, entry 93. Arr. chron. by filing date. No index. Hdw. and typed. 400 (100 used) pp. 16 x 10 x 2. C.C. off.

(Next entry, 413, p. 305)

XVI. PUBLIC WEIGHERS

The legislature first created the office of public weigher as a county agency in 1875. The governor appointed public weighers to serve in towns and communities where the public's interest necessitated the office.[1] Since 1883 the governor has been authorized to appoint public weighers in towns and shipping points where the amount of produce to be weighed was in large enough volume to demand such an officer. In justice of the peace precincts where the governor has failed to appoint a public weigher, the commissioners court may order the election of one by the voters of the precinct.[2]

Bond and oath have been required of the public weigher since 1875.[3] He is required to secure a certificate to weigh produce from the commissioner of agriculture before entering on his duties of office. If he is appointed by the governor, he must first be recommended by the state senator and two-thirds of the representatives from his district.[4] He must be of unquestionable character and integrity, be able to keep a fair set of books, and be a voter in the precinct from which he is appointed or elected.[5]

Since the creation of his office, the public weigher's official tenure has been two years, and his compensation has been derived from fees charged for items weighed.[6] He may be removed from office by the governor, if appointed, or by the commissioners court, if elected, for incompetence or malfeasance.[7] The office may be abolished in any precinct by the voters of the precinct, at an election called by the commissioners court for the purpose.[8]

In precincts where there is no public weigher, any responsible person may weigh produce for compensation, after posting a bond for $12,500.[9]

The duties of the public weigher have been uniform since the office was first established. He must keep a well-adjusted, accurate scale, weigh all cotton, wool, sugar, hides, pecans, and other produce brought to him for weighing, and mark on each item its correct weight. He must keep a certified copy of each weight made by him, and furnish it to the proper person upon demand. He may appoint one or more deputies.[10] He must provide himself with an official seal, stamp each certificate of weight issued by him, and keep a well-bound book, in which to enter a complete and accurate record of all weights made.[11]

1. 1875, Gammel, Laws, VIII, 534.
2. 1883, ibid., IX, 389, 390.
3. 1875, ibid., VIII, 535.
4. 1919, 36th Legis., 124.
5. 1926, 39th Legis., 1st C.S., 21.
6. 1875, Gammel, Laws, VIII, 534, 535.
7. Ibid.; 1883, ibid., IX, 390.
8. 1926, 39th Legis., 1st C.S., 21.
9. 1905, 29th Legis., 117.
10. 1875, Gammel, Laws, VIII, 535.
11. 1917, 35th Legis., 1st C. S., 68.

(Next entry, 413, p. 305)

XVII. INSPECTOR OF HIDES AND ANIMALS (Defunct)

The office of inspector of hides and animals was created on May 22, 1871,[1] and was retained in Guadalupe County until the revision of the statutes in 1895 added that county to the list of exemptions from the stock law.[2]

Under the original law appointment to this office was made by the governor, and vacancies were filled through appointment by the presiding judge in each county until such time as the governor named a successor.[3] A reenactment of the law, passed in the same year, made the office an elective one and provided that vacancies should be filled through appointment by the county court.[4] After the adoption of the Constitution of 1876, vacancies were filled through appointment by the commissioners court.[5] Another revision of the entire law provided that in case of vacancy, the sheriff should be ex-officio inspector until the commissioners court should appoint his successor.[6]

The inspector was required to be a resident of the state and of the county.[7] He took the oath of office and made bond for any sum between $1,000 and $10,000 fixed by the county court,[8] later by the commissioners court.[9] The term of office was first set at four years,[10] but five months later was reduced to two years and remained unchanged.[11]

The inspector was compensated by the collection of fees charged for his inspections.[12] He was allowed to appoint deputies as he needed them, but was not allowed any additional funds with which to pay them.[13]

The primary duty of the inspector was to examine and inspect all hides and animals known and reported to him as sold for slaughter or for shipment from the county. After making the inspection, he was required to keep a record of the marks and brands on hides and animals inspected, and the names of the vendors and purchasers. He was instructed to prevent the sale for shipment or slaughter of unbranded, freshly branded, or illegibly branded animals, and to prevent the sale of any animal by any person except the actual owner unless such person had a bill of sale from the owner.[14]

When the law was reenacted, it excepted the inspection of sheep, goats, swine, and their hides, and the reinspection of salted hides. In addition to the prevention of the sale, slaughter, or shipment of unbranded, freshly branded, or illegibly branded cattle without proof of ownership, the inspect-

1. 1871, Gammel, Laws, VI, 1014.
2. RCS, 1895, Art. 5043.
3. 1871, Gammel, Laws, VI, 1014.
4. Ibid., VII, 10.
5. 1876, ibid., VIII, 1053.
6. Ibid., 1131.
7. 1869, ibid., VII, 422; Const., 1876, Art. XVI, sec. 14.
8. 1871, Gammel, Laws, VI, 1014.
9. 1876, ibid., VIII, 1131.
10. 1871, ibid., VI, 1014.
11. Ibid., VII, 10; 1876, ibid., VIII, 1131.
12. 1871, ibid., VI, 1017; 1876, ibid., VIII, 1133, 1134.
13. 1871, ibid., VI, 1015; 1876, ibid., VIII, 1131.
14. 1871, ibid., VI, 1015-1017.

tor was authorized to seize and sequestrate such animals. After making the inspection required of him, the inspector issued a certificate of inspection to the purchaser or owner to protect him from any other inspections in the state except in the county from which the animals might be exported. Upon being requested by any person to do so, the inspector inspected any herd of cattle being driven through the county. His expenses were paid out of the proceeds of the sale of any cattle not included in the inspection certificate issued by the inspector of the county in which the herd originated, or by the person requesting the inspection if no such cattle were found. When a drove of cattle was gathered in one county and driven to and sold in another, the inspectors of both counties were required to inspect the drove and issue certificates of inspection.[15]

The inspection of herds already inspected at the instance of some other person or on the inspector's own initiative for the detection of cattle not covered by the original certificate was more clearly regulated by a subsequent amendment.[16]

Law required the inspector of hides and animals to keep a record of hides and animals inspected, showing their marks and brands, number, kind, and description, the names of vendors and purchasers, where and when slaughtered, and the date and place of inspection;[17] and to file lists presented by the owners, of recorded marks and brands, with the names of persons authorized to drive or handle animals so marked.[18]

413. RECORD OF INSPECTION, Jan. 20, 1875-Aug. 24, 1888, Dec. 8, 1888-May 19, 1895. 3 vols. Discontinued. Title varies: Stock Book, Jan. 20, 1875-Aug. 14, 1877, 1 vol.; Hides and Animals Inspector Records, Aug. 7, 1877-Aug. 24, 1888, 1 vol.

Record of inspection of hides and animals sold or leaving county, or sold to packeries or butchers, showing number, weight, and description of hides, number of animals, description of marks and brands; name of buyer and seller, name of inspector, and date of sale. Arr. chron. by date of sale. No index. 1875-77 hdw.; 1877-95 hdw. under pr. hds. 150 pp. 15 x 10 x 1. C.C. bsmt. va.

15. 1876, Gammel, Laws, VIII, 1131-1141.
16. 1879, ibid., IX, 51, 52.
17. 1871, ibid., VI, 1016.
18. Ibid., 1018.

BIBLIOGRAPHY

Primary Sources

Acts of the Texas Legislature. 1899--.

American and English Annotated Cases. Northport, N. Y., Edward Thompson Company, 1906--.

Atlantic Reporter. St. Paul, West Publishing Company, 1886--.

"Code of Criminal Procedure, Revision of 1879," in Revised Statutes of Texas. Galveston, A. H. Belo and Company, 1879.

Constitution of the State of Texas.

Dallam, James Wilmer, (comp.), Opinions of the Supreme Court of Texas from 1840 to 1844 Inclusive. St. Louis, The Gilbert Book Company, 1882.

Federal Statutes Annotated. Northport, N. Y., Edward Thompson Company, 1903--.

Gammel, H. P. N., Laws of Texas, 10 vols. Austin, The Gammel Book Company, 1898.

Guadalupe County, Civil Minutes District Court. Guadalupe County Courthouse, Seguin, Texas.

Guadalupe County, Commissioners Civil Minutes. Guadalupe County Courthouse, Seguin, Texas.

Guadalupe County, Deed Record. Guadalupe County Courthouse, Seguin, Texas.

Guadalupe County, Journal. Guadalupe County Courthouse, Seguin, Texas.

Guadalupe County, Minutes District Court. Guadalupe County Courthouse, Seguin, Texas.

Guadalupe County, Probate Minutes. Guadalupe County Courthouse, Seguin, Texas.

Guadalupe County, Record of Election Returns. Guadalupe County Courthouse, Seguin, Texas.

Hawkins, John W., Chief Clerk of General Land Office, Austin, to Charles W. Hodges, State Supervisor, Historical Records Survey, San Antonio. Interview, Mar. 24, 1939.

Martin, George Castor, (comp.), "Indian Tribes of Texas." Ms. in San Antonio Public Library.

Oldham, W. S., and White, George W., "Old Code," in A Digest of the General Statute Laws of the State of Texas. Austin, John Marshall and Company, 1859.

