

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

Case Number 585

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#

585

FILMED BY THE DALLAS GENEALOGICAL SOCIETY - 1977

M. J. Griffin
 No. 1194. } vs. }
 J. S. + W. S. Rossen

} In the dist. Court of Dallas
 County - February Term,
 A. D. 1872.

Now at this time comes J. S. Rossen,
 one of the Defts. in the above en-
 titled cause + says that he never
 signed the notes, nor any one of
 the same in Plaintiff's petition
 set out + described, + that he never
 authorized any person, for him,
 to sign the same, or any one of
 them, + this he is ready to verify.

Sworn to + subscribed
 before me, this 15th day
 of February A. D. 1872.

John Mc Linn Clerk
 By H. Boll Clerk

John J. [Signature]

W. T. Griffin

Suit Pending in the District Court of Dallas County, Texas

vs. Wm. J. Reason & Co

KNOW ALL MEN, That we, *W. T. Griffin*
as Principal, and *Jacob Griffin Wilson*
as sureties, do hereby acknowledge ourselves bound to pay to *Wm. J. Reason*
Defendant the sum of *One hundred* dollars, conditioned that
W. T. Griffin Plaintiff in the above entitled suit, will pay all costs that may be
adjudged against him in the said suit, during the pendency or at the final determination thereof.

Witness our hands, this *4th* day of *January* A. D. 18*91*.

W. T. Griffin SEAL

Jacob Griffin SEAL

Wilson Griffin SEAL

Approved this *3* day of *June* A. D. 18*91*

Wm. Jones
Clerk District Court Dallas County, Texas

"Herald" Book and Job Print, Dallas, Texas.

No. 1134.

W. T. Griffin
vs
Wm. J. Reason

A. D. + 17. D. Reason

Filed 5 Aug. 19 1892.

J. W. Jones
By H. Hall

M. P. Griffin

NO 1194 -

J. D. Ross



Now Com. the Refs in
 the above entitled Cause by this
 Atty's Reed & Field, and says
 that the matters and things set forth
 and contained in Pffs petition are
 insufficient in law for her to
 have or maintain her action aforesaid
 and of this they may judge
 of the Com.

Reed & Field
 Atty's for Refs.

M. D. Griffin }
 No. 11943 vs. 3 }
 J. D. + W. D. Rosson }
 in the dist. Court of Dal-
 las County - February
 Term A. D. 1872.

Now at this term comes W. D. Rosson,
 one of the depts. ~~hearing~~ ^{hearing} ~~of the case~~
 says that he never signed the notes
 in Plaintiff's petition set out
 & described, & that he never au-
 thorized any person for him
 to sign the same, & anyone
 of them, & this he is ready to
 verify -

sworn to & subscribed }
 before me, this the 16th }
 day of February, A. D. 1872 }
 W. D. Rosson
 By J. E. Charles clerk

No 11943
 M. D. Griffin
 W. D. Rosson
 J. E. Charles
 Feb 16 1872
 J. E. Charles
 J. E. Charles

And Defts further answering say they are not now and never have been indebted to the said E. H. H. Grizzle in any sum other than said three hundred and fifty dollars borrowed money as aforesaid, for which said sum of money together with said usurious rate of interest to wit twenty five per cent per annum Defts over and charges they executed their joint and several promissory notes, each of said notes, being for the sum of fifty dollars, save one which was for the sum of thirty seven $\frac{5}{100}$ dollars, which said notes so given as aforesaid for said sum of money, including said usurious rate of interest, have been wrongfully and fraudulently changed and altered, without the authority, knowledge or consent of Defts, therefore they pray that said notes be cancelled and held for naught and that they

have judgment - In this

have judgment for their costs
J. H. Fick,
Atty. Gen.

