

# Dallas County, Texas Probate Cases 1846 – Early 1900's

Case Number 472

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#472

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## The State of Texas.

To the Sheriff or any Constable of Dallas County—Greeting:

You are Hereby Commanded to Summon *W. H. Carter (Lunch stand on Elm Street across Red line) - W. H. Lyman (grocer on Elm Street just across Red line) - J. R. Crawford (Lives across River with Judge Wood) - A. B. Lundberg (811 Wood St.)*

to be and personally appear at the next term of the Honorable County Court of Dallas County, to be holden in the City of Dallas and County aforesaid, on ~~the Saturday next~~ Monday in *the 17<sup>th</sup> March* A. D. 187*7*, then and there to give evidence in a certain case pending, wherein *Frances C. Momand* has sued out a Writ of Habeas Corpus for the *Minor Children* Plaintiff, and *May Emogene Momand and Dempsey John Momand* Defendant, at the instance of the said *Frances C. Momand* and remain from day to day, and from term to term, until discharged by the Court.

HEREIN FAIL NOT, and have you then and there this writ, showing how you have executed the same.

WITNESS, A. Harwood, County Clerk of Dallas County, at Office in the City of Dallas, on the *10<sup>th</sup>* day of *March* A. D. 187*7*.

*A. Harwood*  
County Clerk, Dallas, County, Texas.  
Per *W. H. Shacker* Deputy.

## The State of Texas.

To the Sheriff or any Constable of Dallas County—Greeting:

You are Hereby Commanded to Summon *W. C. Goble, Dr. Ch. Cochran and J. L. Leonard, (all on Elm Street)*

to appear in ~~stanger~~ before the County Court of Dallas County, there to give evidence for the *Respondent Dr. Momand* in a cause therein pending, in which *Mrs. Frances C. Momand* has sued out a Writ of Habeas Corpus to obtain Plaintiff, and possession of the *Children, Emogene May Momand and Dempsey John Momand* Defendant.

Given under my hand and official signature, this *21<sup>st</sup>* day of *March* A. D. 187*7*

*A. Harwood*  
County Clerk, Dallas, County, Texas.  
Per *W. H. Shacker* Deputy.

Came to hand  
March 18. 1877  
(and executed  
March 22. 1877  
by reading to W. H.  
L. Jones S. B. Vinn  
Ludberg within name  
witnesses -  
W. W. Carter (and  
D. R. Crawford both  
found in Dallas  
County  
W. W. [unclear]  
H. M. [unclear]  
[unclear]  
Per. [unclear] 100  
[unclear] 75  
8/170

No.

COUNTY COURT.

Francis C. Momand,  
Ex parte.

vs } SUBPENA.

Issued this 19<sup>th</sup> day of March  
1877.

D. A. Harwood,  
County Clerk.

Per W. H. Thacker, Deputy.

Carter & Gilson, Printers and Bookbinders, Dallas.

No.

COUNTY COURT.

Francis C. Momand  
Ex parte

vs } SUBPENA.

Issued this 21 day of March  
1877.

D. A. Harwood  
County Clerk.

Per W. H. Thacker, Deputy.

Carter & Gilson, Printers and Bookbinders, Dallas.

Came to hand March  
21. 1877 (and executed same  
day by reading to W. C. Co-  
llie within name and wit-  
nesses - D. A. Harwood (and  
J. H. Leonard) with found in  
Dallas County  
W. W. [unclear] Sheriff  
Per W. H. Thacker Deputy  
[unclear]  
Per. [unclear] 50  
[unclear] 75  
[unclear] 19,60

**The State of Texas.**

To the Sheriff or any Constable of Dallas County—Greeting:

You are Hereby Commanded to Summon *J. B. Seruggs R.L. Rosser, xxx Spruell and C. E. Hornand* to be and personally appear at the next term of the Honorable County Court of Dallas County, to be holden in the City of Dallas and County aforesaid, on ~~the~~ *Saturday Monday in the 17<sup>th</sup> instant* A. D. 1877, then and there to give evidence in a certain case pending, wherein *Frances C. Hornand has institute* ~~the~~ *proceedings for the possession of the two children* Plaintiff, *and May Imogene Hornand and Dempsey John Hornand* Defendant, at the instance of ~~the~~ *D. W. Hornand*, and remain from day to day, and from term to term, until discharged by the Court.