Pace, James R., District Surveyor, Travis Land District, Field Notes of Musgrove Survey, June 28, 1847. Travis 2nd Class, File 49, General Land Office, Austin.

Pacific Reporter. St. Paul, West Publishing Company, 1889--.

"Revised Civil Statutes, Revision of 1879," in Revised Statutes of Texas. Galveston, A. H. Belo and Company, 1879.

"Revised Civil Statutes, Revision of 1895," in Revised Statutes of Texas. Austin, Eugene Von Boeckmann, 1895.

Southwestern Reporter. St. Paul, West Publishing Company, 1886--.

Tennessee Supreme Court Reports, I (Head). Nashville, J. G. Griffith & Co., Printers, 1860.

Texas Agricultural and Statistical Report 1888. Austin, State Printing Office, 1889.

Texas Court of Appeals. St. Louis, The Gilbert Book Co., 1877-92.

Texas Reports. St. Louis, The Gilbert Book Company, 1881--.

"Town Book" of Seguin, in Guadalupe County, Deed Record. Guadalupe County Courthouse, Seguin, Texas.

United States Geological Survey Topographical Sheet of Seguin, Texas. Government Printing Office, Washington, 1922.

Vernon's Annotated Code of Criminal Procedure of the State of Texas, Revision of 1925. Kansas City, Mo., Vernon Law Book Company, 1926--.

Vernon's Annotated Penal Code of the State of Texas, Revision of 1925, Kansas City, Mo., Vernon Law Book Company, 1926--.

Vernon's Annotated Revised Civil Statutes of the State of Texas, Revision of 1925. Kansas City, Mo., Vernon Law Book Company, 1926--.

Webb, James, and Duval, Thomas H., (comp.), Reports of Cases Argued and Decided by the Supreme Court. Galveston, The News Office, 1858.

Secondary Sources

Biesele, Rudolph L., History of the German Settlements in Texas. Austin, Von Boeckmann-Jones, 1930.

Bibliography

Bolton, Herbert E., (ed.), Athanase de Mezieres and the Louisiana-Texas Frontier, 1768-1780, I. Cleveland, Arthur H. Clark Co., 1914.

Castaneda, Carlos E., Our Catholic Heritage in Texas, 3 vols. Austin, Von Boeckmann-Jones, 1936, 1938.

Corpus Juris, 72 vols. New York, American Law Book Co., 1912-37.

De Cordova, J., Texas: Her Resources and her Public Men. Philadelphia, E. Crozat, 1858.

Fitzsimon, Laurence J., History of Seguin. San Antonio, C. H. Jackson Directory Company, 1938.

Guadalupe Gazette-Bulletin, Historical Centennial Edition. Seguin, Texas, Apr. 30, 1936.

Hodge, Frederick W., Handbook of American Indians, 2 parts. Washington, Government Printing Office, 1907.

Irvine, Laura J., "Sketch of Guadalupe County," in American Sketch Book, VII (1882). Austin, French, 1874-83.

Rather, Ethel Zively, "DeWitt's Colony," in Southwestern Historical Quarterly VIII (1904-5). Austin, 1897--.

Richardson, Rupert N., The Commanche Barrier to South Plains Settlement. Glendale, Arthur H. Clark, 1933.

Roemer, Ferdinand, Texas 1845-1847. San Antonio, Standard Printing Co.,1935.

Ruling Case Law, 28 vols. Northport, N. Y., Edward Thompson Company, 1914-21.

Sowell, A. J., Early Settlers and Indian Fighters of Southwest Texas. Austin, Ben C. Jones, 1900.

Sowell, A. J., Incidents Connected With the Early History of Guadalupe County. Seguin, C. L. Martin, n. d.

Texas Jurisprudence. San Francisco, Bancroft-Whitney Company, 1929--.

Texas Almanac for 1936. Dallas, A. H. Belo, 1936.

West, Elizabeth Howard, "De Leon's Expedition of 1689," in Southwestern Historical Quarterly, VIII (1904-5). Austin, 1897--.

Wilbarger, J. W., Indian Depredations in Texas. Austin, Hutchings, 1890.

APPENDIX

1-a. (TRANSCRIPT OF TOWN BOOK OF SEGUIN), May 21, 1863, Dec. 12, 1911. In Deed Record (Transcripts), vols. A, pp. 1-68, 105-175, entry 86.

County clerk's transcripts[1] of the "Town Book" of the town of Seguin (called Walnut Springs until the name was changed to Seguin on Feb. 25, 1839), as laid out and divided among shareholders during 1838-1839, before the creation of Guadalupe County, when the town was in Gonzales County. Immediately following this entry is a full-text copy of the transcript made in 1911. The four plats (see p. 336) appear on four separate pages of the transcript. In the plat of the timber or river lots, the river shown is the Guadalupe; the creeks running through blocks 58 and 59 are unidentified; the other creek is apparently the lower end of Walnut Branch. In the plat of the acre lots, the dotted line has been put in to show where Walnut Branch runs through the land according to current maps.[2]

1. The state legislature declared the Town Book a book of record of Guadalupe County and authorized the county clerk to transcribe the contents, provided the citizens of Seguin furnished a book and paid him for transcription at a stipulated rate, by act of Feb. 11, 1852. Gammel, Laws, III, 968.
2. See United States Geological Survey Topographical Sheet of Seguin Texas, Washington, 1922.

Appendix

The following pages contain a transcript of what has been known as the "Town Book" of Seguin made by order of the County Court of Guadalupe County entered at the February Term 1863 of said County

The pages in the margin show the pages in the Town Book as recorded.

Republic of Texas)
Gonzales County) This is to certify that we Joseph S. Martin Arthur Swift Matthew Caldwell & James Campbell hereby agree to sell and lay off a certain that or parcel of land.

It being the eastern half of a league of land lying on the north bank of Guadalupe river about thirty five or forty miles above Gonzales known & designated as a legue of land granted Humphrys Branch by the Mexican Government. That is to say into a suitable number of In. lots for a town site and out lots to suit share holders and to lay off said town & lots into forty four equal share. And further bind themselves to make to purchase a good & valid deed when each purchaser conforms to the following article to wit:

Article 1st., That each share holder or purchaser shall pay fifty dollars & thirty one cents twenty five dollars in advance and the balance in twelve months from this date.

Art. 2nd., That each shareholder is hereby bound to remoove in person or by proxy to said Town on or before the 1st., day of November next and to reside there permanently as a citizen at least 12 months. Except he is otherwise permitted to do by a vote of a majority of the shareholders present under the penalty of forfeiting his claim.

2 Article 3rd., That the said purchaser or share holder is bound to put up at least one substancial house at least fourteen feet by sixteen to have the same completed within six months from the first day of November next.

Art. 4th., That each share holder is bound to pay an equal part of all the necessary expences of surveying & laying off &c of said town and organizing said place.

Art. 5th., That Joseph S. Martin who owns by reservation eleven share of the forty four that is to be laid off and is hereby to be exempt form the obligation of the 2nd., & 3rd., articles of this agreement though all those to whom he may sell a share or part of a share shall be subject to all the regulations and entitled to all the priviliges that other shareholders are agreeable to the true meaning of this agreement.

As witness our hands & seals the 12th., day of August 1838.

Appendix

Shareholders name

James Campbell	(SEAL)	one 25.00	3
Arthur Swift	(SEAL)	one 25.00	
Wm. H. Killen	(SEAL)	one 25.00	
Henry B. King	(SEAL)	one 25.00	
Barnett Randall	(SEAL)	one 25.00	
John R. King	(SEAL)	one 25.00	
Wilson Randall	(SEAL)	one 25.00	
P. C. Beall	(SEAL)	one 25.00	
Abraham Roberts	(SEAL)	one 25.00	
Pascal Martin	(SEAL)	one 25.00	
Wm. Clinto	(SEAL)	one 25.00	
Jeremiah Roberts	(SEAL)	one 25.00	
James A. Swift	(SEAL)	one 25.00	
James M. Day	(SEAL)	one 25.00	
Andrew Neill	(SEAL)	one 25.00	
W. A. Hall	(SEAL)	one 25.00	
Matthew Caldwell	(SEAL)	one 25.00	
Michael Cody	(SEAL)	one 25.00	
W. Cody	(SEAL)	one 25.00	
A. S. Emmett	(SEAL)	one 25.00	
John H. Russell	(SEAL)	one 25.00	
Miles G. Dikes	(SEAL)	one 25.00	
George W. Nichols	(SEAL)	one 25.00	
John W. Nichols	(SEAL)	one 25.00	
Cyrus Crosby	(SEAL)	one 25.00	
French Smith	(SEAL)	one 25.00	
H. G. Henderson	(SEAL)	one 25.00	
Resin Sinclair	(SEAL)	one 25.00	
Andrew J. Sowell	(SEAL)	one 25.00	
W. S. Beebe	(SEAL)	one 25.00	
Kelly Mathney	(SEAL)	one 25.00	
Robert Hall	(SEAL)	one 25.00	
M. P. Woodhouse	(SEAL)	one 25.00	

Republic of Texas }
Gonzales County } Know all men by these presents that we Joseph S. Martin, Arthur Swift, Matthew Caldwell and James Campbell are held & firmly bound unto the within named share holder their heirs successiors and assigns in the penal sum of five hundred dollars lawfull money for the payment of which sum well and truly to be made to each individual share holder within named we bind ourselves our heirs successors and assigns firmly by these presents. Signed with our hand & sealed with our seals this 12th., day of August 1838.