The State of Texas } Personnel appointed
Haller County } before the undersigned
authority, W. H. Rosson and J. D. Rosson,
The depts in the above entitled cause,
who being duly sworn, say that the matters
and things stated in the above foregoing
unsworn answer were true -

Sworn to & subscribed } W. H. Rosson
before me, October 10, 1872 } J. D. Rosson
J. M. Laws clerk
By G. C. Coombs deputy

No 1194

M. J. Griffin
vs
J. D. & W. D. Rosson

This day came the parties by their respective attorneys, and the above entitled case being called up for final disposition, waive a jury and by agreement of both parties in open Court the matters in controversy are fully settled adjusted and compromised on the following terms to wit: The Defts Concede judgment in the sum of Six hundred and thirty four & $\frac{55}{100}$ dollars in Gold Coin less the sum of Two Hundred & five Dollars in Gold Coin paid Plff's attorney on the 3rd day of June A.D. 1873 and it is further agreed that Plff have his judgment foreclosing the mortgage upon the premises herein after described, and that a stay of execution be granted to Defts until the 1st day of January A.D. 1874 and

do
 M. J. Griffin
 vs
 J. D. & W. D. Rosson et al.
 Filed Oct 14th 1872
 J. M. Powers Clk
 J. G. Combes Depty

that this judgment bear interest at the rate of three per cent per month from and after the 3rd day of June 1893 until paid off & discharged and that each respective party shall pay the costs by him in this behalf expended. And it appearing to the Court, from the above agreement by & between Plff and Defts in open Court, that Defts are indebted to Plff in the sum of Three hundred & thirty four & ³⁵/₁₀₀ dollars in Gold Coin, that by said Agreement said amount bear interest at the rate of three per cent per month; and it further appearing from said agreement that the payment of said amount is secured by a mortgage upon the following described tract of land, lying and being situated in Dallas County in the state of Texas. Beginning at the S.E. Corner of B.C.C. Powell's Survey of 304 1/2 acres Thence west with the south line of S^d Survey to a branch or ravine running N. & Thence down S^d branch to where it crosses the East bound

70

and \$50 dollars in Gold Coin
together with all the interest
that may be due thereon and if
the said land shall sell for
more than sufficient to pay off
and satisfy said sum of money
the said Sheriff is hereby directed
to pay over the excess to the Deft.
But if the said land shall not
sell for enough to pay off and
satisfy this judgment then
the Clerk of this Court is di-
rected to issue execution
for the balance remaining
unsatisfied and it is further
ordered that execution issue
in favor of the officers Court
against each party respectively
for the costs by him in this
behalf incurred

And it is further ordered and decreed
That said entire tract of 35 acres be
Sold in one tract and certain other

John M. Stammers
Att. for M. J. Griffin
Field & Howler
Attors in Law of & Reason

No 1194
M. J. Griffin
vs
John M. Stammers

Griffin } In Dist
v } Court Dallas
J. D. & W. D. Russell } Court Texas

We agree that this
case shall not be called up
before next Monday the 2nd week
of the Term

Jas. H. Field
Atty for Defts.
 John M. Stearns
Atty for Plffs

SUBPOENA

THE STATE OF TEXAS.

To the Sheriff or any lawful officer of Dallas County---Greeting:

You are hereby commanded to summon Thos D Leats, Wm Rowe, W.H. Rowe, B. A. Le Bond, W. Freeman and James Henderson to be and personally appear at the next term of the Honorable District Court for said County, to be holden in the Town of Dallas, and County aforesaid, on the First Monday after the Monday in October, A. D. 1871, then and there to give evidence in a certain case pending, wherein

J. J. Griffin is Plaintiff, and J. M. Rowe is Defendant, at the instance of the Defendant, 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, as the law directs.

Given under the hand of the Clerk of said Court, at office in the Town of Dallas, on the 10th day of August, A. D. 1871.

Test: John M. Edwards
Clerk of the District Court of Dallas County, Texas,
By J. E. Corbrey, Deputy.

Wells, Print. Dallas, Texas

THE STATE OF TEXAS.

To the Sheriff or any lawful officer of Dallas County...Greeting:

You are hereby commanded to summon *J. J. Griffin*

to be and appear before the District Court of Dallas County, on the first day of the next term thereof, to be held at the Court House, in the town of Dallas, on the first Monday in February A.D. 1871, then and there to answer the Plaintiff's petition, now filed, in a cause pending in said Court, in which *J. J. Griffin*

is Plaintiff, and *John M. Laws* and *John M. Laws* are

Defendants, a certified copy of which petition accompanies this writ.