HEREIN FAIL NOT, and have you then and there this writ, showing how you have executed the same.

WITNESS, A. Harwood, County Clerk of Dallas County, at Office in the City of Dallas, on the *9<sup>th</sup>* day of *March* A. D. 1877.

*A. Harwood*  
County Clerk, Dallas, County, Texas.  
Per *W. H. Shacker* Deputy.

**The State of Texas.**

To the Sheriff or any Constable of Dallas County—Greeting:

You are Hereby Commanded to Summon *S. A. Dallas, John Dallas, Thomas Dallas, Mrs. R. S. Rosser* to be and personally appear at the next term of the Honorable County Court of Dallas County, to be holden in the City of Dallas and County aforesaid, on ~~the~~ *Wednesday Monday in the 21<sup>st</sup> instant* A. D. 1877, then and there to give evidence in a certain case pending, wherein *Mrs. Frances C. Hornand has filed an application for the possession of the children* Plaintiff, *and May Imogene Hornand and Dempsey John Hornand* Defendant, at the instance of the *Respondent, D. W. Hornand* and remain from day to day, and from term to term, until discharged by the Court.

HEREIN FAIL NOT, and have you then and there this writ, showing how you have executed the same.

WITNESS, A. Harwood, County Clerk of Dallas County, at Office in the City of Dallas, on the *17<sup>th</sup>* day of *March* A. D. 1877.

*A. Harwood*  
County Clerk, Dallas, County, Texas.  
Per *W. H. Shacker* Deputy.

Came to hand  
 March 9. 77 and  
 executed March  
 17 by reading to  
 B. Saragga and  
 C. E. Emmond  
 within name  
 witnesses  
 Spruill & Thoe  
 in north town in  
 Dallas County  
 W. M. Mearns J. H.  
 Perry & England & V  
 slip 100  
 10  
 110

No. \_\_\_\_\_  
 COUNTY COURT.  
 Francis C. McComand  
 Ex parte  
 vs SUBPENA.  
 Issued this 9<sup>th</sup> day of March  
 1877.  
 J. A. Harwood  
 County Clerk.  
 Per W. H. Shaaker, Deputy.

Carter & Glavin, Printers and Bookbinders, Dallas.

Came to hand on the 17<sup>th</sup> of March 1877 and  
 executed the 21<sup>st</sup> day of March 77 by Reading to  
 the within named witnesses J. H. Shaaker  
 & James Dallas John Dallas & Dallas  
 in north town in Dallas County  
 Wm Mearns J. H.  
 Perry & England & V  
 slip 100  
 10  
 110

No. \_\_\_\_\_  
 COUNTY COURT.  
 Ex parte,  
 Francis C. McComand  
 vs SUBPENA for J. A. Dallas  
 and others.  
 Issued this 11<sup>th</sup> day of March  
 1877.  
 J. A. Harwood  
 County Clerk.  
 Per W. H. Shaaker, Deputy.

Carter & Glavin, Printers and Bookbinders, Dallas.

J. A. Dallas & Jno. Dallas  
 live at Capt. Emerson's  
 within 1 1/2 miles of Richardson  
 Tom Dallas lives at Jim  
 Crutchfield's 3 miles from  
 Dallas.

The State of Texas,

To D. W. McComand, Greeting:-

Whereas affidavit has been made by Frances C. McComand, that you hold in illegal restraint and custody the minor children, May Amogen McComand and Dempsey John McComand, aged respectively 8 years and 6 years, said children, as alleged by her, having been born and begotten in lawful wedlock of her, the said Frances C. McComand and D. W. McComand, and whereas upon the petition of the said Frances C. McComand for the granting to her of the care, custody and possession of the said minor children, His Honor, Robert H. West, County Judge of Dallas County, has made his fiat, that said children be brought before him, that an examination may be made into the facts in the case;

Therefore you are hereby commanded, that in obedience to the fiat of the Judge aforesaid, you bring before him the bodies of the said May Amogen McComand and Dempsey John McComand, on Saturday the 17<sup>th</sup> of the present month, at the Court House, in the City of Dallas, when and where will be heard the said application of the aforesaid Frances C. McComand for this Writ of Habeas Corpus.