James Campbell (SEAL)
Arthur Swift (SEAL)
Matthew Caldwell (SEAL)

The condition of the above obligation is such that the within named shareholder shall comply with the within set forth rules & stimpulation which being complied with we bind ourselves as above specified or to so many of said shareholders as shall so comply with the rules and regulations

within specified the foregoing obligation shall hold firmly but null and void with those who shall not comply as aforsaid.

5 At a meeting of the shareholders of Town of Walnut Springs County of Gonzales September 22nd., 1838. Jeremiah Roberts was called to the chair and C. Crosby chosen Clerk pro tem. On motion of Capt. Swift whether the man who is obligated to comply with the contract of the original share holder by allowed a vote the affirmative carried.

On motion of M. Smith whether a man should be compelled to produce written testimony of an agency before he could vote carried in the negative.

Mr. Smith's motion reconsidered and on motion of M. Campbell whether a man may be entitled to vote by verbal agency. Nays carried.

Motion by Mr. Campbell that two persons be appointed to assist Mr. Roberts in the division of the Town lots- M.F. Smith & M. Hall appointed.

On motion of M. Campbell the meeting proceeded to name the town and the name of Walnut Springs carried. Ayes 16 Nays 9.

On motion of Mr. Swift to draw for four lots each and selling the balance. Lost.

On motion of M. Smith to draw from 1 to 44 chances and each man to choose in the order of their number which he may draw till all draw once and then revert this order the 44th., chance becoming first &c.

The Shareholders drew their numbers as follows:

6

A. S. Emmett	Drew	No. 39
James Campbell	"	44
J. R. King	"	40
Arthur Swift	"	18
James A. Swift	"	31
G. W. Nichols	"	36
J. W. Nichols	"	28
J. M. Day	"	37
H. B. King	"	30
J. Roberts	"	5
W. Cody	"	22
French Smith	"	41
Cyrus Crosby	"	26
J. W. Randolph	"	33
R. Hall	"	27
J. H. Russell	"	38
Andrew Neill	"	7
M. P. Woodhouse	"	42
M. G. Dikes	"	34
Barnet Randle	"	1
Wilson Randle	"	11
A. J. Sowell	"	32
W. S. Beebe	"	43

W. A. Hall	[drew]	[No.] 35	
M. Caldwell	"	25	
W. H. Killen	"	29	
R. Sinclair	"	8	
M. Cody	"	6	
A. Roberts	"	19	
P. Martin	"	21	
W. Clinton	"	2	
P. C. Bell	"	15	7
H. G. Henderson	"	3	

Joseph S. Martin drew 11 shares as follows the first of which afterwards was taken by Ephraim Bellinger to wit: No. 10

Joseph S. Martin 10 remaining numbered as follows: Nos. 24, 20, 13, 9, 17, 16, 23, 14, 12 & 4.

Share.	Name	Block.	Lot	8
No. 1	Barnet Randle. Drew No.	30	No. 1	
"	" " " "	29	" 3	
"	" " " "	29	" 4	
"	" " " "	43	" 7 *	
"	" " " "	43	" 4	
"	" " " "	50	" 7 *	
"	" " " "	50	" 8	
"	" " " "	6	" 2	
"	" " " "	6	" 3	
"	" " " "	33	" 2	

Acres lots	Value		
	$8.00	8	4
	8.00	14	3
	2.00	26	4
Farming lots	40.00	3	4
	15.00	5	4
	5.00	30	2
Timber or river lots	16.50	68	1
	10.00	68	2
Total Amount	$104.50		

Purchased by E. Smith see page 63.

Share	Name	Block	Lot	9
No. 2	W. Clinton	30	6	
"	"	16	1	
"	"	29	5	
"	"	39	8	
"	"	39	1	

Appendix

Share	Name	Block	Lot
No. 2	W. Clinton	39	2
"	"	39	3
"	"	38	2
"	"	6	6
"	"	33	7
Acre Lots	Value		
	$10.00	29	4
	8.00	41	2
		*	
	3.00	26	1
	90.00	2	1
Farming Lots	10.00	23	2
	5.00	20	2
Timber or River lots	22.50	58	1
	12.00	62	3
Total amts.	$160.50		

Deed made to the above August 13th., 1839

Share	Name	Block	Lot
No. 3	H.G. Henderson	21	4
"	"	20	3
"	"	38	1
"	"	38	7
"	"	38	6
"	"	38	3
"	"	49	8
"	"	49	7
"	"	6	7
"	"	33	6
Acre lots	Value		
	$10.00	45	4
	6.00	15	2
	.50	27	1
Farming lots	70.00	2	2
	15.00	5	3
	3.00	29	3
Timber or River Lots	22.50	58	3
	12.00	62	4
Total amt.	$139.00		

Deed made to the above November the 19th., A. D. 1839 and settled.

Share	Name	Block	Lot	11
No. 4	J. S. Martin	31	1	
		32	8	
		37	10	
		9	4	
		10	5	
		38	4	
		13	8	
		40	4	
		27	4	
		9	7	
Acre Lots	Value			
	$8.00	19	1	
	6.00	18	1	
	2.00	25	2	
Farming Lots	20.00	4	4	
	10.00	26	2	
	3.00	21	4	
Timber or River lots	25.00	56	4	
	1.50	60	4	
Total Amt.	$75.50			

Deed made to James Campbell by Joseph S. Martin

Share	Name	Block	Lot	12
No. 5	Jeremiah Roberts	24	1	
		23	1	
		17	1	
		32	1	
		17	2	
		4	1	
		4	3	
		4	2	
		3	6	
		9	2	
Acre Lots	Value			
	$10.00	30	4	
	5.00	9	1	
	5.00	6	7	
			*	
Farming Lots	50.00	3	2	
	10.00	31	4	
	3.00	29	2	
Farming or Timber Lots	16.00	68	4	
	10.00	68	3	

Deed made the * day January 1840.

Appendix

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Share	Name	Block	Lot
No. 6	Michael Cody	25	6
		23	4
		23	5
		35	7
		17	7
		11	6
		11	7
		2	2
		2	3
		27	3

Acre Lots	Value		
	$8.00	34	2
	8.00	15	3
	2.00	8	1
Farming Lots	50.00	3	1
	10.00	25	4
	5.00	30	1
Timber or River Lots	15.00	51	4
	12.00	62	1
Total Amts.	$110.00		

Deed made to the above Aug. 13., 1839.
And made to John B. Gray by Transfer.

14

Share	Name	Block	Lot
No. 7	Andrew Neill	31	6
		31	8
		28	7
		4	5
		39	4
		39	5
		4	6
		16	3
		54	4
		54	3

Acre Lots	Value		
	$10.00	14	2
	5.00	4	1
	2.00	26	3
Farming Lots	20.00	4	3
	15.00	5	2
	5.00	18	4
Timber or River Lots	60.00	59	1
	1.25	63	3
Total Amt.	$118.25		

Settaled and deed made to the above share.

Share	Name	Block	Lot	15
No. 8	Rezen Sinclair	25	1	
		15	3	
		15	6	
		44	8	
		44	1	
		44	2	
		19	7	
		21	6	
		21	2	
		54	7	

Acre Lots	Value		
	$10.00	34	1
	6.00	29	2
	5.00	6	2
Farming Lots	35.00	3	3
	10.00	26	1
	3.00	27	2
Timber or River Lots	25.00	57	1
	7.50	63	2
Total Amount	$101.50		

Deed made to the above Aug. 16th., 1839
Made to R. C. Barry by order & Transfer.

Share	Name	Block	Lot	16
No. 9	J. S. Martin	36	5	
		26	4	
		26	5	
		42	5	
		44	5	
		40	5	
		52	4	
		53	5	
		47	4	
		47	7	

Acre Lots	Value		
	$10.00	44	1
	7.00	47	4
	5.00	5	1
Farming Lots	50.00	8	2
	10.00	24	4
	3.00	22	2
Timber or River Lots	25.00	52	7
	5.00	50	4
Total Amt.	$115.00		

Appendix

17

Share	Name	Block	Lot
No. 10	Ephraim Bollinger	38	8
		26	1
			*
		26	8
		42	8
		45	8
		33	8
		52	5
		14	4
		47	5
		40	7

Acre Lots	Value		
	$15.00	16	3
	8.00	4	3
	4.00	38	2
Farming Lots	15.00	6	1
	10.00	23	3
	6.00	13	1
Timber or River Lots	25.00	51	10
	5.00	66	2
	$88.00		

This share belonged to Joseph S. Martin but was entered in the name of Bollinger but he never having complied with terms payments &c the same was relinquished to said Martin and deeded by him to James Campbell.