Witness, JOHN M. LAWS, Clerk of the District Court of Dallas County, and the impress of the seal thereof, hereon made, this 14th day of January A. D. 1871.

Attest John M. Laws

Clerk of the District Court of Dallas County, Texas.

By _____ Deputy.

Small Print, Dallas, Texas

11182

J. J. Griffin
Spa for Dept
of Me. Rowe

Witnesses
Shot. D. Coats
Wm Rowe
W H Rowe
B C Pomeroy
W Greenmark
James Henderson

Came to hand August
the 26th 1871 and this day
executed by reading the within
Spd to W H Rowe W Greenmark
James Henderson Wm Rowe
I Tho D Coats not found this Sept 30 1871
J. M. Brown Sheriff D. C. Gray
By C. P. Powers & Co
14th
20th
15th
54th

THE STATE OF TEXAS.

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

You are hereby commanded to summons *A. C. Nelson and*

J. M. Wilson

Instanter

to be and appear before the Honorable the District Court of Dallas County, Texas, ~~on the first day of the next term thereof~~ ^{2nd day of the session} to be held at the Court House in the City of Dallas, ~~on the~~ ^{Monday} ~~the~~ ⁱⁿ

~~A. D. 187~~ ; then and there to answer the Plaintiff's petition, now filed in a cause pending in said Court, in which *M. J. Griffin*

Plaintiff, and *William Ross and John Ross* are Defendants,

a certified copy of which petition accompanies this writ.

WITNESS, JOHN M. LAWS, Clerk of the District Court of Dallas County. Given under my official signature and the seal of the District Court of Dallas County, this *10th* day of *June*, A. D. 187*7*.

J. M. Laws
Clerk of the District Court of Dallas County, Texas.

By *Geo. W. Laws*, Deputy.

Wentz, Print, Dallas, Texas

10
A. C. Nelson
or
J. M. Wilson
Summons
1877
June 14, 1877
Done to hand
same day
Forw'd By Delivery
To W. P. Ross in
charge a true copy
of the within summons
as enclosed copy of
heards in
June 19, 1877
J. M. Laws
Sheriff By
W. P. Ross
1877
8 hours for 1877

Griffin } In Dist
v } Court Dallas
J. D. & W. D. Russell } Court Texas
We agree that this
case shall not be called up
before next Monday the 2nd week
of the Term

Wm. H. Field
Atty for Defts.
John M. Stearns
Atty for Plffs

SUBPENA

THE STATE OF TEXAS.

To the Sheriff or any lawful officer of Dallas County---Greeting:

You are hereby commanded to summon Thos D Leals, Wm Rowe, W.H. Rowe, W.C. Board, W. Freeman and James Henderson to be and personally appear at the next term of the Honorable District Court for said County, to be holden in the Town of Dallas, and County aforesaid, on the First Monday after the Monday in October, A. D. 1871, then and there to give evidence in a certain case pending, wherein

J. J. Griffin is Plaintiff, and J. M. Rowe is Defendant, at the instance of the Defendant, 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, as the law directs.

Given under the hand of the Clerk of said Court, at office in the Town of Dallas, on the 10th day of August, A. D. 1871.

Test:
John McEwan
Clerk of the District Court of Dallas County, Texas,
By G. E. Corbue, Deputy.

Recd, Print. Dallas, Texas

THE STATE OF TEXAS.

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

You are hereby commanded to summons *A. G. Nelson, and*

J. M. Nelson

Instanter

to be and appear before the Honorable the District Court of Dallas County, Texas, ~~on the first day of the next term thereof~~ ^{next in session} to be held at the Court House in the City of Dallas, ~~on the~~ ^{Monday} ~~day~~ ⁱⁿ

~~A. D. 1872~~; then and there to answer the Plaintiff's petition, now filed in a cause pending in said Court, in which *M. J. Griffin*

M. J. Griffin Plaintiff, and *William Ross and John Ross*

are Defendants,

a certified copy of which petition accompanies this writ.