Hereof fail not, under the penalty of  
the law, and due report, make, why you  
hold in your custody and under restraint  
the said children, Mary Inez and Leonard  
and Dempsey John Mcmanis.

Witness my official seal and  
signature, at office in the City  
of Dallas, this the 8<sup>th</sup> day  
of March, A.D. 1877.

A. Karwood, County Clerk,  
By W. H. Thacker, Deputy.

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Ex parte,

Francis C. Mcmanis,

Assued Mch. 8<sup>th</sup> 1877.

A. Karwood, C. C. C.

By W. H. Thacker, dep.

Case taken  
on and 19<sup>th</sup> Jan  
at court & same  
day by returning  
to A. B. Mcmanis  
which is now in depts  
of office and  
for W. H. Thacker  
per copy 10  
W. H. Thacker



Francis C. Mowand  
 Ex parte

Now comes the relator  
 Francis C. Mowand and demurs  
 to the answer herein filed by  
 Respondent, and says that for cause  
 of demurrer -

1<sup>st</sup> That from said answer, and the  
 exhibits thereto attached, it is  
 manifest to the Court that the  
 order made by J. R. Burnett  
 Judge of the 30<sup>th</sup> Judicial Dist  
 of Texas on the 10<sup>th</sup> day of June  
 1873 is void for want of  
 jurisdiction in said Court, and

2<sup>nd</sup> It is apparent from said answer  
 and the exhibits thereto attached  
 that the order of the Dist  
 Court of Walker County made  
 on the 5<sup>th</sup> day of April 1873,  
 was made by a Court having full  
 cognizance and jurisdiction of  
 the matters therein contained,  
 and that said order is still in  
 full force and effect, and  
 therefore this relator is the

proper custodian of said children  
Deay Andersen  
for Relator

Relator files herewith a  
copy of the order under  
which respondent claims  
to retain said children  
Deay Andersen  
for Relator

June 10<sup>th</sup> 1873 5 P.M.

The State of Tex. vs. D. W. Monard  
 (Pl.)  
 Frances C. Monard

Case called and both relator  
 & respondent appeared in person as also the two  
 minor children. The parties announced  
 ready for trial, and having heard all the  
 evidence adduced on both sides the  
 following order is made.

Because I am satisfied from  
 the evidence that the respondent Frances  
 C. Monard is an unfit person to have  
 the control care & custody of the two  
 minor children Dempsey John Monard  
 and May Eugene Monard, and because  
 further the relator D. W. Monard now  
 has in his care & custody the three older  
 children of himself and said respondent  
 by virtue of a decree of the Dist. Court of  
 Walker County made at its last term,  
 and because further I am of opinion  
 said D. W. Monard is capable of caring and  
 providing for all of said children and that  
 the interests and happiness of said children  
 require that they should be together, ~~but further~~  
 it is therefore ordered that said two minor  
 children Dempsey John & May Eugene  
 Monard

be and are hereby awarded to the custody  
of said relative D. W. Momand; but it is  
also ordered that said respondent shall  
have leave to visit any and all of said  
children at all reasonable times if she  
see fit, and the said relative shall not  
forbid or prevent any and all of said  
children at all reasonable visiting respondent  
at any reasonable time. It is further  
ordered that no costs be awarded in  
this proceeding against either party

Signed

J. R. Burnett  
Judge 30<sup>th</sup> Dist. Ct.

Huntsville Tex  
June 10<sup>th</sup> 1873

Frances C. Monand

Ex parte

And now comes your relative leave of the court first being had and obtained to amend her petition, and alleges, that the order of the court rendered on the 5th day of April A.D. 1873 by the District Court of Walker County Tex. as stated in your relative original petition, by which she was awarded the custody of the minor children May Eugene Monand and Dempsey John Monand is still in full force and effect; said order of Court rendered as aforesaid never having been cancelled by a court of having jurisdiction over the subject matter and persons therein; that the order of the said Court rendered on the 5th day of April A.D. 1873 as aforesaid being still in full force and effect the proceedings had in the writ of Habeas Corpus and the order made therein on the 10th day of June A.D. 1873 as set forth in your relative original petition are null and void, the said court having no jurisdiction over the subject matter or persons therein; that by virtue of the <sup>said</sup> order <sup>of court</sup> rendered on the 5th day of April A.D. 1873, which

your relation averse is still in full force and effect, your relation is lawfully entitled to the custody of said minor children, and that the said F. W. Monard illegally restrains the said minor children of their liberty and illegally detains them from this relation who is their legal and proper custodian -

Wherefore she prays as in her original petition - and further prays that said children on the hearing hereof be placed in the custody and under the control of relation where they of right belong.