18

Share	Name	Block	Lot
No. 11	Wilson Randle	37	6
		37	7
		29	2
		19	3
		43	2
		50	6
		7	5
		7	6
		23	6
		27	6

Acre Lots	Value		
	$10.00	30	2
	8.00	47	3
	1.00	13	1
Farming Lots	15.00	6	2
	10.00	25	3
	4.00	17	4

Timber or River lots	[Value]	[Block]	[Lot]
	$21.00	69	4
	10.00	69	3
Total Amts.	$79.00		

Deed made to the Above August., 13, 1839.
And made to John B. Gray.

Share	Name	Block	Lot	19
No. 12	J. S. Martin	19	1	
		22	1	
		26	2	
		42	4	
		45	1	
		33	1	
		6	1	
		53	4	
		47	1	
		40	3	

Acre Lots	Value		
	$12.00	30	3
	7.00	12	1
	2.00	49	1
Farming Lots	25.00	16	4
	6.00	14	3
	3.00	29	4
Timber or River lots	25.00	52	8
	5.00	50	2
Total amts	$85.00		

Share	Name	Block	Lot	20
No. 13	J. S. Martin	17	4	
		22	2	
		26	3	
		42	1	
		44	4	
		33	4	
		6	8	
		48	5	
		47	8	
		40	2	

Acre Lots	Value		
	$10.00	32	1
	8.00	41	4
	4.00	7	1

Appendix

Farming lots	[Value]	[Block]	[Lot]
	$20.00	4	2
	6.00	14	4
	3.00	27	4
Timber or River lots	25.00	51	5
	12.00	61	2
	$88.00		

Deed made to James Campbell by Joseph S. Martin

21

Share	Name	Block	Lot
No. 14	J. S. Martin	37	1
		22	3
		26	7
		41	3
		52	8
		33	5
		6	5
		7	8
		40	8
		40	6

Acre Lots	Value		
	$12.00	46	1
	6.00	16	4
	3.00	9	2
Farming Lots	20.00	4	1
	10.00	17	1
	5.00	19	1
Timber or River lots	25.00	51	9
	10.00	55	1
Total amt.	$91.00		

Deed made to James Campbell by J. S. Martin

22

Share	Name	Block	Lot
No. 15	P. C. Bell	24	6
		24	8
		21	8
		37	9
		8	1
		4	4
		27	5
		5	6
		32	7
		47	6

Acre Lots	Value	[Block]	[Lot]
	$10.00	43	1
	6.00	48	1
	5.00	1	2
Farming Lots	30.00	10	4
	10.00	23	4
	6.00	13	3
Timber or River Lots	27.50	56	3
	3.00	61	4
Total Amt.	$97.50		

Deed made to the above Augt. 12., 1839

Share	Name	Block	Lot	23
No. 16	J. S. Martin	18	1	
		24	9	
		26	6	
		41	2	
		8	8	
		5	4	
		3	8	
		2	8	
		52	2	
		47	3	

Acre Lots	Value		
	$10.00	45	3
	8.00	16	1
	5.00	4	2
Farming Lots	20.00	15	4
	10.00	17	2
	6.00	13	2
Timber or River Lots	27.50	56	2
	2.50	66	1
Total Amt.	$89.00		

Deed made to James Campbell by Joseph S. Martin.

Share	Name	Block	Lot	24
No. 17	J. S. Martin	18	6	
		25	9	
		35	5	
		41	1	
		50	5	
		32	5	
		3	5	
		48	4	
		52	3	
		47	2	

Appendix

Acre Lots	Value	[Block]	[Lot]
	$20.00	16	2
	7.00	6	3
	4.00	2	1
Farming Lots	70.00	2	3
	10.00	25	2
	5.00	20	4
Timber or River lots	25.00	52	5
	10.00	54	1
Total amt.	$151.00		

25

Share	Name	Block	Lot
No. 18	Arthur Swift	30	3
		30	9
		23	7
		17	3
		43	3
		35	3
		19	6
		5	7
		51	3
		3	3

Acre Lots	Value		
	$10.00	22	2
	7.00	39	4
	2.00	25	1
Farming Lots	50.00	7	1
	10.00	24	2
	6.00	13	4
Timber or River Lots	20.00	51	13
	12.50	51	1
Total amt.	$117.50		

26

Share	Name	Block	Lot
No. 19	Abram Roberts	31	2
		30	10
		15	1
		20	8
		8	2
		8	3
		44	7
		2	4
		52	7
		53	6

Acre Lots	Value	[Block]	[Lot]
	$9.00	43	4
	5.00	14	4
	5.00	28	3
Farming Lots	50.00	8	3
	10.00	24	1
	5.00	20	3
Timber or River lots	30.00	52	6
	3.00	50	3
Total Amt.	$117.00		

Deed made to the above Augt., 12, 1839

Share	Name	Block	Lot	27
No. 20	J. S. Martin	30	2	
		25	8	
		36	4	
		11	8	
		51	5	
		34	8	
		49	1	
		2	5	
		2	6	
		8	7	

Acre Lots	Value		
	$10.00	42	1
	8.00	29	1
	3.00	37	2
Farming Lots	30.00	9	1
	15.00	5	1
	3.00	28	1
Timber or River Lots	15.00	59	2
	10.00	67	2
Total Amount	$94.00		

Deed made to James Campbell by Joseph S. Martin.

Share	Name	Block	Lot	28
No. 21	P. Martin	30	5	
		24	10	
		15	8	
		21	1	
		50	4	
		50	3	
		10	2	
		45	6	
		51	6	
		15	7	

Appendix

Acre Lots	Value	[Block]	[Lot]
	$8.00	40	1
	8.00	15	4
	2.00	26	2
Farming Lots	20.00	16	1
	10.00	26	3
	3.00	29	1
Timber or River Lots	25.00	57	2
	7.50	63	1
Total Amt.	$83.50		

29

Share	Name	Block	Lot
No. 22	William Cody	25	5
		25	7
		20	1
		43	5
		45	5
		10	3
		10	6
		9	3
		54	5
		54	6

Acre Lots	Value		
	$9.00	43	3
	6.00	17	2
	2.00	49	2
Farming Lots	60.00	1	3
	10.00	23	1
	5.00	36	1
Timber or River Lots	25.00	51	6
	12.00	61	1
Total Amt.	$129.00		

30

Share	Name	Block	Lot
No. 23	J. S. Martin	18	2
		30	8
		16	4
		11	5
		51	4
		3	4
		49	4
		1	5
		44	3
		8	6

Acre Lots	Value		
	$9.00	44	2
	6.00	38	4
	2.00	27	3

Farming Lots	[Value]	[Block]	[Lot]
	50.00	1	4
	10.00	25	1
	6.00	14	2
Timber or River Lots	25.00	51	7
	5.00	66	3
Total Amt.	$113.00		

Share	Name	Block	Lot	31
No. 24	J. S. Martin	37	2	
		18	10	
		35	4	
		38	5	
		52	1	
		51	1	
		5	5	
		48	1	
		45	2	
		8	5	

Acre Lots	Value		
	$9.00	42	2
	8.00	17	1
	4.00	38	3
Farming Lots	25.00	15	1
	10.00	32	2
	5.00	17	3
Timber or River Lots	18.00	69	1
	10.00	69	2
Total Amt.	$89.00		

Share	Name	Block	Lot	32
No. 25	Matthew Caldwell	29	8	
		29	7	
		17	5	
		43	8	
		43	7	
		16	6	
		44	6	
		34	7	
		46	7	
		53	7	

Acre Lots	Value		
	$10.00	47	2
	6.00	29	3
	4.00	48	2

Appendix

	Farming lots	[Value]	[Block]	[Lot]
		$40.00	7	3
		10.00	32	1
		6.00	14	1
	Timber or River Lots	25.00	57	3
		2.50	60	2
	Total Amt.	$103.50		

33	Share	Name	Block	Lot
	No. 26	Cyrus Crosby	30	4
			30	7
			35	8
			34	5
			34	6
			34	4
			9	5
			9	6
			54	1
			54	2
	Acre Lots	Value		
		$10.00	11	2
		7.00	35	2
		5.00	23	2
	Farming Lots	50.00	7	2
		10.00	31	2
		5.00	19	4
	Timber or River Lots	22.50	58	2
		16.00	53	1
	Total Amt.	$125.00		

34	Share	Name	Block	Lot
	No. 27	Robert Hall	22	6
			35	1
				*
			41	5
			41	8
			41	4
			41	6
			41	7
			16	2
			15	2
			7	7
	Acre Lots	Value		
		$10.00	19	2
		6.00	18	2
		4.00	2	4

Farming lots	[Value]	[Block]	[Lot]
	$20.00	10	3
	10.00	33	1
	3.00	28	3
Timber or River Lots	22.50	52	10
	10.00	54	4
Total Amt.	$85.00		

Deeded to Thomas R. Nichols by regular transfer Oct. 26, 1839.*

Share	Name	Block	Lot	35
No. 28	John W. Nichols	18	5	
		42	6	
		18	7	
		42	7	
		42	2	
		36	2	
		19	2	
		1	4	
		*		
		1	1	
		53	3	

Acre Lots	Value		
	$8.00	41	3
	8.00	31	2
	5.00	20	1
			*
Farming Lots	60.00	1	1
	10.00	32	3
	3.00	21	1
Timber or River lots	30.00	52	3
	2.50	50	1
Total amt.	$126.50		

Deed made to the above Augt. 12., 1839.