WITNESS, JOHN M. LAWS, Clerk of the District Court of Dallas County. Given under my official signature and the seal of the District Court of Dallas County, this

10th day of *June* A. D. 187*2*.

J. M. Laws
Clerk of the District Court of Dallas County, Texas.

By *Geo. W. Laws* Deputy.

Ward, Print, Dallas, Texas

2 No
17
M. J. Griffin
vs
William Ross
John Ross
June 14, 1871
From to home
same day given
By Deacons
To Mr. Blosser in
charge a true copy
of the within summons
as conveyed over with
a certified copy of
Alameda Martin
June 17, 1871
John Ross
Sherry by
Bill Johnson
DHS
Sherry by
770

SUBPENA.

THE STATE OF TEXAS.

To the Sheriff or any lawful officer of Dallas County---GREETING :

YOU ARE HEREBY COMMANDED to summon *J. P. Lawrence*

Ad. Haught, Ben Cole & Rev. Wm C. Young
to be and personally appear ^{in person before the} at the next term of the Honorable District Court for said County,
to be holden in the Town of Dallas, and County aforesaid, on the *1* Monday in

A. D. 1872, then and there to give evidence in a certain case
pending, wherein *M. J. Griffin* is

Plaintiff, and *J. D. and W. D. Ross* are

Defendant, at the instance of the *Defendant*, 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, as the law directs.

WITNESS, JOHN M. LAWS, Clerk of the District Court of Dallas County, at office in the
Town of Dallas, on the *19th* day of *February* A. D. *1872*

Test :

John M. Laws
Clerk of the District Court of Dallas County, Texas,
By *H. Bull*, Deputy.

Herald, Print., Dallas, Texas.

Received by Sheriff
of Dallas County
on the 19th day of
February 1872
J. P. Lawrence
vs
J. D. and W. D. Ross
Deputy
H. Bull

THE STATE OF TEXAS,

To the Sheriff or any Constable of Dallas County--Greeting

YOU ARE HEREBY COMMANDED to subpoena Alex Webb
John Underwood & James Henderson
to appear instanter before the District Court of said County, there to give evidence for the

plaintiff, in a cause there pending, in which M. E. Griffin

is Plaintiff, and J. D. & H. D. Roffen

Defendant.

WITNESS MY OFFICIAL SIGNATURE, this 3rd day of June A. D. 1872.

J. M. Lawler

CLERK DIST. CT., D. C. TEXAS.

by J. C. Combes Deputy.

District Court, Dallas, Texas

No.

M. E. Griffin
vs. James
J. D. & H. D. Roffen.

Witnesses

J. P. Lawrence
Ad. Haight
Ben Cole
Wm. C. Young

Spued July 19th 1872
J. M. Lawler
By H. Boll Deputy

came to hand same
day before executed
July 21st 1872 by reading
the within subpoena to the
within named witnesses
J. P. Lawrence
Ad. Haight
Ben Cole
Wm. C. Young
Ed. H. Thompson
const

constables per § 335

THE STATE OF TEXAS,

To the Sheriff or any Constable of Dallas County--Greeting

YOU ARE HEREBY COMMANDED to subpoena *J. C. Anderson*
v. S. S. Lyons

to appear instanter before the District Court of said County, there to give evidence for the

right, in a cause there pending, in which *Tessama Griffin*

is Plaintiff, and *W. D. Ross* & *J. D. Ross*

are Defendant's.

WITNESS MY OFFICIAL SIGNATURE, this *13th* day of *June* A. D. 187*2*.

J. M. Laws

CLERK DIST. CT., D. C. TEXAS,

by *Geo. W. Laws* Deputy.

Herald, Printer, Dallas, Texas.