Seay & Anderson  
 Atty for Relation

State of Texas }  
 County of Dallas }

Personally appeared  
 this day Francis C. Monard who  
 being sworn says that the facts  
 set forth in foregoing petition are  
 true

Attest. J. C. Monard  
 D. H. Haswood, Clk. Co. Court  
 By W. H. Thacker Deputy

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Ex parte  
Frances C.  
Norman

Filed March 21, 1877.  
A. Hammond Co. Clk.  
By W. H. Walker, Deft.

FILMED BY THE DALLAS GENEALOGICAL SOCIETY - 1977

In the matter of ) Habas corpus pending  
Francisco Memand ) before his Honor R.H. West  
Esposito ) Judge of the county court  
of De Witt county Texas

1st J. Judge of the County Court of De Witt County Texas  
in the matter of Francisco Memand in said petition

Comes now the respondent herein and objects to the petition of the petitioner herein and for cause things says +

1st That said petition is insufficient in law

2nd That said petition does not show wherein or how the respondent obtained an order of the judge who granted the divorce between respondent and petitioner for the custody of the children mentioned in her petition by fraud that petition now shows what fraudulent representations were made by respondent that said petition now shows what facts were asserted to by respondent that said petition now shows what in what the alleged fraud consisted and of this he asks the judgment of the court

Thursmore Well and T. F. L. Chis  
attys for respondent



In the matter of ) Habeas Corpus pending  
Francis B. Mornand ) upon his honor R. H. Mear judge  
apparel ) of the county court of Dallas county Tex

Comes now D. W. Mornand respondent  
herein and for answer to the petition of  
Francis B. Mornand the relator herein and  
the writ of Habeas herein issued says  
1<sup>st</sup> That he admits that May Imogene  
Mornand and Crumsey John Mornand are  
the minor children of the relator and  
respondent and that they were born in  
lawful wedlock and that the relator  
is their mother and that the respondent  
is their father

2<sup>nd</sup> He admits that he has the custody of said  
minor children in the city and county of  
Dallas state of Texas but he denies that he illegally  
restrains them of their liberty

3<sup>rd</sup> He admits that he was divorced from the  
relator at the April term A.D. 1878 of the District  
Court in and for Walker county state of Texas

4<sup>th</sup> He admits that by the <sup>decree</sup> of said court  
granting said divorce said children (at that time  
being of tender years) were given in custody of  
the relator but he avers that by the terms of  
said decree it is as reserved to any judge having  
jurisdiction power to modify or alter said  
decree so far as it relates to the children ~~and~~  
of said judgment and decree of divorce is here  
referred to and made a part of this answer  
a certified copy of which is hereto attached marked

exhibit "A" and made a part of this answer  
 5<sup>th</sup> He admits that said minor children  
 remained in the custody of the relative  
 until the tenth day of June A.D. 1878 when  
 the judge of the District Court of Walker County  
 State of Texas on writ of Habeas Corpus ~~took~~  
 said minor children to be transported from  
 the custody of the relative to the custody of  
 the respondent herein But he denies that  
 said order was procured by false or fraudulent  
 representations he denies that he used any  
 foul or fraudulent means to obtain said  
 order  
 6<sup>th</sup> Respondent for further answer says that  
 he went on to visit on the 4<sup>th</sup> day of June A.D. 1878 he  
 presented his petition for a writ of Habeas Corpus  
 to the Honorable J. R. Barnett Judge of 30<sup>th</sup> Judicial  
 District in the State of Texas alleging that  
 Francis L. Mornand (the relative herein)  
 "has abused and maltreated said children beyond  
 the bounds of reason and further she has been  
 guilty of indecent immoral and grossly low  
 conduct which render her totally unfit to have  
 the care and custody of said children"  
 Whereupon said judge granted said  
 writ of habeas corpus and the same was duly  
 issued and on the same day legally served  
 upon said Francis L. Mornand and on the  
 same day she and the respondent herein appeared  
 appeared before said judge and the hearing  
 of said Habeas Corpus proceedings were  
 adjourned until June 10<sup>th</sup> 1878 at which time