Share	Name	Block	Lot	36
No. 29	William H. Killen	24	5	
		35	2	
		18	8	
		35	6	
		51	8	
		21	7	
		12	2	
		12	3	
		32	6	
		8	4	

Appendix

	Acre Lots	Value	[Block]	[Lot]
		$10.00	33	1
		7.00	3	2
		5.00	1	1
	Farming Lots	30.00	9.	3
		12.00	12	1
				*
		5.00	30	4
	Timber or River Lots	22.50	52	9
		10.00	54	3
	Total Amt.	$101.50		

	Share	Name	Block	Lot
37	No. 30	Henry B. King	24	2
			20	2
			20	7
			36	1
				*
			5	1
			43	6
			45	7
			5	8
			51	2
			13	7

	Acre Lots	Value		
		$10.00	22	1
				*
		6.00	36	2
		2.00	2	2
	Farming Lots	20.00	16	3
		12.00	12	2
		5.00	30	3
	Timber or River Lots	21.00	70	1
		10.00	70	2
	Total amt.	$86.00		

Deed made to the above Aug. 12, 1839.

	Share	Name	Block	Lot
38	No. 31	James A. Swift	24	3
			22	7
			36	6
			29	6
			36	5
			32	8
			50	2
			50	7
			48	2
			45	3

Acre Lots	Value	[Block]	[Lot]
	$8.00	4	4
	8.00	35	1
	2.00	27	4
Farming Lots	15.00	6	4
	12.00	18	1
	3.00	21	2
Timber or River Lots	25.00	51	12
	12.50	51	2
Total Amt.	$85.50		

Share	Name	Block	Lot	39
No. 32	Andrew J. Sowell	24	4	
		24	7	
		17	8	
		2	1	
		49	5	
		49	6	
		45	4	
		7	4	
		48	3	
		49	2	

Acre Lots	Value		
	$8.00	5	2
	5.00	11	1
	4.00	14	1
Farming Lots	60.00	2	4
	12.00	11	2
	3.00	28	4
Timber or River Lots	15.00	71	1
	15.00	71	2
Total Amt.	122.00		

Deed made to the above Augt. 12, 1839.

Share	Name	Block	Lot	40
No. 33	J. W. Randolph	37	5	
		20	5	
		20	6	
		10	4	
		13	5	
		13	6	
		14	8	
		14	7	
		54	8	
		27	2	

Appendix

Acre Lots	Value	[Block]	[Lot]
	$8.00	40	4
	5.00	38	1
	5.00	23	1
Farming Lots	40.00	9	2
	10.00	26	4
	2.00	18	3
Timber or River Lots	25.00	51	8
	6.00	66	4
Total Amt.	$101.00		

Deed made to the above

41

Share	Name	Block	Lot
No. 34	Miles G. Dikes	22	5
		22	4
		12	1
		23	2
		13	4
		23	3
		23	8
		7	1
		7	2
		16	7

Acre Lots	Value		
	$8.00	40	2
	7.00	36	1
			*
	4.00	15	1
Farming Lots	30.00	10	2
	10.00	24	3
	5.00	19	2
Timber or River Lots	25.00	57	4
	3.50	60	1
Total Amt.	$92.50		

Deed made to the above Augt., 12th., 1839

42

Share	Name	Block	Lot
No. 35	Wm. A. Hall	37	4
		37	8
		12	4
		12	5
		12	6
		14	1
		14	2
		14	3
		48	6
		21	5

Acre Lots	Value	[Block]	[Lot]
	$10.00	41	1
	7.00	39	1
	5.00	24	1
Farming Lots	15.00	6	3
	10.00	18	2
	3.00	28	2
Timber or River Lots	12.00	55	3
	21.00	67	1
Total Amt.	$83.00		

Deed made to the above Augt. 12., 1839.

Share	Name	Block	Lot	43
No. 36	George W. Nichols	31	3	
		31	9	
		27	8	
		28	8	
		28	6	
		10	7	
		34	3	
		14	6	
		39	7	
		1	8	

Acre Lots	Value		
	$10.00	30	1
	8.00	8	2
	1.00	27	2
Farming Lots	40.00	10	1
	10.00	32	4
	5.00	35	1
Timber or River Lots	16.50	67	4
	10.00	67	3
Total Amt.	$100.50		

Deed made to the above Augt. 12, 1839.

Share	Name	Block	Lot	44
No. 37	J. M. Day	31	4	
		31	10	
		27	7	
		28	7	
		28	2	
		10	8	
		34	2	
		3	2	
		39	6	
		53	2	

Appendix

Acre Lots	Value	[Block]	[Lot]
	$11.00	31	1
	8.00	7	2
	3.00	10	2
Farming Lots	40.00	8	1
	10.00	34	1
	5.00	19	3
Timber or River Lots	10.00	71	3
	15.00	71	4
Total Amt.	$105.00		

Deed made to the above Augt. 12, 1839. Deeded Augt. 13th, 1879.

45

Share	Name	Block	Lot
No. 38	John H. Russell	31	5
		31	7
		12	8
		17	6
		12	7
		10	1
		34	1
		3	1
		13	2
		2	7

Acre Lots	Value		
	$10.00	43	2
	7.00	6	4
	3.00	8	3
Farming Lots	40.00	8	4
	12.00	12	4
	3.00	22	1
Timber or River Lots	25.00	52	4
	10.00	54	2
Total Amt.	$110.00		

Deeded to David Henson by order of John H. Russell Oct. 26th., 1839.

46

Share	Name	Block	Lot
No. 39	Augustus S. Emmett	15	4
		19	4
		19	5
		9	1
		13	1
			*
		16	5
		15	5
		16	8
		46	6
		51	7

Acre Lots	Value	[Block]	[Lot]
	$08.00	40	3
	**		
	06.00	39	2
	3.00	2	3
Farming Lots	15.00	15	3
	10.00	31	3
	3.00	27	3
Timber or River Lots	36.00	64	1
	1.25	63	4
Total Amt.	$82.25		

Deed to E. Smith by order of Emmett Sept 1st., 1839.

Share	Name	Block	Lot	47
No. 40	John R. King	18	4	
		36	8	
		36	7	
		19	8	
		5	2	
		42	3	
		46	8	
		46	1	
		27	1	
		5	3	

Acre Lots	Value		
	$10.00	46	2
	6.00	39	3
	2.00	28	2
Farming Lots	50.00	7	4
	12.00	12	3
	3.00	27	1
Timber or River Lots	15.00	51	3
	12.00	62	2
Total Amt.	$110.00		

Share	Name	Block	Lot	48
No. 41	French Smith	48	8	
		20	4	
		1	3	
		1	2	
		48	7	
		21	3	
		46	5	
		46	4	
		46	3	
		49	3	

Appendix

Acre Lots	Value	[Block]	[Lot]
	$12.00	45	2
	6.00	28	1
			*
	2.00	13	2
Farming Lots	20.00	15	2
	10.00	31	1
	3.00	22	3
Timber or River Lots	25.00	51	11
	10.00	55	2
Total Amt.	$88.00		

49

Share	Name	Block	Lot
No. 42	M. P. Woodhouse	18	3
		37	3
		18	9
		28	4
		28	3
		9	8
		32	4
		40	1
		32	2
		32	3

Acre Lots	Value		
	$12.00	45	1
	7.00	3	1
	5.00	21	1
			*
Farming Lots	20.00	9	4
	12.00	11	1
	3.00	22	4
Timber or River Lots	21.00	70	4
	10.00	70	3
Total Amt.	$90.00		

50

Share	Name	Block	Lot
No. 43	M. L. Beebee	25	2
		25	10
		11	1
		11	4
		11	3
		11	2
		6	4
		14	5
		13	3
		7	3

Acre Lots	Value	[Block]	[Lot]
	$12.00	33	2
	8.00	10	1
	5.00	37	1
Farming Lots	80.00	1	2
	12.00	11	3
	3.00	21	3
Timber of River Lots	15.00	52	2
	15.00	52	1
Total Amt.	$150.00		*

Share	Name	Block	Lot	51
No. 44	James Campbell	25	3	
		25	4	
		28	3	
		29	1	
		4	8	
		4	7	
		53	1	
		53	8	
		1	6	
		1	7	

Acre Lots	Value		
	$8.00	47	1
	6.00	28	4
	5.00	24	2
Farming Lots	25.00	16	2
	12.00	11	4
	5.00	20	1
Timber or River Lots	25.00	56	1
	6.00	61	3
Total Amt.	$92.00		

Deeded on the 19th., November 1839.

September 23rd., On Motion the Shareholders met to elect a Clerk when James Campbell was elected Clerk of the Town of Walnut Springs for one year on good behavior. Meeting adjourned. 52

Walnut Springs) 1838 61
November 1st.,) At a meeting of the Shareholders of the Town of Walnut Springs being presents as follows to wit:

Present in Person.