M. D. Griffin
vs. Subpoena for *right*
J. C. Anderson

WITNESSES

Geo. W. Laws
J. M. Laws

Issued this *13th* day of *June*

A. M. 1872
J. M. Laws
Clerk, D. C. D. C. Texas,
by *J. C. Anderson* Deputy.

*Copy to hand some copies issued to
his dog & sent to my wife
with the subpoena of J. C. Anderson
June 4th 1872
P. P. Ross Constable P. 1
Geo. W. Laws Co. Secy
A. B. Co.*

THE STATE OF TEXAS,

To the Sheriff or any Constable of Dallas County - Greeting

YOU ARE HEREBY COMMANDED to subpoena *Wm. Spallows*
& *Thomas Cochran*

to appear instanter before the District Court of said County, there to give evidence for the

Sciff in a cause there pending, in which *J. J. Kriffen*

is Plaintiff, and *Wm. Hoive*

is Defendant

WITNESS MY OFFICIAL SIGNATURE, this *8th* day of *June* A. D. 187*2*

Wm. Laws

CLERK DIST. CT., D. C. TEXAS.

by

Deputy

WITNESSES

J. G. Anderson
W. J. Brown

Thomas Cochran
vs. Subpoena for Sciff
Wm. Spallows
Wm. Hoive

Issued this *13th* day of *June*

A. D. 187*2*

Wm. Laws
Clerk, D. C. D. C. Texas.

by *Geo. P. Brown*
Deputy

Came to hand some say issued & this
day is useful by seeing the return of the
To J. J. Kriffen of the Subpoena and
found in Dallas County
C. P. Brown Constable
fee
83.00

$$\begin{array}{r} 350 \\ 53 \\ \hline 297 \\ .08 \\ \hline 3 \frac{1}{4} / 23.76 = 135 \\ 6 \\ \hline 15 \frac{1}{6} / 142.56 = 6yr \\ 10 \frac{1}{9} / 5.94 = 3mo \\ .99 = 15 \text{ da} \\ .06 = 10 \text{ da} \\ \hline \$150.13 = 6 \text{ yrs } 3 \text{ mo } 25 \text{ da} \end{array}$$

1873-5-24
 1867-2-1
 6-3-23-

$$\begin{array}{r} 400 \\ 34 \frac{1}{2} \\ \hline 437 \frac{1}{2} \\ 53 \\ \hline 384 \frac{1}{2} \\ \hline 150 \frac{1}{2} \\ \hline 534 \frac{1}{2} \end{array}$$

$$\begin{array}{r} 437.50 \\ 109.37 \frac{1}{2} \\ \hline 328.12.5 \end{array}$$

1182
 J. J. Griffin
 vs. Subpoena for Dep
 J. M. Howe

WITNESSES
 J. M. Spillman &
 Thomas Cochran

Issued this 7th day of June

A. D. 1872
 J. M. Laws
 Clerk, D. C., D. C., Texas.
 by J. E. Cooney
 Deputy.

Came to hand same day issued
 & executed same day by actual
 the within spa tot J. M. Spillman
 & Thomas Cochran June 7th 1872
 C. P. Bowser constable

fee
 \$1.00

State of Texas, } In the undersigned Contract & agree
 County of Dallas } that the Matter in Controversy
 between E. E. Griffin & W. D. Rosson & D.
 Rosson now pending in the District Court,
 in the County ^{of Dallas} & State of Texas shall be fully
 settled & compromised, & is, as by this in-
 strument witnessed, fully settled
 & compromised on the Terms as follows,
 to wit: the said W. D. Rosson is to pay
 & hereby agrees to pay to the said E. E. Griffin
 the sum, equal in amount to the face
 of the notes sued upon in the above
 mentioned Cause together with inter-
 est at the rate of 8 per cent. per an-
 num on the amount of Three hundred
 & Fifty ~~Three~~ Dollars, less a credit of
 Fifty-Three Dollars, & upon said payment
 of said amount the said W. D. Rosson
 is to be discharged from all demands of any
 nature whatsoever for money or other
 thing of value from the said E. E. Griffin
 due or claimed to be due from the said W.
 D. Rosson, & the said E. E. Griffin further,
 on her part agrees to pay all the costs that
 have accrued on her part in the
 above mentioned Cause, the said W. D. Ros-

son on his part agreeing likewise to pay
 his costs in that behalf expended and
 it is hereby expressly agreed & un-
 derstood that all demand of any
 nature whatsoever against the said
 W. D. Rosson in favor of the said
 E. E. Griffin, are hereby settled & dis-
 charged upon the completion on
 the part of the said W. D. Rosson
 with the terms of this agreement
 witness our hands & seals, using
 scrolls for seals - This 21st day
 of February, A. D. 1873.