1 The respondent herein appeared in person  
2 before said judge and announced that he  
3 was madly fornic and the relator herein  
4 at the same time and place appeared  
5 before said judge with said minor children  
6 and announced that she was madly fornic  
7 whereupon the court proceeded to try  
8 said cause and after hearing the evidence  
9 and arguments of both parties ordered  
10 "that said two minor children Dempsey John  
11 and May Imogene Mornand be and are hereby  
12 ~~ordered~~ awarded to the custody of said  
13 relator DW Mornand"

14 All of which were more fully appear  
15 in reference being had to the petition for  
16 habeas corpus therein filed the writ  
17 of habeas corpus therein issued the  
18 return of the sheriff therein made and  
19 the record entries of the proceedings  
20 therein had a duly certified transcript  
21 of which is hereto attached marked exhibit  
22 "B" and made a part of this petition  
23 That said judgment and order <sup>in said Habeas Corpus proceedings</sup> was  
24 not appealed from nor was vacated  
25 or in any manner modified but the  
26 same remains now a valid and subsisting  
27 judgment and in full force and effect  
28 Wherefore the respondent herein says that  
29 the relator herein ought not to be and  
30 maintain this proceeding but that she is  
31 barred and estopped by the former adjudication  
32 of this same matter ~~and~~ <sup>as</sup> herein set forth

1 The respondent further answering herein  
 2 says that he denies that the relator herein  
 3 has always exercised a motherly care and  
 4 attention over said minor children treating  
 5 them at all times in a kind and affectionate  
 6 manner he denies that she has always conducted  
 7 herself in a prudent discreet and lady like  
 8 manner he denies that she has always been and  
 9 and is now worthy of the custody of said children  
 10 he denies that she has means and ability to  
 11 support them properly

12 He denies that since he has been in the custody  
 13 of said children he has conducted himself in such  
 14 a manner as to render him unfit to retain the  
 15 custody of them but says that he has exercised  
 16 a watchful and fatherly care over said  
 17 children that he has not and does not now  
 18 allow them to wander about the streets of the  
 19 city of O'Fallon exposing them to evil influences  
 20 He denies that he has disregarded the sacred  
 21 obligations resting upon him as a father since he  
 22 has had the custody of said minor children

23 He admits that Mrs. Martin was at any time  
 24 for above the period of above six months  
 25 his housekeeper that at that time she was not  
 26 a woman of notoriously disreputable character  
 27 but so far as this relator could learn she  
 28 was a woman of good character and that  
 29 during all the time that she resided at his  
 30 house as his housekeeper she conducted herself  
 31 in a lady like and becoming manner as a  
 32 decent and proper woman

1 He denies that he generally frequents her room  
2 to the neglect of said children

3 He admits that said children need a mother  
4 care and attention But says that the outator  
5 while she is the mother of said children is  
6 not a fit and proper person to have the  
7 care and control of said children and that  
8 they are far better without her care and  
9 attention than with it

10 He denies that he ever sensibly charged  
11 that he ever was the father of said children  
12 He admits that he may have repeated  
13 to her what she has often told him that  
14 he was not the father of said children

15 8<sup>th</sup> This respondent further says that he  
16 denies each and every allegation in the outator's  
17 petition not herein expressly admitted

18 9<sup>th</sup> That said outator is a woman of bad  
19 character that during her said marriage  
20 with this respondent she was unfaithful to  
21 her marriage vows ~~and~~ unchaste  
22 and sought and received the embraces  
23 of other men than her husband and  
24 committed frequent acts of Adultery  
25 with one James D. Wood  
26 and various other parties at divers times  
27 and places and her conduct was so openly  
28 lewd and notorious that she was banished  
29 from good society

30 10<sup>th</sup> That since her said separation and  
31 divorce from this respondent she has  
32 committed frequent acts of fornication