Henley G. Henderson	1
Jeremiah Roberts	2
Michael Cody	3
William Cody	4

Appendix

Robert Hall	5
John W. Nichols	6
William H. Killen	7
Henry B. King	8
James A. Swift	9
Andrew J. Sowell	10
William A. Hall	11
George W. Nichols	12
James M. Day	13
John H. Russell	14
Augustus S. Emett	15
John R. King	16
French Smith	17
James Campbell	18

Absent

William Clinton	1
Arthur Swift	2
Abram Roberts	3
P. Martin	4
W. L. Bebee	5

62 Present by Proxy & by whom represented

Barnett Randall by Solomon G. Nichols	1
Andrew Neill by William P. Patterson	2
R. Sinclair by John H. Russell	3
Wilson Randall by John B. Gray	4
P. C. Bell by David Reynolds	5
Matthew Coldwell by Mark Brinkley	6
Cyrus Crosby by William Smith	7
C. F. Matheny by J. W. Randolph	8
Miles G. Dikes by Mrs. Day	9
Mathew P. Woodhouse By G. H. Nichols	10

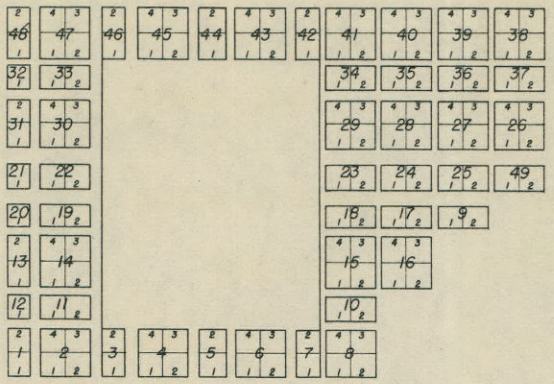
And then proceeded to business.

The board then elected French Smith President for the next three months.

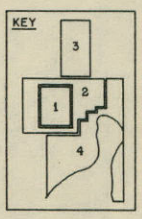
Ordered 1. That W. Randall be & is hereby exempt from any obligation in this Town & John B. Gray is hereby taken & held responsible as Mr. Randall originally was & is entitled to all the priviliges of the same &c as a Respresentative.

2. That William Smith be entitled to vote in liew of Cryus Crosby &c as a Respresentative.

3. That Solomon G. Nichols be entitled to vote in lieu of Barnett Randall &c.

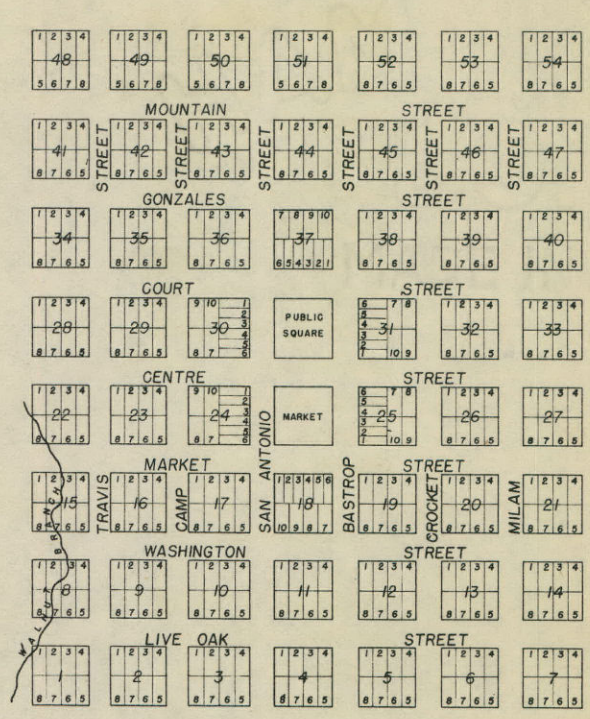


MAP
of the
ACRE LOTS in the TOWN
of
SEGUIN



NOTE: The key to these plats shows the relation of the four parts. On a modern map of Seguin these same districts can still be seen.

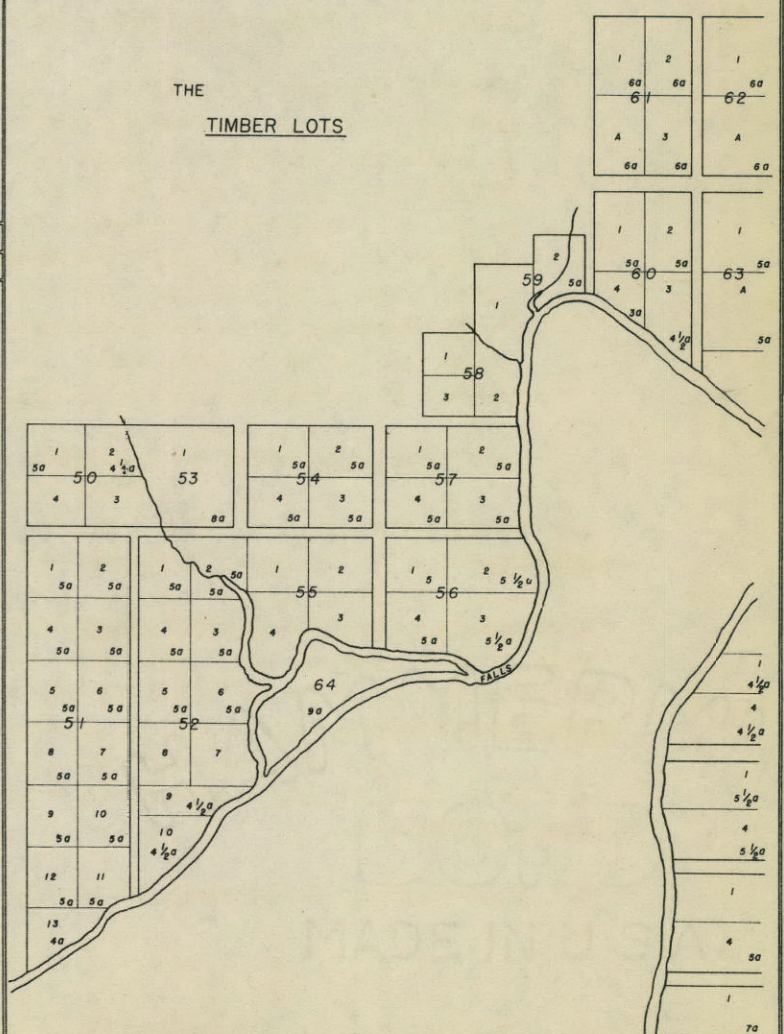
MAP
of
SEGUIN = 1839
TOWN LOTS



KEY 1

KEY 4

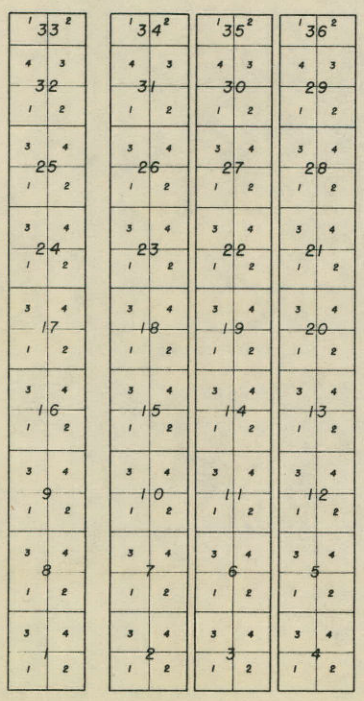
THE
TIMBER LOTS



KEY 2

KEY 3

MAP OF THE
FARMING LOTS



4. That John H. Russell be entitled to vote in lieu of Ressen Sinclair as a representative.

5. That C. F. Mathney be and is hereby exempt from any obligation in this town of Walnut Springs and John W. Randolph is hereby taken & held responsible as Mr. Matheny originally was and is hereby entitled to all the priviliges of the same &c.

Order 6. That Mrs. Day be received as a Citizen and Representative in 63
lieu of Miles G. Dikes.

Order 7. That Davis Reynolds be allowed to vote in lieu of Mr. * * *
P. C. Bell &c.

8. That George H. Nichols be allowed to vote in lieu of Matthew P. Woodhouse.

9. That all absent shareholders be allowed one month to come forward & fill their obligation

10. That any person owning real estate in this place shall be allowed a vote as regards the regulation of the iner town.

11. 1st., motion by M. Grey. That a committe of five be appointed to draw up resolution regulating & for laying of the ballence of the Town lots, streets &c. Carried. *

Being nominated & appointed

James Campbell	1.
John H. Russell	2
John B. Gray	3
George W. Nichols	4
Michael Cody	5.

12. That our next meeting be on the 2nd., day of November in the evening the meeting then adjourned.

Signed F. Smith, Pres.

November the 2nd., 1838

The board met persuant to adjournment being present a Majority.

Order 1st., That the committee be allowed to report. The committee submitted the following resolution.

We the committee are of the opinion that the out acre lots be laid 64
off as follows to wit:

1st., To be so run that 4 blocks of the size of those now laid off in two 200 feet square that is where street does nor prevent be run out without a street between them.

Appendix

2nd., We are of opinion that a street be laid off on every side of town in addition to what are now run out and that Camp & Crockett streets which runs north & south extend no further than the street above named round town and that Gonzales and Washington Streets running east & West extend no further than to intersect said outside streets.

3rd., And further that one tier of block of the above size be run out on the South side of the town and on the west to be laid off to Miller line & one tier on the north all of the above sixe where streets or lines do not prevent.