W. D. Rosson
E. E. Griffin

Wherever the name of E. E. Griffin in the above
 agreement occurs, it is agreed & under-
 stood that the name of W. D. Rosson should
 have been used -

W. D. Rosson

Wm. V. Rosson

John M. Stearns
Att. for W. D. Griffin

Wm. S. Griffin

Wm. S. Griffin
Hessner & Thosin

1
\$534.55
203.00
327.55

This amount
is credited by
me Hessner and
Thosin in
your 2nd
June 1873
payment, as by
Contract of sale
with 50% of the
total 1st day of
January 1874 with
the 5% for the
Title Holder

The State of Texas, the District Court Dallas County
 County of Dallas, Texas, February Term 1867

To The Honorable Judge
 of the 14th Judicial District in the State
 of Texas, holding Sessions for the County of Dallas.

Your petitioner W. D. Griffin a "Free
 Sole" who resides in the County of Dallas in
 said State, and who is herein after styled plain
 tiff herein Complaining of J. D. Ralson
 and W. D. Ralson residents of the County of Dal
 las in said State and who are herein after
 styled defendants respectfully represents
 that heretofore to wit on the first day of
 February 1867 the said defendants made ex
 ecuted and delivered to Elizabeth ^H Griffin
 by the name of Elizabeth ^H Griffin
 their five certain promissory notes in
 writing bearing date a certain day and
 year therein names to wit the said set
 day of February 1867 and thereby promis
 ed twelve months after the date thereof
 jointly and severally to pay to Elizabeth
^H Griffin, or bearer ^{the sum of} ~~four~~ ^{thirty seven} ~~thousand~~ ^{and} ~~no~~ ^{two}
 dollars in gold or silver coin, that is
 say that each of said first promissory
 notes were for the sum of One ^{thousand}
~~and~~ ^{except one which is for the sum of thirty seven} ~~and~~ ^{and} ~~two~~ ^{and} ~~no~~ ^{two}
 hundred dollars each, and each payable
 in gold or silver coin, which said
 promissory notes are herein marked

respectively A, B, C, D + E and said
promissory note marked as exhibit "A"
is in the words and figures as follows
to wit:

Twelve months after date we or either of us
promise to pay to Elizabeth H Griffin or
heir the sum of One Hundred dollars
for value received of her, this the 1 day
of February 1867. The above note is to be
paid in gold or silver

(Signed) J. D. Rarson
W. D. Rarson

That said promissory marked as exhibit
"B" is in words and figures as follows
to wit,

Twelve months after date we or either
of us promise to pay to Elizabeth H Griffin
or heir the sum of one hundred dollars
for value received of her, this the first
day of February 1867. The above note is to
be paid in gold or silver

(Signed) J. D. Rarson
W. D. Rarson

That said promissory marked "C" exhibit
is in words and figures as follows to wit
Twelve months after date we or either
of us promise to pay to Elizabeth H
Griffin or heir the sum of

Griffin & Hester the sum of
One hundred dollars for value received of her this the first day of February 1867 the above note is to be paid in gold or silver

(Signed) J D Masson
W D Masson

That said promissory note marked as exhibit it "D" is in words and figures as follows to wit:

Twelve months after date or either of us promise to pay to Elizabeth H Griffin or bearer the sum of one hundred dollars for value received of her this the first day of February 1867 the above note is to be paid in gold or silver

(Signed) J D Masson
W D Masson

That said defendants likewise also on the same day & year to wit the said 1st day of February 1867 made executed and delivered to said Elizabeth H Griffin, their contents other promissory note in writing that they promised twelve months after the date thereof jointly & severally to pay to Elizabeth H Griffin, or bearer the further sum of thirty seven dollars and fifty cents in gold or silver coin which last named promissory is herein marked as

Exhibit "E" and is in words and figures
as follows to wit

In due month after date
we or either of us promise to pay to
Elizabeth H Griffin or bearer the sum
of Thirty Seven dollars and a half for
value received of her this the 1st day
of February 1867 the above note is
to be paid in gold or silver