- 1 with-dress and various postures at-  
 2 dress and various times and his  
 3 conduct has been open Liberal and  
 4 virtuous as to become the common talk  
 5 of the neighborhood wherein she resided  
 6 10<sup>th</sup> That she is not now a virtuous and  
 7 good woman but is a woman of bad  
 8 virtue and bad reputation and  
 9 wholly unfit to have the care and  
 10 custody of said children and this  
 11 interest of said children would be  
 12 gravely damaged by giving them  
 13 into her custody
- 14 12 That this orator is able and willing  
 15 to care for said children that so  
 16 far he has schooled and educated them  
 17 and they are now as far advanced  
 18 in their studies as other children generally  
 19 are at their age
- 20 13<sup>th</sup> That this orator has given said  
 21 children a good moral training sent  
 22 them to church and Sunday schools
- 23 14<sup>th</sup> That he has clothed and fed  
 24 them properly and cared for them  
 25 as well as other children and generally  
 26 cared for
- 27 15<sup>th</sup> That under the law and circumstances  
 28 in this case he is entitled to the care  
 29 custody and control of said children  
 30 and it is to the interest of said children  
 31 that he have the care custody and  
 32 control of said children

of said children

Wherefore this ~~petitioner~~ prays  
your Honor to assign said minor  
children to his care, custody and  
control and that he have judgment  
against said ~~defendant~~ creator for  
costs and for such other relief  
as to your Honor may seem just and  
proper in the premises.

D. H. Howard

The State of Texas }  
Dea. Co. County } Being informed that  
on this 21<sup>st</sup> day of March A.D. 1877 personally  
appeared before me <sup>the undersigned authority</sup> D. H. Howard who being  
first duly sworn according to law deposes  
and says that he has read the foregoing  
answers and that he is the creator therein  
and knows the contents thereof and that  
the matters and things therein stated  
are true in substance and in fact.

D. H. Howard

Sworn to and Subscribed before me  
this 1<sup>st</sup> March 21<sup>st</sup> 1877.

J. H. Harwood, C. C. H.

By W. H. Thacker, dep.

2113

White A.

Francis C. Munnery / Suit for Divorce

W. M. Munnery / On this 13<sup>th</sup> day of April A.D. 1873

Came on this cause for trial, the parties appearing in person and attended by their counsel. Thereupon came a jury of good and lawful men to wit: H. H. Hopkins and eleven others who after being elected, tried and annulled and sworn well and truly to try the issues joined, and hearing the pleadings evidence and charge of the court, return the following verdict: "We the jury find the material allegations in defendant's answer to be true, signed H. H. Hopkins Plaintiff."

It is therefore by the court ordered, adjudged and decreed, that the defendant be forever divorced from said Plaintiff Francis C. Munnery his wife; the bonds of matrimony hitherto solemnized between them be dissolved and that they be restored to all the rights and privileges of single persons. It is further ordered that each party pay half the costs.

The final decree and order



of this court as to the division of the Estate of the parties, and the custody and education of the children to be made before the adjournment of the Term of the Court, having taken the same under advisement.

Francis C. Monahan  
 vs  
 W. N. Monahan  
 "Final Decree  
 in Divorce"

On this April 5<sup>th</sup> 1873, again came the parties by their attorneys and after hearing the evidence in regard to the disposition of the children of the Plaintiff & defendant who were divorced at a former day of this term, and also in regard to the property of the Estate, the same consisting of the Homestead of the parties, situated in Huntsville Walker County Texas containing one acre of ground more or less and described by notes and bearings as follows to wit:

" All that certain piece parcel or tract  
 " of land lying and being in the town of  
 " Huntsville described as follows to wit;  
 " Commencing at the S.E. corner of the  
 " Block lying North of the Premises of

Mrs Westgate and in the north line of  
 Cedar Street extending East to a road  
 running North from Lamar Street and  
 East of Mrs Westgate and the lot hereby  
 sold and from the point of commencement  
 run North in the West line of the street or  
 road above mentioned, half the distance  
 between Cedar Street and the next street  
 running a parallel with Cedar Street  
 and North of it, and then running  
 West and parallel or at right angles  
 with Cedar Street 210 feet, containing  
 nearly one acre of land together with  
 all the improvements thereon; and after  
 hearing the argument of counsel, It is  
 adjudged and decreed by the court that  
 the Plaintiff Francis Callan and he and  
 is awarded the custody of the two youngest  
 children, viz: - Wesley John and May  
 Imogene and respectively 23 months  
 and 5 years; and that the defendant  
 E. Callan and he and is awarded  
 the custody of the three remaining  
 children - viz: Clara and about 12 years  
 Raglana about 9 and Herman  
 about 7; and that the parties respectively  
 maintain and support said children  
 and if either party fail to do so in