4th., That on the east there be run out blocks so as to include the Sycamore spring by extending one tier east of said spring and one or two north of said spring taking into consideration a suitable place to leave town with the north east and west line or street.

65 5th., Then to be run out in blocks South of said east & west line of the above size so that they do not extend over certain spring branches and that the blocks may drop off in an oval form so as to not have them extend in to the river bottom as hereby represented by a rough plot &c.

6th., That streets be run on the east side of Town between every tier of blocks to run north & south.

7th., That the farming blocks be so laid off that to commence on Millers line at the north west corner of Town and run a square block between San Antonio Street or Bastrop, which will come nearest making forty acres square and that each block shall have a street of twenty feet on every side of the same and

8th., That each block be divided into 4 equal lots.

9th., And further that at the north west corner of each block boath in blocks out blocks and farming blocks there be set a good post with the number of the block on the same and a peg at each corner of every lot on the out side of said lots &c.

10th., And that the ballance of the farmining blocks be laid off after the form & size above described so far as lines &c will permit so as not to extend south of an east line from the north east corner of town to Sowell line.

The foregoing is our resolutions drawn this 2nd., day of November 1838. **

J. H. Russell
John B. Gray
James Campbell } Committee.
Michael Cody
J. W. Nichols

Which foregoing resolution was unanimously adopted. 66

Motion 1st., by Mr. Russell & Seconded.
That the out blocks & farming lots be valued carried in the affirmative-

4. By Mr. Killen & Seconded by Mr. Russell.
That a Committee of three be appointed to contract with a surveyor to survey out the out block & farming lots in this place carried.
And George W. Nichols, John H. Russell & W. H. Killen were appointed.

Motion 5. By M. Gray & Seconded.
That the out blocks be ballotted for by putting their numbers in a box and draw for by ballot. And that the farming lots be drawn for in like manner.

6. By Mr. Campbell & seconded.
That if any shareholder drawing an out Block or farming lot may have the liberty of not taking the same it then is to revert back to the shareholders.

7. By M. Russell & seconded.
That the valuation of lots be paid within six months by each shareholder drawing the same that is for Lots &c.

8. That this meeting adjourn until the 10th., day of this month which is next Saturday.

Signed, F. Smith, Prs.

Walnut Springs the 10 day of November 1838. 67

At a meeting being presents a majority.

Motion 1 By M. George W. Nichols & seconded-
That three men be appointed & sworn to value the out lots & farming lots carried. And George W. Nichols, John B. Gray, John R. King were appointed.

3. By M. Killen & seconded by M. Russell-
That the lots be classed & drawn 44 at a time the best first and so on.

5. By M. Russell & seconded.
That at our next meeting we draw for the out blocks which will be on the next Thursday and the meeting then adjourned.

Signed. French Smith, Prest.

November the 15th., 1838.

At a meeting of the shareholders being present a majority.

Motion 1. By Mr. Russell & seconded-

Appendix

That Block No. 9 be stricken out which was carried in the affirmative.

And that 4 more lots be run out to make a complete number of 3 to each shareholder.

2. That Block No. 9 be placed at the east of Block No. 17 & that an additional Block No. 49 be run out at the east end of block No. 25 & to contain 2 lots.

3. That we proceed to draw for the lots in the out block and the following men drew the following lots to wit: See a list on pages No. From 8 to 51. Meeting Adjourned. (The numbers here referred to are the numbers in the margin.)

Signed, French Smith, Pr.

68 November the 24, 1838

At a meeting of the Shareholders of the Town of Walnut Springs it being a call meeting and being present a majority.

Motion 1. By M. Killen & second by M. Roberts.
That Isaac Wallis be allowed to vote and represent Mr. Bells share.

2. By M. Russell & second-
That Thomas Nichols be allowed to vote & represent Mr. Roberts Halls share.

3. By M. Russell & seconded-
That five men be appointed to value the farming lots carried and, John W. Nichols, William H. Killen, Michael Cody, Jerry Roberts & Henry B. King, were appointed. Meeting adjourned.

Walnut Springs, December the 1st., 1838.

At a regular meeting of the shareholders of the Town of Walnut Springs being presents the following members to wit:

		Absent	
Jeremiah Roberts	1	James A. Swift	1
Michael Cody	2	James M. Day	2
Thomas Nichols	3	Andrew Neill	3
Wm. Cody	4	M. Caldwell	4
J. W. Nichols	5	J. Randolph	5
W. H. Killen	6	W. Clinton	6
69 H. B. King	7	A. Swift	7
A. J. Sowell	8	A. Roberts	8
W. A. Hall	9	P. Martin	9
George W. Nichols	10	W. L. Bebee	10 all 33
J. H. Russell	11		
A. S. Emmett	12		
J. R. King	13		
F. Smith	14		
James Campbell	15		
S. G. Nichols	16		

D. Henson	17
John B. Gray	18
Isaac Wallis	19
Wm. Smith	20
G. H. Nichols	21
H. G. Henderwon	22
Miles G. Dihes By Mrs. D	23

The board then proceeded to business.

Motion 1 by Mr. Emmett & seconded by Mr. Killen
Whether Mr. W. Clinton shall forfeit his share in the Town of Walnut Springs or not carried that said share be forfeited.
I and noes being called for by Doctor Emett were as follows to wit: 70
* ******

Is.		Noes	
H. G. Henderson	1	Jerry Roberts	1
Michael Cody	2	Thomas Nichols	2
W. H. Killen	3	G. W. Nichols	3
H. B. King	4	David Henson	4
W. A. Hall	5	Wm. Smith	5
A. S. Emmett	6		
John R. King	7		
Isaac Wallis	8		
Isaac Honor	9		
G. H. Nichols	10		
James Campbell	11		
F. Smith	12	I's carried.	

Motion 2. By Mr. Campbell & Seconded.
Whether Mr. A. Swift share be forfeited or not carried that said share be forfeited- I's and * stood as follows to wit:

I's		Noes	
M. Cody	1	H. G. Henderson	1
W. H. Killen	2	J. Roberts	2
A. J. Sowell	3	G. W. Nichols	3
W. A. Hall	4	W. Smith	4
David Henson	5		
A. S. Emmett	6		
J. R. King	7		
F. Smith	8		
Isaac Wallis	9		
Isaac Honor	10		
G. H. Nichols	11	I's carried	

Motion 3. By Mr. Emmett & seconded.
Whether M*. A. Roberts share be forfeited or not and the share of 71
M. P. Martin and also Mr. W. S. Bebee share carried that a. Roberts P. Martins & W. S. Bebees share be forfeitted. The I's and noes being called for they were as follows to wit:

Appendix

I's		Noes	
H. G. Henderson	1	Jerry Roberts	1
M. Cody	2	Thomas Nichols	2
W. H. Killen	3	G. W. Nichols	3
A. J. Sowell	4	W. Smith	4
W. A. Hall	5		
David Henson	6		
A. S. Emmett	7		
J. R. King	8		
F. Smith	9		
James Campbell	10		
J. Wallis	11		
Isaac Honor	12		
G. H. Nichols	13	I's carried	

4. By M. Russell & Seconded.-
That we adjourn until tomorrow morning at 9 O'clock A.M. Adjourned until tomorrow evening Dec. 2nd. 1838

December the 2nd., 1838.

The board met persuant to adjournment being present a majority the bord then proceeded to business.
**
Motion 1. By M. Hall & seconded.-
Whether A. Neills share be forfeited or not carried that said share shall not be forfeited.

72 Motion 2. By Campbell & seconded-
That Frederich W. Happell be received as a Citizen and voter in this place in lieu of A. Neill.

3. By F. Smith. M. Emett in the chair. That the 5 forfeited shares be sold by a committee appointed for the purposes and that they shall sell to men of family only Arthur Swift and W. S. Bebee excepted for whatever said shares may bring so that no share shall be sold for less than fifty dollars the purchaser settling the same by the first day of January 1839. A. S. Emmett, John H. Russell, W. H. Killen F. Smith & Jerry Roberts were appointed said committee. Further that if committee does not sell said share they are to be sold on the first day of January 1839 at public auction no shareholder purchasing of said property.

4. That John H. Russell James A. Swift and F. Smith were appointed to value the farming lots in addition to what have been heretofore appointed.

5. That we adjourn until tomorrow evening.

73 December 3rd., 1839

The board of share holders met agreeable to adjournment being present a majority proceeded to business-

Motion 1st., By M. Russell & seconded.
That we proceed to draw for the Farming lots carried in the affirmative when the following men drew the following lots to wit
See pages from 8 to 51 &c. (Marginal numbers)
See also the following pages * & a of the out blocks & lots and farming blocks & lots with the valuation on each lot.

2nd. That we adjourn Sign Die.

* *

James Campbell, Clerk F. Smith, Pres.

Walnut Springs Jany. 1st., 1839 77

At a meeting of the Shareholders of the Town of Walnut Springs a majority being present the President took his seat and declared the meeting to be open in due form.