(Signed)

J. D. Rosson

W. D. Rosson

and plaintiff avers and charges that said
defendants by its making execution and deli-
very of said notes, they and there
became jointly and severally liable &
underlook and faithfully promised to pay
said Elizabeth H^H Griffin the said
sums of money specified in said
said five above described promissory
notes and plaintiff further avers and char-
ges that the said defendant W. D. Rosson
in consideration of original agreement and
as a part of the contract, and for considera-
tion of better securing the ~~said~~ payment
of said notes did on the 9th day of April
1867 execute and deliver unto said Eliza-
beth H^H Griffin by the name of E. H. H.
Griffin his mortgage deed which is

herewith filed and numbered ^{exhibit} "A" and pur-
posed to be taken as a part of this peti-
tion, concerning to said Elizabeth H. H. Gray
-fin a tract of land situated in said
County of Dallas known in said mort-
gage deed by the following description
to wit Beginning at the South East Corner
of B. O. C. Pounds Survey of 50 1/4 acres
thence West with the South line of said
Survey to a branch or receive running
N. E. thence down said branch to where it
(meaning the East line of said B. O. C. Pounds Survey)
crosses the East boundary line to the
place of beginning containing 35 acres
more or less together with all and
singular the tenements hereditaments
and appurtenances thereto ^{in being or} in any wise
appertaining upon the following condi-
tions "that if the said party of the first
part (meaning said defendant W. D. Henson)
shall well & truly pay his certain prom-
issory notes bearing date February the
first ~~1867~~ 1867 and due twelve ^{months}
(meaning the notes above set forth)
after date, given to the said party of the
second part for the sum of four
hundred and thirty seven dollars law-
ful money as aforesaid according
to the tenor of said notes then these
present shall become void and

the estate hereby granted shall cease and utterly determine." Plaintiff avers that said amount in said Conditions should have been \$437⁵⁰/₁₀₀ dollars instead as stated \$437 dollars, and that the party of the second part as expressed in said Conditions means said Elizabeth H H Griffin and that said amount was the aggregate of said five promissory notes. Plaintiff avers that defendants have failed to perform said Conditions upon their part, but admits that on the 8th day of June 1870 said defendants paid the sum of fifty three dollars on the said first mentioned promissory note said note being marked as aforesaid as Exhibit "A" & filed as aforesaid herewith.

Plaintiff further avers that said Elizabeth H H Griffin by the name of E H H Griffin did for value received on the 1st day of December 1870 by endorsement transferred all of said notes to plaintiff whereby said plaintiff became the ^{legal} owner & holder of said notes and entitled to all the securities and any amount ~~owed~~ ^{due} here the mortgage lien upon

The lands above described and the
defendants then and there became
liable to said plaintiff to the full
amount of said notes together with
all the interest which may ac-
cure & has accrued on the same
except the said fifty three dollars
paid as aforesaid upon said note
marked as Exhibit A as above
set forth, Plaintiff avers that al-
though said notes has long since
been due and payable but that
said defendants have wholly failed
refused & neglected & still refused
& neglected to pay the same to plain-
tiff damages One thousand dollars
wherefore she avers and prays ~~for~~
~~damages~~ ~~may be awarded~~ ~~for the debt~~
~~and interest~~ that the defendants be
Cited to answer this her petition
and that on a final hearing ^{hereof} ~~that~~
she have judgment ^{against said defendants} for said amount
due on said notes together with
all the interest which may ac-
cure on the same at 8 per cent
interest from & after the 1st day of
February 1868 and for all cost
therein expended and that the

equity of redemption of said
defendant W D Ransom in and to
the said Trust of land above
described may be foreclosed
and that the same or so much
thereof as may be necessary
be sold to pay off and discharge
the judgment rendered, and for
all proper relief both special
& general as she may be en-
titled to in law or equity &c
John W Stammers
Attorney for Plff

21194

M. S. Griffin

W. D. Ransom

W. D. Ransom

File Day 10/18/71

McLain

Done by 11/71

Not here yet
Stammers