a suitable and proper manner that  
this decree in regard to said children  
be subject to be modified or altered  
by any Judge having jurisdiction,  
upon satisfactory evidence that the  
welfare of said children demands it.  
It is further adjudged and decreed  
by the court, that John S. Besser be and  
he is hereby appointed a Trustee and  
Receiver to sell the above described  
land, being Community property;  
and to receive and disburse proceeds  
of same as follows, to wit: Said Trustee  
will proceed to advertise the sale of said  
property as the law provides for Sheriff's  
sale and also in the Huntsville Star  
at least twice, and sell the same at  
Public outcry before the Court House  
door at Huntsville within legal hours  
on the first Tuesday in May next upon  
the following terms, to wit: Five Hundred  
dollars gold in cash; One thousand dollars  
gold with 10 per cent interest from date  
of sale and mortgage or vendors lien  
and personal security, payable twelve  
months from date, and the balance  
if any to be payable twenty four  
months after day of sale with

interest and security, as above required;  
and that said notes be payable to  
said Trustee for the use and benefit  
of Plaintiff + defendant. And upon  
the Purchaser complying with the terms  
of sale, then the Trustee is authorized  
to execute to him a title in fee simple  
to said Property conveying all the rights  
title and interest of Plaintiff and  
defendant in and to the same  
And said Trustee will after paying the  
expenses of said sale and costs of this  
suit divide the remaining cash proceeds  
equally between the Plaintiff and  
defendant, taking receipts therefor and  
upon the collection of the notes at mat-  
urity divide the proceeds equally between  
said parties, retaining in his hands reason-  
able commissions for receiving and  
paying out the same, and should either  
of said parties die before their trust be  
fully executed then the amounts that  
may be coming to him or her shall  
be paid by said Trustee to the legal  
Guardian of said Children or those that  
may be then alive. It is further  
ordered that said Trustee be required to  
take an oath that he will faithfully

and unobtainably discharge this Trust  
and enter into bond payable to  
the Clerk of this Court to be approved  
by the Clerk in the sum of Two Thousand  
Dollars, conditioned that he will truly  
account for all moneys that may  
come into his hands by virtue of  
his appointment as Trustee and Receiver  
herein. It is further ordered, that  
the costs of this proceeding be taxed  
equally between the parties.

**CERTIFICATE OF TRUE COPY.**

**THE STATE OF TEXAS.**  
COUNTY OF WALKER.

I, W. H. WOODALL, Clerk of the District Court of Walker County, Texas, do hereby certify  
that the foregoing is a true and correct copy of the original Judgments and  
Order of Sale now on file in said Court.

Given Under my Hand and the Seal of said Court, at office, in Huntsville  
this the 17 day of March A. D. 1877

W. H. Woodall CLERK.  
By \_\_\_\_\_ Deputy.

Exhib-12

The State of Texas In Chambers  
County of Walker June 9<sup>th</sup> 1873

Matter of  
Habeas Corpus

W. H. Munn  
Relator  
01

Francis Munn  
Respondent

Application  
for writ of  
Habeas Corpus

To the Hon James R. Burnett  
Judge of the 3<sup>rd</sup> Judicial District  
W. H. Munn, resident  
of Walker County Texas respectfully  
sheweth unto your Honor that he is  
the father of the minor children  
May Imogene Munn (Girl) aged  
five years, and Kentucky John Munn  
(Boy) aged three years - said children  
were born and begotten in lawful  
wedlock of Francis Munn & your  
relator W. H. Munn.

The relator avers that said children  
are now in the custody of the said  
Francis, (who was at the last Term  
of your Honor's Court for Walker County  
divorced by decree of said Court from  
the relator herein) by virtue of the order  
and decree as aforesaid, and he avers  
that since said decree she the said  
Francis, has abused and maltreated  
said children beyond the bounds of  
reason; and further she has been  
guilty of indecent, immoral and  
grossly lewd conduct which render

her totally unfit to have the care  
& custody of said children.

Wherefore your relator makes application  
in behalf of said children, who your  
relator avers are illegally restrained in  
their liberty by the said Francis Memana  
for the writ of Habeas Corpus.