Motion 2 By Mr. Russell & Second by Mr. Wm. Smith.
That the works surveying of Mr. McCulloch according to the plot presented should be received the motion carried. (See Plot on page 57) (Margin)

3. By Mr. Gray & seconded-
That David Reynolds be received as the representative of Michalel Cody the motion was carried in the affirmative. *

5. By Captn. Swift that he be permitted to take up his forfeited share motion was carried.

6. By M. Russell & seconded.
That M. E. Smith be taken as the purchaser of Mr. Clinton's share at Seventy five dollars was carried in the affirmative.
Also the share of M. Bebee be taken up by M. Thomas W. Simons.

9. That the roll be called

Absent	James Campbell	1
	P. C Bell	2
	A. Roberts	3
	M. Caldwell	4
	W. Cody	5

Leave of absence was asked by Mr. Wm. Killen was granted for 4 weeks. Meeting adjourned until the first Monday in Next Month.

Signed F. Smith, Prest.

G. H. Nichols, Clerk

Appendix

74 Walnut Springs, January 26th., 1839

At a meeting of the Shareholders of the town of Walnut Springs the Constitution being read

1st., On motion of M. Jeremiah Roberts That person who forfeited their shares *

2nd., On Motion of J. H. Russell. It is motioned that A. Roberts take up his share at the original price- the vote stood as follows:

Yeas	Nays
John R. King	
E. N. Harris	
J. H. Russell	
J. Roberts	
Isaac Honor	
David Henson	
W. A. Hall	
A. J. Sowell	
A. S. Emett	
E. Smith*	
H. B. King	
F. W. Happle	
T. R. Nichols	
M. Brinkley	
T. W. Symonds	
F. Smith	
H. G. Henderson	18 total

75 3rd., On motion of J. H. Russell
That Alex. Roberts be taken as the proxy of Pascal Martin the vote stood as follows: Yeas 00 Nays 00

4. On motion of J. H. Russell-
That Alexander Roberts take the forfetied* share of P. Martin at the original cost to Jeremiah Roberts the first payment

Yeas	Nays 00
W. A. Hall	
J. H. Russell	
Thos. R. Nichols	Marcos Brinkley
Jerry Roberts	A. J. Sowell
E. Harris	Thos. W. Symonds
J. R. King	F. W. Happell*
D. Henson	J. A. Swift
H. B. King	F. Smith
E. Smith	H. G. Henderson - 16 Total

76 5. Motion by Isaac Honor.-
That E. Smith and Thos. W. Symond be exempted from the second payment of twenty five dollars on the shares taken by them. The vote stood

as follows:

Yeas

J. H. Russell	Isaac Honor	Nays 00
J. R. King	D. Henson	
M. Brinkley	Jas. A. Swift	
H. G. Henderson		
F. Smith	E. Smith on the part of Symond 9	

6. On motion of John H. Russell, A. Roberts and Alex. Roberts were admitted as Citizens and voters.

7. On motion of M. Honor, The meeting adjourned
Attest F. Smith, Pres. H. G. Henderson, Sec. 77

Recorded
P. 62
78 blank

At a meeting of the shareholders of the Town of Walnut Springs held on the 25th., of Feby. 1839 a majority being present.

Motion 1. On motion of Mr. Campbell- That Daniel N. Poore be taken as the representative of one of Mr. J. S. Martins shares No. 10 which motion was carried 79

Motion 2 That V. Henderson be taken as the representative of the share of Wm. Cody No. 22.

Motion 3. On motion of J. R. King & second
That the name of this Town be altered, which carried.

Motion 4. On motion of Mr. Campbell,
That the name of Seguin be poled which motion carried.

Motion 5. On motion of Mr. Russell,
That the name of Tuscumbia be poled- Vote stood as follows-

Tuscumbia		Seguin			
J. H. Russell	1	A. S. Emmett	1	Thos. W. Symonds	10
J. B. Gray	2	E. Smith	2	J. R. King	11
A. Roberts	3	G. H. Nichols	3	W. H. Killin	12
Alex Roberts	4	H. B. King	4	A. Swift	13
J. W. Nichols	5	D. N. Poore	5	Thos. R Nichols	14
J. Roberts	6	Jas. Campbell	6	Sol. G. Nichols	15
G. W. Nichols	7	V. Henderson	7	F. Happle	16
		Jas. Pinchback	8	Wm. Smith	17
		F. Smith	9	H. G. Henderson	18

Wherefore the name of Seguin is to be permanent name of this town.
Motion 6. On motion of Mr. Campbell. The meeting adjourned. 80
Signed, H. G. Henderson, Clerk. G. W. Nichols. Prest.

Appendix

81 Seguin, April the 27th., 1839.

At a meeting of the shareholders of the Town of Seguin on the evening of the 27th, day of April 1839 a majority being present the President took his seat and the meeting proceeded to business.

Motion 1st. On motion of Mr. F. Smith, Mr. Campbell be required to finish the record of all the by-laws also to record the division of the undivided moiety of the Town tract and that each shareholder be required to pay him two dollars when the work is completed which motion on being put, carried in the affirmative.

2nd., On motion of Mr. Joseph S. Martin and seconded that the undivided land belonging to this Town be divided carried in the affirmative.

3rd. On motion of Mr. Russell and seconded. That a committee of five persons be appointed by the president to say in what manner the undivided land shall be divided also the contract with a surveyor which motion carried in the affirmative.

4th., The President then proceeded to appoint the following persons to wit: John B. Grey, Abram Roberts, French Smith, John R. King, and Alexander Roberts.

5th., On Motion of Mr. Campbell that James W. Nichols be taken as the representative of share No. 10 which motion carried.

82 6th., On motion of Mr. Russell and second. That a committee of five persons be appointed to lay out the streets and mark out such timber as may be cut out. Motion carried.
The President appointed the following persons James Campbell, Ezekiel Smith, Jeremiah Roberts, A. S. Emett & William Smith.

7th., The shareholders then proceeded to election of a President for the next three months.

Doct. Emmett	Nominated	W. H. Killen.
F. Smith	"	John H. Russell
John R. King	"	George H. Nichols
James Campbell	"	Jerry Roberts

The vote being taken stood as follows: Nichols 20; Killen 3; Russell 1; Roberts 0; George H. Nichols is therefore duly elected President for the next three months.

8th., On Motion of G. W. Nichols that Mr. Campbell be appointed clerk for the next three months which motion carried.

9th., On motion of H. G. Henderson the meeting adjouned sine die.
Signed, G. W. Nichols, Prest. H. G. Henderson, Clerk.

83 Seguin, July 10th., 1839

At a meeting of the shreholders of the Town of Seguin being present a majority.

The board elected H. G. Henderson President for the next three months. 1st., Motion by Mr. Smith & seconded. That the contractors to wit: F. Smith G. W. Nichols & James Campbell be released from their contract of building a block house for the town of Seguin motion carried that they are released Meeting adjoined to 1st., Monday in next month.
Signed., H. G. Henderson, Pres. J. Campbell, Sec.

Seguin 84

At a meeting of Seguin held by the share holders of the Town of Seguin on the 3rd., of August 1839 a majority being present the following resolution was adopted.

1. Motion made by Mr. E. Smith.-
Whether the surveying made by Arthur Swift in the 4th., division of this Town be received or not. Motion carried. It was recd.

2. A Motion made by Mr. Smith & second That the undivided lots of this town be divided and drawn for as follows viz: That the most valuable and the least valuable lot be placed on one ticket and the rest of the lots in like manner.

3. A Motion made by Mr. E. Smith & sec. That No. one in block fifty nine be valued at ten dollars per acre motion carried.

4. A motion made by Mr. E. Smith & se. That H. G. Henderson Wm. H. Killen, Thomas R. Nichols, H. B. King and Arthur swift be appointed as a committee to make out the tickets adopted. The lots were drawn as follows viz:
See pages from 8 to 51 (Marginal number)
On a calculation being made it is found that an average share according to the valuation is $104.12½.

The record here stops. In what appears to have been the original manuscript there seems to have been several leaves torn off.

A.B. Moore, D.C.G.C.C.

The State of Texas }
Guadalupe County } We the undersigned hereby certify that the preceding pages numbered from 1 to 68 both included contain a true and correct transcript of the Town Book of Seguin first known as Walnut Springs, (which in the original is written upon 84 pages) which was by and order entered at the February Term 1863 required to be transcribed, in order that the same may be prescrved in a safe and legible form.

* * *

Appendix

In Testimony whereof we hereto subscribe our name and affix the seal of the County Court of said County this 21 day of May 1863.

Jas. McClaugherty Chief Justic Guadalupe County

Henry Voleker
William Baker
J. W. Franks
J. A. Wells

Co. Comms. (SEAL)

The State of Texas
County of Guadalupe I, R. F. Wilson, Clerk of the County Court in and for Guadalupe County, Texas, hereby certify that the foregoing from 1 to 175 pages inclusive, contain a true and correct transcript of all the conveyances contained in the original record book and town book A from pages 1 to 175 inclusive thereof. Given under my hand and seal of office this 12th. day of December 1911.

Signed, R. F. Wilson Clerk of the County Court, Guadalupe County, Texas.

(SEAL)

CHRONOLOGICAL INDEX

(All numbers refer to entries. A record entry number is listed under each decade which the record covers in full or in part. An entry number is underlined to call attention to the initial appearance of the record; the last listing of the entry number indicates the decade within which the record ends.)

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