(Signed) L. W. Memana

Subscribed & sworn to  
before me this June 9<sup>th</sup>

A.D. 1873

L. B. Rime Clerk S. C. W. C.

The State of Texas

To Mrs Francis C Memana, a resident

Writ of Habeas Corpus issued

issued

issued

issued

issued

issued

issued

issued

issued

issued

Citizen of Walker County:

You are hereby commanded to appear  
before me at the Court House at Huntsville in  
said County, on this day (Monday) at 5 o'clock  
P.M. and there and there show cause why  
Judges J. M. May, Imogene and Henry John, two minor  
district children of yourself and L. W. Memana  
should not be awarded to the care and  
custody of said L. W. Memana, as prayed

Came to for by said W.M. in a petition for writ of  
habeas corpus, this day presented to me and  
executed accordingly sworn to, and said petition alleging  
deprivation by cruel treatment of said children &c  
alleging to P. L.

Memana in have before me then and then said above  
person in named children to be dealt with according  
to law

a true copy of  
the within writ  
signed by W  
Grant Shuff  
W. J. By  
E. G. Angier  
Esq.

Gives under my hand at Huntsville  
Texas June 9<sup>th</sup> 1873

(Signed) J. R. Burnett Judge 30<sup>th</sup>  
Judicial District

E. G. Angier Esq., Deputy Sheriff of Walker  
County is hereby authorized to execute the  
foregoing writ. Huntsville June 9<sup>th</sup> 1873

(Signed) J. R. Burnett Judge 30<sup>th</sup> Jud. Dist.

The State of Texas  
Walker County

Proceedings in  
Habeas Corpus

The State Ex. Rel. W. M. Memana

Francis C. Memana

This case was called at 5 o'clock  
P.M. June 9<sup>th</sup> 1873 and both parties



appeared but the witness being absent by  
error it was continued till June 10<sup>th</sup> at  
5, P. M.

June 10<sup>th</sup> 1873. 5. P. M.

Case called and both relatives respondent  
appeared in person as also the two  
minor children. The parties announced  
ready for trial, and having heard all  
the evidence advanced on both sides, the  
following order is made:

Because I am satisfied from the  
evidence that the respondent Frances C  
Memana is an unfit person to have  
the control, care and custody of the two  
minor children Henry John and  
May Eugene Memana; and because  
further the relative S W Memana now has  
in his care & custody the three older  
children of himself and said respondent  
by virtue of a decree of the District  
Court of Walker County made at its  
last term; and because further, I  
am of opinion said S W Memana  
is capable of caring and providing  
for all of said children, and that  
the interests and happiness of said  
children require that they should be  
together; It is therefore ordered that

said two minor children Henry, John  
and May Imogene Moman and are  
are hereby awarded to the custody of  
said relative D W Moman.

But it is also ordered that said  
respondent shall have leave to visit  
any and all of said children at all  
reasonable times if she see fit; and  
that said relative shall not forbid or  
prevent any of said children from  
visiting respondent at any reasonable time.

It is further ordered that no costs  
be awarded in this proceeding against  
either party. (Signed) J R Burnett  
Huntsville Texas Judge 30<sup>th</sup> Jud  
June 11<sup>th</sup> 1873 District

The State of Texas } J R Burnett Judge  
Walker County } of 30<sup>th</sup> Judicial District

I do hereby certify that  
the foregoing is a true statement of  
the proceedings had before me in Habeas  
Corpus in said styled cause.

Huntsville June 11<sup>th</sup> 1873 (Signed) J R Burnett  
Judge 30<sup>th</sup> Jud District

State of Texas } J W Woodall Clerk of  
County of Walker } the District Court for said

County and state, do hereby certify that  
the above foregoing is a true copy  
of all the proceedings had in said case  
now on file in said court

Given under my hand and  
the seal of said court at office in  
Newville this 12<sup>th</sup> day of March  
A.D. 1877. W. H. Woodall  
clerk, D. C. N. Co.

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For James K. Monard  
vs  
Spore

Filed March 21<sup>st</sup> 1897  
D. A. Harwood, Co. Clk.  
By W. H. Thacker, Dep.

Certific  
Proceeding in  
Habeas Corpus

vs  
W. Monard

vs  
Francis K. Monard  
Respondent

From Walker Com  
to Court

Clk's fee \$ 2.00  
paid